



MEETING MINUTES
PLAN COMMISSION
Wednesday, June 11, 2014
7:00 P.M.

Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Jim Ford, Terri Dubin, Kwesi Steele, Carol Goddard, Lenny Asaro

Members Absent: Andrew Pigozzi, Colby Lewis, Richard Shure

Associate Members Present: David Galloway

Associate Members Absent: Seth Freeman, Stuart Opdycke

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Mario Treto, Assistant City Attorney

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Peters called the meeting to order at 7:00 P.M and explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Peters concluded the opening statement by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

2. APPROVAL OF MEETING MINUTES: May 14, 2014

Commissioner Ford made a motion to approve the minutes as prepared. Commissioner Dubin seconded the motion.

A voice vote was taken and the minutes were approved by voice call 3-0. Commissioner Goddard and Commissioner Steele abstained.

3. NEW BUSINESS

A. MAP AMENDMENT TO THE ZONING ORDINANCE

14PLND-0043

1409 Dodge Avenue and 1825 Greenwood Street

Specifically consider a map amendment to the Zoning Ordinance pursuant to City Code Title 6, Zoning, to rezone the following properties:

1409 Dodge Avenue, PIN 10-13-419-041, and

1825 Greenwood Street, PIN 10-13-419-040

from I2, General Industrial to R4, General Residential district.

Mr. Damir Latinovic, Neighborhood and Land Use Planner, explained that the petitioner is requesting to rezone a property from I2, General Industrial to R4, General Residential district. The property is located at the Northeast corner of Dodge Avenue and Greenwood Street. Greenwood Street ends in a cul-de-sac and does not cut through to Dodge Avenue. 1825 Greenwood Street is a single family home located at the southern portion of the lot while an old auto repair shop at 1409 Dodge Avenue is located on the northern section of the lot. The property is approximately 7,542 square feet in area and is currently vacant. A zoning map was shown depicting the current zoning for the property as I2 Industrial. The surrounding properties to the north and east are R3, which is two-family residential district. The property to the south is also zoned I2 and is currently a two-story multi-tenant office building. The property to the west is zoned R4 and is a vacant single family structure that was previously used as a contractor's office.

The petitioner is proposing to construct three dwelling units on the property. The existing single family home would be renovated to include an attached garage. The former automobile shop on the northern edge of the property would have a second floor added and be converted into a duplex (two units). There would be a total of three dwelling units on the property; therefore, the petitioner is requesting the R4 district for multi-family residential.

Slides showing the proposed improvements were projected. The petitioner will modify the existing structures, which are non-conforming and do not meet the bulk restrictions, so the petitioner will be requesting several variations that will be reviewed by the Zoning Board of Appeals. The petition for the zoning variations are scheduled for July 1, 2014 ZBA hearing. However, the discussion for tonight is just for the rezoning.

The single family home site plans for the first and second floors were shown, as well as the addition of an attached garage. The proposed site plans for conversion of the automobile repair shop into a duplex were shown. The plans included first and second floors, as well as attached single car garages for each unit.

Staff believes that the proposed rezoning from I2 to R4 is appropriate as a transitional density buffer to the residential R3 uses to the east from the more intense uses to the south and southwest. There are other R4 zoning districts on the east side of Dodge Avenue. Over time, these transitional multi-family uses have been established along the old railroad corridor that initially only had industrial and commercial uses. However, residential uses and districts have emerged over time on the east side of the old corridor. Staff believes that standards for approval for rezoning have been satisfied and the proposal is consistent with the Comprehensive Plan. The proposed rezoning would enhance the neighborhood by providing an appropriate buffer to said uses. It would also provide a range of housing choices to the area residents and is compatible with the surrounding neighborhood character because the use of the property would be a single family dwelling and a two-family dwelling rather than a multi-family structure. Staff also believes that the proposed changes would not negatively impact the surrounding area. In fact, staff believes the proposal would increase values of properties in the area by eliminating the old automobile repair shop, which was a detriment to the surrounding area. The proposal will be adequately serviced by public facilities.

To summarize, staff recommended approval of the proposal that was presented to the Zoning Committee at their May 21, 2014 meeting. Several residents attended that meeting inquiring about the affordability of the new units. The petitioner was present at that time to confirm that they will be market rate. The Zoning Committee Board made a positive recommendation to the Planning Commission at last month's meeting.

Chairman Peters invited the discussion and questions from Commission members. Commissioner Ford asked if there were other issues raised at the Zoning Committee meeting that were resolved. Mr. Latinovic stated that the only discussion at the meeting was regarding the affordability of the duplex. Commissioner Steele commented on the narrowness of the lot with 14 feet in front of the old garage. He noted that there was no access from the alley, meaning people would have to enter from Dodge Avenue, an already busy street. He wanted to know how the additional two-units will impact traffic conditions there since reversing onto Dodge Avenue would be necessary. Mr. Latinovic reminded everyone that this meeting was dealing only with the rezoning. Access and other issues are reviewed by SPAARC and the Zoning Board of Appeals. He was unsure if the typical 18 foot length for a parking stall would be achieved if residents wanted to park in the driveway. He also repeated that the automobile repair shop converted to a duplex would have two one-car garages with access to Dodge Avenue. During the SPAARC meeting that day, this same access issue was brought up, and a number of ideas were proposed. These ideas included having access on the north side alley to loop into the units, having access off of the cul-de-sac on Greenwood Street and bringing the single-family home's garage closer to the front to avoid requiring access to Dodge Avenue. These matters and variances are to be addressed by SPAARC and ZBA. The designs for both the single family home and the two-family structure are still in design stages.

Commissioner Steele also wanted to confirm that the duplex will have the same footprint of the existing auto shop. He followed up with a question to the idea of providing access for the two cars on the Greenwood Street cul-de-sac. Mr. Latinovic clarified that the Greenwood Street access idea would only apply to the single family home and that it was brought up during SPAARC meeting. The alley access idea would apply to the duplex. Commissioner Steele followed up saying he thinks the proposal will be an improvement to the neighborhood but feels that parking and having to reverse onto Dodge Avenue is still an issue. He also noted that the alley is narrow, which might make it difficult to access the single-car garages with a sharp turn.

Chairman Peters stated that he would not agree that the Pc lacks jurisdiction and that it will go to the Zoning Board for specific considerations of access before it goes to the Council. He continued by saying the appropriate use for this site is residential given the surrounding uses. He would recommend approving.

Chairman Peters invited the applicant to speak. The applicant, Mr. Tom Heskin, was sworn in. He spoke to address Commissioner Steele's parking comments and to add to comments by Mr. Latinovic. Mr. Heskin stated that another option for access would be to add a turn-around in front of each of the two townhomes to allow drivers to back out onto the turn-around and make a 90 degree turn in a forward fashion onto Dodge Avenue if there were not a sufficient radius to turn from the alley.

Commissioner Steele asked wondering if these new dwelling units will sell. Mr. Heskin stated that due to the fact that further down Greenwood Street there are nicer homes, he feels that continuing that westward the homes will sell.

With no other questions for the applicant and not other members of the public present in the audience, Chairman Peters asked for a motion or further discussion. Commissioner Steele restated that this proposal will be a 100% improvement to the current site. He made a motion to approve the proposed rezoning with a condition that the parking issues be addressed.

Chairman Peters clarified the motion was for the approval of the rezoning petition, and that parking access comment can be added as a suggestion but cannot be tied to the motion, to which Commissioner Steele confirmed.

Commissioner Ford seconded the motion.

A voice vote was taken and a motion was approved by voice call 6-0.

Chairman Peters confirmed with the Board that the standards have been met as indicated in the staff' memo. He asked staff to confirm that adequate public facilities and services standard was also addressed. Mr. Latinovic confirmed that staff believes that the public utilities and facilities are adequate for the area.

B. TEXT AMENDMENT TO THE ZONING ORDINANCE

14PLND-0044

Notice Requirements

Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, for the notice requirements for all zoning applications requiring approvals per the Title 6, Zoning, of the City Code.

Mr. Latinovic explained that the text amendment was regarding public hearing notice requirements for zoning applications. This case was presented at the Zoning Committee meeting last month and received a positive recommendation. The proposal was brought up by staff due to the fact that the notification requirements are not clearly outlined in the Zoning Ordinance for different types of applications, such as special uses, variances, and planned developments. Staff has always provided a notice in the newspaper between 15 and 30 days before the hearing, notified surrounding property owners within a certain distance by mail, and posted a sign on the property. The proposed text amendment seeks to clarify language across the board on all types of applications. The second part of the amendment is to clarify that for any continued hearings, the second notice is not required. This is the current practice and is not new; this text amendment simply clarifies that. Prior to the Zoning Committee meeting, staff received feedback on improvements to the text amendment, many of which have been incorporated based on legal counsel. The proposed clarifications to the standards are found in the report.

Mr. Latinovic invited questions. Chairman Peters voiced his concern for instances when notices are mailed out, printed, and posted and then at the meeting there is not a quorum. This allows someone to argue that there was no initial meeting to be continued. The cases in Illinois do not specifically address it. However, if there is a defective notice, the action taken may be invalid. Chairman Peters suggested the addition of two sentences to the portion of the ordinance that legal counsel believes is appropriate,

perhaps the notice section. He read aloud the two sentences: "In the event that quorum is not present for the initial meeting or continued meeting, a majority of the Board of Commission members present may reschedule the meeting to a new date and time. No additional mailed or public notices shall be required for meetings continued as provided in this paragraph."

Chairman Peters felt it was clear given past practices and practices of other cities where he has observed this problem that re-sending and re-publishing more notices is not useful, is burdensome and causes delays. This text amendment will remedy that problem. He also discussed this with Commissioner Ford, who thought this might have already been addressed by Roberts Rules, which is true, however it would be stronger to express it as part of an ordinance. He noted that other states have different requirements.

Mr. Latinovic noted that when quorum is not met, staff currently reschedules the meeting for the next regularly scheduled meeting and would republish notices. This amendment would allow staff to republish only if determined to be necessary. Chairman Peters followed that you can always republish, but the question now is if you have to.

There being no further discussion or public input, Commissioner Ford made a motion to approve the Chairman Peters' language addition to the text of the Zoning Ordinance.

Commissioner Dubin seconded the motion. There was no discussion. The proposed language was added to the proposed text amendment unanimously 6:0.

Commissioner Goddard made a motion to the approve of the staff recommended text amendment with the language added in the previous motion.

Commissioner Ford seconded the motion.

There was no discussion. Chairman Peters commended the staff for a well drafted amendment and for addressing a subtle issue in the ordinance.

A voice call was taken and the motion was approved by voice call 6-0.

C. TEXT AMENDMENT TO THE ZONING ORDINANCE

14PLND-0045

B Districts - Office and Financial Institutions

Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1- Business, B1a-Business and B2-Business districts.

Mr. Latinovic summarized the staff report pertaining to the proposed text amendment. It proposes to amend the list of permitted and special uses allowed in Business Districts related to Office and Financial Institutions. The case was presented to the Zoning Committee at the May 21, 2014 meeting. Mr. Latinovic showed a map of the City with the four business districts—B1, B1a, B2 and B3. The districts were originally established as neighborhood nodes to service the surrounding neighborhoods with their immediate daily commercial needs. The physical character of these districts is with the buildings built to the front lot line, with more of a pedestrian character. The types of uses you would typically see here are corner convenience stores, restaurants, cleaners and similar uses.

However, recently there has been an influx of office uses in these districts such as banks, accounting offices, financial institutions like H&R Block or title loan offices, that do not necessarily cater just to the surround area but draw customers from the entire city. They do not strive on the pedestrian environment. This has resulted in the lack of general retail establishments in the district. So staff was approached by some business owners in these districts to do something to encourage retail uses and limit some of the office uses. The proposal, outlined in the memo based on input from the Zoning Committee, is to designate office and financial institutions, which are currently permitted by right in all business district, to allow them on the first floor only as a special use and the floors above as a by-right permitted use. Initially, staff did not include the B3 District along Howard Street east of Ridge Avenue since staff was felt that B3 district was a bit different from the others. However, after input from the Zoning Committee, this area was included in the proposed amendment based on the most recent trend in development along Howard Street with uses that cater to pedestrians and to the surrounding area.

Staff believes standards have been satisfied for the proposed text amendment. It is consistent with the Comprehensive Plan, which calls for new uses that complement the existing neighborhoods. At the Zoning Committee meeting, it was brought up to notify all property owners zoned as a B District. Based on the determination by the legal counsel, that would set a precedent considering that text amendments to multiple zoning districts are done very often. Then the notice would have to be provided to owners of all those properties, which may not be feasible. Instead, staff has reached out to the Economic Development Department to notify the merchant associations in these districts, which has been done. Following that notice, staff received a total of four letters of support. Staff recommends approval of the text amendment.

Commissioner Ford asked if the existing uses would become legally non-conforming. Mr. Latinovic answered that yes, the established office uses on the ground floor would become legal non-conforming. If they move out, the property owners have one year to reestablish similar office uses without further approval necessary. And if an existing use wanted to expand, then a special use would be required.

Commissioner Asaro asked about concerns with vacancy if retailers are not interested in the spaces. He comments because he lives in the area and tries to frequent the businesses when he can. However, there is a lot to be desired as far as what can go there. He spoke to one of the business owners one day who noted that there is not a lot to draw people to the area. He is concerned that there is not enough outside demand for retail in that area and that changing the zoning will not address that. He did not see the tension in use between retail and office to warrant a change in zoning. Mr. Latinovic found that to be a valid point and noted that it was discussed internally. This “dead zone” has been described by area business owners based on property owners who are looking to lease to more stable financial institutions rather than other retail establishments. But the proposed change is based on feedback from the business community who have been there 15 to 20 years. Because the office uses will still be a special use, in the case of a vacancy, City Council can still approve them. Chairman Peters noted that it is fairly common for office uses to go to retail. However, in this case there is not a definitive study. Still allowing office as a special use is important to minimize the vacancy concern.

Commissioner Ford seconded Commissioner Asaro’s concern. This works when there is competition between retail and non-retail uses for a property; however, alone it does not

provide an incentive for retail to come in. He questioned if it would have the desired impact. He noted that he lives near a commercial space with a recent retail vacancy. An office use would be preferable to a vacancy when retail is not an option. Commissioner Goddard reminded everyone that with the special use it would still be allowed. Commissioner Ford agreed but still felt the change is less than perfect.

Commissioner Galloway stated he would welcome other recommendations or improvements from staff and others that are within the norms of zoning law. If this prevents retail turnover for office use, he would be content. The spaces should be occupied with the types of uses that serve the area. As staff noted, many of these institutions bring in clientele from other areas of the city that park in the neighborhoods, use the facilities and leave without a vested interest in the neighborhood in that area. These uses do not effectively activate the street as well as retail or restaurant spaces would. Once again, the designation of these office uses as a special use on the ground floor would not prevent them from occurring at all and may suggest they move to the second floor or not locate there at all. However, this change to special use allows for best judgment to be used, which would address market conditions.

Commissioner Asaro stated he agrees with the comments made by the other Commissioners. He still wonders about the effect this change would have on the owners of the properties who have to generate income to continue to own and operate the properties. Having to apply for a special use permit to some extent is a barrier to enter, even if it will likely get approved. He said he was particularly curious about development at the southeast corner of Main St. and Chicago Ave. and why TIF funding was not used to build a parking structure where both a CTA and Metra station are nearby. Echoing Commissioner Galloway, if you can provide parking, people from both the area and outside of the area or even outside of Evanston will come in when there is convenience. This location does not have the parking needed for a dense area, which would help businesses in that area. The TIF has allotted a substantial amount of money to go towards parking. Chairman Peters welcomed the suggestion and consideration from staff, agreeing that parking is essential if that is to become a neighborhood retail area both for commercial uses on the second floor and retail uses on the first floor. This is true for several areas in Evanston. It is a bigger problem than this amendment. Regarding returns to landlords, however, zoning's purpose is to ensure appropriateness of uses in an area, and these areas could use retail.

Commissioner Steele commented that as written, the change does not seem restrictive. If a property were vacant for a long period of time, approval could be sought through special use. He pointed out questions raised in an email by a business owner, such as how do we attract people to that particular strip? Chairman Peters noted that comments related to making the area more attractive to retail can be attached to any recommendation. Commissioner Steele thought it was fair as it was proposed. However, someone needs to look at the business owner's question.

There being no further comments, Chairman Peters invited comments from the public. David Roberts, an Evanston business/property owner at 1319-1321 Emerson Street, came forward and promised to tell the truth. He stated he was disappointed to hear that staff determined they could not notify property owners in business districts of the proposed changes. He continued that perhaps more people would have attended the meeting or sent emails with comments had they been aware of it. Had it not been for

someone who told him about it based on his involvement with other city related issues, he would not have known about it. He comes both as a property owner and business owner in Evanston. He has owned the Emerson Street property for ten years. He asked if an architecture and construction company, yoga studio and massage therapy company would be restricted under special use categories.

Mr. Latinovic responded if the proposal is approved, the architect and construction office would not be allowed by right on the first floor, and the other uses would require him to look at the list to see if those specific uses are listed. If the specific uses are not listed, staff would determine which listed use is most similar.

Mr. Roberts responded that the current uses in his buildings with the current tenants, which he has spend half a million dollars improving and converting from what used to be a school. And the business and residential neighbors have commented on these efforts revitalizing the area. To the foot traffic comment, today he counted 45 people walk past his buildings and enter them. Therefore, foot traffic and office uses can coexist. He also acknowledged that a group of business owners were supportive of this change; however, he questioned how many were in favor and for which specific area, noting that each commercial area is unique. Mr. Roberts listed a number of existing spaces, such as the NAACP office and the former alderman's office, that would require a special use permit. He also shared that on a two block stretch east of his property, there were four vacant storefronts, plus the entire former Masonic temple. He felt that further restrictions will not encourage people to come in and enhance and invest in the area as he has, especially outsider entry-level businesses. Mr. Roberts' architecture and construction business has been in Evanston for ten years, working on Evanston homes with \$1.6 million worth of construction, much of which is spent locally supporting other Evanston businesses. Businesses do operate on other retail. He questioned if it was about sales revenue.

Chairman Peters responded no, it was not about revenue but about having retail.

Mr. Roberts asked if it is only about office and retail difference.

Chairman Peters responded that perhaps the description of uses and language used needs to be revisited, particularly hearing that each commercial area has a different character. He also confirmed what Mr. Roberts was saying that finding that balance between retail and business must not affect the businesses.

Commissioner Asaro clarified that the proposal is not designed to affect existing businesses or uses. Mr. Roberts stated that he understood that. Commissioner Asaro gave an example if the proposal is approved then if a non-retail use prospective tenant came to Mr. Roberts, he would explain to them that this business district would require them to go to City Hall to request a special use permit. Staff works very hard and would explain in detail to the businesses owner and walk them through the process. Then they contact the alderman, file the application and send the notices. If the alderman, on behalf of his/her constituents, and the property owner support the business and there are no objections, more likely than not, the special use permit will be granted. Commissioner Asaro spoke from his experience as a zoning attorney, having presented special uses before. He repeated that the intent behind the proposal is to improve how uses are regulated not discourage businesses. The planning and zoning division has a difficult job to foresee the needs for uses and direct them accordingly. He stated that he

understands and agrees with Mr. Roberts' point that not all office uses are incompatible with retail uses. Commissioner Asaro also noted that regarding the notices, because text and map amendments occur frequently it would be a considerable cost to send notices every time and not feasible. However, that information is always available on the website.

Chairman Peters clarified that for map amendments that deal with specific properties, everyone within 500 feet including rights-of-way are notified. The Zoning Ordinance does not require notices for text amendments because that could potentially be to everyone in the city. He agreed that it would not be feasible to do so.

Mr. Roberts responded that he understands how the special use process works and because of that knows that there is never complete certainty. He also stated that he came to the meeting not to discuss the procedures of text amendments but rather the proposal. He continued that when he first moved into his place, it was lifeless. It now has much more foot traffic and the area has been transformed since then. He wonders if some part of this text amendment is being directed by a small group of business owners that are not representative of all business owners and is not accurate. Each district is unique.

Lastly, he stated office versus retail is an old and simplistic way of looking at zoning. Services may fall into several categories. Service economy is different from retail economy which is different from office. It seems to him that the ordinance is trying to address banks, but that you can't single out one type of use with this proposal.

Commissioner Ford commented that the grain of uses gets fine. He gave the example of his neighborhood with banks, a shoe repair shop, and cleaners etc. The bank probably generates just as much traffic as others. Brokerages and real estate agents generate less. If foot traffic is the end goal, whether local traffic or not, we may need to think about this more and how we classify uses. Office versus retail distinction is too crude. He proposed that the Board think about this more before approving the text amendment if it is not addressing a specific burning issue. He and Chairman Peters agreed that each business district is very different from one another. Both of them, along with Commissioner Goddard and Commissioner Galloway also agreed that the distinction in uses need to be more fine grained. Commissioner Galloway continued that the ordinance must address the street activation element more than the broad based use definition. All were appreciative of the perspective Mr. Roberts presented.

Commissioner Asaro pointed out that the memo does include financial institutions as one of the uses proposed to become a special use. He agreed with Commissioner Ford on tabling this proposal and perhaps limiting it only to financial institutions. Chairman Peters suggested the proposal go back to the Zoning Committee for further study. He thanked Mr. Roberts for his useful comments.

Commissioner Ford made a motion be returned the proposed text amendment to the Zoning Committee for refinement.

Commissioner Asaro seconded the motion.

A voice vote was taken and the motion was approved by voice call 6-0.

D. TEXT AMENDMENT TO THE ZONING ORDINANCE

14PLND-0059

Neighborhood Gardens, Urban Farms and Rooftop Urban Farms

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, regarding zoning regulations for Urban Farms, Rooftop Urban Farms and Neighborhood Gardens.

Mr. Latinovic gave the staff presentation for the proposed text amendment related to Neighborhood Gardens, Urban Farms and Rooftop Urban Farms. This land use was presented to the Zoning Committee and the Plan Commission in 2012. These uses are not currently in the Zoning Ordinance. The Plan Commission made a positive recommendation to the City Council; however, the text amendment was never presented to City Council. Neighborhood garden plots are currently allowed as an accessory use to a principal use on any property. This proposed amendment is for a principal use on a vacant lot or facility. Staff is currently not proposing any changes to the text amendment from 2012.

The definition of a neighborhood garden in the text amendment is, "A principal use that provides space for people to grow plants for non-commercial purposes, such as beautification, education, recreation, or harvest, and is managed by a specific person or group responsible for maintenance and operations, subject to the following regulations:

- (A) The person or group responsible for managing the garden shall be identified on each required annual application/registration form.
- (B) On-site processing and/or storage of plants or plant products are prohibited.
- (C) Outdoor storage of any kind is prohibited.
- (D) A fence and one accessory structure for the storage of gardening tools and supplies, no larger than 120 square feet in area, shall be allowed on-site, provided the owner or operator first obtains a Certificate of Zoning Compliance or Building Permit for it/them.
- (E) Composting of plant material that is grown on site shall be permitted, except in the front yard. All other composting is prohibited.
- (F) No incidental sales of plants or produce shall take place on site.
- (G) Neighborhood gardens shall be maintained so as not to encourage the harboring of vermin. Accumulation of weeds and/or rubbish is prohibited.

All the regulations listed would remain. A permit would be required including information about water usage and approval from property owner. Neighborhood gardens are being proposed as a by permitted right use in Residential, Business, Commercial, Research Park, O1, and Industrial districts. In the Downtown districts, it would be a special use.

Similarly, there are no changes to the urban farms proposal from 2012. Urban farms are more commercial. The following definitions distinguish urban farms and rooftop urban farms:

Urban Farm – An indoor or outdoor principal use that includes growing plant products for wholesale or retail sales and which may include one or more of the following: washing; packaging; storage. Typical Urban Farm operations may include growing beds, greenhouses, and orchards.

Rooftop Urban Farm – A rooftop operation that includes growing plant products for wholesale or retail sales and which may include one or more of the following: washing; packaging; storage. Typical Rooftop Urban Farm operations may include growing beds, greenhouses, and orchards.

Both are being proposed only as special uses because they can vary in their nature, which can be addressed in the special use process.

Staff believes the proposed text amendments meet standards for approval outlined in 6-3-4-5. They are consistent with the Comprehensive Plan to promote healthy environment and high quality of life and environmental issue awareness. Another benefit is that the produce is usually consumed in close proximity. Staff recommends the Plan Commission make a positive recommendation to the City Council.

Chairman Peters invited discussion and comments. Commissioner Asaro had a comment for neighborhood gardens. One use identified in the proposal is for school and educational purposes. His first experience with urban farming was with a City Public School that taught farming as well as sales and business but without the main goal of making a profit, and any profits had to be returned to the school. He wants staff to consider if they would want to limit schools from selling produce.

Chairman Peters wondered if from a zoning perspective, if sales are permitted on school grounds. Commissioner Asaro responded that was an issue the CPS school had to overcome.

Chairman Peters noted that at the time of the original proposal, an individual was adamant that there be no sales allowed. Commissioner Ford commented that living across from a school, he would not like to see a farm stand on the corner; however, if instead the school grew the produce on site and sold it at a farmer's market, that would be more acceptable. Combining both the growing and business sides as an educational application makes sense.

Mr. Latinovic clarified that incidental sales would be allowed off-site.

Chairman Peters shared that before the meeting, Andrew McGonigle from Northwestern University felt that the University and Transitional zoning districts should be included in the permitted use zones and that Research Park should be included in the special use. Mr. Latinovic responded that staff intended allowing Neighborhood Gardens as special uses in Research Park, particularly as that area has been looked at for Downtown rezoning.

Chairman Peters and Commissioner Goddard noted that the University supposedly already has a garden being used for teaching purposes. Mr. Latinovic responded that if there is a principal building or use on that property, it is likely permitted as an accessory use. But if the University feels the University and Transitional Districts should be included to allow Neighborhood Gardens there by-right, it can be discussed and the Planning and Development Committee and City Council would ultimately decide.

There were no more audience members present and no further comments.

Commissioner Goddard made a motion to approve the proposed text amendment to amend portions of the ordinance to create new use types for Neighborhood Gardens, Urban Farms and Rooftop Urban Farms with a modification to allow Neighborhood Garden as permitted use in the University and Transition Districts and to allow it as a special use in the Research Park district.

Commissioner Dubin seconded the motion.

Chairman Peters invited discussion. Commissioner Steele asked for clarification on including certain University zoned areas. Mr. Latinovic responded that staff's intent was not to change anything from the original proposal from 2012 when all the discussions took place. Chairman Peters believes those districts were not intentionally excluded and likely were simply forgotten.

There was no further discussion. A voice vote was taken and a motion was approved by voice call 5:0:1 with one abstention from Commissioner Steele.

Chairman Peters repeated that staff already addressed the standards for approval in the staff memo and confirmed with the Board to which everyone agreed with the findings for the standards.

4. ADJOURNMENT

There being no further discussion, Commissioner Goddard made a motion to adjourn the meeting, and Commissioner Asaro seconded the motion.

The meeting was adjourned at 8:40 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department