



MEETING MINUTES

LAND USE COMMISSION

Wednesday, January 12, 2022

7:00 PM

Via Virtual Meeting

Members Present: Violetta Cullen, George Halik (8:05), John Hewko, Brian Johnson, Kiril Mirintchev, Jeanne Lindwall, Max Puchtel, Matt Rodgers, Kristine Westerberg, Jill Zordan

Members Absent: Myrna Arevalo

Staff Present: Johanna Nyden, Meagan Jones, Katie Ashbaugh, Brian George

Presiding Member: Matt Rodgers

Call to Order

Ms. Jones opened the meeting at 7:01pm. A roll call was done and a quorum was present.

Suspension of Rules

Commissioner Cullen motioned to suspend the rules. Commissioner Lindwall seconded. All said aye.

Election of Officers and Committee Members

A. Election of Land Use Commission Chair and Vice-Chair

Commissioner Westerberg made a motion to nominate Commissioner Rodgers as Chair of the Land Use Commission. Seconded by Commissioner Cullen. Hearing no other nominations, a roll call vote was taken and the motion passed, 9-0.

Commissioner Cullen made a motion to nominate Commissioner Puchtel as Vice-Chair of the Land Use Commission. Seconded by Commissioner Zordan. Hearing no other nominations, a roll call vote was taken and the motion passed, 9-0.

B. Election of Zoning Committee Members

As a point of reference for Commissioners, Ms. Jones and Ms. Nyden detailed where the RFP process for the Comprehensive Plan stands and provided a brief overview of what the Comprehensive Plan Committee is intended to do as the Comprehensive Plan process moves forward.

Commissioners Cullen, Puchtel, Mirintchev, Zordan and Rodgers were then unanimously voted in as members of the Zoning Committee.

C. Election of Comprehensive Plan Committee Members

Commissioners Westerberg, Lindwall, Cullen, Johnson, Hewko and Halik (later in the meeting) were unanimously voted in as members.

D. Election of Comprehensive Plan Steering Committee Chair

Commissioner Rodgers nominated Commissioner Lindwall as Chair of the Comprehensive Plan. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed, 9-0.

Adoption of Land Use Commission Administrative Rules and Procedures

Commissioner Lindwall made a motion to adopt the administrative rules and procedures. Seconded by Commissioner Cullen. A roll call vote was taken and the motion passed, 9-0.

Adoption of 2022 Meeting Calendar

Commissioner Cullen made a motion to adopt the 2022 meeting calendar. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion passed, 9-0.

New Business

Chair Rodgers alerted the public that agenda item B had been withdrawn and would not be heard at this meeting.

A. Public Hearing: 1224 Washington Street

21ZMJV-0100

James Tullio, the property owner, requests two zoning variations from the Evanston Zoning Ordinance to allow for the subdivision of one 9,226 square-foot, 100-foot wide, residential corner lot into two residential lots in the R3 Two-Family Residential District. The applicant requests one Major Variation to allow the proposed interior lot to be 4,226 square feet where a minimum lot size of 5,000 square feet is required (Section 6-8-4-4). The applicant also requests a Minor Variation to allow the proposed corner lot to have an impervious surface lot coverage of approximately 3,485 square feet or 69.7 percent where the maximum permitted is 3,000 square feet or 60 percent (Section 6-8-4-9). The subject property is currently improved with one two-story building, a driveway, and a patio. The applicant is not proposing any site improvements to the subject property in association with these requests. The Land Use Commission is the determining body for this case.

Ms. Ashbaugh read the case into the record.

Jim Tullio provided background on the request, explaining that there are similarly sized lots in the area and subdividing the lots would provide an affordable lot for a family to build a home. He then explained that he runs a non-profit music production school, Butcher Boy Studios, which provides a recording studio service to Evanston students. The non-profit is currently in financial danger due to the Covid pandemic and changes in the interest rate, which quadrupled. He explained that may need to cease operations if the lot is not subdivided and sold. He asked the Commission to provide an exception to support his efforts. Then showed a video from Matt Bufis, the Music Director of ETHS, in support of Mr. Tullio's efforts.

Commissioner Lindwall asked for clarification that the intent is to sell the 2nd lot and if there is a buyer for it. Mr. Tullio responded that there initially was but not currently. He added that there are very few lots in Evanston so he does not believe it will be difficult to sell.

Commissioner Mirintchev mentioned the Zoning Administrator's suggestions listed on page 2 of the staff report and asked if these were items that were previously mentioned and if the corner lot could be noncompliant and the newly created lot could become the compliant lot.

Ms. Ashbaugh responded that the suggestions are speaking to compliance of the interior lot meaning that other than the lot size there are no other nonconformities since it is undeveloped. For the corner lot the only relief needed is the minor variation for the impervious surface coverage. Ms. Ashbaugh then explained that enlarging the interior lot would require more variations for the corner lot, specifically building lot coverage and setbacks. What is proposed has the fewest variations.

Commissioner Puchtel asked Mr. Tullio to explain the addition on the south end of the property and asked for a history of that addition since it affects the impervious surface coverage. Mr. Tullio responded that the back portion of the building is actually a barn that was built in 1858 (the oldest building in Evanston), in the 1890's the brick portion of the building was built and the building became a butcher shop for over 50 years, then became a corner grocery for another 50 years. He purchased the property in 2006.

The hearing was then open to members of the public.

Jobi Cates stated she is the Executive Director for The Restore Justice Organization and has gotten to know Mr. Tullio over the past 2 years through her son but is also advising Mr. Tullio on the development of the non-profit. She explained that there is terrible timing due to Covid. Mr. Tullio uses his work to fund philanthropic efforts to help students get into the music field. Mr. Tullio's model was intended to be that his recording business would fund the non-profit. The lack of funding jeopardizes this phenomenal institution and he has lovingly restored the building.

Chris Gillin who works for Lincoln Hall and Schubas stated that the caliber of Mr. Tullio's work is of the highest that there is and not offered elsewhere. He wants to have this special opportunity for kids and this is something that Evanston wants in its community.

Ryan Tharayil, a former ETHS student and one of the first students in Butcher Boy Studios, stated the organization made him who he is today and is now studying in Boston and does not think he would be doing as well as he is without the program. Any decisions that hinder Mr. Tullio's work will negatively impact Evanston.

Thomas Hart, a senior at ETHS, stated he has been coming to Mr. Tullio for over a year he and Mr. Tullio created a whole song together. It is an incredible program and building and any position that would take the building out of Jim's possession would be the wrong one. He added that Mr. Tullio has given so much time and will help the next generation.

Neil Gambow stated he was Chair of the Mayor's Employment Advisory Council that is dedicated to providing career pathway opportunities to those youth who may not be going to college. The work of Mr. Tullio creates an opportunity for students. The lot is big enough for a home and any way to enable use of the lot is a benefit to Evanston.

Beatrice Andrews, a freshman at ETHS, expressed support of the proposal and stated she has been working with Mr. Tullio since May, has recorded 4 or 5 songs, has worked with musicians her age and others and has learned so much in that time.

Tom Tharayil expressed support for Mr. Tullio then stated he appreciates the opportunities he has provided and how he has guided and helped students. HE encouraged people to visit the website to see what Mr. Tullio has been able to create with the students. His son, Ryan, has benefitted and he hopes the Commission grants the variances.

Steve Johnson stated he grew up playing music and recorded albums. The studio is a great place for students to see. Both of his sons have been involved in music and the STEM learning in music can open students' eyes to the ability to use science within art in that setting.

Luca Piattoni stated that Mr. Tullio has been selfless towards him and his friends. He is only 2 years in and has produced 64 songs at just the start of the program. Mr. Tullio helps kids get into college and obtain other opportunities. It is a dream come true for kids and wants it to continue for many more years.

Pat Hughes expressed that people forget what goes on in the City and thanked the Commissioners. He continued, stating he has known Mr. Tullio for 30 years and he provides a huge service since ETHS does not have the same access to everything Mr. Tullio has. Mr. Hughes stated he fears that the conversation is not the conversation is looking to have since it deals more with zoning; he hopes that it can find a way to look at working with Mr. Tullio.

(Commissioner Halik joined the meeting)

Seth Gates stated that working with Mr. Tullio has been an experience in which he has gotten great advice and guidance. It would be a shame to see it fall since there is a huge music community in Evanston that has brought them all together.

Martin Andrews, who works for Inquire Ed, mentioned that he has interacted with Mr. Tullio and what he does is a great example of inquiry based learning because he created a laboratory space that encourages collaboration. He then encouraged people to visit the Butcher Boy Studios website to see photos of the space and read testimonials.

Soren Orr (sp) stated that he met Mr. Tullio a year ago during a difficult time and was directionless but wanted to pursue music. Mr. Tullio gave him the opportunity to intern and it was the best 6 months of his life. The program is important and special. He mentioned that Mr. Tullio did not want to sell the lot but it has come to a point financially that that is the only solution to save the building.

Seamus Noonan, a senior at ETHS stated that he has benefitted from working with Mr. Tullio. The decisions that the Commission makes are for the future of the community and the City would benefit from this program continuing.

Chair Rodgers mentioned to Mr. Tullio that the fire pit would need to be moved because it would be too close to the property line if the lot split is approved. A 10 ft. setback would be required.

Mr. Tullio responded that he understood and continued, explaining that there is no other high school music production program like his in the Country. He has taught at Columbia College for 17 years, has done this work for 50 years and been highly successful. He stated that many more students would have spoken at this meeting but couldn't make it.

Chair Rodgers closed the record.

Commissioner Hewko asked what does this mean for a practical matter to continue the program if the lot is sold. Mr. Tullio explained that in 2006, he ran into a bit of trouble and he obtained a private mortgage through a private benefactor. He had a bank to bank rate at the time that was locked in for 9 years; a few years ago the interest rate recently quadrupled. The private benefactor explained that if the variance can be granted to sell the lot, that would cover taxes and he would donate the building to the program. The building will always be in the nonprofit arena and the program will stay.

Commissioner Lindwall asked who pays the property taxes and what is the status on that. Mr. Tullio responded that he does and pays for everything.

Ms. Cates stated that if there had been a year runway to raise money they would have. Will replace whatever revenue is needed through selling the lot. Mr. Tullio could not avoid the issue and selling the property will assist in the immediate need.

Chair Rodgers explained that he does not argue the merits of the program but that the Land Use Commission legally must look at the standards associated with the request and adhere to them. He does not want the public to think the Commission is ignoring them.

Commissioner Hewko inquired if there is an ability of the Commission to look beyond the standards. Mr. George responded that the Commission must look at the seven standards. Chair Rodgers added that how the Commission weighs the standards can be discussed but they must be met.

Commissioner Lindwall asked how the sequence for the subdivision will work and if certifications will be needed. Ms. Ashbaugh responded that the Commission makes a recommendation on the relief. City Council then approves the plat of survey as a resolution and certifications will be needed.

Commissioner Lindwall suggested that Mr. Tullio look into requesting ARPA funds to help offset costs to continue the program and encouraged this regardless of the outcome of the subdivision.

Commissioner Zordan stated that she understood needing to base decisions on the standards then inquired about subsection 3(b) regarding using public benefits to offset

the variances. Ms. Ashbaugh stated that this was explained to Mr. Tullio and is a more subjective policy approach for the City. Mr. Tullio has clarified that the lot split is for financial purposes so she would be interested to hear Assistant City Attorney, Brian George's thoughts on this since it seems to be a pushpoint.

Commissioner Zordan clarified that this adds a different dimension and if that can be considered when reviewing the standards. Mr. George replied that he cannot give a definitive answer and that the Commissioners can consider the testimony in making their decision on whether the application meets the standards. This is a general response but he does not want to instruct the Commissioners on how to vote.

Ms. Ashbaugh then explained Zoning Administrator Melissa Klotz's rationale within the staff report was that the availability of a possible affordable lot to build housing on could be considered a community benefit though this was not part of testimony during the meeting.

Commissioner Cullen stated that this program has to be important since students are speaking in favor of the program. The program being a public benefit could be considered as a public benefit.

Chair Rodgers stated that the Zoning Administrator was moving to approve this item but DAPR did not so there is a disagreement of staff. Conditions could be added to meet the standards, deny or approve the proposal.

Commissioner Puchtel stated that he is moved by the testimony but also feels stuck between a rock and a hard place. He is struggling in figuring out how to get to yes in a correct manner. He is not in favor of a zoning noncompliant interior lot and is interested in other options in which the interior lot is compliant and has full access through the corner lot. This would encourage him to view the standards in a positive light along with the suggested conditions the Zoning Administrator proposed.

Chair Rodgers stated he discussed this item with the Zoning Administrator and confirmed that in order to make the new lot compliant and affect the existing building, new noticing would have to occur due to changing the conditions and variance requests being made. He continued, stating he would almost like to see more variances to have a standard interior lot. This would require a continuance on this matter to continue working on options but would prefer to go that route instead of denying outright due to some items not being quite right.

Commissioner Cullen agreed with Chair Rodgers unless there is a time deadline. Ms. Ashbaugh stated that could be done with the consent of Mr. Tullio. She then explained that a similar proposal was reviewed in 2006 but not approved and an appeal of that decision was dismissed.

Commissioner Lindwall stated that she has a problem with intentionally creating substandard lots and other things are needed to make this work, including the lot access. She mentioned the home on the corner is on a smaller lot. She would like to see the program continue but does not think it is a rationale to approve the lot split.

Commissioner Westerberg stated she believes that this is a wonderful program then expressed concern of kicking the can down the road and creating future issues such as stormwater and access. She then asked if staff has come across this in the past

Ms. Ashbaugh stated that there are other lots that are much more close to complaint that still run into challenges. She stated that the suggested that the Zoning Administrators conditions could help mitigate future issue, could be something the City could stand on and that minimum lot sizes are challenging, creating a number of legal nonconforming lots. There are a number of possible stormwater technologies that could address those concerns.

Commissioner Mirintchev stated that he agrees with Commissioner Puchtel. The Zoning Administrator showed a willingness to work with the applicant and this will help the applicant compare solutions with a compliant corner lot and compliant interior lot. He continued posing the question of who would buy a noncompliant lot with possible issues.

Commissioner Hewko asked if the subdivision were approved as presented if a home would be able to be built on the interior lot. Chair Rodgers responded that the approval of the ability to put efficiency homes on lots would make this possible and explained how that may work on the proposed lot.

Commissioner Zordan asked if there is an option to have two proposals for the subdivision. Chair Rodgers responded that he gets the feeling that the current proposal is not preferred; his personal preference would be to split the lot down the middle with both lots being a little more compliant.

Commissioner Zordan asked if there are flooding issues in this area. Ms. Ashbaugh responded that she is not and this was not specified in the DAPR meeting. Ms. Nyden responded that a major concern of Public Works is stormwater management to mitigate possible issues and that is where concerns arise.

Commissioner Halik stated that he would like to see additional options considered and would also like to hear from the applicant on some of the ideas and how possible those options are.

Commissioner Johnson agreed with Commissioner Lindwall. He has concerns with potential flooding with the impervious coverage being above the maximum amount and the City's general efforts to mitigate this.

Chair Rodgers re-opened the record to discuss options with the applicant.

Mr. Tullio stated he is willing to work with staff but does have concerns for getting a new plat of subdivision. He initially wanted to create a 5,000 lot but was advised against it. With regards to drainage, he has never seen flooding in his 16 years in his building; the new lot will not be fully built upon.

Chair Rodgers asked what would be needed to continue with an alternate plan. Ms. Ashbaugh stated that the case would have to be renoticed and that more time would be

needed to figure out the zoning relief. She was not certain how quickly a surveyor could update the plat. The February 23rd meeting would be a better date. Chair Rodgers responded he is ok with that date.

Commissioner Puchtel expressed that he likes the option to have alternatives but wants to include what the Commission would like to see. He preferred a compliant interior lot.

Chair Rodgers stated that would make the existing improved lot more out of compliance. He suggested having an interior lot as close to compliant and as large as possible.

Commissioner Cullen made a motion to continue this item to the February 23, 2022 meeting to create a subdivision with an interior lot as close to compliant as possible. Seconded by Commissioner Puchtel.

Ms. Ashbaugh asked the Commission if they had any additional preferences for the subdivision and a brief discussion followed regarding easements. Commissioner Lindwall added that it would be helpful to have information from staff in terms of traffic and how to alleviate the cross access issue. Additional information on the previous subdivision attempt would also be useful.

Commissioner Puchtel suggested that, instead of an access easement, access is entirely given to the interior lot.

Commissioner Hewko stated he appreciates finding alternatives but expressed concern on how many standards would still be met. Chair Rodgers responded that there are ways to make the standards met and come into compliance. Standards can be interpretations of questions and some interpretations are subjective. The Zoning Administrator stated no variations for the new lot could be granted as a condition which could mitigate issues to get the standards met.

A roll call vote was taken on the Commissioner Cullen's motion and the motion was approved unanimously, 10-0.

Commissioner Rodgers added that he is fine seeing a proposed plat of survey without needed signatures.

B. Public Hearing: 1946 Orrington Avenue 21ZMJV-0060 Richard Dooley, property owner, requests a Special Use Permit for a non-owner occupied rooming house in the R4a General Residential District (Zoning Code Section 6-8-6-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case. THIS APPLICATION HAS BEEN WITHDRAWN.

Communication

A Comprehensive Plan Update

Ms. Nyden provided an update on the Comprehensive Plan and Strategic Plan. She emphasized the importance of both development of the plan and implementation to ensure the Plan does not stay on a shelf.

Commission Halik asked what the due date for proposals is. Ms. Nyden responded that the RFP will be issued at the end of the month so likely the end of next month will be the deadline. Commissioner Halik then asked who will review the proposals. Ms. Nyden replied that staff will review proposals and provide a recommendation which City Council will vote to approve. Commissioner Halik then asked what firms outside of local firms will be pursued. Ms. Nyden responded that the City uses Demandster to ping various firms but there are also vendor lists that have been put together that will include American Planning Association awardees as the goal is to create an award winning plan.

Public Comment

Cecile McHugh stated that the Comprehensive should address housing for Northwestern Students and how they integrate into the community since there is not enough on-campus housing to accommodate them. She also expressed concern with the move towards zero parking requirements.

Adjournment

Commissioner Zordan motioned to adjourn, Commissioner Puchtel seconded, and the motion carried.

Adjourned 9:21pm