AGENDA
Planning & Development Committee
Monday, November 25, 2019
Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800
6:45 PM

Page

(I) CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN SUFFREDIN

(II) APPROVAL OF MINUTES OF REGULAR MEETING MINUTES OF OCTOBER 28, 2019

Staff recommends approval of the Minutes of the October 28, 2019 Planning and Development Committee meeting.

PM1. Planning & Development Committee - Oct 28 2019 - Minutes

(III) PUBLIC COMMENT

(IV) ITEMS FOR CONSIDERATION

P1. Ordinance 157-O-19, Amending the Municipal Use Exemption in Section 6-7-4

The Plan Commission and staff recommend amending Section 6-7-4 of the Zoning Ordinance, Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

For Introduction
Ordinance 157-O-19, Amending the Municipal Use Exemption in Section 6-7-4
P2. Ordinance 158-O-19 Application for Major Zoning Relief to locate required parking more than 1000’ from a Multifamily Residence at 1570 Oak Ave. in the R6 General Residential District

Staff and the Zoning Board of Appeals recommend adoption of Ordinance 158-O-19 granting major zoning relief to lease 57 required off-street parking spaces more than 1,000 feet from the subject property (multifamily residence at 1570 Oak Ave.), in the R6 General Residential District. The applicant has complied with all zoning requirements, and meets all of the Standards for Major Variations for this district.

For Introduction
Ordinance 158-O-19 Application for Major Zoning Relief at 1570 Oak Ave.

(V) ITEMS FOR DISCUSSION

P3. Discussion of Aldermanic Reference Regarding Condominium Deconversions

Staff seeks further direction on the reference from Alderman Fiske to review the local ordinances associated with condominium deconversions.

For Discussion

P4. Tree Preservation Ordinance Discussion

Staff is requesting that City Council provide direction for modifying the Tree Preservation Ordinance.

For Discussion
Tree Preservation Ordinance

(VI) ITEMS FOR COMMUNICATION

(VII) ADJOURNMENT
Planning & Development Committee  
Monday, October 28, 2019 @ 6:45 PM  
Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800

COMMITTEE MEMBER PRESENT: Ann Rainey, 8th Ward Alderman, Eleanor Revelle, 7th Ward Alderman, Judy Fiske, 1st Ward Alderman, Donald Wilson, 4th Ward Alderman, Melissa Wynne, 3rd Ward Alderman, Robin Rue Simmons, 5th Ward Alderman, and Thomas Suffredin, 6th Ward Alderman

STAFF PRESENT: Johanna Leonard, Director of Community Development, Michelle Masoncup, Director, and Scott Mangum, Planning & Zoning Administrator

1. CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN RUE SIMMONS  
A quorum being present, Ald. Rue Simmons called the meeting to order at 6:50pm.

2. APPROVAL OF MINUTES OF REGULAR MEETING MINUTES OF OCTOBER 14, 2019  
Staff recommends approval of the minutes of the October 14, 2019 Planning and Development Committee meeting.  

For Action  
Ald. Rue Simmons moved to recommend approval of the minutes of the October 14, 2019 Planning and Development Committee meeting, seconded by Ald. Wynne.

The Committee voted unanimously 6-0 to approve the minutes.

3. PUBLIC COMMENT  
Mike Vasilko, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting that various studies were not provided.

Ray Friedman, agreed with the comments of Mr. Vasilko.

Johnathon Baum, 2754 Broadway, spoke in support of the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District, noting the benefits of Northwestern.
Yvi Russell, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the history of athletic events and litigation, as well as concern over precedent.

Gary Kull, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting that it does not meet the standards and concern over precedent.

Laurie McFarlane, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the potential increase in actual large events and the standards for amendments.

Judy Berg, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the opposition of businesses owners.

Amanda Bratton, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the incompatibility with the surrounding neighborhood.

Mary Rosinski, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the stability of zoning laws desired by homeowners and concern over the loss of property values.

Ken Proskie, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District comparing athletic facilities at other institutions to their surrounding properties and those in Evanston.

Andy Berman, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the burden of proof on Northwestern, standards in the zoning ordinance, and lack of necessity for the amendment.

Christina Brandt, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the negative tax exempt status of Northwestern and lack of benefits to residents.

Virginia Mann, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting potential harm to residential communities.

Roger Sosa, Executive Director of the Chamber of Commerce, spoke in support of the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District, noting positive survey results and economic impact of events.
Karen York, 2622 Eastwood, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the difference between collegiate and other events.

Jim Young, spoke in support of the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District, noting additional jobs, economic activity, and equity.

Carlis Sutton, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the reason for zoning protections.

Jane Grover, 2677 Prairie, spoke in support of the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District, noting assumptions of impacts and equity of impacts citywide.

Patrick Hughes, spoke in support of the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District, noting the two-year trial period.

Stewart Gottesman, 2740 Broadway, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the impact on parking and non-profit nature of Northwestern.

Tim Guimond, one of the community experts, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting negative impacts of other arena studies.

Howard Richter, one of the community experts and an appraiser, spoke in opposition to the proposed Northwestern Text Amendment regarding temporary events in the U2 Zoning District noting the negative impact on property values and that studies should be provided.

Dave Davis and Mike Polisky, representatives with the applicant, Northwestern University, presented the proposed amendment noting consistency with standards, projected financial impacts of taxes and spending, the existing economic impact of Northwestern, and the limitations of impacts on the neighborhood.
4. ITEMS FOR CONSIDERATION
   A. Ordinance 135-O-19, Amending Portions of the Zoning Ordinance Related to Permitted Uses within the U2 Zoning District

The Plan Commission recommends approval of a text amendment to the Zoning Ordinance to revise language regarding permitted uses in the U2 University Athletic Facilities District.

For Introduction

Ald. Revelle noted a lack of evidence regarding standards with an impact of increased events and noncompliance with goals of the Comprehensive Plan. Noted the impacts of parking and event setup and belief of incompatibility of text amendment with the surrounding area. Stated that testimony of experts regarding property values, expressed concern with precedent, and urged others to vote against the proposed amendment.

Ald. Wynne, spoke in agreement with Ald. Revelle and the burden of the applicant to present evidence that the amendment standards are met.

Ald. Wilson, noted the evolution of zoning and community standards. Believes the University has presented a case that standards have been met and worth a trial period. Measurable parameters would be useful for reconsideration in two years.

Ald. Rainey, noted differing opinions on impacts by neighbors and the difference between larger facilities. In support of a limited trial period, but not for a larger proposal for Ryan Field.

Ald. Suffredin, noted there are reasons to distrust Northwestern and not in support of rolling over for this request.

Ald. Fiske, noted previous City opposition to Northwestern interests. The NU-City Committee was established as a result of litigation and relationships have been better with President Shapiro. Would not support filling Ryan Field, but proposed two-year trial is worthwhile.

Ald. Rue Simmons, noted discussions challenging Northwestern on other issues. Willing to move the item forward but have questions about the process as a text amendment and impact on City services.

Ald. Wynne, restated that Northwestern hasn't met the burden of meeting the standards.

Community Development Director Leonard noted that the notice requirement for text amendment is notice in the newspaper.
Corporation Counsel Masoncupp clarified the distinction between notice for a map amendment and text amendment.

In response to Ald. Rue Simmons, Ms. Masoncupp noted the difference between DAPR review and Plan Commission review.

Ald. Revelle noted Special Event Committee and City Council review would be required for events.

Ald. Rainey suggested a traffic study would have been completed for Welsh-Ryan arena.

Moved by 4th Ward Alderman Donald Wilson
Seconded by 8th Ward Alderman Ann Rainey

Ayes: 8th Ward Alderman Ann Rainey, 1st Ward Alderman Judy Fiske, 4th Ward Alderman Donald Wilson, and 5th Ward Alderman Robin Rue Simmons

Nays: 7th Ward Alderman Eleanor Revelle, 3rd Ward Alderman Melissa Wynne, and 6th Ward Alderman Thomas Suffredin

Carried 4-3 on a recorded vote

5. ITEMS FOR DISCUSSION

6. ITEMS FOR COMMUNICATION
Director Leonard announced that the November 11, 2019 Planning and Development Committee meeting would be canceled.

7. ADJOURNMENT
Ald. Wynne moved to recommend adjournment of the meeting, seconded by Ald. Wilson. The meeting adjourned at 8:33pm.
Memorandum

To: Members of the Planning and Development Committee
From: Meagan Jones, Neighborhood and Land Use Planner
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning and Zoning Manager
Subject: Ordinance 157-O-19, Amending the Municipal Use Exemption in Section 6-7-4
Date: November 25, 2019

Recommended Action:
Plan Commission and Staff recommend amending Section 6-7-4 of the Zoning Ordinance, Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Council Action:
For Introduction

Summary:
Background
At the July 8, 2019 Planning & Development Committee meeting, the Committee discussed the existing Municipal Use Exemption and what, if any, changes should be made. The Committee expressed support for revising the code as it relates to the noticing requirements for these uses.

At the August 28, 2019 Plan Commission meeting, the Commission discussed the proposed text amendment regarding Municipal Use Exemptions and what edits may need to be made to the Zoning Code as it relates to this provision. The Commission ultimately voted to send the proposal to the Zoning Committee for further discussion. The Zoning Committee then held a meeting on October 16, 2019 and discussed in more detail possible changes that could be made to the Zoning Code related to the exemption. More specifically, a significant amount of discussion centered on requiring additional review and providing additional notice to the public for said review. The Commission resumed discussion at its November 13, 2019 meeting and made additional suggestions for the proposed amendment.

Currently, Section 6-7-4. Municipal Use Exemptions, calls for Design and Project Review (DAPR) Committee and City Council to review proposed City projects. This section does not require mailed notices to be sent out nor for legal notices to be published prior to their review.
6-7-4. - MUNICIPAL USE EXEMPTION.
Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district. The City Council may approve buildings and structures owned and operated by the City that do not comply with all of the requirements of the underlying district, if they are necessary for the provision of desired City services and if the adverse impact on surrounding properties resulting from such noncompliance is minimized. Adverse impacts may be minimized by design, architectural treatment, screening, landscaping and/or placement on the lot. Such plan for reduction of adverse impact shall be subject to review by the Design and Project Review Committee.

Proposal Overview
The Plan Commission recommended the following amendments to Section 6-7-4 to revise language related to mailed notice and review of proposed municipal uses. Specifically, staff will amend the zoning ordinance as described below:

6-7-4. - MUNICIPAL USE EXEMPTION.

(A) Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district except where the proposed use would otherwise require planned development approval, and in such event, the City shall comply with subsection (D) of this section.

(B) Where the construction of buildings and structures owned or operated by the City do not comply with all of the requirements of the underlying district, then City Council approval of the project is required, and the City Council may authorize that construction if

1. the noncompliance is necessary or beneficial for the City to perform the desired services and
2. The City takes reasonable steps to minimize adverse impacts on surrounding properties resulting from such noncompliance.

(C) If City Council approval is required, whether pursuant to subsections (A), (B) or (D) of this Section, said project shall nevertheless be exempt from the variation review process set forth in Section 6-3-8. However, the Design and Project Review Committee shall review the planned construction prior to City Council taking action and provide recommendations regarding the minimization of potential adverse impacts by design, architectural treatment, screening, landscaping and/or placement on the lot.

1. Prior to City Council approval of the project, the City will provide notice of the Design and Project Review Committee meeting at least fifteen (15) days prior to such meeting, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public

roads, streets, alleys and other public ways from the area proposed for development whose addresses appear on the current tax assessment list as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such review process.

(2) Prior to the construction of the project, the City will provide notice of the Design and Project Review Committee meeting at least fifteen (15) days prior to such meeting, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed for development whose addresses appear on the current tax assessment list as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such review process.

(D) Where, with respect to a project or a use proposed by the City, mandatory planned development minimum thresholds for that district are met the process for review of planned developments as stated in Section 6-3-6 shall be followed in lieu of the procedures listed in this section.

The proposed Zoning Ordinance Text Amendment to revise procedures for municipal use exemptions meets the standards for approval of amendments per Section 6-3-4-5- of the City Code. The proposal is consistent with the goals, objectives, and policies of the Comprehensive General Plan through its promotion of increased efficiency related to application processing and review. The proposal will have no effect on the overall character of existing development, presence of adverse effects on the value of adjacent properties, and adequacy of public facilities and services. The proposed text amendment will not have any adverse effects on the values of the properties in the area and will provide additional notice for projects that are proposed by the City in a manner that more closely resembles non-municipal uses.

Legislative History:
November 13, 2019 – The Plan Commission voted, 6-0, to recommend approval of the proposed text amendment with the addition of a time frame for mailed notice of DAPR meetings related to municipal uses. Plan Commission Packet from November 13, 2019

October 16, 2019 – The Zoning Committee made revisions to the proposed amendment and voted, 4-0, to recommend approval of the revisions to the Plan Commission.

August 28, 2019 – The Plan Commission began discussion on the proposed amendment and voted, 6-0, to refer the amendment to the Zoning Committee

Attachments:
157-O-19 Municipal Use Exemption Section 6-7-4
Draft 11.13.19 Plan Commission Meeting Minutes Excerpt
Economic Development Cooperative 11.13.19 Presentation
Draft 10.16.19 Zoning Committee Meeting Minutes
8.28.19 Plan Commission Meeting Minutes
AN ORDINANCE

Amending the Municipal Use Exemption in Section 6-7-4

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Section 6-7-4, “Municipal Use Exemption”, of the Evanston City Code of 2012, as amended, is hereby amended as follows:

6-7-4. – MUNICIPAL USE EXEMPTION

Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district. The City Council may approve buildings and structures owned and operated by the City that do not comply with all of the requirements of the underlying district, if they are necessary for the provision of desired City services and if the adverse impact on surrounding properties resulting from such noncompliance is minimized. Adverse impacts may be minimized by design, architectural treatment, screening, landscaping and/or placement on the lot. Such plan for reduction of adverse impact shall be subject to review by the Design and Project Review Committee.

(A) Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district except where the proposed use would otherwise require planned development approval, and in such event, the City shall comply with subsection (D) of this section.

(B) Where the construction of buildings and structures owned or operated by the City do not comply with all of the requirements of the underlying district, then City Council approval of the project is required, and the City Council may authorize that construction if:

(1) the noncompliance is deemed necessary or beneficial for the City to perform the desired services; and

(2) the City takes reasonable steps to minimize adverse impacts on surrounding properties resulting from such noncompliance.

(C) If City Council approval is required, whether pursuant to subsections (A) (B) or (D) of this Section, said project shall nevertheless be exempt from the variation review process set forth in Section 6-3-8. However, the Design and Project Review Committee shall review the planned construction prior to City Council taking action and provide recommendations regarding the minimization of
potential adverse impacts by design, architectural treatment, screening, landscaping, and/or placement on the lot.

(1) Prior to City Council approval of the project, the City will provide notice of the Design and Project Review Committee meeting at least fifteen (15) days prior to such meeting, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys, and other public ways from the area proposed for development whose addresses appear on the current tax assessment list as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such review process.

(2) Prior to the construction of the project, the City will provide notice of the Design and Project Review Committee meeting at least fifteen (15) days prior to such meeting, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys, and other public ways from the area proposed for development whose addresses appear on the current tax assessment list as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such review process.

(D) Where, with respect to a project or a use proposed by the City, mandatory planned development minimum thresholds for that district are met, the process for review of planned developments as stated in Section 6-3-6 of this Code shall be followed in lieu of the procedures described in this Section.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: The findings in this Ordinance, and the legislative Record, are declared to be prima facie evidence of the law of the City of Evanston, and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect
without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 5:** Ordinance 157-O-19 shall be in full force and effect after its passage and approval.

Introduced: _________________, 2019  
Approved: ______________________, 2019

Adopted: _________________, 2019  

______________________________  
Stephen H. Hagerty, Mayor

Attest:  
Approved as to form:

______________________________  
Michelle L. Masoncup, Corporation Counsel
MEETING MINUTES
PLAN COMMISSION
Wednesday, November 13, 2019
7:00 P.M.

Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Colby Lewis (Chair), Jennifer Draper, Teri Dubin, Carol Goddard,
John Hewko, Peter Isaac

Members Absent: George Halik, Andrew Pigozzi, Jane Sloss

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Brian George, Assistant City Attorney

Presiding Member: Chairman Lewis

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:05 P.M.

2. APPROVAL OF MEETING MINUTES: October 30, 2019

Commissioner Goddard made a motion to approve the minutes from the
October 30, 2019 meeting. Seconded by Commissioner Dubin. A voice vote
was taken and the minutes were approved unanimously, 6-0.

3. OLD BUSINESS

A. Text Amendment

Municipal Use Exemption 19PLND-0077

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning,
to Section 6-7-4. Municipal Use Exemption, to revise language related to the
process and noticing of municipal use exemptions.

Ms. Jones provided a brief background on the text amendment and summary of
revisions made since the October Zoning Committee meeting. She added that the
presentation provided includes additional edits made since the meeting packet was
posted.

Chair Lewis opened the hearing to questions from the Commission
Commissioner Isaac stated that in Section C under (1) and (2) there is language stating that Design and Project Review (DAPR) Committee occurs twice and asked if there is typically a Committee meeting before approval and construction. Ms. Jones responded that depending on the project, DAPR provides feedback at two points, once prior to overall project approval and then once final building permit plans have been submitted for construction.

Commissioner Isaac asked if “if applicable” language should be added. Ms. Jones responded that it might be appropriate for projects where there is no new construction and a municipal use is proposing to locate in an existing building with no additional changes.

Chair Lewis asked if (1) needs to omit City Council if the notice will be for DAPR meetings and not specifically for City Council. Mr. Mangum responded that as it is written the amendment is providing notice of the DAPR meeting. Commissioner Isaac asked if Chair Lewis is suggesting that a minimum notice time frame be added. Chair Lewis responded that sometimes the notice requirement is abused and hoped that if the time period is added that it provides adequate notice. Mr. Mangum responded that DAPR meetings are weekly. There is no stated time for mailed notice but 15-30 days would be reasonable as that is the time frame for legal notices published in a newspaper.

Commission Draper asked if there is notice provided prior to City Council review. Mr. Mangum responded that there is one mailed notice sent for a public hearing. Timing on when an item goes to subsequent meetings can be variable so once a notice is received a person can follow-up on additional meetings or review.

Chair Lewis opened the hearing up to questions from the public.

Ms. Joan Safford stated that providing notice earlier in the process is usually the main concern and asked if mailed notice would be coming prior to City Council issuing an RFP or allocating funds and where DAPR would be in relation to that approval. Chair Lewis responded that DAPR meeting typically comes prior to the project being motioned to the City Council. Mr. Mangum responded that, if there are concept plans they could be reviewed. Subsection B within this Section contemplates new construction and would come before DAPR, however, if something is being proposed for an existing building and otherwise compliant it likely would not come to DAPR.

Ms. Safford then asked if a decision is made to utilize a building for City use that does not comply with underlying zoning code, should this section provide language where the City is required to provide notice at an early stage (ex. at the RFP stage).

Chair Lewis then opened the hearing to public testimony.
Ms. Safford stated that she had submitted a draft of proposed changes that have now been addressed with the revised language presented by staff. She added that the work done since August is important, that DAPR is terrific, however, it meets in the afternoon and there is no major time to present public comment and does not have the same opportunities as Plan Commission. Ms. Safford suggested that if there will be two hearings before DAPR and a project review will convert to being similar to a Planned Development review, there should still be a hearing before DAPR then a second one before Plan Commission.

Mr. Mangum responded that all requirements for the planned development process would be followed if a project meets those thresholds including recommendations from DAPR and the Plan Commission. Chair Lewis clarified that there is notice built in to that process and would be redundant to put into this section. Ms. Safford then said that adding in the word “notice” for the planned development process would still be helpful.

Chair Lewis then closed the public hearing and the Commission began deliberation.

Commissioner Isaac provided a brief summary of the Zoning Committee meeting and stated that the changes presented represent a consensus regarding the issues. There was some talk of all municipal uses following all established procedures and the timing of notices could still be added.

Chair Lewis added that the size of a proposed project was also discussed. Commissioner Isaac agreed and stated that the Zoning Committee discussion lead to a general agreement that the City should present larger proposed projects as other developers do for planned developments.

The Commission then reviewed the standards for approval of amendments and agreed that with standard 2, language that is added helps protect adjacent properties, in standard 3, additional notice would not have an adverse effect on other properties and that standard 4 would be reviewed for compliance on a case by case basis by staff.

Commissioner Isaac made a motion to recommend approval of the text amendment as presented by staff. Commissioner Goddard seconded the motion.

Commissioner Isaac proposed an amendment to subsections C(1) and C(2) to add language stating that the City will issue notice of the Design and Project Review Committee meeting at least 15 days prior to the meeting. Commissioner Goddard seconded the motion.

A roll call vote was taken on the amendment and the motion passed, 6-0. A roll call vote was then taken on the main motion for the text amendment, as
amended, and the motion passed, 6-0.

Ayes: Draper, Dubin, Goddard, Hewko, Isaac, Lewis
Nays:

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
Evanston Development Cooperative

Vision
To engage Evanston residents in meaningful, intergenerational, and collaborative societal progress.

Mission
To construct high-performing, practical ADUs using a locally trained workforce.

Values
Sensible Housing
Job Creation
Community Wealth
Racial Equity
Sustainability
Democratic Ownership
Why ADUs

Empty Garages: The Answer to California’s Housing Shortage?

The bedroom nook area of an accessory dwelling unit built in Los Angeles by LA-Más, a nonprofit design group. Stephen Scheuer, via LA-Más

One answer to the lack of affordable apartments might begin at home
Community Momentum

Oct. 20
90 RSVPs

Nov. 6
40 People

BACKYARD HOME WALKING TOUR

HALF OF EVANSTON PROPERTIES ARE ZONED FOR A BACKYARD HOME. Are you living on one of them?

Join us for a discussion on practical housing:
Wednesday, Nov. 6th • 5:30 pm • Levy Senior Center

Bright Ideas for Your Backyard

Evanston Development Cooperative
www.evanstoncoop.org
For Immediate Release

October 22, 2019
Media Contact: Patrick Deignan pdeignan@cityofevanston.org
Phone: 847-448-8234

CITY OF EVANSTON SELECTED TO JOIN
NLC’S CITIES OF OPPORTUNITY INITIATIVE

Evanston, IL - The City of Evanston is one of six communities nationwide to be selected to participate in the National League of Cities (NLC) Institute for Youth, Education, and Families (YEF Institute) Cities of Opportunity Initiative.
Evanston ADU Zoning Today

- Allowable in all residential zoning districts
- Only behind single-family homes
- Need vehicular access
- Building height
  - 20’ slanted roof; 14.5’ flat
  - 28’ or ¾ of main house in historic district
- Need +1 additional parking space
Community Feedback

1. Fairness of “Single-Family Only”
   • 2-flat owners that want to build an ADU

2. Hard to Age In-Place with Parking Requirement
   • Living units on 2nd floor with stairs

3. Construction Complications with Height/Roof
   • Dormers increase construction costs & void manufacturer warranties
“**I own a 2-flat in Evanston.** My family and I live on the first floor. I’m renting out the second floor. I read the article in Evanston Now about EDC looking for Evanston homeowners potentially building coach houses on their property for homeless people.

I’m interested in this. **We have a portion of land on our property that might be just right for a small coach house for a single person to reside.**

There is a shed on that land right now, but we don’t use it and don’t need it. I’m looking forward to your reply. Thank you.”
Note From a 1st Ward Resident

“We are at very preliminary family discussions regarding the possibility of constructing a coach house - generated by the article about your company - for my wife and I, and leasing the main house.

The rationale for this project would be so that my wife and I can have a smaller residence in Evanston, i.e., downsizing as seniors, and stay here beyond the 36 years so far.

Please do keep me posted on changes that occur in Evanston regarding the possibility of constructing a coach house for us.”

*With the ADU parking requirement, these aging homeowners do not have the building lot coverage to build a ground-level, accessible ADU.
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, October 16, 2019
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Terri Dubin, Carol Goddard, Peter Isaac, Colby Lewis

Members Absent: Jennifer Draper

Other Plan Commission Members Present: none

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Hugh DuBose, Assistant City Attorney
Brian George, Assistant City Attorney

Presiding Member: Peter Isaac, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Isaac called the meeting to order at 7:02 pm.

2. MINUTES

Approval of April 10, 2017 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Goddard made a motion to approve the minutes. Commissioner Lewis seconded the motion. A voice vote was taken and the minutes were approved, 4-0.

3. NEW BUSINESS

A. TEXT AMENDMENT

Municipal Use Exemption 19PLND-0077

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4. Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Ms. Jones provided an overview of the proposed text amendment and the discussion that occurred on the item during the August 28, 2019 Plan Commission meeting.

Chair Isaac asked the Commission if the changes should be made to any use being permitted.
Commission Lewis asked if all municipal uses should be a Special Use. Chair Isaac responded that it may not make sense to do so in all areas. Commissioner Dubin added that section B of the proposed amendment addresses this partially though it is somewhat troubling on who determines what is necessary.

Chair Isaac pointed out that this section only addresses a building and not the use, using the pumping station as an example. Commissioner Lewis stated that a use may be an annoyance such as a facility that emits smells but otherwise meets building requirements and benefits the City.

Chair Isaac indicated that, as stated, the exemption would apply to any use anywhere. However, if standards are noncompliant, a variance or Special Use would need to be pursued.

Commissioner Lewis asked what the downside would be of having all uses be a Special Use and going through that review process. If a use is not permitted it would have to go through a process. Mr. Mangum clarified that the uses would be considered a government institution and regulated based off of that classification.

Chair Isaac stated that the code language states “prior to construction” not “prior to approval of use” and neighbors would just need to have notice that the use is coming and construction is occurring. Commissioner Dubin suggested substituting “use” in place of “construction”.

Commissioner Lewis asked why municipal uses should be treated differently. There could be additional vetting done as is done for developers proposing a project. Chair Isaac pointed out that developers already go through an internal process within their organizations then come to the City for review.

Commissioner Lewis stated that the additional process would give people an opportunity to provide feedback.

Chair Isaac suggested that on the use side, all could be permitted but if in an area where the use is usually not permitted, public notice could be provided.

Commissioner Lewis inquired as to what the impetus for the proposed amendment was. Mr. Mangum stated that the pumping station on Church Street was the impetus. There were neighborhood meetings held by the Alderman and a review process through DAPR and City Council, however, there was no mailed or newspaper notice per the current regulations.

Chair Isaac stated that the process was not hidden. There are notices in publications, newsletters and ward meetings; however, if you do not use those things you will not have any notice.
Ms. Jones pointed out that typically for government buildings and uses, City Council approves the funding and process for the project early on. Then project details are reviewed.

Chair Isaac asked for direction with regards to section A, specifically if the use is not permitted, if notice be required to be sent. Commissioner Lewis stated that the Committee should consider all scenarios that could occur under section A.

Chair Isaac reiterated that before a building materializes, Council approves it to move forward. All uses are considered to be permitted uses. He then suggested that if not expressly permitted in the underlying zoning, notice should be provided 30 days prior to Council granting that initial approval.

Commissioner Lewis inquired about the ability to request a continuance and its purpose asking what benefit is there for an individual and stating that could allow for organizing as additional notice could.

Chair Isaac stated that the pumping station went before DAPR out of abundance of caution.

Ms. Janet Steidl stated that City uses could be small or very large and asked why not consider requiring 1,000 ft. notice instead of 500 ft. Chair Isaac responded that more notice is generally better than less notice.

Chair Isaac then stated that section B needs to be rewritten and (a) should read "necessary or desirable". Commissioner Lewis added that "most beneficial" could also be added. Chair Isaac then suggested that (b) should read that the City should take reasonable steps to minimize adverse impacts. Commissioner Lewis stated that he thinks (b) essentially says the City will "do its best" which could allow more leeway in how it meets that purpose.

Mr. DuBose asked the Commission if Sections (a) and (b) are needed. Commissioner Lewis responded that he feels those sections are there to provide for necessary deliberation and show there will be some due diligence done to mitigate impacts. Chair Isaac added that those sections provide some assurance that if the use does not meet underlying zoning requirements that discussion will take place. Mr. DuBose emphasized that he is trying to define where the line is if more leeway is provided.

Chair Isaac stated that it is good to have a framework and reasonable accommodation. Discussion followed regarding Section C and why a project would only go to DAPR if it was otherwise large enough to go to Plan Commission as a planned development.

Commissioner Lewis asked if a use or building is violating underlying zoning; why not send it to the Zoning Board of Appeals (ZBA)? It could go there or Plan Commission. Mr. Mangum clarified what items go to ZBA and Plan Commission as well as when City Council approval is required for those items.
Chair Isaac proposed to remove the first section of C. Discussion followed regarding which Board, Commission or Committee to include in the review process and how public participation is handled. Ms. Jones clarified that DAPR is essentially an open staff meeting and is an open meeting. She added that there are a number of people who feel they are better able to voice their opinions on a project prior to it reaching City Council.

Ms. Steidl asked how mitigation of impacts is determined. She added that municipal projects should go through the same process as regular projects to ensure that review.

Commissioner Lewis stated that certain issues are codified. Plan Commission provides a bit of a check in the review process but language would need to be added relating to ZBA review.

Mr. DuBose confirmed that the ZBA rules would need to be changed if municipal uses were to be reviewed.

Chair Isaac stated that the municipal use exemption is useful and should exist then inquired what form it should take.

Mr. Mangum asked if the Committee felt that large projects should be reviewed as planned developments. Commissioner Lewis responded that they should. There is a need to have municipal uses exist so the exemption is still ok but the planned development thresholds should be matched to trigger that review.

Chair Isaac stated that the public wins with layers of public review, open forums and publications.

Ms. Steidl suggested looking at the other municipalities mentioned for guidance and not reinvent the wheel. Uses should also be defined.

Commissioner Lewis stated that specific uses could be defined to determine what kicks in the additional review. Discussion then centered on altering section A and if too much alteration would in essence removes the municipal use exemption.

Mr. Mangum provided an overview of Code Section 6-7-3 Exemption of Nonessential Public Services and a brief discussion followed regarding the Church Street Pumping Station and water being under the City of Evanston jurisdiction.

Commissioner Goddard suggested changing municipal uses to a special use. This could help where the use is prohibited but may create issues where the use is permitted by right.

The Committee then discussed where to amend language in the proposal. Specifically the Committee stated that 1) language regarding planned development thresholds should be added to Section A, 2) sections B and C be switched and a section regarding...
notice be added, 3) in Section C, should Council approval be needed that a project does not need to go through the variation process.

Commissioner Lewis suggested having a scale to determine when a project such as Robert Crown Center or a new Civic Center should go through an additional review process. Mr. Mangum clarified that planned development thresholds are dependent on the zoning district and that the Crown Center went through ZBA and City Council review process due to a parking variation.

Commissioner Lewis motioned to recommend the amendment with revised wording included in the Committee’s talking points. Commissioner Goddard seconded the motion. A roll call vote was taken and the Committee voted unanimously, 4-0, to recommend approval of the proposed amendment

Ayes: Dubin, Goddard, Isaac, Lewis
Nays:

4. ADJOURNMENT

Commissioner Lewis made a motion for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:37 p.m.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:13 P.M.

2. APPROVAL OF MEETING MINUTES: August 7, 2019

Commissioner Dubin then made a motion to approve the minutes, seconded by Commissioner Isaac. The Commission voted, 4-0, with one abstention to approve the minutes of August 7, 2019.

3. OLD BUSINESS

   A. Text Amendment
      Special Events in the U2 District

   19PLND-0032

   A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-15-7-2 of the Zoning Ordinance, to revise permitted uses of the U2 University Athletic Facilities District.

Chair Lewis stated that though there is a quorum for the meeting, there is not a quorum for this agenda item due to a new commissioner not being fully up to date on previous hearing information; therefore no action could be taken and the hearing would need to be continued.

Commissioner Isaac made a motion to continue this item to the September 11, 2019 Plan Commission meeting. Commissioner Dubin seconded the motion.
voice vote was taken and the motion passed, 4-0, with one abstention.

Ayes: Dubin, Halik, Isaac, Lewis, Sloss
Nays:
Abstentions: Hewko

4. NEW BUSINESS

A. Text Amendment
Accessory Recreational Cannabis Use 19PLND-0078
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to create definitions for recreational and medical cannabis related uses, establish any applicable general provisions for such uses, establish any applicable parking requirements for such uses, and amend the permitted and special uses in the Business, Commercial, Downtown, Research Park, Transitional Manufacturing, Industrial, and Special Purpose and Overlay zoning districts.

Commissioner Isaac made a motion to continue this item to the September 11, 2019 Plan Commission meeting. Commissioner Dubin seconded the motion. A voice vote was taken and the motion passed, 5-0.

Ayes: Dubin, Hewko, Isaac, Lewis, Sloss,
Nays:

B. Text Amendment
Municipal Use Exemption 19PLND-0077
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4. Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Mr. Mangum provided an overview of the proposed text amendment, explaining existing regulations and stating that the impetus for it was a referral from the Planning & Development Committee.

Commissioner Isaac stated that there are items in the language that are contradictory and asked if a project is permitted in any district, under what circumstances subsections B or C would be needed. Mr. Mangum responded that sections B and C relate to the new construction of buildings or structures. If there is new construction with a permitted use, it would be noncompliant with underlying district regulations and the proposed procedures would follow with DAPR and City Council review. Commissioner Isaac summarized that it is the difference between use and the actual structure, Mr. Mangum replied that that is the most likely outcome. Commissioner Isaac clarified that a use allowed through Section A can be in any district and would not have to come before the...
Plan Commission, however in B, if City purchased an existing building to put in a new use, would the City need to seek approval at that point. Mr. Mangum stated that it would not unless there is some other change being made to the space that triggers a noncompliance with the code.

Commissioner Isaac then asked if, under B where “noncompliance is necessary” is there a situation where it may not be necessary but instead be favorable to the City. It seems the “necessary” standard is too high. Also, with regards to the wording referencing minimizing impact to surrounding properties, impact is minimized from what? Mr. Mangum responded that it depends on what the potential impact is; there could be some design treatment provided to mitigate it. He then added that the sections referenced are currently within the Zoning Code but could also be amended.

Chair Lewis clarified that there is no substantial difference between the existing code language and the proposed subsection A. Mr. Mangum responded that is correct. The current language could be read as unclear as to whether Council approval is required for the first instance of a particular proposed use.

Commissioner Sloss inquired if there was a circumstance that brought this text amendment about. Mr. Mangum replied that the water pump station constructed on McDaniel Avenue and Church Street lead to a closer look at noticing requirements due to it not having the same requirements as other non-municipal projects.

Chair Lewis asked if there is any affected scale for this, for example, if the building is 20,000 square feet would it go through a planned development process or would it be by right. Mr. Mangum stated that the intent was not to change regulations regarding that. Chair Lewis stated that the existing regulations permit for large buildings to be built without going through a planned development process. Mr. Mangum responded that the use would otherwise be a special use, if the use does not require a special use then a planned development would not be necessary. There is some interpretation there. He then gave an example of the Robert Crown Center which went before the Zoning Board of Appeals.

Chair Lewis opened the hearing to questions from the public. Hearing none he then opened the hearing to public testimony. One person, Janet Steidl, spoke on behalf of Joan Safford who supports the proposed amendment but expressed that it should be stronger, requiring a 1,000 foot distance requirement for municipal uses and should also be reviewed by the Plan Commission since it permits questions and testimony from the public. It also meets at a time that is more accessible to members of the public.

Chair Lewis closed the public hearing and the Commission began deliberation.

Commissioner Isaac stated that he believes Chair Lewis’s questions and Ms. Safford’s suggestions are well taken. He added that proposed subsection C could be made much.
simpler by requiring the City to follow the same process as any other proposed project. If the proposed use goes outside the bounds of a zoning district it should go through the same process.

Commissioner Sloss asked if there were any other municipalities that were researched for this particular item. Mr. Mangum stated that he does not believe so but that during the Planning & Development Committee meeting, Ms. Safford referenced several other communities that have some kind of procedure.

Chair Lewis stated that the Commission can move to approve the proposed amendment, to ask for a modification to the proposal, reject the proposal or refer to the Zoning Committee as the change is substantial enough to warrant additional discussion. Mr. DuBose confirmed that referral was an option.

The Commission reviewed the standards for approval of text amendments. There was discussion that the proposed amendment meets the spirit of the first standard of meeting the goals of the Comprehensive Plan but may not go far enough in enforcing those standards. There was some disagreement on the second standard of compatibility with surrounding developments and whether or not it applied to the proposed amendment and if it does there is potential for it not to depending on the project. The final two standards were seen as project specific.

**Commissioner Isaac made a motion to refer this item to the Zoning Committee for further review and discussion with respect to strengthening the noticing requirements as it relates to the scale of variance of the development proposed by the City. Commissioner Sloss seconded the motion. A roll call vote was taken and the motion passed, 5-0.**

**Ayes: Dubin, Hewko, Isaac, Lewis, Sloss**  
**Nays:**

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT

**Commissioner Isaac made a motion to adjourn the meeting. Commissioner Dubin seconded the motion.**

A voice vote was taken and the motion was approved by voice vote 5-0.  
The meeting was adjourned at 7:55 pm.

Respectfully Submitted,  
Meagan Jones
Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Cade Sterling, Planner I
CC: Johanna Leonard, Community Development Director; Melissa Klotz, Zoning Administrator
Subject: Ordinance 158-O-19 Application for Major Zoning Relief to locate required parking more than 1000’ from a Multifamily Residence at 1570 Oak Ave. in the R6 General Residential District
Date: November 25, 2019

Recommended Action:
Staff and the Zoning Board of Appeals recommend adoption of Ordinance 158-O-19 granting major zoning relief to lease 57 required off-street parking spaces more than 1,000 feet from the subject property (multifamily residence at 1570 Oak Ave.), in the R6 General Residential District. The applicant has complied with all zoning requirements, and meets all of the Standards for Major Variations for this district.

Council Action:
For Introduction

Summary:
1570 Oak Avenue is located within the R6 General Residential District on the west side of Oak Avenue, mid-block between Davis Street to the north and Grove Street to the south. The extant building is an, eight-story, circa 1920s gothic revival mid-rise apartment building. The lot is served by an alley to the west. Due to the lot's extant floor area ratio, no opportunity exists to provide off-street parking on-site. The subject property's required off-street parking, 57 spaces, is currently located to the southwest on a large surface parking lot at 1555 Ridge Avenue. 1555 Ridge Avenue contains approximately 100 open surface parking spaces. Of those, 33 are leased by residents of 1570 Oak. The remaining spaces are leased by Post Office employees, the Margarita Inn, and various smaller businesses and individuals. The spaces are currently rented below market rate. The property owner of 1555 Ridge Avenue is currently in the beginning stage of proposing a residential development on the property, and is therefore planning to end all parking agreements.
Oak Ridge Property Evanston LLC, proposes relocating its required 57 off-street parking spaces for the multifamily residential building at 1570 Oak Avenue, to the Maple Avenue Garage at 1800 Maple Avenue under a long-term lease with the City. The Maple Avenue Garage is located approximately 1200 feet from 1570 Oak Avenue, as measured from the closest property lines. Parking Services has confirmed the requested spaces are available for long-term lease. Due to the existing lot’s floor area ratio, and age of improvements, no opportunity to provide on-site parking exists. Relocating the subject property’s required off-street parking spaces from 1555 Ridge to the Maple Avenue Garage will facilitate a transfer of ownership and ultimate development of an underutilized, large surface parking lot proximate to public transportation and the downtown core. The market value for the land, low parking demand, and costs associated with maintaining the surface parking lot compel a higher use for the location and a public benefit will be derived.

City staff is aware of one objection to the proposal (attached). The objection notes the extended distance to parking will be difficult for mobility-impaired individuals, and the parking rate at the Maple Avenue Garage is a higher cost than what the current parking at 1555 Ridge Avenue is leased at. The applicant has committed to working with any mobility-impaired individuals at 1570 Oak Avenue to find nearby parking if that situation arises, and has also committed to paying the City parking garage lease rate (approximately $110) while only passing on the cost of the current parking rate (approximately $25-$40) to the tenants who currently rent parking at 1555 Ridge Avenue. Staff is not aware of any other objections to the proposal.

Comprehensive Plan
Objectives from the Evanston Comprehensive General Plan that apply to this application include:

- **Objective:** Maintain and enhance property values and positive perceptions of housing in Evanston.
- **Policy:** Encourage both new housing construction and the conversion of underutilized non-residential buildings to housing in order to increase housing variety and to enhance the property tax base.

- **Objective:** Ensure continued high levels of mass transit service throughout Evanston.
- **Policy:** Promote higher-density residential and mixed-use development in close proximity to transit nodes in order to support non-automobile dependent lifestyles.

Legislative History:
October 15, 2019: The ZBA recommended unanimous approval of the major zoning relief.

ZBA Packet - October 15, 2019

Attachments:
158-O-19 Granting Major Variation 1570 Oak Ave Parking
ZBA Draft Meeting Minutes Excerpt - October 15, 2019
AN ORDINANCE

Granting Major Variation at 1570 Oak Avenue

WHEREAS, Oak Ridge Property Evanston LLC, (the “Applicant”), owner of the property commonly known as 1570 Oak Avenue (the “Subject Property”), located within the R6 General Residential Zoning District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of a Major Variation from Subsection 6-16-2-1(B)(2) of the Evanston City Code of 2012, as amended (“the Zoning Code”), permitting the lease of fifty-seven (57) required off-street parking spaces in a lot more than one thousand (1,000) feet from the Subject Property; and

WHEREAS, the Applicant requests the following Major Variation related to the Subject Property:

(1) To lease fifty-seven (57) required off-street parking spaces in a lot more than one thousand (1,000) feet from the Subject Property where the lease of parking spaces from the City more than one thousand (1,000) feet from the lot requiring said parking is not permitted pursuant to Zoning Code Subsection 6-16-2-1(B)(2).

WHEREAS, on October 15, 2019, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held public hearings in case no. 19ZMJV-0081 to consider the application, received testimony, and made written records and findings that the application met the standards for Major Variations set forth in Subsection 6-3-8-12(E) of the Zoning Code and recommended City Council approval thereof; and
WHEREAS, at its meeting on November 25, 2019, the Planning and Development (“P&D”) Committee of the City Council considered the ZBA’s recommendation and recommended City Council approve the Major Variation, as requested; and

WHEREAS, at its meeting on December 9, 2019, the City Council considered and adopted the recommendation of the P&D Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts the P&D Committee’s records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10(D) of the Zoning Ordinance, the Major Variations on the Subject Property applied for in case no. 19ZMJV-0081 and described hereinabove.

SECTION 3: The Major Variation approved hereby is as follows:

(A) To permit the lease fifty-seven (57) required off-street parking spaces in a lot more than one thousand (1,000) feet from the Subject Property where the lease of parking spaces from the City more than one thousand (1,000) feet from the lot requiring said parking is not permitted pursuant to Zoning Code Subsection 6-16-2-1(B)(2).

SECTION 4: Pursuant to Subsection 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variations granted hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

(A) Compliance with Requirements: The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the
testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and the approved plans and documents on file in this case.

(B) Recordation: The Applicant shall, at its cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, “Applicant” shall be read as “Applicant’s agents, assigns, and successors in interest.”

SECTION 6: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.
Introduced:_________________, 2019

Adopted:___________________, 2019

Approved:__________________________, 2019

_______________________________

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

_______________________________

Michelle L. Masoncup, Corporation Counsel

Devon Reid, City Clerk
EXHIBIT A

Legal Description

The North 66 2/3 feet of Lot 4 in Block 61 in Evanston in Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

PIN: 11-18-308-008-0000

Commonly Known As: 1570 Oak Avenue, Evanston, Illinois.
1570 Oak Ave./1555 Ridge Ave.  

19ZMJV-0081

Oak Ridge Property Evanston LLC, property owner, applies for major zoning relief to lease 57 required off-street parking spaces in a lot more than 1,000 feet from the subject property, in the R6 General Residential District (Zoning Code Section 6-16-21. B.2). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Al Belmonte, applicant, explained the proposal:

- Parking lot was sold along with 1557 Ridge building from NU decades ago and has been held in common ownership ever since.
- 57 parking spaces will be leased in the Maple Ave. parking garage instead.
- 32 residents of 1570 Oak use the parking spaces and pay $25-40 per month.
- 34 spaces are used by others in the neighborhood such as Margarita Inn, postal service, etc. but is not required parking for those users.
- The parking leases barely pay the taxes on the property.
- The applicant was approached by a developer, unsolicited, to purchase the property.

Chair Cullen noted a letter submitted from a resident of 1570 Oak states she is mobility impaired and the Maple parking garage is too far away and too costly compared to the parking at 1555 Ridge. The applicant stated he has not been approached by any tenants so he is unaware of that, but that if the variation is not granted, the cost of parking on the lot will significantly increase. For current residents that pay the $25-40 for their parking space, that price will be honored by the property owner when parking shifts into the Maple garage. Parking leases are month to month because many choose to rent parking only during winter months.

Ms. Klotz noted a proposal for a new building at 1555 Ridge has been submitted to City staff that includes preliminary plans for a multifamily residential building with a zoning analysis review, but nothing further has been submitted.
ZBA Members stated their support of the proposal. Chair Cullen noted the makeup of tenants at 1570 Oak may change once parking is not available next door, and is unsure of how to address mobility impaired tenants.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes

Ms. Dziekan motioned to recommend approval of the proposal, seconded by Ms. Arevalo, and unanimously approved.
In the case of

**Case Number:** 19ZMJV-0081  
**Address or Location:** 1570 Oak Ave.  
**Applicant:** Oak Ridge Property Evanston LLC, property owner  
**Proposed Zoning Relief:** Lease 57 required off-street parking spaces more than 1,000 feet from the subject property

After conducting a public hearing on October 15, 2019, the Zoning Board of Appeals makes the following findings of fact, based upon the standards for major variances specified in Section 6-3-8-12 of the City Code:

<table>
<thead>
<tr>
<th>Standard</th>
<th>Finding</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties;</td>
<td>__X__Met _______Not Met 4-0</td>
</tr>
<tr>
<td>(B) The requested variation is in keeping with the intent of the zoning ordinance;</td>
<td>__X__Met _______Not Met 4-0</td>
</tr>
<tr>
<td>(C) The alleged hardship or practical difficulty is peculiar to the property;</td>
<td>__X__Met _______Not Met 4-0</td>
</tr>
<tr>
<td>(D) The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;</td>
<td>__X__Met _______Not Met 4-0</td>
</tr>
<tr>
<td>(E) The purpose of the variation is not based exclusively upon a desire to extract additional income from the property; or there is a public benefit;</td>
<td>__X__Met _______Not Met 4-0</td>
</tr>
</tbody>
</table>
(F) The alleged difficulty or hardship has not been created by any person having an interest in the property;  

<table>
<thead>
<tr>
<th>Met</th>
<th>Not Met</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td>4-0</td>
</tr>
</tbody>
</table>

(G) The requested variation is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property;  

<table>
<thead>
<tr>
<th>Met</th>
<th>Not Met</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
<td>4-0</td>
</tr>
</tbody>
</table>

and, based upon these findings, and upon a vote of

4 in favor & 0 against

recommends to the City Council

X approval

X denial

Attending: Vote:

X Violetta Cullen  Aye  No
X Jill Zordan      X   X
X Lisa Dziekan     X   X
X Kiril MirintCHEV X   X
X Scott Gingold    X   X
X Myrna Arevalo    X   X
X Mary McAuley     X   X
Hi Melissa and Devon,

I won’t be able to make the ZBA meeting tomorrow but wanted to forward my comment (see below) submitted on 9/15 for renewed consideration. Please confirm receipt of this email.

Thanks
Vidya

-------- Forwarded message --------
From: Vidya <vidya.bal94@gmail.com>
Date: Sun, Sep 15, 2019 at 6:56 PM
Subject: Public Comment for 9/17 ZBA meeting re: 1570 Oak Ave/1555 Ridge Ave Variance
To: <>

Dear Devon,

I am unable to attend the public meeting on 9/17, but request that you consider my public comment regarding the 1570 Oak Ave/1555 Ridge Avenue property.

I am a tenant living at that property, and one of the main reasons I chose to live there is because of the affordable off site parking lot located proximate to, and within easy access of, the property. Relocating off site parking to the Maple Avenue Garage would have two detrimental consequences:

1) The Maple Avenue garage is almost an 11-minute walk away. This increased distance would disadvantage residents who are mobility impaired. This would further inconvenience them during extreme weather conditions, and it is unfair that they be subject to walking longer distances between the parking garage and their place of residence while at the same time paying a much higher cost for parking.

2) As someone noted, the cost of parking at the garage (~$110) is prohibitive to most residents who live at this location. It is more than twice the cost of parking at the current off street parking lot. While one may argue that there is plenty of free public parking available, please note that the street in front of the building (Oak Avenue) does not allow for parking longer than 2-hours which makes it inconvenient for residents to use the public parking spots outside the building. The street proximate to Oak Avenue (Grove Street) has very limited parking spots where you can park longer than 2 hours. While there is public parking available a few blocks away, this would still pose an inconvenience to those who have limited mobility.

I request the ZBA to please consider the needs of mobility impaired residents who are in need of affordable parking located close to their residence.

Please confirm receipt of this comment.
Thanks
Vidya
Memorandum

To: Members of the Planning and Development Committee
CC: Members of Administration and Public Works Committee
From: Paul D'Agostino, Environmental Services Coordinator
CC: David Stoneback, Public Works Agency Director
Subject: Tree Preservation Ordinance
Date: November 25, 2019

Recommended Action:
Staff is requesting that City Council provide direction for modifying the Tree Preservation Ordinance.

Council Action:
For Discussion

Summary:

Background:
Staff was requested to determine how best to protect older, larger trees when the Planning and Development Committee was discussing zoning relief for the proposed development at 2626 Reese Ave, Ordinance 112-O-18, on April 22, 2019. The Planning and Development Committee then discussed the topic in more detail during the September 9, 2019 meeting.

Trees on public property are already protected by the City Tree Preservation Ordinance as outlined in City Code 7-8-8. The current code clearly identifies the sizes and tree species that are protected, as well as defining replacement values and protection measures. It leaves no room for different interpretations based on one’s point of view.

However, the Tree Preservation Ordinance only protects trees on private property in very limited circumstances. Private trees are covered under the Tree Preservation Ordinance only under these two situations:
1. Parcels two acres or larger planned for subdivision
2. Planned developments

Summary:
Staff recommends modifying the Tree Preservation Ordinance to include protection of all private trees with a diameter of 25” or larger, in Species Groups A, B & C as described within
the existing Ordinance, on all properties that are proposed to be developed or built on, as well as qualifying trees on neighboring properties within 25’ of the property line.

Species Group D is not included since this group consists of trees that are either invasive or have very poor growth habits that make them undesirable. None of the tree species in this group is cultivated by nurseries to sell either to the wholesale or retail trade.

Other local Municipalities use a lower threshold for private tree protection, but also have dedicated staff working nearly full-time to review plans, inspect properties and enforce their Ordinance requirements.

Using the 25” diameter threshold as an example, there are three scenarios described below from previous proposed developments where private trees became an issue. Photos will be provided during the meeting to show examples of these trees of a certain diameter.

2626 Reese Ave.
The large American elm on the parkway would have been protected under the existing Ordinance, as it is on public property. The large Oak on the neighboring property at 2624 Reese is within 2’ of the lot line and is just over 25” in diameter. There is also a large Silver Maple on the 2626 Reese parcel that would not have been protected, as it measures only 23” in diameter.

2390 Orrington Avenue
All four Oaks on this parcel are far larger than 25” in diameter, and therefore would be protected. The same goes for the 3 parkway trees adjacent to this parcel.

1118 Elmwood
The three Oaks on this parcel would have qualified for protection, as they all measured between 26” and 34”. Additionally, the Oak on the parcel at 1120 Elmwood also would have been protected, as it is less than two feet from the lot line and measures over 30”.

Please note that including even this limited number of private trees into the Ordinance will result in an increase in costs for both residents and developers when they have trees that qualify for protection. The current Ordinance requires both a tree inventory and a tree protection plan to be submitted when applying for a Tree Preservation Permit. In some instances when trees must be removed, we also require a tree replacement plan as well. All of this documentation will cost money for residents or developers to produce.

Legislative History:
On 3/28/11, City Council approved Ordinance 5-O-11