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

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.

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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:

4. NEW BUSINESS

A. Text Amendment
   Accessory Dwelling Units 19PLND-0097
   A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to revise the definition of coach house and regulations related to accessory dwelling units.

Dick Co of the Evanston Development Cooperative (EDC) provided an overview of the organization and its mission. He explained that its focus is accessory dwelling units (ADUs) and backyard homes and highlighted efforts in California and Portland, OR. He added that EDC engaged the public regarding this issue and hosted a backyard home walking tour that was well attended. He then explained the existing regulations and challenges.

Chair Lewis opened the hearing to questions from the Commission.

Commissioner Isaac asked if any consideration had been made as to whether or not an existing primary building is nonconforming. Mr. Mangum responded that the language as written does not make that distinction.

Mr. Mangum provided staff’s overview of where the proposed came from and proposed changes, adding that the coach house definition was initially changed last year. He then stated that the Planning & Development Committee reviewed what was proposed and stated some concern regarding the waiver of parking requirements in parking impacted areas in the 1st Ward.

Chair Lewis then asked for questions from the Commission.

Commissioner Hewko stated that he supports the proposed changes and asked at what point the income is looked at to prove compliance with the affordability requirement. Mr. Mangum responded that the most practical way would be to request proof prior to permit issuance.

Commissioner Hewko then asked what happens if the parking waiver is granted but the AMI increases some years later. Mr. Mangum replied that a covenant could be provided and penalties could be applied if needed.

Chair Lewis asked how rates are monitored. Mr. Mangum responded that one could
work with Housing & Grants staff and look into the compliance side. Commissioner Isaac asked if he had a neighbor with a home built to the lot line and a garage 3 feet from the property line that does not currently meet setback requirements, would he be able to change it into a coach house. Mr. Mangum replied that if the conversion of the garage will not increase the nonconformity then it would be fine, for example, if there was only interior work being done.

Chair Lewis asked what the current parking requirements are. Mr. Mangum responded that single family homes are required to have 2 parking spaces and 1 space for the coach house. Chair Lewis then asked if duplexes will always apply to one zoning lot with 2 residential units or could one duplex structure on a split pin be considered one lot. Additionally, how many coach houses could be built. Mr. Mangum replied that the zoning lot could consist of multiple parcels and the zoning lot dictates the number of coach houses, not the individual parcels.

Chair Lewis then stated that if there is the ability of residents to request a continuance. No continuance was requested.

Chair Lewis then opened the hearing to questions from the public. Hearing none he then opened the hearing to public testimony.

Mr. Ben Shapiro stated that he is remodeling his home as income property. He stated that higher ceilings allow for more headroom and that the historic district height requirements should be implemented across the board. He added that he believes the distance requirement from transit stops should be expanded to 1,500 or 2,000 feet where it could expand to the West End where there are a number of 2-flat residences.

Chair Lewis then closed the hearing and the Commission began deliberations.

Commissioner Dubin stated that the amendment should expand the area for not needing additional parking spaces as requiring the extra space could create a hardship for property owners.

Chair Lewis stated that the counter-argument is where the cars would then go to park. There are some residents who may not use their car often but still own one that needs a parking space.

Commissioner Dubin stated that parking can be an issue, giving the area around the Chicago & Main intersection as an example. She added that she hated to sound harsh but if the goal is to provide affordable housing and people have cars, they will have to work that out somehow as many already do.

Chair Lewis asked if any tests had been done on height benefits, using Mr. Shapiro’s property as an example. Mr. Shapiro responded that he had done some research and
found that a 9 foot ceiling height is recommended. He was planning tandem parking spaces in his garage but without the recommended height building a second story is difficult to do.

Chair Lewis stated that the amendment would encourage 2nd story additions. Commissioner Isaac pointed out that the changes would not just apply to coach houses but to regular garages as well. The Commission should think of unintended consequences of adding additional height.

Chair Lewis agreed that it could be a greater concern in some areas of the City and added that there is nothing that speaks to ground floor ADUs since the parking requirement still exists. He asked if any other location had solved the issue of parking with ground floor living area.

Mr. Robinson Markus, Vice President and Co-Founder of EDC, explained that in 2017 Los Angeles passed legislation on ADUs with parking waived if within half-mile of public transit. He has not seen much in his research parking waivers or standards specifically geared to aging in place but stated that Santa Cruz, CA could be used as an example in concentrating on the aging population. Mr. Markus added that based on EDC’s research, in Evanston, about 1/3 of homes would be able to build ground floor dwelling units and that EDC would be happy to do more detailed research.

Commissioner Draper asked if no parking is currently on a property, a garage is added then later taken out, would that be a problem. Mr. Mangum stated that a property would not be permitted to come into compliance then go back to noncompliance.

Chair Lewis pointed out that homes tend to be larger further east in Evanston and smaller as one goes west.

Dick Co stated that EDC looked at single family lots in Evanston and lot coverage and found that 1,600 square feet would provide space for three parking spaces and an ADU. If the additional parking space was not required, approximately 450 more homeowners would be able to do build an ADU.

Commissioner Isaac stated that lot coverage does not take into account what is behind the ADU. Available land may not be in the right place on a lot. Dick Co responded that rear yards were not specifically looked at. EDC met with 60 homeowners who meet requirements.

Commissioner Isaac stated that changes proposed are an improvement. Problems have been identified in practice and he does not feel they are prepared to vote today. He feels a height limitation vote may be premature.

Mr. Mangum stated that new language is not changing height requirements within
historic districts but is doing so for non-historic district lots. Additional height would be permitted with additional setback provided from other properties.

Chair Lewis stated that due to existing configuration of many lots, additional height may not be feasible and he wondered if this is the correct way to go about offering additional height.

Commissioner Hewko asked how much the Commission wants to incentivize ADUs. If being aggressive changes should be adopted, if not then regulations should be left as is. Chair Lewis stated that there is a general interest in having it done.

The Commission then reviewed the standards and found them to generally be met. For the second standard language could be changed to mitigate possible impact and for the third standard in most cases there will be no adverse impact, ADUs are not adjacent to homes.

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

Commissioner Hewko proposed an amendment to table 16-B to add that affordability is met if at the time of building permit issuance, AMI is at 80%. Commissioner Isaac seconded the motion. A roll call vote was taken on the amendment and the motion passed, 6-0.

Commissioner Dubin proposed an amendment to the distance requirement to within a TOD area or within 1,500 feet of a transit stop or station. Commissioner Hewko seconded the motion. A roll call vote was taken on the amendment and the motion passed, 6-0.

Commissioner Isaac proposed an amendment to Section 6-4-6-4 to put a limitation that accessory structure height may not be taller than the primary structure. Commissioner Goddard seconded the motion. A roll call vote was taken on the amendment and the motion passed, 5-1.

Commissioner Hewko asked if that would negatively impact what is sought to be achieved. Dick Co responded that it could potentially limit the number of affordable units if, for example, a ranch style house could not build a coach house.

Chair Lewis stated that the amendment is looking out for neighborhood context and that the maximum height should not be 28 feet for all accessory structures. It is reasonable to limit in certain areas.

Commissioner Isaac stated that the amendment does not limit to ¾ of height (as in historic districts) but full height. Commissioner Draper added that accessory
structure height is a good point to raise context-wise.

Ms. Safford expressed that permitted use for ADUs is a concern versus making them special uses. Chair Lewis stated that that is a relevant point as is Commissioner Isaac’s. A special use permit is an expensive and cumbersome process. He believes that the current proposed amendments help with potential issues, especially height changes.

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:**

4. **PUBLIC COMMENT**

Chair Lewis and Commissioner Dubin gave parting words to the Commissioners and staff regarding their time on the Commission. Mr. Mangum thanked Chair Lewis and Commissioner Dubin for their service.

5. **ADJOURNMENT**

Commissioner Goddard 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 6-0.  
The meeting was adjourned at 9:08 pm.

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