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Evanston Plan Commission

ZPC 09 PLND-0014

1 CITY OF EVANSTON

2 PLAN COMMISSION

3 CASE NO.: ZPC 09 PLND-0014

4 RE: Zoning Code Updates Group A. To consider
5 amendments to the Zoning Ordinance as part of the
6 General Zoning Ordinance Updates, Phase 1-A.

7 Transcribed Report of Proceedings of a public
8 hearing on the above captioned matter, held May 13, 2009
9 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd
10 Floor, Evanston, Illinois, at 7:04 p.m. and presided
11 over by S. Opdycke, Chair.

12

13 PRESENT:

14 S. OPDYCKE, Chair S. PETERS

15 S. FREEMAN R. SCHUR

16 D. GALLOWAY C. STALEY

17 J. NYDEN

18

19 STAFF:

20 B. DUNKLEY, Zoning Administrator

21 D. ARGUMEDO, Zoning Planner

22 S. GUDERLEY, Interim Asst. Director for Planning

23

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1 developers about zoning, subdivision, and other land use
2 issues and economic development.

3 Since operational, financial, I'm sorry.

4 Recently, most of his teaching has been
5 directed to teaching management, urban planning,
6 transportation, urban design, governmental law, economic
7 development, international trade, and a variety of law-
8 related and security positions. He also teaches land
9 use law at IIT Law School, Chicago Kent College of Law,
10 and occasionally teaches urban-related courses at the
11 IIT School of Architecture.

12 He has lived in the Northshore area since
13 1959, and in Evanston since 1976. Since coming to
14 Evanston he has served on the Economic Development
15 Commission and the Zoning Board. He is married to
16 Suzanne Torri, an attorney, and has two children who are
17 in graduate school. Welcome.

18 Mr. Schur, I don't have an equivalent bio from
19 you, but if you would be so kind just to tell us a
20 little bit about yourself?

21 COMMISSIONER SCHUR: Sure. The last 30 some
22 years I've worked in the, actually the scrap metal
23 industry, in a very niche part, dismantling abandoned
24 railroads.

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1 For the last 10 years I've been working as a
2 consultant to various dismantling contractors, lawyers
3 that have to deal with issues related to rail, and banks
4 that loan money to shortlines.

5 I have an interest, a very strong interest in
6 public policy, and have lived in Evanston since '76, and
7 I think it's about time I got more involved. If I have
8 any strength at all hopefully it's from a business
9 perspective, but softened to the public side.

10 CHAIRMAN OPDYCKE: Thank you very much. I
11 don't think we'll be dealing too much with railroads at
12 the Plan Commission, but one never knows.

13 COMMISSIONER SCHUR: But if you do you know
14 where to come.

15 CHAIRMAN OPDYCKE: Very good. And I
16 understand, Mr. Schur, that you have not been formally
17 voted on, is that correct, by the City Council?

18 MR. DUNKLEY: I don't know, I don't know.

19 CHAIRMAN OPDYCKE: You have been proposed, but
20 I don't know if it has been an action item. Is that
21 right?

22 MS. GUNDERLEY: I've got a, the letter says,
23 congratulations on your appointment to the Plan
24 Commission. Evanston is greatly enriched by your

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1 talents.

2 I've got a letter saying that he has been
3 appointed.

4 COMMISSIONER NYDEN: Susan, I believe it's --

5 MS. GUNDERLEY: I've got a letter from Rodney
6 Green congratulating him on his appointment.

7 COMMISSIONER NYDEN: Susan, I think when, the
8 concern from City Alderman were that he was appointed
9 when there wasn't a vacancy, because Colleen didn't
10 resign, I guess, until earlier this week. So when she
11 went back and looked it wasn't, his name had only been
12 read once. It was, like, for introduction and there
13 wasn't that thing that --

14 MS. GUNDERLEY: Okay.

15 COMMISSIONER NYDEN: -- second round. I think
16 that was the concern from a couple --

17 CHAIRMAN OPDYCKE: That pertains to Mr.
18 Peters? Is that right, Johanna?

19 COMMISSIONER NYDEN: Oh, I think it is Mr.
20 Schur.

21 CHAIRMAN OPDYCKE: Oh, Mr. Schur, I'm sorry,
22 okay.

23 MR. DUNKLEY: I didn't attend the first, the
24 recent Council meeting, I don't know if there were any,

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1 I'm sorry.

2 Bill Dunkley, your Zoning Administrator. I'm
3 not sure if there were any items that were up for
4 action, there weren't, I didn't think there were.
5 However, an appointment takes two meetings, it has to be
6 introduced and then action can only be taken at the next
7 regular meeting. So the appointments were all
8 introduced at the meeting before the 11th, the last
9 meeting in April.

10 If they were not, if action wasn't taken on
11 them then they are not formal, they're not, there's no
12 action.

13 CHAIRMAN OPDYCKE: Well, if that's the case
14 they cannot vote tonight.

15 MS. GUNDERLEY: I believe, I've got the letter
16 from March, so that was March 24th when, you can --

17 CHAIRMAN OPDYCKE: So, Susan, it's your
18 opinion that they have met all the --

19 MS. GUNDERLEY: I don't know about -- I wasn't
20 aware that there was a second meeting that was involved
21 in that. But Mr. Peters, just a minute, Mr. Peters'
22 letter was in March, the end of March. So that would
23 have given him both April meetings to have --

24 You know, if you want to be extremely

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1 conservative I suppose you can hold off but I've got the
2 same identical letters for both of them, and the Mayor's
3 secretary has assured me, has given me the -- time of
4 their appointment.

5 CHAIRMAN OPDYCKE: Okay, all right. You have
6 letters in hand, that being the case then I think we'll
7 consider them voting members of the Plan Commission.
8 All right? Is there any discussion on that?

9 All right, then welcome aboard, as I've said
10 once before.

11 The next item on the agenda is committee
12 assignments. First of all, I would ask everybody on the
13 Plan Commission to take a look at the sheet that Susan
14 has distributed, which reflects the names of all the
15 members, their phone numbers, addresses, fax numbers, e-
16 mail, so on, and their committee assignments.

17 Would you take a look at that, everyone, and
18 see if it squares with your recollection and squares
19 with your understanding as far as committee assignments
20 is concerned?

21 COMMISSIONER BURNS: Excuse me. Do you have
22 to re-sign up for committees? So, for instance, I have
23 not been attending any rules committee meetings, don't
24 know if we've even had any recently.

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1 CHAIRMAN OPDYCKE: That's sort of an ad hoc
2 committee to begin with so it's convened as
3 circumstances require.

4 MS. GUNDERLEY: I have not attended any either
5 since Tracy has left. I believe the last ones were late
6 last year, maybe in Mr. Staley can tell us --

7 COMMISSIONER STALEY: There have been none
8 this year because I was just back in January and we
9 didn't meet then, and in March there was nothing. So it
10 was last December, I think, or November.

11 COMMISSIONER FREEMAN: I am on quite a few,
12 and if it was possible I would like to drop Rules. We
13 do have two new members, so maybe they can pick up one,
14 but --

15 CHAIRMAN OPDYCKE: Well, if you'd like to drop
16 Rules that will certainly be allowed. I mean, these are
17 voluntary --

18 COMMISSIONER FREEMAN: I just, you know, I
19 have, that's three plus this and it's --

20 COMMISSIONER NYDEN: I think the one, everyone
21 has to be on at least one committee.

22 COMMISSIONER FREEMAN: Right.

23 COMMISSIONER NYDEN: Or be a liaison to
24 something.

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1 page.

2 MS. GUNDERLEY: -- the new members --

3 CHAIRMAN OPDYCKE: Oh, yes, the new members
4 should automatically be on Zoning, you know, really.

5 MS. GUNDERLEY: We have only really two
6 standing committees, one is the Neighborhood Committee,
7 which is on a hiatus right now, we're not really doing
8 any neighborhood planning. But we have the Zoning
9 Committee, which is the other one.

10 And actually, the last assignments, and the
11 members, its membership made up basically the entire
12 Plan Commission minus one member.

13 We can talk a little bit before you make a
14 decision as far as that. So that is an option. There
15 is the Rules Committee also, and that, for the most
16 part, reviews the By-laws, talks a little bit, not only
17 about just the formal rules and procedures but also just
18 practices and, practices of the Plan Commission.

19 I think their latest topic, and Mr. Staley can
20 elaborate on this, was talking about how to improve the
21 public participation experience in the City. So, and
22 they had kind of a list of things to do in that. So
23 those are the two formal committees that we have right
24 now.

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1 COMMISSIONER STALEY: Hasn't that been
2 informally presented to the Plan Commission? Because
3 when I was looking through minutes I saw, I think you
4 actually, or someone, because we had three or four
5 things, you know --

6 MS. GUNDERLEY: I think I --

7 COMMISSIONER STALEY: We talked about a
8 separate, you know, a separate place where the people to
9 seat in a way so that people didn't stand up like
10 cattle, and then, what, three to five. I thought that
11 had been presented at some level to the --

12 MS. GUNDERLEY: That was kind of off the top
13 of the head at one meeting because we didn't have the
14 formal --

15 COMMISSIONER STALEY: Right.

16 MS. GUNDERLEY: I think that was the hand-off
17 meeting. And so if that summarizes the gist of what it
18 was we can do that.

19 COMMISSIONER STALEY: No, no, I just know we
20 need more --

21 MS. GUNDERLEY: You know I'm just, Chairman, I
22 was thinking that if the two members would like to chat
23 a little bit more, think about it in terms of what they,
24 you know, if they wanted to chat with me they're

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1 certainly welcome to do that and, as they make up their
2 mind.

3 CHAIRMAN OPDYCKE: Okay, thank you. My
4 suggestion would be to the new members that you sign on
5 to the Zoning Committee, because that's a real working
6 committee and it lies at the heart of much of what we do
7 here. But the choice is up to you, but I would strongly
8 recommend that you sign onto that particular committee
9 in addition to any other ones that you would like. All
10 right?

11 So perhaps you can tell us at the next
12 meeting, or you can call Susan during the week and
13 indicate your preferences. All right?

14 Now we go to Item No. 4, Continuation of the
15 Zoning Ordinance Text Amendment. Mr. Dunkley?

16 MR. DUNKLEY: Good evening everyone. Tonight
17 we have what appears to be two items, each corresponding
18 to the two groups of Zoning Ordinance Text Amendments
19 that were presented to the Zoning Committee.

20 And they kind of run together now at this
21 point because we, the Zoning Committee took action on
22 both items, I should say subsets of both items, as a
23 single motion and I believe that we will move them
24 forward in terms of a Text Amendment Ordinance as a

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1 single item.

2 And those pieces that were voted favorably in
3 the Zoning Committee are identified as in the, on the
4 agenda tonight. However, if you'd like to take them
5 separately for consideration this evening that would
6 work as well.

7 The additional information that has been
8 handed out to you tonight is the draft ordinance text to
9 implement each of the recommended changes. And I'd like
10 to start of by giving you a few notes about how this was
11 put together.

12 The two agenda items, A-1, which is correcting
13 a typo and error in the B-1 District Setback
14 Regulations. And Item A-4, which is reformatting all of
15 the parking setbacks sections of all districts. Those
16 have been combined into one section of the proposed
17 ordinance text because they both deal with the same
18 actual text, and especially in the B-1A District.

19 The same, I'll skip to the last, to the third
20 note here. The same note but it considers, it has to do
21 with item B-1, which is car and truck rental
22 definitions, and B-4, which is altering the Rooming
23 House Definition. Those are both combined into one
24 section, being Section 6 of the proposed ordinance

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1 because they both make changes to Chapter 18 the
2 Definitions chapter.

3 The second note is concerning the Item A-4 and
4 that is parking setbacks. No, it's A-4 on your agenda,
5 Parking Setbacks in All Zoning Districts. And that
6 includes in the draft text only the changes to the
7 residential districts in Chapter 8. Those, that will be
8 expanded to include all districts.

9 It's just a heck of a lot of work, and we
10 would beg your indulgence on that. We think we've given
11 you a good understanding of what it is and the
12 formatting changes we'd like to make. But that section
13 is incomplete as far as the total subject matter and we
14 will continue to expand that certainly before it gets
15 reviewed by our law department.

16 The last note is that Item A-3, which concerns
17 the reformatting and representing the text that is in
18 Appendices A and B of the Ordinance. Appendix A being
19 called Use Matrix and B being called the Bulk Matrix.
20 And re-titling those appendices to more useful, more
21 intuitive titles does not require a Text Amendment,
22 because those appendices are not formally part of the
23 Zoning Ordinance.

24 There are other appendices that are, but it

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1 would do us no good to put together a Text Amendment
2 because that there is no text to amend as far as the
3 Ordinance is considered. However, we may move those
4 forward as a resolution, which may make sense. But it's
5 really, I'm sorry?

6 COMMISSIONER FREEMAN: You just confused me.

7 MR. DUNKLEY: It's a confusing situation. The
8 Zoning Ordinance itself, Chapters 1 through 18, we all
9 agree are part of the Zoning Ordinance. They are
10 codified, they are made to put online, we have to go
11 through many, many steps to change those.

12 If you look at the appendices --

13 COMMISSIONER FREEMAN: They're not part --

14 MR. DUNKLEY: No, that's not true. Part of
15 the appendices are part of the Zoning Ordinance, part of
16 them are not, Appendices A and B are not. That's part
17 of the reason why they are not correct. They have not
18 been updated as parts of the Zoning Ordinance have been
19 updated.

20 COMMISSIONER FREEMAN: I recall --

21 MR. DUNKLEY: Yes. Some of the others, such
22 as the filing or application requirements, those are
23 part of the Ordinance. Although, I believe that in a
24 meeting in the near future we may have proposed taking

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1 them out, removing them from the Zoning Ordinance
2 because frankly our requirements change fairly often as
3 our processes change.

4 And having to submit a Text Amendment so that
5 we can add or subtract or change anything that's in that
6 list is onerous. And because it also opens ourselves
7 up, opens any case up to minute scrutiny in terms of
8 what's been submitted and what is not.

9 So those are the prologue notes. The
10 remainder of the document, it proposed implementation
11 through Text Amendment text for each of the items that
12 was proposed, that was voted at of the Zoning Committee
13 meeting last month.

14 Some of them are pretty voluminous, those that
15 have to do with widespread formatting changes, some of
16 them are nicely concise. Nothing in here, I believe, is
17 any different from what we've discussed at the Zoning
18 Committee.

19 If you have, I'm sorry, there is one, there is
20 one change. In implementing Section 7, which has to do
21 with defining parking requirements based upon pew
22 seating or bench seating for religious institutions.
23 That originally was proposed as a separate subsection in
24 Chapter 16. And in consultation among staff we thought

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1 it would be much more noticeable if it were put directly
2 in the parking requirements table.

3 And that, so that now would read, for
4 religious institutions one parking space for each 10
5 seats, or for each 18 inches of pew or bench seating in
6 the main auditorium. That's what would be the only
7 required change.

8 CHAIRMAN OPDYCKE: We don't have to take that
9 back to committee, do we, to get that one change in
10 there?

11 MR. DUNKLEY: No.

12 CHAIRMAN OPDYCKE: Okay.

13 MR. DUNKLEY: I'm sure, as you know, the Plan
14 Commission is free to adopt, reject, change a
15 recommendation from a committee as it sees fit.

16 With that I'd --

17 COMMISSIONER STALEY: Stuart, and this is not
18 facetious and is no way, but does that 18 inches come
19 from some study or something, because it seems small to
20 me?

21 MR. DUNKLEY: We had lots of discussion about
22 that.

23 COMMISSIONER STALEY: Just looking at the
24 public, as I do, I'm wondering how 18 inches is going

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1 to --

2 COMMISSIONER FREEMAN: That's standard.

3 COMMISSIONER STALEY: That's standard?

4 MR. DUNKLEY: Believe it or not, most every
5 seat you sit on is at most 18 inches. And that also is
6 a standard width in, among the building, all the
7 building codes we've identified. In the building code
8 that we use it is, 18 inches is a standard seat width.
9 That is also the standard for every Zoning Ordinance
10 that I've seen at, that does, that makes such a
11 definition.

12 COMMISSIONER STALEY: You would make it, I'm
13 sure anybody else --

14 CHAIRMAN OPDYCKE: First Presbyterian Church,
15 I think, would go for 20 inches, maybe the Unitarian 16.

16 MR. ARGUMEDO: Just a quick note on that, we
17 got that from the International Building Code. And also
18 I did go around the office and measured all our chairs,
19 they all were 18 inches.

20 COMMISSIONER FREEMAN: I'm glad that's what
21 you were measuring.

22 COMMISSIONER STALEY: You measured all the
23 seats? Is that what you said?

24 MR. ARGUMEDO: Yes, our office chairs, because

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1 18 inches sound small to me too. But then I was like,
2 no, they're coming out at 18 inches. So just to add
3 some more background to that right there.

4 COMMISSIONER BURNS: Well, I'd like those
5 airplane seats to be a little wider myself.

6 CHAIRMAN OPDYCKE: Well, Bill, do you want to
7 take us through these various items?

8 MR. DUNKLEY: Certainly.

9 CHAIRMAN OPDYCKE: Schedule A, and B, and so
10 on? Start out with A.

11 COMMISSIONER FREEMAN: These are to the
12 changes and everything that we agreed to in the meeting
13 last month. Correct?

14 MR. DUNKLEY: That's correct.

15 CHAIRMAN OPDYCKE: Right.

16 COMMISSIONER FREEMAN: I didn't see anything
17 that really stuck out.

18 MR. DUNKLEY: We've reviewed all of these
19 proposals. What you're finding in front of you is just,
20 is the zoning text that we promised you that would, it
21 would implement them. But I'll be glad to walk through
22 them.

23 CHAIRMAN OPDYCKE: I should mention to the new
24 members that each one of these recommendations has been

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1 vetted through the Zoning Committee, and it comes now
2 for formal endorsement by the Plan Commission, which is
3 the required protocol.

4 But, nevertheless, I do have some questions on
5 some of them. So if you could go through them one at a
6 time?

7 MR. DUNKLEY: I'd be glad to.

8 COMMISSIONER FREEMAN: Which document are we
9 looking at?

10 MR. DUNKLEY: The one that was delivered to
11 you this evening.

12 COMMISSIONER FREEMAN: The one that was
13 tonight?

14 MR. DUNKLEY: Yes, it says 2009 Zoning
15 Ordinance Update, Proposed Text Amendment 1, that will
16 gain a number --

17 CHAIRMAN OPDYCKE: Well --

18 COMMISSIONER FREEMAN: Okay. So not the thing
19 that came in our packet?

20 MR. DUNKLEY: No, its additional material to
21 the packet materials.

22 COMMISSIONER STALEY: I don't know if I have
23 that.

24 CHAIRMAN OPDYCKE: There should be --

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1 COMMISSIONER STALEY: I think we need another
2 one. Do we have another copy?

3 MR. DUNKLEY: Yes.

4 CHAIRMAN OPDYCKE: There should be about a
5 six-page supplement to this that says at the top Zoning
6 Ordinance Updates Phase 1. And it starts at the very
7 top with A-1.

8 COMMISSIONER FREEMAN: -- package, right?

9 CHAIRMAN OPDYCKE: That's what came in the
10 packet.

11 MR. DUNKLEY: Yes, that was delivered --

12 CHAIRMAN OPDYCKE: And that explains the
13 various changes.

14 COMMISSIONER FREEMAN: -- which one, the one
15 that was given to us today, right?

16 MR. DUNKLEY: Yes. That explains the changes
17 in layman's terms. And the supplement that you got
18 tonight takes that a step further towards Zoning
19 Ordinance text, and shows you the sections that we will
20 be proposing for the actual Text Amendment.

21 COMMISSIONER GALLOWAY: Excuse me, Bill, is
22 your microphone on?

23 MR. DUNKLEY: Hello? Yes.

24 COMMISSIONER GALLOWAY: Okay. I'm not hearing

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1 you very well, so maybe you need to --

2 MR. DUNKLEY: I can speak up.

3 COMMISSIONER GALLOWAY: Yes, thanks.

4 MR. DUNKLEY: I don't see a volume control
5 there.

6 MR. ARGUMEDO: No, there's no volume.

7 MR. DUNKLEY: Okay, let's try it now. So, Mr.
8 Chair, would you care to go, which material would you
9 care to step through?

10 CHAIRMAN OPDYCKE: Well, I'd like to go
11 through the, the text changes, you know, it's really
12 something that we should study. I haven't had an
13 opportunity to look at the text because it was given to
14 me tonight as I walked in. So I'm not prepared to ask
15 any questions about the text changes.

16 But I am prepared to ask some questions
17 perhaps about the six-page supplement that was in our
18 packet that I had had a chance to review.

19 COMMISSIONER STALEY: Okay. Then I'll be glad
20 to --

21 CHAIRMAN OPDYCKE: So perhaps if you would
22 just go through these various recommendations. I don't
23 think you have to go into a lot of detail, but if you
24 would just describe them generally I think that would be

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1 sufficient, and we'll take whatever questions there are.

2 COMMISSIONER FREEMAN: What is the outcome of
3 going through these? Are we supposed to voting on this,
4 or are we voting on this tonight?

5 MR. DUNKLEY: I would propose to you that they
6 are both the same, it's a different format. I'd be glad
7 to actually go through them both in parallel so you can
8 see what we have reviewed, and it's the same material
9 that you've seen in Zoning Committee, and what that
10 corresponds to in the zoning, the Text Amendment
11 proposal that you saw, that you have tonight.

12 COMMISSIONER GALLOWAY: That seems to be
13 efficient.

14 MR. DUNKLEY: Efficient, yes.

15 Okay. Item A-1, very straightforward,
16 correcting an error in the B-1A Business District
17 Setback Requirements.

18 We have a situation where the text actually as
19 included, and we checked the original Ordinance, the
20 original Text Amendment, is self-conflicting. And that
21 occurs in the yard requirement specification Section 6-
22 9-5-7. And it identifies for the rear yard requirements
23 subsections G and H.

24 Subsection G refers to the rear yard

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1 requirement when abutting a residential district. And H
2 refers to the rear yard requirement when not abutting a
3 non-residential district.

4 COMMISSIONER FREEMAN: And we caught it --

5 MR. DUNKLEY: We've gone for a few years
6 actually with not having an issue. But recently we
7 actually ran into this.

8 So we would propose that in fact the, when
9 abutting a non-residential district generally our yard,
10 no, I would say ubiquitously our yards requirements are
11 larger. So, I'm sorry, it's the other way around. When
12 abutting a residential district the yard requirement is
13 larger for the non-residential district.

14 Therefore, we propose removing the word, not,
15 from Subsection H and making all, making it all, well,
16 we would propose that that would be correct.

17 CHAIRMAN OPDYCKE: Where does one find that
18 now in the supplement that was given to us tonight?

19 MR. DUNKLEY: That is on the, in Section 1,
20 which is the, which is page two. I'm sorry, if I refer
21 back to my own notes that will be, that has been
22 combined into --

23 Okay, Items A-1 and A-4 have been combined in
24 the same section, which is Section 2 of the Ordinance,

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1 of the proposed Ordinance. Section 2 begins on page
2 four. This section reformats all of the yard
3 requirement sections in all of the zoning districts.
4 Rather than specifying a change to the content of B-1A
5 yard requirements and then further on in the same
6 Ordinance reformatting that very same section it would
7 seem to be more efficient to do everything in one place.

8 However, as noted, this draft code includes
9 only sections, Districts R-1 through R-6 and will be
10 expanded to include all other districts including the
11 B's, C's, D's, I's, M's, et cetera, et cetera. And that
12 change, that rather meager change will be identified as
13 part of the B-1A District Update.

14 COMMISSIONER STALEY: Where is that meager
15 change on this?

16 MR. DUNKLEY: It is not yet here because we
17 only have the suggesting reformatting for the R
18 Districts. It turns out this is a lot of work to pull
19 this together, and we have been working diligently on
20 it. However, having it prepared for you tonight for all
21 districts --

22 COMMISSIONER FREEMAN: it's just repeating it
23 by district.

24 COMMISSIONER STALEY: I see.

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1 MR. DUNKLEY: Yes, it's one of those that has
2 the, it's a rather straightforward change repeated for
3 every district in the code.

4 CHAIRMAN OPDYCKE: But you want us to approve
5 all the text change tonight for all these
6 recommendations. Is that right?

7 MR. DUNKLEY: Normally we wouldn't even have
8 text until this matter got to the Planning and
9 Development Committee. Normally that, our Ordinance is
10 written by the legal department after an item leaves the
11 Plan Commission. And we forward to them all of the,
12 everything including the notice, all of the transcripts,
13 any of our, all of our materials, and they actually
14 write the Ordinance.

15 We are actually ahead of the cycle by having
16 text here to review. We really would like for this to
17 move fairly smoothly, and we thought that having that
18 text here for you to refer to, or to make a motion upon,
19 would help things.

20 CHAIRMAN OPDYCKE: I mean, personally I trust
21 your judgment on this. But --

22 COMMISSIONER PETERS: The problem is that the
23 statute requires that there be a hearing on the text
24 prior to its being amended. And --

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1 MR. DUNKLEY: That's a big kettle of fish
2 you're opening there.

3 COMMISSIONER PETERS: If we're called to have
4 a hearing on the text without the text. I'm not
5 criticizing you or the law department. I'm just noting
6 that the statutory requirement is that you have a
7 hearing on the text change.

8 MR. DUNKLEY: Is that on the verbatim, in the
9 verbatim text change, or is it on, the format that
10 that's taking, I think, is what you're going to
11 question.

12 COMMISSIONER PETERS: I'm not, I think it
13 wouldn't be, you know, it's not about reformatting, it's
14 about the text.

15 CHAIRMAN OPDYCKE: Well, what would you have
16 us do, Bill, as far as these text changes?

17 MR. DUNKLEY: I would have you take action on
18 the materials that were sent out in your packets, which
19 describe the content change of each of the items.

20 CHAIRMAN OPDYCKE: Okay, okay.

21 MR. DUNKLEY: So at this point I would have
22 you throw this away, it seems to be complicating the
23 issue.

24 CHAIRMAN OPDYCKE: Okay.

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1 MR. DUNKLEY: The one we handed out tonight,
2 yes.

3 CHAIRMAN OPDYCKE: Okay. Is there any
4 questions on that from anyone? Okay.

5 COMMISSIONER FREEMAN: I do have a question,
6 Bill, concerning the side driveway parking. We had a
7 conversation in the Zoning Committee and I thought we
8 were, that that was one issue that was --

9 CHAIRMAN OPDYCKE: Well, let's take it A-1,
10 let's take it A-1 all the way through to A-7.

11 COMMISSIONER FREEMAN: That's, okay. That was
12 the first thing we're talking here, right, parking and
13 on the side residential R-1?

14 MR. DUNKLEY: B-1A is Item A-1.

15 COMMISSIONER FREEMAN: Wrong B-1, sorry, okay.

16 MR. DUNKLEY: No, we're on A-1.

17 CHAIRMAN OPDYCKE: Okay. So let's, then let's
18 scoot along with A-1.

19 MR. DUNKLEY: And I thought this would be --

20 CHAIRMAN OPDYCKE: It's just eliminating a
21 double negative essentially, isn't it?

22 MR. DUNKLEY: Yes, sir.

23 CHAIRMAN OPDYCKE: Okay. Any questions on
24 that?

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1 COMMISSIONER STALEY: Do it, do it.

2 CHAIRMAN OPDYCKE: And we'll have a motion at
3 the end of all this approving, I suspect approving these
4 recommendations in --

5 All right, Item A-2.

6 MR. DUNKLEY: A-2 has to do with a section
7 regarding Office Use in Residential Districts, that is
8 we would propose it is placed, it is put in Section 4 or
9 Chapter 4 of the Zoning Ordinance, which is reserved for
10 items that affect all zoning districts citywide. This
11 item only affects residential districts.

12 We propose that it's also mis-named or
13 confusingly named as office. It took me about six
14 months to even realize this section of the code was even
15 there. It's fairly important, especially when you
16 consider office as a special use in residential
17 districts,

18 We propose to move that from Chapter 4 to
19 Chapter 8, which is the residential districts chapter of
20 the code, and to re-title this section, which is
21 boilerplate text, really it's repeated verbatim in four
22 of the residential districts, R-4, R-4A, R-5, and R-6.
23 To change the title from Office to Special Conditions
24 for Office Uses.

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1 We've also proposed to remove the double cross
2 reference that exists currently that has left one of
3 the, has actually left the current Section 6-4-9
4 incomplete, or incorrect, because it does not refer to
5 the R-4A district, which was added after Section 6-4-9
6 was added to the Ordinance.

7 So we propose to remove that and have, that'll
8 only be a one-way cross reference, thus removing any
9 possibility of it becoming in error in the future.

10 So what does that mean? That means we would
11 like to move Section 6-4-9 from Chapter 4 where it
12 doesn't belong to Chapter 8 where it does belong. It
13 would then be Chapter 6-8-11. Removing it from Chapter
14 4 is easy because it's the last subsection of that
15 chapter.

16 We'd like to re-title the section from Office
17 to Special Conditions for Office Uses. And we would
18 like to remove the cross reference from that section
19 where it explicitly refers to the zoning districts R-4,
20 R-4A, R-5, and R-6. To remove that and have it make a
21 general reference that states, in districts where it is
22 listed as a special use office use may occur based on
23 the following conditions.

24 If you look at the original text you can see

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1 it specifically refers to R-4, R-5, and R-6 erroneously
2 excluding R-4A. So we think that would clean things up.

3 CHAIRMAN OPDYCKE: Any questions?

4 MR. DUNKLEY: Item A-3 --

5 CHAIRMAN OPDYCKE: Yes.

6 MR. DUNKLEY: -- refers to the current
7 Appendices A and B which are titled Use Matrix and Bulk
8 Matrix. And we'd propose to change the formatting of
9 those appendices, they don't actually contain any new
10 content at all, they are reformatting of existing
11 content. But they are very, very useful and feel that
12 they are not used because the titles don't draw your
13 attention to the actual subject matter, they don't let
14 you know that there is useful material in here, or when
15 you might want to refer to them.

16 They are also incorrect currently because they
17 have not been updated because of what I mentioned
18 before, they're not actually part of the Zoning
19 Ordinance. We also would like to be able to hand these
20 out as standalone documents because they are so useful.

21 In the previous packets we distributed what
22 we'd proposed. I have received comment on them, and in
23 your last packet you should have received the proposed
24 update to Appendix A. We now call it Allowed Uses by

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1 Zoning District. And we have actually included, they
2 said it couldn't be done, but we actually included all
3 of the uses that have definitions that are referenced in
4 this table as in this document.

5 So we would like to make this available again
6 through our website, through our collateral materials
7 for the Zoning Office. And we would hope that that
8 would lead to enhanced user-friendliness and fewer
9 questions and fewer, less misinformation.

10 Appendix B we propose to exchange the current
11 bulk matrix, which is the equivalent, or the analog of
12 Appendix A rather than identifying the uses which are
13 allowed and which are, sorry, which are permitted and
14 allowed by special use. It identifies the bulk
15 requirements for each district.

16 And we propose that those would be replaced by
17 what we call our Reg Sheets, our one-page double-sided
18 summary of district regulations for each district.

19 We've generally found we've gotten good what
20 we call traction on those items, they seem to be very
21 useful, they're getting a lot of, folks are referring to
22 the ones that we have published so far. It was
23 suggested that we include those items to cover all
24 zoning districts, we agreed to that, and we still agree

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1 to that. And we are generally adding them as I can
2 assign staff to get those tasks done.

3 CHAIRMAN OPDYCKE: Well, Bill, let me ask you,
4 what's your, what do you intend, you've got excerpts
5 from the definitions chapter 18. Do you have any plans
6 for a definition section? I mean, these are excerpts.

7 MR. DUNKLEY: These are all of the uses that
8 have definition in the Ordinance. It's generally every
9 use that is identified in the Zoning Ordinance generally
10 does not have a definition because many of them are left
11 up to the reasonable interpretation of that definition.

12 CHAIRMAN OPDYCKE: Okay, all right.

13 MR. DUNKLEY: Those items where we have had
14 questions, where we've had concerns, where we have
15 definitions that are no longer useful, we have and will
16 continue to propose updates to those definitions. We
17 have some new ones that are in this pack of changes, and
18 there will be others as we move forward that are maybe
19 more challenging.

20 CHAIRMAN OPDYCKE: I notice that some of the
21 definitions are not complete.

22 MR. DUNKLEY: Yes, okay. Many of the
23 definitions include at the very end examples of what
24 that, what is included and what is not included or

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1 specifically excluded from that definition.

2 We have not included those here. It would
3 probably not double, but it would certainly add I'd say
4 about 50 percent to the amount of space we use. If this
5 Commission feels that that would be in error or
6 misleading we would --

7 COMMISSIONER FREEMAN: Bill, do you define
8 anywhere where they can get the full definitions?

9 MR. DUNKLEY: Chapter 18, it's in the title,
10 Use Definitions Excerpts from Chapter 18 of the Zoning
11 Ordinance.

12 COMMISSIONER FREEMAN: Well, why don't you put
13 in here, please refer to Chapter 18 for complete
14 definitions.

15 MR. DUNKLEY: We certainly can do that.

16 CHAIRMAN OPDYCKE: Yes, I think that's a good
17 idea.

18 MR. DUNKLEY: Absolutely.

19 COMMISSIONER FREEMAN: We've got a lawyer down
20 there, but --

21 COMMISSIONER PETERS: It would be customary to
22 have that reference. And it's also customary that the
23 matrix like this is not part of the Ordinance to avoid
24 the situation where someone comes in and the matrix says

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1 one thing and the Ordinance says another, and the
2 Village is in trouble. So it makes sense to have the
3 cross references clear.

4 MR. DUNKLEY: Yes.

5 COMMISSIONER PETERS: And maybe even make the
6 introductory language just a little sharper to tell
7 people this isn't the Ordinance.

8 MR. DUNKLEY: Yes. We've tried to do that at
9 the end of the text there. It says, I'll read it for
10 you, this chart is provided as a summary of the
11 regulations found in the Ordinance but is not a
12 substitute for the Ordinance. And --

13 COMMISSIONER PETERS: There's an awful lot of
14 work in here and I appreciate what I see tonight.

15 COMMISSIONER FREEMAN: It does clearly say in
16 bold there always consult a current copy.

17 MR. DUNKLEY: Yes, well, we can see if we can
18 find a way to really make that clear to users.

19 COMMISSIONER PETERS: It's very nice, it's a
20 lot of work.

21 CHAIRMAN OPDYCKE: Yes, your effort has not
22 gone unnoticed.

23 MR. DUNKLEY: Thank you. I will pass that
24 along to staff.

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1 CHAIRMAN OPDYCKE: Are we still working on a
2 recreation center definition? I think we are, or we
3 didn't leave that for another time? Remember we had a
4 go-around on the definition of a recreation center,
5 committee meeting, or community center.

6 COMMISSIONER FREEMAN: Community Center.

7 CHAIRMAN OPDYCKE: Is that what it was? A
8 community center, I guess it was a community center.

9 MR. DUNKLEY: Yes, that will be before you
10 very soon.

11 COMMISSIONER FREEMAN: That's right, that's
12 Zoning Committee.

13 CHAIRMAN OPDYCKE: Fine. Any further
14 questions on this? All right, moving right along.

15 MR. DUNKLEY: All right. Item A-4 is the
16 largest section, I think, of the supplemental materials.
17 And that is reformatting the yard requirements section
18 of all of the zoning districts.

19 We have a situation where parking
20 requirements, particularly where parking is allowed and
21 not allowed is included right within the language of the
22 yard requirements, and is very difficult to interpret,
23 particularly in cases where parking isn't referenced.
24 That then begs the question of if there is no text is

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1 parking allowed or is it not allowed in that required
2 yard.

3 And in an effort to be more consistent and
4 more specific in our regulations we found that pulling
5 the parking requirements out into a separate table
6 immediately following the text that is currently there
7 adds quite a bit of clarity to what the Ordinance is
8 actually requiring.

9 And we have all of those broken out for the
10 residential districts. And, of course, it will, this
11 will apply to every district where --

12 COMMISSIONER PETERS: What page are you
13 referring to?

14 MR. DUNKLEY: It's on page A-4, Item A-4 of
15 this document.

16 CHAIRMAN OPDYCKE: It's on the back side of,
17 try to conserve paper here by printing on both sides.

18 MR. DUNKLEY: And if you look at the
19 supplement that was handed out tonight on page four, how
20 about that, it goes through to show the actual change as
21 proposed.

22 CHAIRMAN OPDYCKE: What page is that on, bill?

23 MR. DUNKLEY: It's on page four.

24 CHAIRMAN OPDYCKE: Four, okay.

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1 COMMISSIONER PETERS: On page nine you have,
2 in the supplement, the reference to prohibited parking.

3 MR. DUNKLEY: On page nine?

4 COMMISSIONER PETERS: I think so.

5 MR. DUNKLEY: And that's under --

6 COMMISSIONER PETERS: -- Text Amendment 1 page
7 nine in the package that was handed out tonight.

8 MR. DUNKLEY: This one --

9 COMMISSIONER FREEMAN: That's for the R-6, so
10 it goes through R-1 through R-6 it all repeats itself,
11 right?

12 MR. DUNKLEY: Yes.

13 COMMISSIONER FREEMAN: Is that what you're
14 referring to?

15 MR. DUNKLEY: Yes.

16 COMMISSIONER FREEMAN: On page nine it's just
17 a repeat.

18 COMMISSIONER PETERS: So there'll be a
19 separate parking section for each district?

20 MR. DUNKLEY: For each district, yes.

21 COMMISSIONER PETERS: You might title those
22 parking in required yard, just to clarify.

23 MR. DUNKLEY: I think that makes sense.

24 COMMISSIONER FREEMAN: So, you know, we had a

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1 conversation about my neighborhood and no alleys, and
2 driveways basically, you know, cutting through the
3 sides, you have one.

4 COMMISSIONER SCHUR: Next door to me.

5 COMMISSIONER FREEMAN: Next door, it's next
6 door to you, it's not yours?

7 COMMISSIONER SCHUR: Right.

8 COMMISSIONER FREEMAN: So, you know, and so
9 people who have that situation are in violation. Is
10 that correct? Parking on the side of their house. And
11 so --

12 MR. DUNKLEY: Yes.

13 COMMISSIONER FREEMAN: -- we do it, my
14 neighbors do it, they share a driveway where, like, two
15 homes actually park on the side of their home, they've
16 got four cars lined up, there's no place else to put the
17 cars.

18 MR. DUNKLEY: That is what we hope to clarify.
19 It can be construed currently in the items where if
20 there is no text that that is, that it is allowed.
21 There's other parts of the Ordinance that come to play,
22 for instance, all of your on side parking has to be
23 within 30 feet of the rear lot line.

24 COMMISSIONER NYDEN: Would this just be a non-

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1 conforming situation? I mean, --

2 MR. DUNKLEY: It's possible, it could be if it
3 were, if that situation were legal at one point, at the
4 point in which the lot was developed then it would be a
5 legally non-conforming situation and allowed to continue
6 but not be expanded.

7 COMMISSIONER FREEMAN: Okay, so, I mean, you
8 know, I know three homes right now that are, you know,
9 and, I mean, --

10 MR. DUNKLEY: Do you know when the house was
11 built?

12 COMMISSIONER FREEMAN: 1888.

13 MR. DUNKLEY: Are you serious?

14 COMMISSIONER FREEMAN: 1888 was mine, I don't
15 know when the one up the block was. My neighbors was
16 moved here maybe in the '20's.

17 MR. DUNKLEY: Was there, were there cars then?

18 COMMISSIONER GALLOWAY: They didn't have cars
19 then.

20 MR. DUNKLEY: We could research that.

21 COMMISSIONER PETERS: Do you have any idea how
22 many situations there are like that? I can think if
23 four or five in my neighborhood.

24 COMMISSIONER FREEMAN: There's quite a few.

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1 MR. DUNKLEY: I'm sure there are quite a few.
2 We have a big zoning eye in the sky that continually
3 finds zoning violations. But, no, if we find three or
4 four there is a lot more.

5 But if necessary --

6 COMMISSIONER FREEMAN: If you're walking down
7 Wesley there are, it's all up and down Wesley --

8 COMMISSIONER NYDEN: It's all over Evanston.
9 I mean, --

10 COMMISSIONER FREEMAN: -- where they don't
11 have the back alleys. And --

12 MR. DUNKLEY: It may not be --

13 COMMISSIONER FREEMAN: So I'm concerned about,
14 you know, approving ordinance changes to ordinance that
15 already exists that really don't accommodate what is
16 reality on the ground in this town. But reality --

17 MR. DUNKLEY: That's why we have --

18 COMMISSIONER FREEMAN: -- reality for, I
19 think, a good percentage of homeowners.

20 MR. DUNKLEY: That's why we have Chapter 5
21 that addresses non-conforming and non-complying
22 structures and uses. That, I don't think what we're
23 doing here changes that at all. I think it's an issue
24 if we are not precise in our language and in what the

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1 requirement is because we can't enforce and administer
2 anything.

3 COMMISSIONER PETERS: But if you have a fire
4 and you lose the residence and there's no alley and no
5 space to bring a driveway to the backyard then the
6 problem is not solved by legal non-conforming use
7 chapter. And that's a foreseeable event.

8 MR. DUNKLEY: If it were a non-conforming use,
9 and we can go into Chapter 5 here if you'd like, some
10 people never come out of it. We have that problem
11 everywhere. If a structure is destroyed it can only be
12 rebuilt if it is in conformance with the Zoning
13 Ordinance.

14 The question we bring up here is is it legal
15 non-conforming or is it not? And I believe we need to
16 be unequivocal about that state since it is, since a lot
17 of investment is riding on that very item.

18 We got a situation here where we don't know
19 what the ordinance specifically states and it's open to
20 all kinds of challenge for parking requirements in
21 certain situations such as side yards. And I believe
22 that we need to be clear about that because --

23 COMMISSIONER PETERS: Should there be an
24 exception for those places where there is no alley?

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1 MR. DUNKLEY: I don't think I can answer that
2 at this time.

3 COMMISSIONER PETERS: Therefore, no alley
4 access to the backyard.

5 COMMISSIONER FREEMAN: My perspective as a
6 home like that, yes. You know, and I, you know, my
7 neighbors that live on Lake there's oftentimes when they
8 can't even park on Lake.

9 COMMISSIONER PETERS: I'm certainly in
10 agreement that where there's an alley it's not very nice
11 for the City to have a front yard or a side yard filled
12 with cars.

13 MR. DUNKLEY: May I ask, is this a specific
14 concern over a specific proposal?

15 COMMISSIONER FREEMAN: We're asking to vote on
16 in any of these from R-1 through, right, you know, the
17 parking, side yard, abutting the street side yard is
18 prohibited parking.

19 MR. DUNKLEY: I'm sorry, where specifically
20 are you looking? R-1?

21 COMMISSIONER FREEMAN: Page four, parking, D,
22 if you go to page five, parking D, page six, parking D,
23 page seven, it's under every section for the --

24 And the only reason I brought it up is because

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1 you referenced --

2 MR. DUNKLEY: And the current --

3 COMMISSIONER FREEMAN: -- proposed Text
4 Amendment.

5 MR. DUNKLEY: And when we have the side yard
6 abutting the street that is, that's the, I believe, the
7 only place where we have a restriction on residential
8 parking.

9 COMMISSIONER FREEMAN: No, it's on side yards
10 too, isn't it? Oh, for non-residential, okay.

11 COMMISSIONER STALEY: Point of self-interest,
12 my own house. What happens if you got a situation where
13 you have a garage that is part of your house and it
14 accesses directly off the road and has always.

15 MR. DUNKLEY: A garage that's part of your
16 house is treated as a residential structure.

17 COMMISSIONER STALEY: Well --

18 MR. DUNKLEY: It's part of your residential
19 structure.

20 COMMISSIONER FREEMAN: You're not allowed to
21 park on the, in the driveway in front of your house?

22 MR. DUNKLEY: This is open parking, not
23 enclosed parking.

24 COMMISSIONER STALEY: No, I got a ticket

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1 once --

2 COMMISSIONER FREEMAN: For parking in the
3 driveway in front of your --

4 COMMISSIONER STALEY: No, from the sidewalk to
5 the street. No one has ever suggested I can't park in
6 my own yard in the driveway. I mean, that would --

7 COMMISSIONER FREEMAN: Just us. That would
8 parking in your front yard.

9 MR. DUNKLEY: No, you can never park in your
10 front yard, that's always been --

11 COMMISSIONER FREEMAN: Right, even if it's the
12 side. So in your instance, and there are other
13 instances in my neighborhood as well, and not my home,
14 that the garage is attached to the side of the house,
15 you have a driveway in front of that garage which cuts
16 across your front lawn. This Ordinance says you can't
17 park on that driveway.

18 MR. DUNKLEY: May we, I believe we're going
19 somewhere that is way beyond the item that is in front
20 of us.

21 COMMISSIONER FREEMAN: Okay.

22 MR. DUNKLEY: What is in front of us is
23 essentially a reformatting of the information of the
24 requirements that are currently in the Ordinance. We

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1 have not made up anything new.

2 COMMISSIONER FREEMAN: Okay, so --

3 COMMISSIONER PETERS: Maybe it should be
4 amended. If you have a large number of locations in
5 Evanston --

6 MR. DUNKLEY: That is a real possibility. But
7 I suggest to you that it is not on the agenda tonight.

8 CHAIRMAN OPDYCKE: Right, right. Let's
9 confine our comments and suggestions to the narrow issue
10 that is before us.

11 COMMISSIONER FREEMAN: Which is just --

12 CHAIRMAN OPDYCKE: And there may very well be
13 a time when we can explore these other issues that you
14 raised.

15 COMMISSIONER FREEMAN: -- approving the
16 modifications to the existing code regardless of whether
17 or not the code's fair and needs modification.

18 CHAIRMAN OPDYCKE: Right, that's basically
19 correct.

20 COMMISSIONER FREEMAN: Okay.

21 MR. DUNKLEY: Yes, I would stay away from the
22 word modification. We are reformatting it for clarity.

23 COMMISSIONER FREEMAN: How do we get on the,
24 in the zoning meeting to make modifications?

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1 CHAIRMAN OPDYCKE: Maybe we can deal with that
2 in Phase 3.

3 COMMISSIONER PETERS: You would put that in
4 your report.

5 MR. DUNKLEY: It can be a reference, I'll have
6 to look through our rules, I'm not sure if the Plan
7 Commission can make a reference. That would be
8 essentially putting the fox in charge of the henhouse
9 because you folks basically are the gatekeeper for any
10 text amendment. So for you to propose a change is a
11 challenge.

12 COMMISSIONER FREEMAN: I just asked how.

13 MR. DUNKLEY: Certainly a reference from the
14 Planning and Development or the City Council, Planning
15 and Development Committee or the City Council as a
16 whole. Any affected, any property owner can petition
17 for a text amendment. Staff can propose, as we are
18 here, updates. So there are ways.

19 COMMISSIONER FREEMAN: I assume, in general,
20 nobody gets tickets for this today. But I assume that
21 if there is any type of issue such as property damage as
22 a result of a car being parked on the side of a house, I
23 guess, complaints, then it becomes an issue. Correct?

24 MR. DUNKLEY: It becomes an issue for us when

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1 we receive a complaint.

2 CHAIRMAN OPDYCKE: Bill, let me ask you a
3 question. Are these the district regulation sheets?

4 MR. DUNKLEY: Yes, they are.

5 CHAIRMAN OPDYCKE: Okay. Now, are these, can
6 be published as-is?

7 MR. DUNKLEY: Yes, sir.

8 CHAIRMAN OPDYCKE: And do they supplant the
9 existing text?

10 MR. DUNKLEY: They do not, they have the same
11 or similar disclaimer on them as the allowed uses by
12 zoning district, it is a summary of the district
13 regulations of those district regulations that we find
14 are referred to all the time --

15 CHAIRMAN OPDYCKE: Okay.

16 MR. DUNKLEY: -- it is not a substitute for.

17 CHAIRMAN OPDYCKE: Okay. Will this be a
18 standalone document?

19 MR. DUNKLEY: Yes.

20 CHAIRMAN OPDYCKE: It's excellent.

21 MR. DUNKLEY: Thank you.

22 CHAIRMAN OPDYCKE: Excellent. I mean, if I
23 were a developer this is something that I would use very
24 often. Okay, any other questions on this particular

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1 item? If not we'll move on.

2 MR. DUNKLEY: Item A-5 is similar in that it
3 has to do with the subject of parking. However, this is
4 a reformatting of, I would suggest the most important
5 section, or subsection of Chapter 16. Chapter 16 is the
6 parking requirements chapter of the Ordinance.

7 However, if you were to actually look for your
8 parking requirements should you be considering a new
9 construction you would be hard-pressed to actually find
10 where those requirements are. They're in something
11 called Table 16-B.

12 The B would suggest it's somewhere close to
13 the beginning of the chapter. In fact, it's not, it's
14 way back towards the end. It has no relationship to the
15 actual text section that it follows, and it's not
16 formatted as a table. And it --

17 COMMISSIONER GALLOWAY: Is that in English?

18 MR. DUNKLEY: And it is in fact in English,
19 and it's usable once you find it. There is actually no
20 text in the Ordinance that refers to Table 16-B and says
21 this is the table of requirements that you are to use,
22 so we'd like to add that as well.

23 The proposal is to make an addition to Section
24 6-16-2 right at the beginning of that chapter that

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1 references general off-street parking requirements. And
2 it's actually, we wanted to actually say that each
3 principal builder you still have the following minimum
4 number of parking spaces as identified in Table 16-B, so
5 it actually tells you you have to use it.

6 CHAIRMAN OPDYCKE: It's a welcome change. My
7 only question is why Table 16-G comes before Table 16-B?

8 MR. DUNKLEY: Mr. Opdycke --

9 CHAIRMAN OPDYCKE: Okay, I'm sorry.

10 MR. DUNKLEY: No, no, no. I'd be glad to
11 explain it because we wondered that as well, and we have
12 an answer, and it is that the tradition, I guess, of
13 numbering tables sequentially over time as they are
14 added to the ordinance, I guess no one thought we would
15 ever add tables.

16 If we really start off with Table A and B, and
17 they are located in let's say appropriate sections that
18 are easily found, and you come along with another table,
19 but it occurs in advance in, of an existing table, what
20 are you going to name it?

21 So they stuck to the alphabetical numbering,
22 and so when 16 C and D came along, if they happen to
23 reference, be referenced by sections that were earlier
24 in the ordinance they got stuck before previously

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1 numbered tables. That's why we're in the situation
2 we're in now.

3 CHAIRMAN OPDYCKE: All right. Which raises
4 another question. How current is the online Zoning
5 Code?

6 MR. DUNKLEY: That's a good question. As a
7 matter of fact if you're referring specifically to this
8 item, if you've been online, the online is current. A
9 reference, and they do a good job of referencing
10 ordinances which have not been codified, so they are not
11 online but they have been adopted, and those are
12 available, there are links in the online text for you to
13 go to the actual ordinance.

14 It's, I think we get updates at least twice a
15 year to the printed Zoning Ordinance. So it's fairly
16 current.

17 CHAIRMAN OPDYCKE: All right, thanks.

18 MR. DUNKLEY: Yes. If you, and a challenge to
19 all of you, if you want to find this table in the online
20 version I'd like, I'd be interested to see how long it
21 takes you to actually find this table, it's there.

22 CHAIRMAN OPDYCKE: We could assign that to Mr.
23 Schur as his first task as a member of the Zoning
24 Committee. Keep track of that, would you please?

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1 MR. DUNKLEY: As a --

2 CHAIRMAN OPDYCKE: Okay. Any other questions
3 on this particular item?

4 MR. DUNKLEY: As extra credit try and find the
5 list of landmarks too, it's in the ordinance, it is
6 online.

7 CHAIRMAN OPDYCKE: The list of what?

8 MR. DUNKLEY: Of landmark properties.

9 CHAIRMAN OPDYCKE: Okay.

10 MR. DUNKLEY: You did know it's in the
11 ordinance.

12 Okay, moving on. Item A-6 is a very
13 straightforward proposed change, it has to do with what
14 is eligible for a minor variation.

15 The list includes currently as number five,
16 lot width and depth, and then specifies in subsections A
17 and B width and depth.

18 COMMISSIONER GALLOWAY: Would that be the
19 width of the width and depth?

20 MR. DUNKLEY: And the depth, yes. However,
21 what it is not, and this is why we feel this is
22 important to change, is that listing width and depth
23 does not imply that the lot area is available for a
24 minor variation, that is always a major variation.

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1 However, we have had applicants who have tried, have
2 spent a lot of effort to have that be classified as a
3 minor variation. And it's possible that some Zoning
4 Administrator in the future may actually bend to such
5 crazy implications.

6 But the fact of the matter is there is no
7 regulation on lot depth at all in the Zoning Ordinance
8 anywhere. Perhaps it was anticipated, but to have depth
9 listed as eligible for a variance and lead to these
10 crazy flights of fancy about lot area is the situation
11 I'd rather not have to spend time on.

12 So we propose that width and depth be
13 eliminated as Items A and B and that Item 5 be changed
14 to just say lot width.

15 COMMISSIONER GALLOWAY: Some people's width is
16 depth.

17 MR. DUNKLEY: It's possible in that same area,
18 I think it's West Evanston we were just talking about
19 where that --

20 COMMISSIONER FREEMAN: So can you say, should
21 you say --

22 MR. DUNKLEY: No, we --

23 COMMISSIONER GALLOWAY: -- or depth?

24 MR. DUNKLEY: I would respectfully disagree, I

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1 think lot width and depth are precisely defined.

2 However, what your front yard is is sometimes --

3 CHAIRMAN OPDYCKE: Any discussion on this, any
4 further discussion? All right, next item.

5 CHAIRMAN OPDYCKE: A-7 is actually two items
6 pulled together because there wasn't enough critical
7 mass in either one of them.

8 They are fairly straight, very straightforward
9 proposals for correcting errors, and they have to do
10 with the historic preservation cross reference that
11 identifies in Section 6-15-1-8 it refers to Section 6-
12 15-10, historic structures, sites, and landmarks
13 district. That is incorrect, it is actually 6-15-11 is
14 that section. So that's a correction of a, I think,
15 obvious error.

16 The other is Section 6-1-2 which is the
17 purpose and intent. The very beginning of the ordinance
18 identifies as one of the purposes of the Ordinance
19 Subsection H to be regulating and limiting the intensity
20 of the use of lot areas and regulating and determining
21 the area of open spaces within the surrounding
22 buildings, which leads to the thought of courtyards and
23 plantings inside of lobbies.

24 We believe that it should, would be more

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1 correct to say, between and among the surrounding
2 buildings, generally that is what Zoning Ordinance
3 concerns itself with.

4 CHAIRMAN OPDYCKE: Any discussion? There is a
5 typo in the second full paragraph which starts, any
6 historic landmark structure located in the special
7 purpose districts, eliminate the S.

8 MR. DUNKLEY: All right, we go on to Item A-8.
9 A-8 --

10 CHAIRMAN OPDYCKE: I'm sorry, we weren't done
11 with this, that's air conditioners.

12 MR. DUNKLEY: With A we're going, moving onto
13 Item B-1.

14 CHAIRMAN OPDYCKE: Right.

15 MR. DUNKLEY: A-8 will come back to Zoning
16 Committee. Car and truck rental definitions, we
17 currently have no definition that is anywhere close to
18 car and truck rental uses.

19 And we actually have had at least two
20 applications concerning new or relocated facilities of,
21 that rent cars and trucks. And we have identified them
22 as retail services in the past, that's a dangerous
23 precedent because there are different types of, or
24 different models, business models for car and truck or

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1 vehicle rentals.

2 There's, and we've actually researched this
3 with the applicants. There is the airport model, they
4 generally call it the airport model, and then there's
5 the kind of in-town or urban model or retail model which
6 is very different in terms of its actual use
7 characteristics and its impact.

8 The airport model is the rental establishment
9 that has onsite surface parking. It has its fleet
10 parked right there onsite. Obviously it consumes a lot
11 of land. We really would, don't want to open ourselves
12 up to allowing that type of model in an urban area, say
13 on Central Street or downtown, it's really not
14 appropriate. And we haven't had a proposal for that,
15 that type, that model, well, certainly since I've been
16 here.

17 But if we maintain and if we establish a
18 precedent of classifying this type of use as retail
19 services that would mean that all districts that have
20 retail services as a permitted use, which is all the
21 B's, all the C's, all the D's, would all be subject to
22 having as of right the ability for an airport rental
23 model to locate there.

24 Now the economics of that situation may not

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1 lend itself to that type of use, but it still would be,
2 as a zoning matter, it could be, we could be compelled
3 to actually allow that.

4 What we would propose to do is to establish a
5 definition for automobile and truck rental, which
6 defines the airport model as having onsite uncovered,
7 or, not uncovered, but surface parking included within
8 it as part of that use, actually defining that.

9 And then including the retail, or the urban
10 model, within retail services. And so therefore kind of
11 bifurcating those two different possibilities and
12 allowing us to either specify as permitted or by special
13 use or not permitted the airport model. But we can't do
14 that unless we have a definition for that.

15 COMMISSIONER PETERS: Will there be two
16 definitions then?

17 MR. DUNKLEY: We've proposed really just one
18 new definition and then an update to the retail sales,
19 retail services definition. And that was further
20 fleshed out in the supplemental materials. So we added
21 a, you know, including but not limited to, we've added
22 to that list.

23 COMMISSIONER PETERS: What page would that be
24 on?

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1 MR. DUNKLEY: It's on, it's close to the end.
2 Here it is, page 18, where we proposed including the
3 text, automobile and truck rental establishments that do
4 not include storage of vehicles in surface parking lots
5 in the retail services establishment. Thereby allowing
6 us to continue what we've done with the urban model
7 rental facility and separating out the airport model
8 under automobile and truck rental.

9 We can, if that definition, if that phrase is
10 not specific enough we can certainly look --

11 COMMISSIONER PETERS: So your proposal is that
12 as a permitted use the vehicles would have to be stored
13 inside?

14 MR. DUNKLEY: Let me, if I could paraphrase
15 that. We've proposed that the version or the model of
16 the retail establishment that includes vehicles storage
17 in structured parking that that be considered a retail
18 services use, and that it be permitted anywhere where
19 retail services are currently a permitted use.

20 So it would be continuing what we have done in
21 the past for those types of --

22 COMMISSIONER PETERS: In terms of the language
23 the phrase on page 18 that do not include storage of
24 vehicles in surface parking lots, is that intended to

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1 exclude all outdoor storage?

2 MR. DUNKLEY: Only those that are surface
3 parking lots, so a structured parking would not be
4 included.

5 COMMISSIONER PETERS: Is a structure parking,
6 what is structure parking?

7 MR. DUNKLEY: A parking deck. I think we call
8 it covered parking.

9 COMMISSIONER FREEMAN: Covered parking.

10 MR. DUNKLEY: Yes.

11 COMMISSIONER PETERS: -- to be enclosed,
12 right?

13 MR. DUNKLEY: It's partially enclosed,
14 generally. But I think you're right. We do, we have
15 used the term covered parking. I'm going back to a
16 previous life where we called it structured parking.

17 COMMISSIONER PETERS: Is that defined
18 somewhere? Either surface parking lots or structured
19 parking?

20 COMMISSIONER FREEMAN: So is this, this
21 excludes then car rentals, cars that are stored outside?

22 MR. DUNKLEY: Outside in surface parking lots,
23 yes.

24 COMMISSIONER STALEY: Do they become a --

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1 MR. DUNKLEY: This will take a minute.

2 COMMISSIONER FREEMAN: So if you have a, let's
3 say a small rental company that has parking spaces
4 behind its building they could not use that to park
5 their rental vehicles, to store the rental vehicles?

6 MR. DUNKLEY: That's true.

7 COMMISSIONER NYDEN: Could we limit it by the
8 number of spaces instead of the type of parking?

9 MR. DUNKLEY: Certainly, yes, that would be
10 appropriate.

11 COMMISSIONER PETERS: Yes, the other approach
12 might be to make it a special use.

13 MR. DUNKLEY: That's a possibility, that would
14 be --

15 COMMISSIONER PETERS: Because the context, the
16 surrounding would determine the impact of that outdoor
17 storage. So you would make the change that you
18 described here, and then for the other model list it as
19 a special use.

20 COMMISSIONER FREEMAN: The concern I would
21 have is, you know, to, there are appropriate places in
22 Evanston to have rental car leasing or rental facilities
23 that could store the cars outside. Right? We have body
24 shops, as an example that have enclosed yards, that

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1 store the cars they're working on outside and we don't
2 restrict that.

3 MR. DUNKLEY: Well, we do restrict body shops
4 pretty --

5 COMMISSIONER FREEMAN: Okay, we restrict where
6 they can be, right?

7 MR. DUNKLEY: Yes.

8 COMMISSIONER FREEMAN: Here we're excluding
9 a --

10 COMMISSIONER PETERS: Well, I'm thinking of an
11 Enterprise on Green Bay which would become a legal non-
12 conforming use. And I don't know if that's good or bad
13 but --

14 MR. DUNKLEY: That is true.

15 COMMISSIONER PETERS: -- I can't think of the
16 context but a special use treatment would probably avoid
17 that problem.

18 MR. DUNKLEY: That is true. So identifying
19 the uses that where the new definition, the airport
20 model, the outside storage model is to use, to identify
21 this as a special use rather than a permitted use?

22 COMMISSIONER PETERS: Yes, I would think you'd
23 want to add that. Did you find a definition for surface
24 parking?

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1 MR. DUNKLEY: We have a definition --

2 COMMISSIONER PETERS: I'm sorry to ask these
3 questions, I don't have the Ordinance in front of me.

4 MR. DUNKLEY: There's a definition of parking
5 structure, deck, or garage. And it's pretty concise,
6 it's a structure use for the parking or storage of motor
7 vehicles.

8 CHAIRMAN OPDYCKE: I don't think there's
9 anything for surface parking, I mean, in the definition
10 section.

11 MR. DUNKLEY: It may be here, we continually
12 find new things in our definition section. But we'll, I
13 think, I don't believe we have, I have not seen a
14 definition for surface parking, I think it's left up to
15 the customary and reasonable definition of parking lot.

16 CHAIRMAN OPDYCKE: So what do you want to do
17 on that, Bill? Do you want to remove that from the, you
18 want to do some more work on that, on B-1 for purposes
19 of the agenda tonight?

20 MR. DUNKLEY: Yes, certainly if you're not
21 done, if there are outstanding questions that, you know,
22 you feel are substantial then I would recommend holding
23 it, yes.

24 CHAIRMAN OPDYCKE: Okay, let's hold that off.

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1 B-4 is the next one.

2 MR. DUNKLEY: Yes, B-4 is in, okay, that's
3 another definition update, and that is to bring the
4 zoning code definition of Rooming House into line with
5 the property standards definition of Rooming House
6 because we do a lot of work together on this particular
7 topic in terms of enforcement and, you know, review of
8 changes in use and new development, and renovations.

9 We have found that we have different
10 definitions, and we're off by one.

11 CHAIRMAN OPDYCKE: Right.

12 MR. DUNKLEY: So we propose updating the
13 Zoning Code definition to, rather than state, rather
14 than, yes, state that it is a, a rooming house is three,
15 accommodates three --

16 CHAIRMAN OPDYCKE: More than three.

17 MR. DUNKLEY: I'm sorry, more than three
18 persons who are not related, change that to accommodate,
19 I'm sorry. No, three or more persons, to change that to
20 more than three.

21 CHAIRMAN OPDYCKE: Okay. Any discussion?
22 Next item.

23 MR. DUNKLEY: Okay. The next item is --

24 CHAIRMAN OPDYCKE: The bench pew?

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1 MR. DUNKLEY: Yes. Right, B-5, and that's the
2 18-inch bench and pew definition for parking
3 calculations.

4 COMMISSIONER STALEY: That last word, the
5 calculations again, should it not be requirements or
6 something?

7 MR. DUNKLEY: Yes, requirements, I think,
8 would, does that work? Okay. The last work, instead of
9 saying, for fixed seating each 18-inches of bench or pew
10 shall constitute a seat in the calculation of parking
11 calculations. The suggesting is to say in the
12 calculation of parking requirements. And I think that
13 I'd wholeheartedly --

14 COMMISSIONER PETERS: It may be required
15 parking.

16 MR. DUNKLEY: In the calculation of required
17 parking. I'll take either of those.

18 COMMISSIONER PETERS: Required parking.

19 CHAIRMAN OPDYCKE: So what are you proposing,
20 Seth?

21 COMMISSIONER FREEMAN: It was proposed that
22 required parking instead of parking requirements. That
23 was the last suggestion, and it sounds like Obama
24 English to me.

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1 COMMISSIONER STALEY: What did mine sound like
2 to you then, Seth?

3 COMMISSIONER FREEMAN: I don't know.

4 COMMISSIONER STALEY: Then was it Bush
5 English?

6 COMMISSIONER FREEMAN: No, I didn't, I don't
7 know. You know, it just, Obama was, he's know for,
8 like, the proper, it wasn't a dig.

9 COMMISSIONER STALEY: If it was a dig I would
10 have come back harder, I didn't think it was.

11 CHAIRMAN OPDYCKE: So, Bill, would you read
12 then for us the proposed change --

13 MR. DUNKLEY: Yes.

14 CHAIRMAN OPDYCKE: -- so there's no dispute
15 here.

16 MR. DUNKLEY: 6-16-2-3 Fixed Bench Pew Seating
17 Calculation, for fixed seating each 18 inches of bench
18 or pew shall constitute a seat in the calculation of
19 parking requirements, or in the calculation of required
20 parking.

21 COMMISSIONER STALEY: Required parking is
22 fine, I don't care, just as long as it's not calculation
23 of calculation.

24 MR. DUNKLEY: Is there a general sense that

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1 required parking will be fine moving forward?

2 CHAIRMAN OPDYCKE: So we have two choices
3 here.

4 MR. DUNKLEY: There may be more.

5 CHAIRMAN OPDYCKE: Just pick one. How many
6 are in favor of parking requirements, period, say aye.

7 (Chorus of ayes.)

8 COMMISSIONER NYDEN: No, don't we want
9 calculation in there?

10 MR. DUNKLEY: Calculation is --

11 COMMISSIONER NYDEN: Okay, I see what you're
12 saying.

13 COMMISSIONER PETERS: -- for a particular
14 site.

15 COMMISSIONER STALEY: -- be 20 inches in
16 another year.

17 CHAIRMAN OPDYCKE: I'm sorry, I'm missing
18 something here. Would you please read again, for my
19 benefit, how this is to read?

20 MR. DUNKLEY: Well, I believe that's what
21 we're trying to, what we're discussing.

22 CHAIRMAN OPDYCKE: What's the or? It's
23 parking requirements --

24 MR. DUNKLEY: Or required parking.

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1 part of our regulations implementing our policy of alley
2 access for residential and non-residential development.

3 So we have proposed that we change the title
4 to say Access to Onsite Parking, which we think will be
5 more noticeable and more useful.

6 CHAIRMAN OPDYCKE: Any discussion? Okay, you
7 need a motion from us, do you not, Bill, approving these
8 recommendations?

9 MR. DUNKLEY: Recommending the approval of
10 the --

11 COMMISSIONER FREEMAN: Except we're excluding
12 one.

13 MR. DUNKLEY: Yes.

14 CHAIRMAN OPDYCKE: Yes, okay.

15 MR. DUNKLEY: Yes, for all except Item D-1.

16 CHAIRMAN OPDYCKE: Then I will move that we
17 accept these recommendations, specifically A-1 as it
18 appears on our agenda, A-1 to correct an error in the B-
19 1A District setback requirements, Item A-2 Section 6-4-9
20 Conditions for Office Use in Residential Districts,
21 Section A-3, Appendices A which is the Use Matrix, and B
22 which is the Bulk Matrix, Section A-4 Parking Setbacks
23 in all Zoning Districts, A-5, Table 16-B Schedule of
24 Minimum Off-Street Parking Requirements, A-6 Minor

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1 COMMISSIONER STALEY: What was the section?

2 MR. DUNKLEY: Section 6-3-4-5 Standards for
3 Amendments.

4 CHAIRMAN OPDYCKE: Do we have a sheet on those
5 standards before us, Bill?

6 MR. DUNKLEY: We don't, I think you'll find
7 that it's fairly straightforward.

8 CHAIRMAN OPDYCKE: All right. Will you recite
9 those standards then?

10 MR. DUNKLEY: I will, yes. Standard A is
11 whether the proposed amendment is consistent with the
12 goals, objectives, and policies of the Comprehensive
13 General Plan as adopted and amended from time to time by
14 the City Council.

15 Would you like to take a motion on each of
16 these, or an action on each of these, or would you like
17 to --

18 CHAIRMAN OPDYCKE: Can you read them all?

19 MR. DUNKLEY: I'll read them all, yes.

20 B is whether the proposed amendment is
21 compatible with the overall character of existing
22 development in the immediate vicinity of the subject
23 property. I believe that's not applicable because there
24 is no subject property.

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1 Item C is whether the proposed amendment will
2 have an adverse effect on the value of adjacent
3 properties. Again, I would propose that that's not
4 applicable for this Text Amendment.

5 And D is the adequacy of public facilities and
6 services which may or may not, depending on the view of
7 the Plan Commission, be applicable.

8 CHAIRMAN OPDYCKE: I guess I would move then
9 that the standards where applicable have been met.

10 COMMISSIONER STALEY: It's only --

11 CHAIRMAN OPDYCKE: You've, those are all the
12 standards?

13 MR. DUNKLEY: Those are all the standards for
14 amendments, yes.

15 CHAIRMAN OPDYCKE: So I'm saying that my
16 motion is that the standards, that we find that the
17 standards where applicable have been met. Is there a
18 second?

19 COMMISSIONER PETERS: Can I amend that and add
20 some language? In that the proposed amendments are
21 consistent with the objectives and goals of the Zoning
22 Ordinance and correct errors and ambiguities.

23 CHAIRMAN OPDYCKE: Is there a second to that?

24 COMMISSIONER FREEMAN: Second.

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1 COMMISSIONER STALEY: Second.

2 CHAIRMAN OPDYCKE: Those in favor?

3 (Chorus of ayes.)

4 CHAIRMAN OPDYCKE: With that amendment is
5 there a second? That was an amendment, but is there a
6 second now to the motion?

7 COMMISSIONER GALLOWAY: Second.

8 CHAIRMAN OPDYCKE: All those in favor?

9 (Chorus of ayes.)

10 CHAIRMAN OPDYCKE: Opposed? Motion carries.

11 MR. DUNKLEY: Okay, thank you.

12 CHAIRMAN OPDYCKE: I think that's the last
13 item on the agenda, so without, unless there's something
14 else? Committee reports? Is there a motion to adjourn?

15 COMMISSIONER STALEY: So moved.

16 CHAIRMAN OPDYCKE: Second? In favor?

17 (Chorus of ayes.)

18 (Whereupon, the hearing on the
19 above-titled cause was
20 concluded at 8:28 p.m.)

21

22

23

24