



Memorandum

To: Honorable Mayor and Members of the City Council
Planning & Development Committee

From: Lehman Walker, Director of Community Development
Bill Dunkley, Zoning Administrator

Subject: Ordinance 122-O-09, "Resale Establishments"

Date: December 11, 2009

Attached to this memo are draft minutes of the Plan Commission meeting held on December 9, 2009, in regard to the proposed text amendment to the Zoning Ordinance, Ordinance 122-O-09, establishing Resale Establishments as a use subject to obtaining a special use permit in the Business, Commercial, Downtown, Research Park and MXE zoning districts.

The minutes confirm that the Plan Commission voted unanimously to recommend the draft ordinance favorably to the City Council.

**City of Evanston Plan Commission
Agenda Items Up For Action
December 9, 2009**

Attendees:

Commission Members: Steve Freeman, Dave Galloway, Johanna Nyden, Stuart Opdycke, Richard Shure, Charles Staley

Other Staff: Susan Guderley, Neighborhood Planner; Craig Sklenar, General Planner; Dominick Argumedo, Zoning Planner

A quorum being present, the Chair called the meeting to order at 7:04 p.m.

Agenda Reviewed:

ZONING TEXT AMENDMENT – 09PLND-0072

To consider a text amendment to the Zoning Ordinance Section 6-18-3 "Definitions" to establish a definition for a Resale and or Consignment Store, as follows, "A building, property, or activity, the principal use or purpose of which is the resale of donated clothing, furniture, and/or other goods, products, or merchandise directly to the consumer. 'Resale Establishment' shall not include consignment stores or businesses that sell primarily cars, antiques and/or artwork." The ordinance also identifies the zoning districts where such an establishment would be allowed as a permitted or special use.

Dominick Argumedo Zoning Planner, gave an overview of the draft ordinance 122-O-09 "Amending Various Portions of the Zoning Ordinance Relating to the Creation of the "Resale Establishment" Use ". Argumedo detailed how the proposed ordinance incorporates all recommendations from the Zoning Committee of the Plan Commission (November 18, 2009). Argumedo then presented a background of the ordinance. "Resale Establishment" is not a current definition in the City Zoning Ordinance. Therefore, resale establishments are currently defined as a Retail Goods Establishment and thus eligible as a permitted use in a variety of districts. A resale shop's operations drive the proposed new definition. Due to most merchandise being donated, a resale shop does not have regular delivery times and donated items can be left out in the open at the doors of such establishments. Such a delivery system can be unsightly and also noisy for neighbors due to off-hour deliveries. Argumedo further noted that the Zoning Committee agreed with the premise but had three concerns: not to cause consignment shops to be defined as resale establishments, concern with small established stores, and future smaller resale shops. The draft zoning ordinance incorporates all zoning committee suggestions. The draft zoning ordinance also delineates between resale establishments under 5,000 square feet (and thus a permitted use) and those above 5,000 square feet (where it would be a special use).

Commission member Freeman opened questioning staff by asking again why is this definition is needed. Argumedo reviewed the operation issue. Commission Member Nyden also discussed her past experience such an establishment near a transit station.

Deliveries at night were not secured; people went through them and the subsequent scattered clothes had an adverse impact on the lot's appearance. Commission member Staley also remarked that the City would like some scrutiny on these kind of shops, in that they may open in sites of economic development opportunity envisioned for different uses. Commission member Freeman asked if that was the only reason to do this, which Commission member Staley remarked no—and referred back to the operation of such places. Commission member Staley also wished to discuss inserting the word “Used” into the definition. He was concerned that this may impact traditional retail stores. Other Commission members and staff pointed to the discussion at zoning committee and how that was considered but ultimately disregarded as merchandise could be donated that was not used, such as a gift. Commission member Staley then asked if staff felt comfortable with the definition. Argumedo responded yes—based on discussion at Zoning Committee and Department research.

ACTION:

The Commission voted unanimously to recommend approval to the City Council.

Respectfully submitted,
Dominick Argumedo, Zoning Planner