DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
November 13, 2019


Staff Present: M. Rivera

Others Present:

Presiding Member: J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:31 p.m.

Approval of Minutes

1. November 6, 2019, DAPR Committee meeting minutes.

L. Biggs made a motion to approve the meeting minutes, seconded by J. Hyink

The Committee voted, 9-0, to approve the meeting minutes.

New Business

1. 716 Church Street Sidewalk Cafe

Amy Hoffman, applicant, submits for a year round sidewalk cafe, Colectivo Coffee, in the D3 Downtown Core Development District.

DISCUSSION:

- Applicant briefly described the intent of the project and the benefits of additional outdoor space for customers.
- J. Leonard stated concern with the trash can being non-attached, worrying that it would move during business hours and customers would use City trash cans instead.
- Applicant stated that he understood and that adequate trash receptacles would be part of the plan.
- S. Mangum asked what materials were proposed
- Applicant stated that the materials are custom fabricated metal and wood pieces and that they were very durable
- S. Mangum asked if the outdoor café would be open rear-round
- Applicant stated that that was the intent. They would like to at least provide the opportunity rear-round, whether people utilize that or not.
- L. Biggs stated that the applicant would be responsible for snow removal and that it could not simply be pushed into the public way.
- Applicant stated that he understood and said they hire a professional service to remove snow for them.

L. Biggs made a motion for approval, seconded by S. Hyink.
The Committee voted, 9-0, to approve the sidewalk café.

2. 1723 Simpson Street Preliminary and Final Review
Nathan Kipnis, applicant, submits for building permit for exterior alteration to an existing 1-story commercial building, Meals on Wheels, in the B1 Business District.

APPLICATION PRESENTED BY: Nathan Kipnis

DISCUSSION:
● Applicant briefly described the proposal, focusing on exterior rehabilitation and alterations of the dilapidated storefront for use by Meals on Wheels.
● S. Mangum noted one of the storefront windows being infilled and inquired as to why and what the material used would be.
● Applicant stated that the window would be infilled with cement fiber board in order to provide branding for the property similar to the logo seen on the clients business card.
● J. Leonard asked if the existing front door would continue to be used as the front door.
● Applicant stated that it would.
● J. Leonard noted the exterior light fixtures and asked if they would be on a timer.
● Applicant stated that was the intention and asked if the City had a specific timeframe in mind where lighting would be acceptable.
● J. Leonard stated that no specific timeline existed but the applicant would need to justify a lighting plan that addressed the needs of the business as well as safety.
● I. Eckersberg asked if the applicant had considered an awning over the front door to provide shelter during inclement weather.
● Applicant stated that they hadn’t and that the plan for the space was more for loading and unloading, not for the public. However, it is something they would consider.

L. Biggs made a motion for preliminary and final approval, seconded by J. Leonard.

The Committee voted, 9-0, to approve the project as presented.

3. 1224 Oak Avenue Recommendation to ZBA
Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

APPLICATION PRESENTED BY: Donna Lee Floeter, applicant
Noreen Edwards, owner

DISCUSSION:
● Applicant briefly described the proposal including recent approval by the Evanston Preservation Commission. The applicant stated the intent of the project was to create a residence where the owners could age in place as well as have additional family members live in the second unit of the residence. The requested variations were described as primarily relating to the need to provide three on-site parking spaces.
• Applicant stated that this section of Oak Avenue has a shortage of on-street parking and the need for covered parking was related to inclement weather.
• Applicant reviewed the elevation drawings of the proposal showcasing the extent of the attached garage addition, and second story screened-porch.
• L. Biggs stated concern with the proposed build-out of the entire lot, particularly how it related to stormwater.
• Applicant noted that they are meeting the lot's impervious surface requirement
• L. Biggs said that may be true, but it is unclear on the plan where the stormwater was being directed to and noted that it had to remain on-site.
• L. Biggs noted the significant roofed area and no proposed gutters, or downspout locations
• Applicant stated that the stormwater had not been addressed on the plans yet, but noted that it would be when they submitted for permit.
• Owner stated that the stormwater from the additional roofed area could remain on site and be held in a rain garden or other catchment areas either above or below ground
• Owner stated that the subject property is adjacent to a public park and stormwater isn't a huge concern
• L. Biggs restated that all stormwater runoff generated by the subject property must be held on-site. No stormwater would be permitted to runoff onto either the public alley, or public park.
• L. Biggs noted the significant possibility that stormwater, if not addressed appropriately, would negatively impact the neighbors to the north
• C. Sterling asked the owner how long she had lived at the subject property
• Owner stated that they purchased the property in the spring and do not currently live there. They are wanting to downsize from their current location
• C. Sterling asked the owner what hardship or practical difficulty exists that is peculiar to the subject property and necessitates variation from the zoning code
• Owner stated that the variations are necessitated by the zoning code itself, particularly the demands for off-street parking
• C. Sterling noted that open off-street parking could be proposed on-site without triggering variations for building lot coverage or the rear-yard setback and that the variation for the south interior side-yard was directly related to the loss of open-space in the rear-yard.
• C. Sterling asked if the owner and applicant would consider open off-street parking
• Owner stated that she would not consider open off-street parking
• C. Sterling stated his inability to support the project because the perceived hardship is self-created and is not the least deviation from the Zoning Ordinance
• Owner stated that the hardship was not self-created and that the hardship is wanting to age in place and the inability to do so without a variation
• Owner stated that the hardship is the subject property being platted to its size prior to the current ownership.
• C. Sterling stated that the hardship is inherently self-created because the owner does not occupy the subject property and recently purchased it. Not only could the owner have purchased a different residence that would better fit their needs to age in place without requesting variations, but the subject property could be improved and meet the parking requirement's without variations.
• Applicant stated that the enclosed parking is needed for electric charging of vehicles.
• C. Sterling noted that ownership of electric vehicles, although admirable, is a choice and not a practical difficulty.
• I. Eckersberg asked the applicant and owner whether the property owner to the north was supportive of the project as they would be most directly impacted.
Owner stated that there is adequate space between properties and that the property owner to the north was a slum-lord who doesn’t take care of his property.

Applicant stated that a few other residences on the block have large rear-yard additions

S. Mangum stated that he has significant concerns with the mass and bulk of the proposed addition extending nearly the full length of the rear-yard.

S. Mangum asked if the applicant would consider a detached garage

Applicant stated that this would necessitate a variation for the distance between structures

S. Mangum agreed, but noted that a detached one-story garage would have significantly less bulk than the current proposal.

Applicant stated that the second story above the proposed garage has less perceived bulk because it is a screen-porch and noted that it’s needed primarily as the lots only outdoor space.

C. Sterling asked the owner what the side-yard deck was needed for in addition to the large second story screen-porch

Owner and applicant stated that the deck was needed due to a loss of open space due to the three-car garage addition.

C. Sterling restated, the hardship is self-created and the requested variations compound on one-another and are not in keeping with the intent of the Zoning Ordinance

Owner again stated that the subject property is near a large public park with open permeable space and stated that the proposal is consistent with proximate properties

Owner stated that the soil is sandy and permeable

L. Biggs stated that the goal, regardless of the soil type, or proximity to the park, is to keep drainage on-site.

Applicant asked what the committee would like to see in order to recommend approval

L. Biggs stated that she would be comfortable with approval if a stormwater management plan was provided and recommended holding the case in committee pending this plan.

C. Sterling interjected, stating that continuing the case would hinder the applicants Zoning Board Hearing

J. Leonard stated that the case could be continued to December 3 or 17 since it was already noticed and listed on the agenda.

C. Sterling stated his understanding but wanted to be clear that the entire committee was comfortable with the mass and bulk of the building and significance of the requested variations, because he could not support it as presented regardless of how stormwater was managed

S. Mangum stated that he had similar concerns and would like to see the applicant reduce the mass of the proposed addition.

C. Sterling noted that requesting 3’ where 30’ is required is a big ask

J. Leonard stated she was comfortable holding this case until Wednesday November 20 and stated the applicant should bring revisions to the meeting which address the committees concerns both related to stormwater and the degree of variations

L. Biggs made a motion to hold the case in committee pending revisions seconded by S. Mangum

The case was continued to the November 20, 2019, meeting.

4. 1713 Central Street

John Mauck, attorney, submits for a special use for a Religious Institution, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District
Zoning Code Section 6-15-14-7). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

APPLICATION PRESENTED BY: Garry Shumaker, architect

DISCUSSION:

- G. Shumaker briefly described the proposed project and operations proposed by the Church of Christ Scientist who are seeking a special use for a religious institution. Additionally, he stated that the proposed physical improvements, and aesthetic of the building were still in progress to be reviewed at DAPR once submitted for permit.
- S. Mangum asked what physical improvements would take place
- G. Shumaker stated that exterior improvements would be focused on the storefront level to achieve a more pedestrian friendly design
- L. Biggs said she was concerned with parking and asked how many spaces exist on site
- G. Shumaker stated that 25 spaces are on-site, located in the rear of the building. The congregation on busiest days has about 40 participants, many of which are family and share a vehicle
- L. Biggs asked how many spaces would be used on a busy day
- G. Shumaker stated 20 spaces at most
- G. Shumaker stated that they don’t intend to reduce the parking, except additional accessible spaces need to be provided to meet code which may reduce the number of spaces marginally
- L. Biggs asked if drop-off’s would occur in the parking lot or in front of the building on Central Street.
- G. Shumaker stated that they would occur in the rear of the building only
- J. Leonard asked if other programs were considered other than the reading room and worship service
- G. Shumaker stated that Sunday school would occur during church service
- L. Biggs asked if the reading room from the other Central Street location would move here
- G. Shumaker stated in the affirmative
- G. Shumaker stated that the subject property, with the proposed exterior alterations, would become more welcoming and transparent, although he noted the building had a unique style and feel, some of which will be retained
- L. Biggs asked if the building would be staffed
- G. Shumaker said that it would be but by only two employees at most
- J. Leonard asked if landscaping could be proposed, such as container plantings
- G. Shumaker stated that there was limited room for container plantings in front of the building and they weren’t being considered
- J. Leonard asked if the rear door was accessible
- G. Shumaker stated that it would be accessible
- L. Biggs stated that bike parking should be included
- G. Shumaker stated agreement
- L. Biggs stated that the storefront should look and feel like an active space
- G. Shumaker stated agreement and said the proposed alterations would accomplish that goal
- M. Tristan stated that the change of use would necessitate the space to be sprinklered and alarmed
- G. Shumaker stated that the proposal already budgeted for that
• J. Leonard stated that signage would be a separate permit and process
• G. Shumaker, understood
• L. Biggs asked about a waste management plan
• G. Shumaker stated that there would be minimal waste generated but will do their due diligence on the matter
• L. Biggs stated the need to consider sustainable building technologies and interventions
• G. Shumaker stated his agreement
• J. Leonard asked if the applicant had looked into traffic and how it may be impacted by the proposal
• G. Shumaker stated that they would do their due diligence on that but did not expect disruptions

S. Mangum made a motion for a positive recommendation to the ZBA, seconded by L. Biggs

The Committee voted, 9-0, for a positive recommendation to the ZBA

5. 2510 Green Bay Road
Recommendation to ZBA

Jaison Victor, applicant, submits for a special use for, Indoor Commercial Recreation, Born2Win, in the B1a Business District (Zoning Code Section 6-9-5-2) and oCSC Central Street Corridor Overlay District (Zoning Code Section 6-15-13-7.5). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

APPLICATION PRESENTED BY: Charles Happ, property owner
Jaison Victor, applicant

DISCUSSION:
• C. Happ briefly described the proposed project with the applicant, and operator of Born2Win, Jaison Victor. Born2Win has been conducting one-on-one and small group lessons and wants to expand into larger groups and combined classes.
• L. Biggs stated concern with limited parking and the number of uses in the subject property.
• C. Happ stated that there are ten spaces in front of the building and he has had no issues with parking shortages. Additionally, there is ample street parking and the uses in the building do not overlap.
• C. Happ stated a willingness to utilize 13 additional parking spaces located at an adjacent building he owns, if necessary
• J. Leonard stated agreement that the uses do not appear to overlap and that the peak periods for Born2Win is likely in the morning.
• J. Victor stated that the peak period for the gym is at 5am
• M. Rivera stated that trainers should consider parking in the Metra Commuter lot during peak periods.
• M. Rivera further stated that many streets near the subject property have parking restrictions between 7am and 9am to discourage commuters from parking in these locations.
• J. Victor stated that this would not impact their use
• S. Mangum asked if music would play as part of the use
• C. Happ stated that it would, but there is a full wall separating the uses and it is soundproof
• S. Mangum asked how many occupants would be typical
• J. Victor stated that anywhere from 1 to 5 would be typical
• L. Biggs stated that a condition to review the need for additional parking be reviewed by the committee in 12-months’ time, depending on the number of complaints received during that time.
• C. Happ stated that this was an unnecessary burden and asked if a precedent existed to ask for such a thing
• L. Biggs stated that it is done from time to time and that most recently, it was done for the subject property when it was under different ownership
• C. Happ stated his concern that many vacant buildings around the site may fill and cause congestion. How could the committee adequately judge that any congestion was related to 2510 Green Bay’s uses and no other businesses.
• C. Happ stated that he should not be penalized for others issues and reiterated that many proximate businesses are the problem not his.
• C. Happ stated that many residents use his lot illegally for parking and as a turn-around.
• L. Biggs acknowledged the applicants concerns and stated that the committee would do their due diligence and look into it only if concerns with neighbors were consistent.
• C. Happ asked that economic development be part of the conversation.
• L. Biggs stated agreement
• J. Leonard reiterated that the intent is to look at the situation collectively and that the committee is not looking at revoking the special use.
• L. Biggs noted the effort the applicant has pursued in relation to parking management but the fact is the building has very limited parking and a large square footage

PUBLIC COMMENT:
• Dorothy Day stated her concern with Born2Win stealing customers and trainers who have non-compete clauses in their former contracts and would like the committee to deny the Special Use due to these impacts.
• J. Leonard, in response, stated that these concerns were Civil in nature and not part of the committees or the City’s purview.

L. Biggs made a motion for a positive recommendation to the ZBA on the condition that the Special Use is re-evaluated in one-year, seconded by S. Mangum

The Committee voted, 9-0, for a positive recommendation to the ZBA, with the aforementioned condition of re-evaluation.

6. 1031 Sherman Avenue Recommendation to ZBA
Katherine G. Bills, attorney, applies for major zoning relief to expand a legally non-conforming use to construct an accessory parking lot and outdoor storage area in the MUE Transitional Manufacturing Employment District, and R3 Two-Family Residential District where the expansion of a legally nonconforming use is not permitted (Zoning Code Section 6-6-3-5). The applicant requests to expand the legally non-conforming use for an office and trade contractor where said uses are not eligible permitted or special uses in the R3 Two-Family Residential District (Zoning Code Section 6-8-4). The applicant further requests to locate open off-street parking 166 feet from the rear yard’s east lot line where within 30’ is required (Zoning Code Section 6-4-6-3 (B) Table 4-A 18.), construction of an outdoor storage area abutting a residential use and District where abutting non-residential uses and Districts is required, and an outdoor storage area which exceeds 25% of the total area of the zoning lot where less than 25%
is required (Zoning Code Section 6-13-1-8). The Zoning Board of Appeals is the determining body for this case.

APPLICATION PRESENTED BY: Bob Fisher, property owner
Katherine Bills, applicant

DISCUSSION:

- Applicant briefly described the project and the intent to create safer more efficient parking for the business next door. The applicant stated that customers have difficulty parking on-street and the proposal would take a currently vacant lot and put it into use.
- L. Biggs stated that the current plan does not conform with the City’s parking requirements, particularly the length of the parking spaces.
- Applicant stated that they had worked with City staff to revise the drawings and were under the impression they were compliant.
- L. Biggs stated that the length of the spaces should be 19’ not 18’ as annotated on the plan.
- Applicant stated they would review with City staff after the meeting and make the change if necessary.
- J. Leonard stated concern with a parking lot in close proximity to the street and school.
- Applicant stated that pulling customers off the street would be a safety improvement and remove conflicts with school children. They thought the proposal would help not hurt.
- Owner stated that the current lot is vacant and ugly and is difficult to develop because it is split-zoned.
- J. Leonard stated that the property could be rezoned if necessary but she was not supportive of the project believing that other alternatives exist that provide a higher use for the lot.
- Applicant stated that the owner had no plans to develop the lot for a residential use and asked if the City would rather it sat vacant.
- J. Leonard answered in the affirmative, stating it would be better because it would leave the possibility of a better use, either developed by the current owner, or a future owner.
- M. Rivera stated that if the impetus for the project was increased parking turnover, there were other ways to accomplish this.
- Owner asked how this could be done?
- M. Rivera stated that the current section of Sherman has no parking restrictions and is often occupied by commuters. The City would entertain restricting some parking from 7am to 9am to create more turnover in front of the existing business.
- S. Mangum stated concern with expansion of the existing non-residential use in a residential neighborhood.
- J. Leonard stated her discomfort lies with the proposal not being the highest and best use for the property.
- Applicant stated that they have concerns with the safety of the property, both the vacant lot, and access to the existing business.
- J. Leonard stated that the City wants this lot to look and feel like a residential neighborhood, and this proposal does not accomplish that. However, the City would be amenable to a fence being constructed to address the extant safety concerns.
- Owner asked if a fence would be permitted.
- J. Leonard stated it would require a fence variation since it would be located in the front-yard.
- Owner asked if it would be likely that the fence variation would be approved.
J. Leonard stated that it would be likely due to security concerns.
J. Leonard stated discomfort with the precedent setting nature of a parking lot in a residential district.
S. Mangum stated agreement with J. Leonard’s concern
Applicant asked if the City would be open to commercial on this lot.
J. Leonard stated that the City would not, and the lot would need to be rezoned to even entertain that proposal
S. Mangum stated that the existing non-conforming use should not be expanded beyond what is existing.
Applicant stated that the proposal is only intended to relieve parking pressure on Sherman
J. Leonard stated that there were other ways to accomplish this, and the City is open to those options.
M. Rivera re-stated a willingness to introduce parking restrictions on a portion of Sherman
Applicant stated a willingness to work with the City to find a mutual agreement

S. Mangum made a motion to hold the case in committee seconded by J. Hyink

The case was continued to a date unspecified

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**Adjournment**

S. Mangum made a motion to adjourn, seconded by D. Cueva. The Committee voted, 9-0, to adjourn. The Committee adjourned at 3:52 p.m.

The next DAPR meeting is scheduled for Wednesday, November 20, 2019, at 2:30 p.m. in Room 2404 of the Lorraine H. Morton Civic Center.

Respectfully submitted,
Cade W. Sterling