



LAND USE COMMISSION

Wednesday, March 30, 2022

7:00 P.M.

Via Virtual Meeting

AGENDA

As the result of an executive order issued by Governor J.B. Pritzker suspending in-person attendance requirements for public meetings, members of the Land Use Commission and City staff will be participating in this meeting remotely.

Due to public health concerns, residents will not be able to provide public comment in-person at the meeting. Those wishing to make public comments at the Land Use Commission meeting may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by calling/texting 847-448-4311 or completing the Land Use Commission meeting online comment form available by clicking [here](#), or visiting the Land Use Commission webpage, <https://www.cityofevanston.org/government/land-use-commission>, clicking on How You Can Participate, then clicking on Public Comment Form.

Community members may watch the Land Use Commission meeting online through the Zoom platform:

Join Zoom Meeting

<https://us06web.zoom.us/j/89142944948?pwd=NjlfFaFMvMzkvL280OTZPVVZnN1FVUT09>

Meeting ID: 891 4294 4948

Passcode: 925892

One tap mobile

+13126266799,,89142944948# US (Chicago)

Dial by your location

+1 312 626 6799 US (Chicago)

- I. **CALL TO ORDER**
- II. **APPROVAL OF MEETING MINUTES: March 9, 2022**
- III. **NEW BUSINESS**

Order & Agenda Items are subject to change. Information about the Land Use Commission is available at: <https://www.cityofevanston.org/government/land-use-commission>. Questions can be directed to Meagan Jones at mmjones@cityofevanston.org or 847-448-4311. The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact 847-448-4311 or 847-866-5095 (TTY) at least 48 hours in advance of the scheduled meeting so that accommodations can be made.

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).

A. Public Hearing: Map Amendment | 22PLND-0017

City initiated Map Amendment to the Zoning Ordinance, Title 6 of the City Code, to rezone properties known as: 2600 Gross Point Rd., PIN 05-33-318-032-0000; 2608-2620 Gross Point Rd./2620 Crawford Ave., PINs 05-33-318-033-0000, 05-33-318-034-0000; 2628-2636 Gross Point Rd., PINs 05-33-311-054-0000, 05-33-311-040-0000, 05-33-311-053-0000; 2600 Crawford Ave., PIN 05-33-319-001-0000.

The properties are proposed to be removed from the existing oCSC Central Street Corridor Overlay District, and will remain within the existing underlying B1a Business District. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

B. Public Hearing: 2356 Colfax Terrace | 22ZMJV-0018

Sarah and Patrick Hillman, property owners, submit for major zoning relief from the Evanston Zoning Ordinance for additions to a single family residence in the R1 Single Family Residential District. The applicant requests zoning relief for 46.1% impervious surface coverage where a maximum 45% is allowed (Section 6-8-2-10), a 27.5' east front yard setback where 38' is required to meet the block average (Section 6-4-1-9), a 1.5' north interior side yard setback where 5' is required (Section 6-8-2-8), a 15.6' west rear yard setback where 30' is required (Section 6-8-2-8), a detached accessory structure (chimney/fire pit) in the front yard where detached accessory structures are only permitted in side and rear yards (Section 6-4-6-2-D, 6-4-6-3-A), 6' and 7.3' solid fencing in the front yard where fencing is not permitted within the front yard or within 3' of the front façade of the house and not over 4' in height or 70% opacity (Section 6-4-6-7). The Land Use Commission is the final determining body for this case per Section 6-3-8-9 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

IV. OTHER BUSINESS

A. Revisions to Land Use Commission Rules & Procedures

V. PUBLIC COMMENT

VI. ADJOURNMENT

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, April 13, 2022, at 7:00 pm in the James C. Lytle Council Chambers in the Morton Civic Center.**

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MEETING MINUTES
LAND USE COMMISSION
Wednesday, March 9, 2022
7:00 PM
Via Virtual Meeting

Members Present: Myrna Arevalo, Violetta Cullen, George Halik, John Hewko, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Matt Rodgers, Kristine Westerberg

Members Absent: Brian Johnson

Staff Present: Melissa Klotz, Meagan Jones, Katie Ashbaugh, Brian George

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:00pm. Ms. Jones announced that Commissioner Zordan resigned from the Commission. Chair Rodgers added that, since the intention is to eventually get down to a 9 member Commission, Commissioner Zordan's position would not be filled. He then explained that with 10 current members, a majority still consists of six Commissioners. A roll call was then done and a quorum was determined to be present.

Approval of February 23, 2022 Meeting Minutes

Chair Rodgers and Commissioner Lindwall suggested several edits to the minutes. Commissioner Cullen made a motion to approve the Land Use Commission meeting minutes from February 23, 2022 as amended. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed, 8-0, with 1 abstention.

New Business

A Public Hearing: 2424 Oakton Street | 21ZMJV-0087

Mitch J. Melamed, Aronberg Goldgehn, applicant on behalf of The Salvation Army, requests a Special Use Permit for a Resale Establishment in the C1 Commercial District (Zoning Code Section 6-10-2-3) and the oRD Redevelopment Overlay District (Zoning Code Section 6-15-13-7.5). The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Code and Ordinance 92-O-21.

Ms. Ashbaugh read the case into the record.

Mr. Mitchell Melamed, applicant and representative for the Salvation Army, provided an overview of the proposed use taking over the former GFS retail space. He then provided an overview of Salvation Army's other retail sites, what is sold and where the revenue

from sales goes within the organization. Mr. Melamed emphasized that there will be little change to the existing site and there are letters of support for the proposed use.

The hearing was then open to questions from Commissioners.

Commissioner Halik stated that DAPR provided several conditions and asked if the applicant was prepared to honor them. Mr. Melamed responded in the affirmative.

Commissioner Cullen expressed concern about night drop-offs to the site and asked what steps will be taken to discourage this. Mr. Melamed responded that the drop-offs have always been a concern but that is not anticipated to be much of an issue at this commercial location. He then explained that the drop-off area will be illuminated by a motion light and there will be cameras in place to help regulate proper drop-offs. A sign will also be placed that specifies drop-off hours and store staff will regularly walk the site looking for items that may have been incorrectly dropped off.

Chair Rodgers inquired how many drop-off boxes will be in place. Mr. Melamed responded that several boxes will be in place so that people can separate different donation items. Chair Rodgers then asked if the Salvation Army is amenable to adding boxes if needed. Mr. Melamed responded yes, more will be added if there is a need.

Commissioner Westerberg asked if the Salvation Army intends to hire Evanston residents. Mr. Melamed responded that the Salvation Army cannot commit to that but has stated it as a goal. There has been a general issue of staffing nationwide and the store may need to look outside of Evanston for staff.

Commissioner Puchtel inquired about circulation on the site, stating he is familiar with the Goodwill store which has a separation of pedestrians and vehicles and is wondering how conflicts of people versus cars will be mitigated at this site. Mr. Melamed responded that the drop-off location is further away from the store entry. He then committed to working with the City on a circulation plan explaining that nothing will back-up but the area will be designed to make sure circulation is ok.

The hearing was open to public testimony.

William Kindra of Quad Indoor Sports expressed concerns with traffic flow, especially on Saturdays and Sundays from December to March 31st with traffic going to Quad Indoor Sports. He wanted to make sure this was considered in the Salvation Army's plans as the intersection to the area can become more dangerous with the number of uses and kids traveling back and forth from the overflow parking at the Home Depot across the street. Mr. Melamed responded that the Salvation Army is not open on Sundays and that they will work with neighbors to figure out how to address possible issues.

Chair Rodgers inquired about the City's Recycling Center and Animal Shelter near this site and if projects are moving forward at either site. Ms. Klotz responded that a Zoning Analysis has been submitted for the Animal Shelter site and staff received a grant to

renovate the space. There are no current plans for the Recycling Center; a previous climbing center use is not moving forward.

Commissioner Lindwall asked for details regarding the recommendation that the use be reviewed over a period of time. Ms. Ashbaugh responded that discussion occurred at a previous DAPR meeting regarding the ability of the Salvation Army to limit the occurrence of fly dumping and possibly installing fencing to make sure people were not entering the site after hours. It was decided that while the gate would not be necessary at this time, staff would review the site in 12 months and every 24 months afterwards to ensure the site is being well maintained in accordance with their maintenance plan. A reminder to staff will be kept to check in with the business at that time.

Mr. Kindra inquired what traffic flow was anticipated at the site. Mr. Melamed responded that the business will be closed on Sundays and that traffic varies by store and, therefore, not easily determined. He then explained that the traffic at the Oakton Street site in Skokie is minute but is in a more residential setting. The same cooperation done with Skokie will happen with Evanston.

Mr. Kindra explained that he is part of the association on the Oakton St. retail campus and that, as a good neighbor, he hopes the Salvation Army is also a good neighbor.

Mr. Melamed then provided a closing statement, saying the Salvation Army would appreciate a positive recommendation to City Council and will take the issues raised into account and work with the City. He continued stating he believes the City will be happy to have this on site, it will generate taxes and serve the public.

Chair Rodgers then clarified that the Salvation Army is a 501c3 and asked if the property would come off of tax rolls. Mr. Melamed responded that it would.

The record was then closed and the Commission began deliberations.

Commissioner Cullen expressed concern with the site becoming a mess and asked what could be done to prevent that from occurring. Chair Rodgers explained that is where proposed conditions come in, specifically the condition to review the site operations after 12 months and every 24 months thereafter. Property Standards may be called but is currently understaffed and that is why he wants to build conditions into the project. Overflow at the boxes leads to people going through items and creating a bigger mess.

Commissioner Hewko stated that this property is commercial and asked if staff looked at different uses and traffic flows. Ms. Ashbaugh responded that the use would be similar to other retail uses but she is uncertain of drop-off traffic and would defer to the applicant.

Chair Rodgers stated that the use patterns are not the same. GFS never had more than a few cars in the parking lot. He added that it is interesting that 3 of 4 businesses share a drive as their only means of ingress and egress which could create traffic concerns.

Commissioner Arevalo stated she goes to the shopping center on Oakton and that every time she has gone by the GFS it has been empty. She has also visited the existing Salvation Army store in Skokie and the maximum number of cars she observed was maybe 10. She expressed that she does not think this use will cause a traffic back-up at the site.

Commissioner Lindwall suggested adding a condition that the applicant works with City staff to create a circulation plan for donation drop-offs to minimize potential conflicts. She added that otherwise this seems to be a good use for the site.

Commissioner Westerberg stated that it is appropriate to make the Salvation Army pull employees from Evanston since the property will be taken off of the tax rolls and suggested that this be made a condition of approval. Ms. Klotz suggested that this could be added using language similar to what is used for planned developments.

Chair Rodgers expressed his biggest concern is of the property being taken off of tax rolls as it generates a fair amount of property taxes on a C1 District. In comparison, there has been a lot of talk about Northwestern University's most egregious offender in taking property off of tax rolls. He added that it will generate sales taxes but reiterated his concern for removing the property from the tax rolls. He then stated he believes the traffic concerns can be addressed and he supports the condition calling for review of the site operations over time.

The Commission then reviewed the standards:

1. Met
2. Discussion occurred briefly with a point being made that the removal of the property from the tax rolls may affect this. However, the Commission does not know for certain what the County will do with regards to the entity's tax exempt status.
3. Met
4. Met
5. Met
6. Discussion occurred expressing that this could be met if the applicant continued to work with staff on conditions to address concerns prior to the Planning & Development Committee meeting.
7. NA/ Met
8. Met
9. Met

The Commission then reviewed the conditions proposed by staff and added the following conditions: that the applicant agree to hiring 50% of its staff from Evanston and that the applicant work with City staff to refine the circulation pattern for donation drop-offs to mitigate potential conflicts.

Commissioner Lindwall made a motion to recommend approval of the Special Use subject to the amended conditions as discussed. Commissioner Cullen seconded. A roll call vote was taken and the motion passed, 8-1.

Discussion

A. Sign & Billboard Regulation

City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to discuss the regulation of signage and billboards throughout the city. This item is for discussion only; no action will be taken, per Section 6-3-4-6 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

Ms. Klotz explained that the discussion on this item was to move sign regulations to the Zoning Code and in doing so, determine the best way to handle variations from the sign regulations. There is also a referral from Council to consider allowing billboards within the City.

Chair Rodgers stated that he is fine with moving the regulations to the Zoning Code but further consideration needs to be taken in how to determine major versus minor variations from the code to make sure those cases are not taking up too much of the Commission's time.

Ms. Ashbaugh responded that she did not observe tiered variation options in other municipalities. If the City does this it could be a similar mechanism as the existing minor versus major process. She added that she does not anticipate the volume being great and explained the current sign regulations and what would likely need to come before the Land Use Commission.

Commissioner Lindwall expressed that the City should prohibit billboards. Green Bay Road is private Union Pacific property. She then suggested having DAPR be the deciding body and using the Land Use Commission for appeals; the level of detail required for sign reviews is not something the Land Use Commission should be a part of. Ms. Klotz responded that there is a referral from the City Council that suggests formatting changes to DAPR which would make the current sign review process infeasible. Ms. Ashbaugh added that it is not uncommon for Plan Commissions or equivalent review commissions to review signage.

Ms. Klotz stated that there seems to be concern that there may be too much possible Commission time being spent on sign variations and suggested that staff review the number of variations that have occurred in recent past to quantify how many variation reviews may be needed; there may also be regulations identified to create a minor variation cut-off, however, she is leary of that option because signage is a very hot topic and controversial items may still come to the Commission.

Chair Rodgers stated that some small variations from the code are not concerning versus, for example, a business wishing to erect a large illuminated sign which may have a greater impact on the neighborhood. If there is some way to get projects to do signage as part of a larger plan within their Special Use or Planned Development applications instead of as an afterthought that would be optimal, especially if there are a number of signs proposed for a project..

Commissioner Mirintchev expressed confusion that the Code in some places references the Sign Review and Appearance Board and a Sign Administrator. Ms. Klotz clarified that this is old language that would be updated as DAPR currently acts as the sign reviewing body. Commissioner Mirintchev then stated that he agrees with previous comments that billboards are not appropriate and that he would be ok if the Zoning Administrator determines what signs need to come before the Commission for additional review.

Commissioner Halik stated that he agrees that DAPR and the Zoning Administrator should be the first groups to review then, if needed, referred to the Land Use Commission. He explained that there are a number of factors in signage that he would prefer be reviewed in that process. He then added he also agrees tha billboards should not be permitted. Chair Rodgers agreed and explained that staff should be provided some guidance on what the process would be so that there is some level of predictability for applicants and staff.

Commissioner Lindwall suggested the Commission handle sign reviews similarly to how appeals of the Administrator's decision are handled for other zoning decisions. Staff deals with this daily and understands the nuances of changes of use and business regulations. Even though she understands other communities have Commissioner review signage, she believes that we should rely on staff's expertise to the extent possible.

Ms. Ashbaugh expressed that people will want to have the larger sign and may not want to follow the Code. She then asked for clarification for a proposed process. Commissioner Lindwall stated that she thinks signs should be expected to meet the Code and suggested a possible guide for design review standards. The sign code is a lot more detailed than many other sections of the Zoning Code and it may be difficult for the Land Use Commission to interpret without a lot of staff hand holding.

Chair Rodgers summarized that there seems to be an agreement on not allowing billboards but that there needs to be a process created that does not kick everything up to the Commission. Ms. Klotz stated that staff will look into minor variations then asked if there was a preference for the Land Use Commission to be the determining body or be a recommending body to the City Council. Chair Rodgers responded that since the Commission would need to learn the regulations that it makes sense for it to be the determining body.

Commissioner Lindwall stated that this is why she prefers for DAPR to be the first review and that the Planning & Development Committee likely does not want to review signage applications.

Commissioner Puchtel expressed that he is sensitive about this group taking on this load and the scope has been combined from two groups and is already meeting twice a month. He then expressed that he is ok with the decisions being completely with staff and does not have a preference for the regulations being within the building or zoning codes.

Ms. Ashbaugh suggested that, if Commissioners would be amenable, a sub-committee of Commissioners that meets less frequently to review sign variations could be an option. Chair Rodgers stated that in the event that there is no Commission meeting, he does not want to meet for just a sign, however, that is not fair to applicants and there are alternatives. Discussion on current frequency of meetings and desire to not add an additional one. If there are Special Uses or Planned Developments having signage that could be reviewed at the same time this works to the Commission's advantage and the impact of the entire project could be considered at once.

Commissioner Lindwall added that with regards to meetings, DAPR meets weekly while the Land Use Commission meets biweekly which may cause a delay for sign applications.

Discussion concluded soon after with staff expressing that regulations will be drafted and brought back to the Commission, likely in April.

B. Adjustment to 2022 Meeting Calendar.

Ms. Jones explained that due to the large number of Boards, Commissions and Committees, there can be some overlap in meeting days and times. This particular request comes from a desire of Councilmembers who are on other Committees also be able to attend or watch the Land Use Commission meetings. As of today, staff was alerted that their meeting day may change so this is more of an FYI to get a feel for how the Land Use Commission feels regarding possibly moving one or both meeting days.

It was clarified that the particular Committee meeting in question was the Economic Development Committee and a brief discussion followed with Commissioners suggesting that Tuesday may work but Thursdays would not. The general consensus from the Commission was to keep the previously approved 2022 meeting calendar as Commissioners have altered their schedules to be able to commit to attend the meetings.

Public Comment

There was no public comment.

Adjournment

Commissioner Cullen motioned to adjourn, Commissioner Johnson seconded, and the motion carried.

Adjourned 8:50 pm

Respectfully submitted,
Meagan Jones, Neighborhood & Land Use Planner

Crawford Ave. & Gross Point Rd.
Map Amendment
22PLND-0017

LUC Recommending Body



Melissa Klotz <mklotz@cityofevanston.org>

Request for continuance 22PLND-0017

1 message

andrew gallimore <andrewgallimore@yahoo.com>
To: Melissa Klotz <mklotz@cityofevanston.org>

Wed, Mar 23, 2022 at 2:04 PM

ATTN: Zoning dept and Planning and Development Commission.

RE: Crawford and Gross Point rd map amendment 22PLND-0017

We humbly ask for this case to be continued. Our property is the immediate neighbor of Sarkis Cafe and the the only property to share the alley with Sarkis Cafe.

Any change to zoning in this already congested area greatly affects the use and enjoyment of our property.

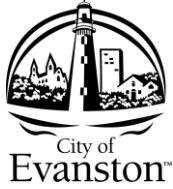
We never received the neighborhood mailing as the city buys lists from the county that are 2+ years out of date. So even though we are the most affected we were not notified until a neighbor informed us yesterday. The central street overlay district took over a year of planning and thousands of hours by countless city staff, consultants, and community members.

Considering so much time and effort has been spent to create the overlay District, it doesn't seem fair that we should only have a week notice, while we're on spring break with our family, to prepare for such an important meeting.

Respectfully submitted.

Andrew Gallimore/Tiffany Kusano
2635 Crawford Ave

[Sent from Yahoo Mail for iPhone](#)



Memorandum

To: Chair and Members of the Land Use Commission

From: Johanna Nyden, Director of Community Development
Melissa Klotz, Zoning Administrator

Subject: Zoning Ordinance Map Amendment
Crawford Ave. & Gross Point Rd.
22PLND-0017

Date: March 25, 2022

Request

A City-initiated Map Amendment to the Zoning Ordinance to remove the existing oCSC Central Street Corridor Overlay District and revert to the existing underlying B1a Business District zoning at the following properties:

2600 Gross Point Rd., PIN 05-33-318-032-0000
2608-2620 Gross Point Rd./2620 Crawford Ave., PINs 05-33-318-033-0000, 05-33-318-034-0000
2628-2636 Gross Point Rd., PINs 05-33-311-054-0000, 05-33-311-040-0000, 05-33-311-053-0000
2600 Crawford Ave., PIN 05-33-319-001-0000

The rezoning is primarily intended to allow for the construction of a permanent outdoor seating area/tent at Sarkis, and future façade improvements at other identified properties.

Notice

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on March 10, 2022.

Analysis

Proposal Overview

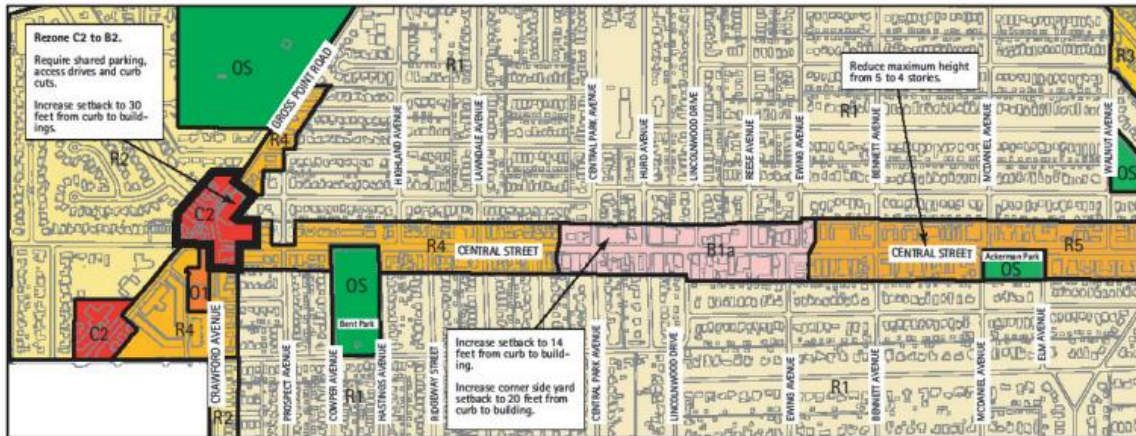
The Central Street Corridor Master Plan was adopted in 2007 and called for the creation of the oCSC Central Street Overlay District, which was adopted in 2008. The oCSC Overlay District is a form-based code that consists of seven subareas that each contain specific use, siting, appearance, bulk, and height requirements that are codified and required by zoning.

Planning & Zoning staff identified 7 parcels (4 zoning lots/businesses) at the western

edge of the oCSC Overlay District around Crawford Ave. and Gross Point Rd. that feature unique circumstances that make the regulations of the oCSC Overlay District detrimental to nearly any improvements proposed on the lots and creates burdensome zoning issues that should not be in place.

The Master Plan originally called for rezoning of the Crawford Ave. & Gross Point Rd. area from the C2 Commercial District to the B2 Business District.

Zoning Recommendations



Zoning recommendations for the western half of Central Street include rezoning the C2 district at the intersection of Central/Gross Point/Crawford to B2, and reducing the height of the R5 districts to 4 stories/45 feet.

The Master Plan identifies the intersection area as a commercial area with redevelopment potential. The Plan states:

Commercial District (C2) – Gross Point/Crawford/Central intersections: Buildings should be set back 30 feet from the curb to provide room for wider sidewalks, additional landscaping, and improved sight lines for motorists.

The Plan also explains how development would occur to be successful:

The new development shown in the Master Plan will be largely driven by the private sector. While the City can encourage and facilitate property improvements and new development by investments in infrastructure, the Plan envisions property owners improving or redeveloping their sites or cooperating to create larger, more viable redevelopment opportunities.

The Plan envisioned redevelopment of the area as shown on the right.



However, when the oCSC Overlay District and corresponding form-based code was adopted, the Crawford Ave. & Gross Point Rd. area, or Subarea 6, was rezoned to the B1a Business District instead of the B2 Business District as the Plan called for. The B1a Business District is a down-zone of B2, as seen in the following comparison:

	Density	FAR	Front Yard	Street Side Yard	Interior Side Yard	Rear Yard	Building Height
B1a	900 sq. ft. per DU	2.0	3'	3'	10'	25'	40' or 3 stories
B2	400 sq. ft. per DU	2.0	3'	3'	10'	15'	45'

When comparing the two districts, the B1a District allows less than half of the density, a larger rear yard setback, and shorter building height than the B2 District.

It has been nearly 15 years since the adoption of the oCSC Overlay District, and while the regulations of the Overlay work well in the pedestrian-oriented Central Street Business District, the Overlay regulations combined with the downzoning to the B1a Business District on the identified properties have proved ineffective and instead are prohibiting positive activity in the area such as improved storefront facades and new permanent structures.

The purpose of the oCSC Overlay District is (Section 6-15-14-1):

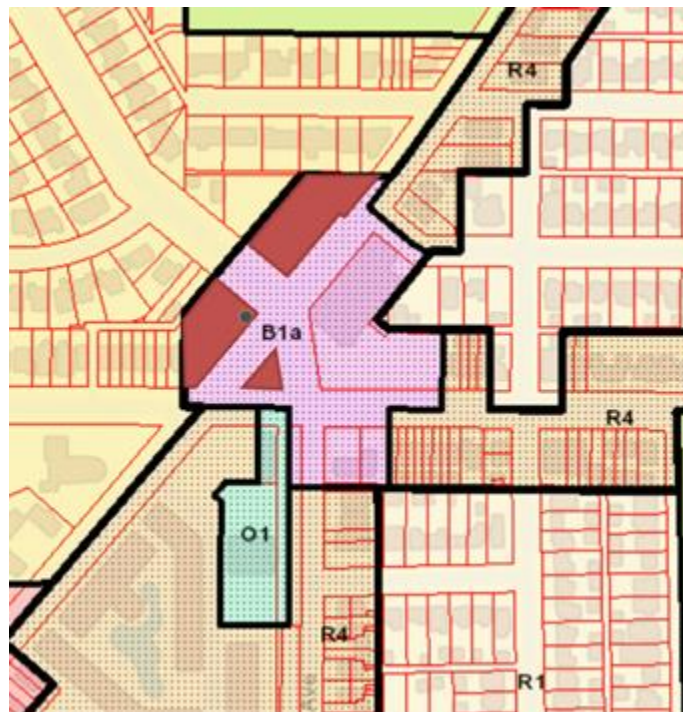
The oCSC district is intended as a primary means to implement the recommendations contained in the Central Street Master Plan (2007). The geographical scope of the plan extended the length of Central Street from Gross Point Road in the west to Ridge Avenue in the east, and includes intersecting portions of Gross Point Road, Crawford Avenue and Green Bay Road. Specifically, this overlay district seeks to:

- A. Preserve existing character and scale.
- B. Encourage a healthy mix of uses along the corridor; preserve independent and unique uses.
- C. Sustain and enhance the corridor as a location for diverse, unique, small scale, pedestrian oriented retail shops, services, and restaurants.
- D. Encourage retail uses close to transit.
- E. Allow a wide, consistent sidewalk width.
- F. Ensure wider, landscaped parkways as a transition between retail frontages and residential side streets.
- G. Provide improved sightlines for motorists.
- H. Ensure consistent building placement and create a pedestrian friendly and human scaled "street wall."
- I. Articulate buildings and reduce the perceived height and mass of new development by using building setbacks at upper stories.
- J. Establish new sidewalk standards for improved sidewalk widths, sightlines, and streetscapes.
- K. Encourage buildings with clearly defined bases, middles, and tops.

- L. Allow the intuitive identification of storefronts through the use of appropriate store windows and fenestration for retail and mixed use buildings.

The 12 points of the purpose statement are admirable, and have proven to be effective planning and zoning tools with the success of the oCSC Overlay District further east on Central St. However, while properties further east on Central St. have been successfully able to construct new storefronts and small or moderate additions, improvements have not been feasible at the identified properties due to the combined downzoning to B1a, and Overlay District regulations such as extensive street frontage and Overlay setbacks – including the 30’ from curb setback for sidewalks and street furniture that is required along all street frontages where every identified property has at least two street frontages.

The properties identified for removal from the oCSC Overlay District are all along the very western edge of the oCSC Overlay District and are shown in red:



- Sarkis Restaurant, 2628-2636 Gross Point Rd.: Sarkis currently has temporary outdoor tents on the property that are not allowed to remain per the Zoning Ordinance. The property owner would like to construct a permanent tent structure that meets all City Code requirements, which may entail footings, wood posts or beams, and a heavy duty canvass or hardtop roof. Such structure is not feasible within the oCSC Overlay District since it would trigger a substantial number of variations including 30’ wide sidewalk and street furniture zones along the entire length of the Sarkis property (3 parcels, including the parking lot parcel that is owned by CVS) along both Gross Point Rd. and Crawford Ave.
- Little Island Restaurant, 2600 Gross Point Rd.: Little Island does not plan to make improvements in the near future. With three street frontages, any changes to the

property would trigger significant variations within the Overlay District. Once removed, variations would still be triggered for moderate to substantial improvements or redevelopment, but simple façade and parking lot improvements could be done without the need for zoning relief.

- Wil-Ridge Complete Auto Repair, 2608-2620 Gross Point Rd./2620 Crawford Ave.: Wil-Ridge does not currently have plans to improve their property (2 parcels) but attempted to in the past only to find the existing zoning regulations made property modifications so difficult that they did not proceed. Removal of the Overlay District would allow Wil-Ridge to move forward in the future with façade and/or parking lot improvements.
- Evanston Paper, 2600 Crawford Ave.: The property is triangular in shape with the widest portion at the street frontage, where the Overlay District prohibits structures within 30' of the curb. With that Overlay District requirement, as well as the extensive façade requirements, this property could not be improved or redeveloped without substantial zoning relief.

The oCSC Overlay District includes the following specific regulations that are problematic and infeasible at the identified properties:

- Pedestrian Area Requirements (6-15-14-12):
Minimum Width Along Central, Gross Point, Crawford: 15' sidewalk clear zone, then 15' parkway/street furniture zone, for a minimum building and parking setback of 30' from all street frontages. At the identified properties, this setback amounts to over 1/3 of the property areas. For example, the Sarkis property (including the parking lot parcel owned by CVS) is estimated at 29,205 sq. ft. and the pedestrian area requirement amounts to over 10,000 sq. ft. of private property that cannot be used for buildings or parking. The +10,000 sq. ft. estimate does not include side or rear yard setbacks that further reduce the buildable area.
- Fenestration (6-15-14-14):
Minimum 65% fenestration (windows) required along the ground floor facing the street frontage, and continuing around the corner of a building for at least 40' or the length of the building, whichever is shorter; lower edge of lite (sill) no higher than 3 ft. above grade; upper edge of lite (header) is no lower than 10' above grade; glass entrances only count towards fenestration if the qualifying fenestration extends above the entrance to no lower than 10' above grade. The existing structures at the identified properties do not comply with these regulations, so if any change to a façade is proposed, all fenestration regulations must be met or variations are triggered. Given the heavy automobile-oriented intersection, it may not be appropriate for existing or new structures to feature largely glass facades.
- Building Façade Articulation (6-15-14-15):
For all building facades facing public streets, the length of façade without intervening fenestration or entryway shall not exceed 20'; building floors shall be delineated through the use of windows, belt courses, cornice lines or similar architectural detailing; facades wider than 25' shall be vertically articulated to give the appearance of being composed of multiple buildings by using projections, recesses, material changes, parapets, cornices, varying roof

heights/lines, or other similar architectural features; no more than 25' of width of any building façade shall form a sheet wall or a vertical unbroken plane of façade that is unarticulated in depth. While such design criteria may lead to exceptional new construction, the requirements are prohibitive to any moderate façade improvements to existing structures and have instead encouraged the identified properties to not make building upgrades.

- Building Height (6-15-14-8):

Transitional height plane required at the location of the defined setback closest to the adjacent lower intensity district, and having a height the same as the defined maximum building height of the adjacent lower intensity residential district that extends upward away from the residential district at a 45 degree angle from horizontal; a setback of 10% of the lot depth or width from the required pedestrian area is required for upper stories for front and street side yards.

The oCSC Overlay District does regulate uses. Changes to use regulations at the identified properties include:

	Additional Permitted Uses	Additional Special Uses	Additional Administrative Review Uses	Prohibited Uses
oCSC Subarea 6	Automobile Service Station, Specialty Food Store	Cultural Facility, Performance Entertainment Venue	NA (Ground-Floor Office currently proposed as a text amendment not yet approved or denied)	Drive-Through Facility (except at 2628 Gross Point Rd.)

This means that with the oCSC Overlay District removed from the identified properties, those properties revert to the underlying B1a Business District zoning only and could no longer redevelop into an Automobile Service Station (gas station), Specialty Food Store Establishment moves from permitted to only permitted outside of midnight-6am or all hours by special use, Cultural Facility becomes a permitted use instead of a special use, a Performance Entertainment Venue is no longer an eligible use, and Ground-Floor Office is currently proposed as an Administrative Review Use in the same text amendment not yet approved or denied.

Of note, the oCSC Overlay District currently prohibits Drive-Through Facilities at all properties in the Overlay but allows a Drive-Through Facility as a special use specifically at 2628 Gross Point Rd. Removal of the Overlay means all of the identified properties change to Drive-Through Facility as a special use (rather than a prohibited use). Planning & Zoning staff acknowledge that proper queueing for a Drive-Through Facility at any of the properties is likely infeasible, and new or additional curb cuts to the identified properties are also likely infeasible due to the surrounding busy automobile intersections, the Public Works Agency's curb cut requirements, and IDOT regulations. The City did see an application for a Drive-Through Facility in conjunction with a special use request for a Type 2 Restaurant and a significant amount of zoning relief required for a proposal for Nic's Organic Fast Food restaurant in 2018-2019 (2 application attempts). In both applications, it was infeasible for the property to fit all of the required parking plus the Drive-Through queueing without blocking drive-aisles and access to the

site. The first application was denied by the City Council and the second application was withdrawn by the applicant. If an application for a special use for a Drive-Through Facility is ever requested at the identified properties, City staff is aware of the severe site constraints and safety issues and will not recommend approval. The Public Works Agency agrees that Drive-Through Facilities at corner properties can be problematic and should not be approved, and follows curb cut regulations within the City Code in Section 7-3-8 and specifies that no curb cut shall be granted within 20' of any street intersection. Staff is not aware of any potential request for a Drive-Through Facility at the identified properties, and the property owner of Sarkis has stated there is no plan to add a Drive-Through Facility at Sarkis. Additionally, as a special use, any Drive-Through Facility would require City Council approval.

Also, the oCSC Overlay District requires Active Ground-Floor Uses (6-15-14-7) within the first 50' of any property's street frontage. Removal of the oCSC Overlay District regulations would mean there is no requirement for an Active Ground-Floor Uses. However, the pending text amendment to make Ground-Floor Office Uses into Administrative Review Uses would effectively establish the same regulation since Administrative Review Uses look closely at and typically require storefront activation.

Overall, the use requirements of Subarea 6 of the oCSC Overlay District are similar to those of the B1a Business District so the proposed rezoning would produce minimal or no change in uses. The proposed rezoning would reduce the extensive zoning regulations for setbacks, fenestration, and façade requirements so that current existing businesses in the area are able to move forward with appropriate site improvements.

Standards of Approval

Pursuant to Section 6-3-4-5 Standards for Amendments:

The wisdom of amending the text of the Zoning Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one standard. In making their determination, however, the City Council should, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission's recommendation consider, among other factors, the following:

- (A) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council. **Standard met** – The Comp Plan specifically encourages the improvement to existing businesses and developed properties as well as redevelopment of certain properties.
- (B) Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property. **Standard met** – The area proposed for removal from the Overlay District is not connected to the primary Central Street Business District area and is instead surrounded by low-density residential. The existing built environment is unique to the intersection design and therefore should not be overly limited by the form-based code requirements of the oCSC Overlay District.

- (C) Whether the proposed amendment will have an adverse effect on the value of adjacent properties. **Standard met** – The proposed amendment is likely to have a positive effect on adjacent properties since it will allow existing commercial structures to update facades and/or replace temporary tents with permanent structures.
- (D) The adequacy of public facilities and services. **Standard met** – Adequate public facilities and services currently exist to all properties in question.

The proposed rezoning is consistent with the goals, objectives, and policies of the Comprehensive General Plan including:

- Promote the growth and redevelopment of business, commercial, and industrial areas.
- Recognize and support the strong role neighborhood business districts play in Evanston’s economy and its identity.

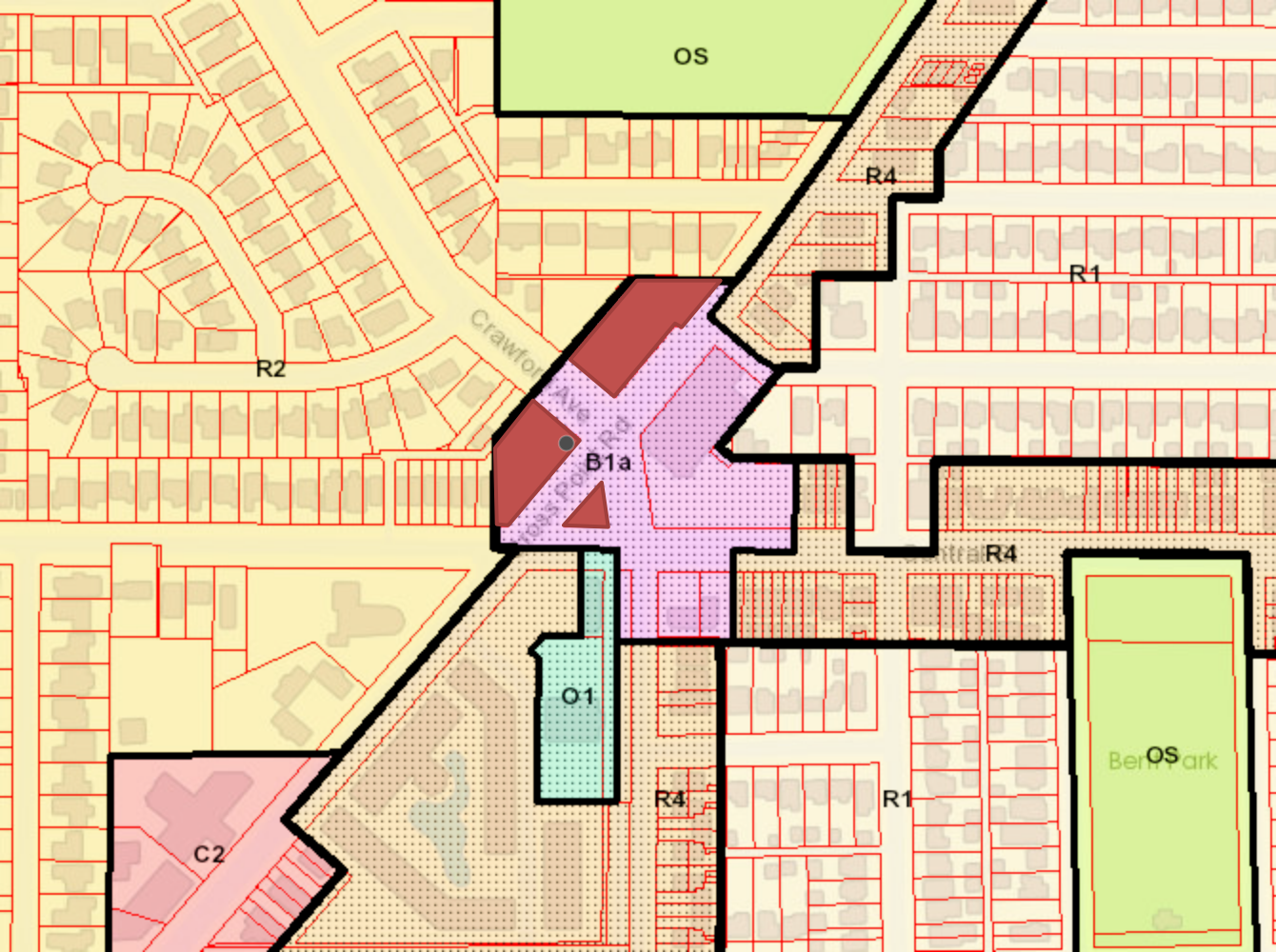
The proposed rezoning is compatible with the overall character of existing development in the immediate vicinity by maintaining similar bulk structure and use regulations while reducing the extensive setbacks along street frontages given the highly automobile-oriented intersection, thereby allowing existing businesses to appropriately make façade improvements or construct additional permanent structures without the need for extensive zoning relief.

Recommendation

Staff recommends the Land Use Commission make a positive recommendation for approval of the proposed map amendment to remove the identified properties located around the Crawford Ave. and Gross Point Rd. intersection from the existing oCSC Central Street Corridor Overlay District so that the properties revert to the existing underlying B1a Business District regulations.

Attachments

Request for Continuance
Central Street Overlay Maps
Zoning Maps of Proposed Map Amendment Properties
Public Notice Postcard
Letter to Property Owners
oCSC Central Street Overlay District Regulations
B1a Business District Regulations
Public Comments & Staff Correspondence



OS

R4

R1

R2

Crawford Ave

B1a

R4

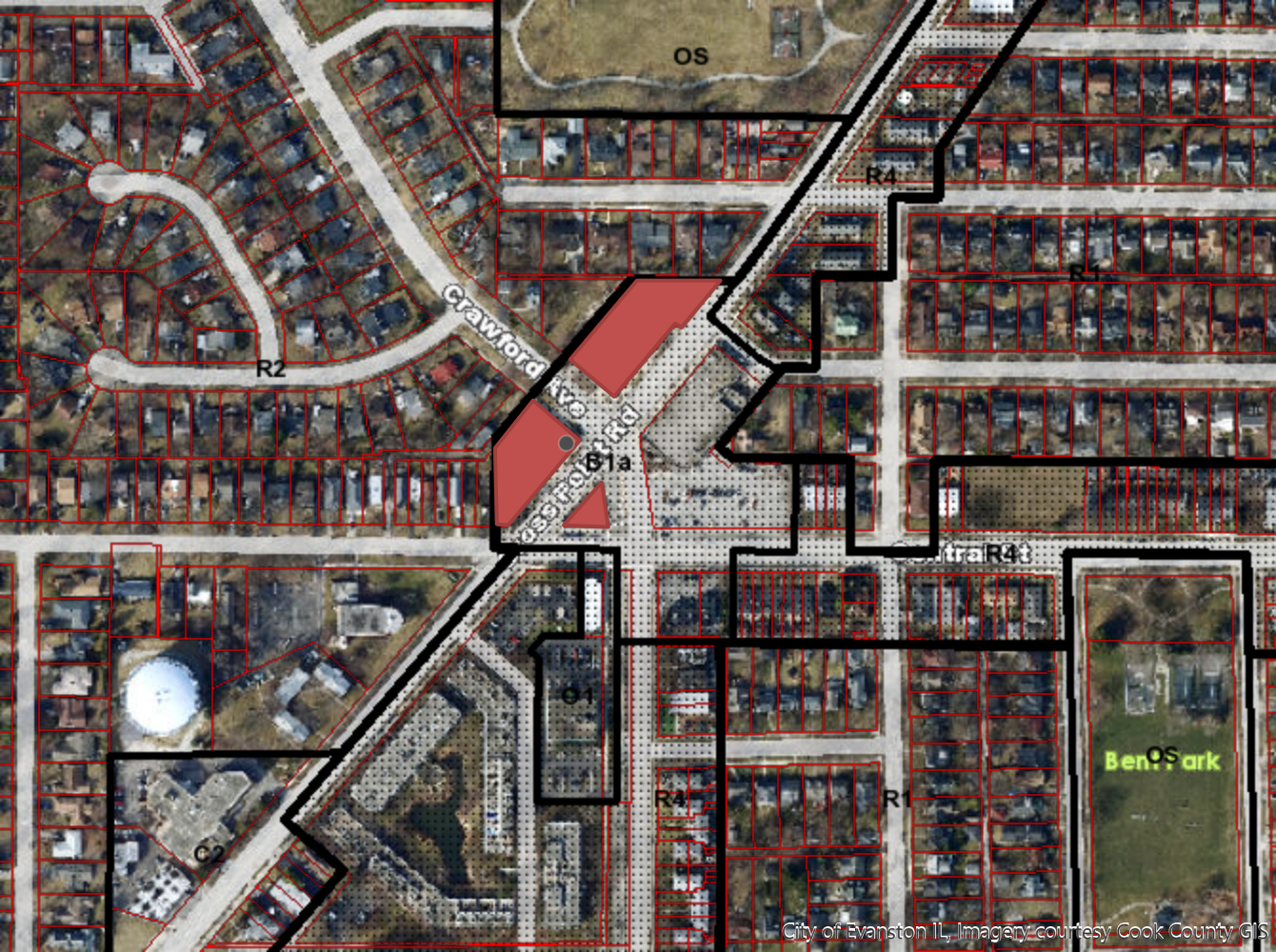
O1

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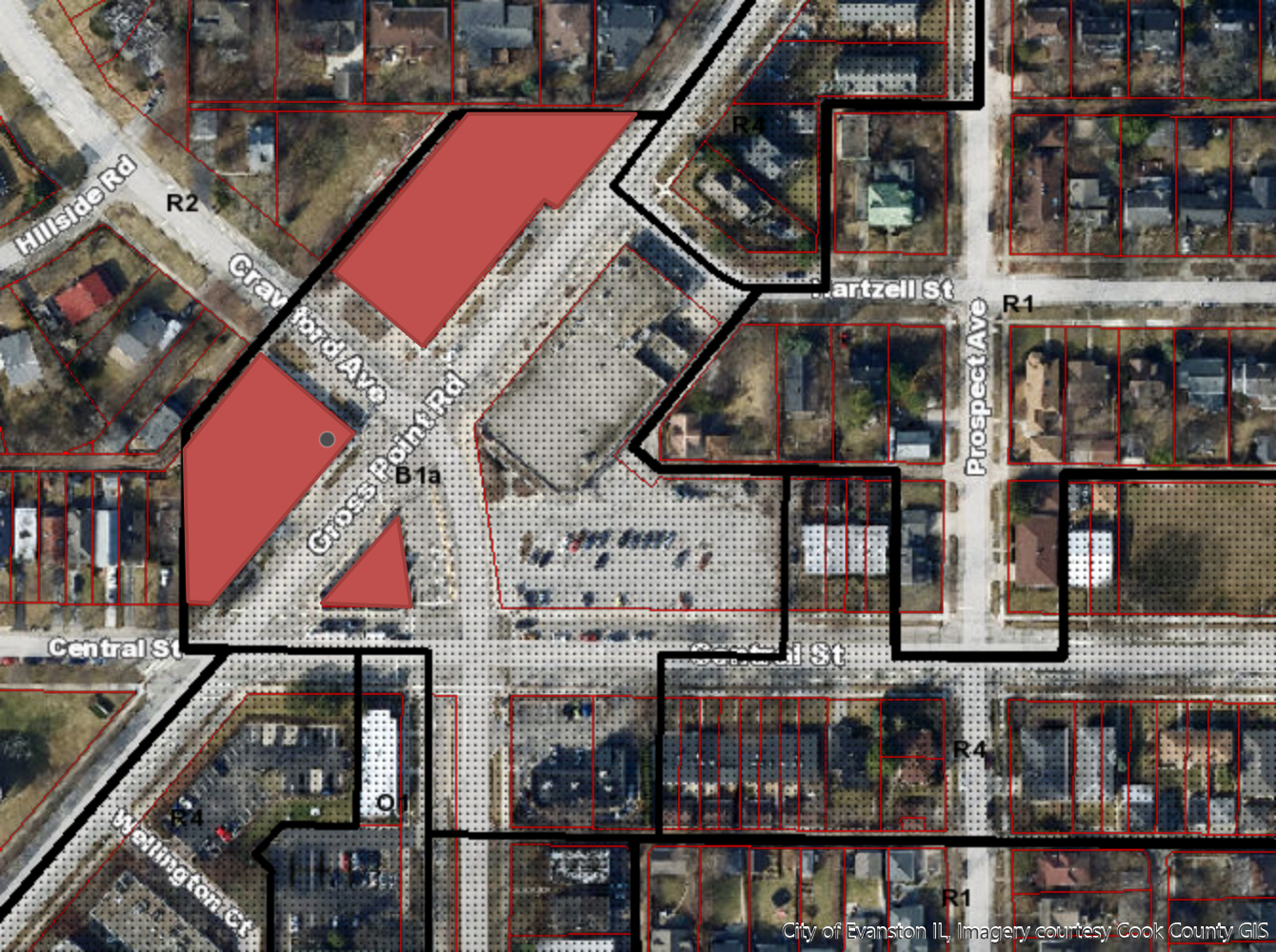
Extra R4

01

R4

R1

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NOTICE OF A PUBLIC MEETING

Land Use Commission

Wednesday, March 30, 2022 at 7:00 pm

Virtual meeting—login information to be provided in agenda prior to meeting.

Please be advised, as you own, or otherwise may have interest in a property within 500 ft. of the address listed below, the following proposed development will be discussed:

Crawford Ave. & Gross Point Rd. | 22PLND-0017 |

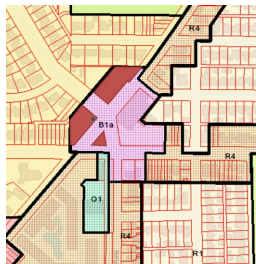
Map Amendment

City initiated Map Amendment to the Zoning Ordinance, Title 6 of the City Code, to rezone properties known as:

2600 Gross Point Rd., PIN 05-33-318-032-0000; 2608-2620 Gross Point Rd./2620 Crawford Ave., PINs 05-33-318-033-0000, 05-33-318-034-0000; 2628-2636 Gross Point Rd., PINs 05-33-311-054-0000, 05-33-311-040-0000, 05-33-311-053-0000; 2600 Crawford Ave., PIN 05-33-319-001-0000

The properties are proposed to be removed from the existing oCSC Central Street Corridor Overlay District, and will remain within the existing underlying B1a Business District. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

Due to public health concerns, residents will not be able to provide public comment in-person at the meeting. Those wishing to make public comments at the Land Use Commission meeting may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by calling/texting 847-448-4311 or completing the Land Use Commission online comment form available online here: https://arts.formstack.com/forms/land_use_commission_public_comment. Information about the Land Use Commission is available online at www.cityofevanston.org/government/land-use-commission. Questions can be directed to Katie Ashbaugh, AICP, Planner, at (708) 328-8559 or via e-mail at kashbaugh@cityofevanston.org. The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8170 (Voice) or 847-866-5095 (TDD). La ciudad





City of Evanston
Community Development Department
Planning & Zoning Division
2100 Ridge Avenue
Evanston, Illinois 60201
847-448-4311
847-448-8230

March 17, 2022

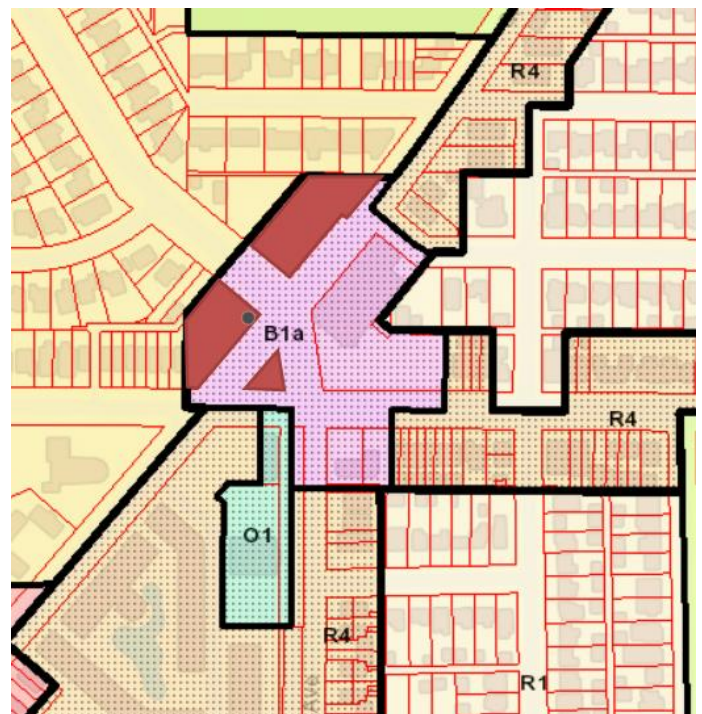
RE: Map Amendment to the Zoning Ordinance to remove the Central Street Overlay District Regulations from Certain Properties at Crawford Ave. & Gross Point Rd. | 22PLND-0017

Dear Property Owner,

The City of Evanston is considering modifying the zoning requirements at 6 properties along the western side of Gross Point Rd. as well as the center triangle property between Crawford Ave. and Gross Point Rd. These properties, which include Sarkis restaurant, Wil-Ridge Complete Auto Repair, Evanston Paper, and the Little Island Restaurant, have been identified as over-regulated by zoning. **The zoning change should not affect any business operations in any way. Rezoning DOES NOT mean a business needs to move.**

This rezoning is City initiated by the Planning & Zoning Division; therefore there is nothing you are required to do. The City proposes to remove the extra zoning requirements of the Central Street Overlay District from these properties so that they will revert to their underlying and existing B1a Business District zoning only. The Central Street Overlay District stretches from Central St. and the North Shore Canal west to Gross Point Rd. The Overlay District also extends to the north and south along Green Bay Rd. and Gross Point Rd. The properties identified for removal from the Overlay District are identified in **red**. The existing Overlay District is identified by hatched dots.

The intent of the Central Street Overlay District is a form-based code with specific design regulations that was adopted in 2008 and calls for wider, extensive parkway areas for pedestrian street furniture, wider sidewalks, and extensive landscape areas in addition to specific requirements for building design. **The Central Street Overlay District is appropriate for many properties along the pedestrian-friendly Central Street corridor, but is overly-limiting for the identified properties.**



Removal of these properties from the Central Street Overlay District means:

- Nothing **MUST** change.
- The vacant corner property (now owned by Sarkis) could install a permanent tent for outdoor seating.
- All properties could remodel existing storefronts and building facades without triggering substantial zoning variations.

Removal of these properties from the Central Street Overlay District does **NOT** mean the properties will be redeveloped with new buildings. **There is no proposal for new buildings on any of the identified properties.** Additionally, the existing underlying B1a Business District zoning will remain, and will continue to require typical zoning regulations such as a Special Use for a Type 2 Restaurant should one be requested (**there is no current or**



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Community Development Department
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847-448-8230

preliminary request in process). Removal of the Overlay District is necessary for the benefit of the existing buildings and a permanent tent at Sarkis.

Removal of these properties from the Overlay District will not negatively impact the rest of the Overlay District since the properties identified for rezoning are specifically the only parcels within the Overlay that are west of Gross Point Rd. or within the intersection. No other changes are proposed to the existing Overlay District.

Additional information is attached that lists all zoning regulations of the Central Street Overlay District. Note the extensive form-based code design requirements that are not feasible for the identified properties and existing structures. Also attached are the current regulations for the B1a Business District in which the properties are currently in and will remain in. The full Zoning Ordinance may be accessed at www.cityofevanston.org/government/city-code (Title 6 - Zoning). For additional information, contact the Planning & Zoning Division at zoning@cityofevanston.org. The public hearing with the Land Use Commission, where the proposed rezoning will be discussed (and will include a recommendation to City Council) is scheduled for a virtual meeting on March 30, 2022, at 7pm. A link to the virtual meeting will be provided on the meeting agenda that posts on the City website [here](#) at least 48 hours in advance of the meeting. Property owners within 500 feet of the proposed rezoning will receive a public notice post card in the mail confirming this meeting.

Sincerely,

Melissa Klotz
Zoning Administrator

Cc: Tom Suffredin – 6th Ward Councilmember
Johanna Leonard – Community Development Director

Enclosure: Central Street Overlay District Regulations; B1a Business District Regulations

6-15-14. - oCSC CENTRAL STREET CORRIDOR OVERLAY DISTRICT.

6-15-14-1. - PURPOSE STATEMENT.

The oCSC district is intended as a primary means to implement the recommendations contained in the Central Street Master Plan (2007). The geographical scope of the plan extended the length of Central Street from Gross Point Road in the west to Ridge Avenue in the east, and includes intersecting portions of Gross Point Road, Crawford Avenue and Green Bay Road. Specifically, this overlay district seeks to:

- (A) Preserve existing character and scale.
- (B) Encourage a healthy mix of uses along the corridor; preserve independent and unique uses.
- (C) Sustain and enhance the corridor as a location for diverse, unique, small scale, pedestrian oriented retail shops, services, and restaurants.
- (D) Encourage retail uses close to transit.
- (E) Allow a wide, consistent sidewalk width.
- (F) Ensure wider, landscaped parkways as a transition between retail frontages and residential side streets.
- (G) Provide improved sightlines for motorists.
- (H) Ensure consistent building placement and create a pedestrian friendly and human scaled "street wall."
- (I) Articulate buildings and reduce the perceived height and mass of new development by using building stepbacks at upper stories.
- (J) Establish new sidewalk standards for improved sidewalk widths, sightlines, and streetscapes.
- (K) Encourage buildings with clearly defined bases, middles, and tops.
- (L) Allow the intuitive identification of storefronts through the use of appropriate store windows and fenestration for retail and mixed use buildings.

(Ord. 5-O-08)

6-15-14-2. - APPLICATION OF THE DISTRICT.

Any property that comes to be located within this district shall retain its original zoning district designation, and shall gain the additional designation of the oCSC district. The provisions of this Section 6-15-14 shall serve as a supplement to the zoning district regulations of the underlying district. Where a conflict exists between the provisions of this Section 6-15-14 and those of the underlying zoning district, the provisions of this overlay district shall control.

(Ord. 5-O-08)

6-15-14-3. - DESIGNATION OF OVERLAY DISTRICT.

The Central Street corridor overlay district shall be designated by the City Council and shown as an overlay to the underlying districts with the designation "oCSC" on the City zoning map.

(Ord. 5-O-08)

6-15-14-4. - SUBAREAS.

- (A) *Purpose:* The Central Street corridor overlay district contains seven (7) subareas that allow the district to be tailored to the needs and existing conditions of different areas along the corridor.
- (B) *Subareas Defined:* The following subareas are defined as part of the Central Street corridor overlay district:
- Subarea 1; multi-family residential A: This subarea is based on properties having a base zoning district of R4.
- Subarea 2; multi-family residential B: This subarea is based on properties having a base zoning district of R5.
- Subarea 3; office: This subarea is based on properties having a base zoning district of O1.
- Subarea 4; mixed use A: This subarea is based on neighborhood commercial properties having a base zoning district of B1a.
- Subarea 5; mixed use B: This subarea is based on commercial properties having a base zoning district of B1a.
- Subarea 6; Gross Point/Crawford mixed use: This subarea is based on properties surrounding the intersection of Gross Point Road, Crawford Avenue, and Central Street, having a base zoning district of B1a.
- Subarea 7; Green Bay commercial: This subarea is based on properties along Green Bay Road having a base zoning district of C2.
- (C) *Subarea Designation:* Subareas will be designated by the City Council and shown on the City zoning map or on a separate detail map that is indicated and referenced on the City zoning map. Subareas shall be indicated by appending the subarea number to the overlay district designation: oCSC-1 through oCSC-7.

(Ord. 5-O-08)

6-15-14-5. - ADDITIONAL USES.

- (A) Uses listed under "additional permitted uses" in Table 1 of this Section shall be permitted in the oCSC district, in the indicated subarea. These uses are in addition to those permitted in the base zoning district.
- (B) Uses listed under "additional special uses" in Table 1 of this Section may be allowed in the oCSC district in the indicated subarea subject to the general provisions set forth in Section 6-3-5 of this Title, and the special provisions contained herein.
- (C) Uses listed under "additional administrative review uses" in Table 1 of this Section may be allowed in the oCSC district in the indicated subarea subject to the general provisions set forth in Section 6-3-5-16 of this Title, and the special provisions contained herein.

TABLE 1: ADDITIONAL USES

Subarea	Additional Permitted Uses	Additional Special Uses	Additional Administrative Review Uses
1	None	None	None
2	None	None	None
3	Retail goods establishment (on ground floor only) Retail services establishment (on ground floor only)	Specialty food store Cultural facility Dormitory Performance entertainment venue	Commercial indoor recreation
4	Specialty food store	Cultural facility Performance entertainment venue	None
5	Specialty food store	Cultural facility Performance entertainment venue	None
6	Automobile service station Specialty food store	Cultural facility Performance entertainment venue	None
7	Specialty food store	Cultural facility Performance entertainment venue	Commercial indoor recreation

(Ord. 5-O-08; Ord. No. 144-O-14, § 2, 12-8-2014; Ord. No. 48-O-21, § 49, 5-10-2021)

6-15-14-6. - PROHIBITED USES.

Uses shown in Table 2 of this Section shall be prohibited in the indicated subarea. This prohibition supersedes any permitted uses identified in the base zoning district.

TABLE 2: PROHIBITED USES

Subarea	Prohibited Uses
1	
2	
3	Drive-through facility
4	Drive-through facility
5	Drive-through facility
6	Drive-through facility (except at 2628 Gross Point Road)
7	Drive-through facility

(Ord. 5-O-08; Ord. No. 69-O-12, § 2, 11-12-2012; Ord. No. 144-O-14, § 3, 12-8-2014)

6-15-14-7. - ACTIVE GROUND FLOOR USES.

In Subareas 3, 4, 5, 6 and 7, active uses shall occupy the ground floor level along the primary street frontage. "Active uses" are hereby defined in the table below along with the matter in which they are allowed in each subarea as either permitted use ("P") or administrative review use ("A") or special use ("S"). In Subareas 3, 4, 5, 6 and 7, active uses shall occupy the ground floor level along the primary street frontage. "Active uses" are hereby defined in the table below along with the matter in which they are allowed in each subarea as either permitted use ("P") or administrative review use ("A") or special use ("S").

	Allowed in:		
Uses:	B1A (Subareas 4, 5 and 6)	O1 (Subarea 3)	C2 (Subarea 7)
Animal hospital	S		P

Artist's studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street)	P		
Automobile body repair establishment			S
Automobile and recreational vehicle sales and/or rental			S
Automobile repair service establishment			S
Automobile service station	S		P
Banquet hall	S	S	S
Brew pub	P		P
Business or vocational school		S	S
Cannabis dispensary	S	S	S
Commercial indoor recreation	A	A	A
Convenience store	S		S
Craft alcohol production facility	S		S
Cultural facility	S	S	S
Daycare center—Adult	S		
Daycare center—Domestic animal	S		S
Daycare center—Child	S	S	
Dormitory		S	
Dwelling—Multiple family	S	S	
Educational institution—Private	S		S

Educational institution—Public	S		S
Financial institution (ground level)	A	A	P
Food store establishments	P		P
Government institution	P	P	P
Hotels		P	S
Micro-distillery	S		S
Office (ground level)	A	A	P
Performance entertainment venue	S	S	S
Religious institution	S		S
Resale establishment	S		S
Restaurants—Type 1	P	P	P
Restaurants—Type 2	A		A
Retail goods establishments	P	P	P
Retail service establishments	P	P	P
Tattoo and body art establishment	S	S	S

(Ord. 5-O-08; Ord. No. 144-O-14, § 4, 12-8-2014; Ord. No. 18-O-19, § 1, 4-22-2019; Ord. No. 126-O-19, § 16, 10-28-2019; Ord. No. 31-O-20, § 23, 2-24-2020; Ord. No. 3-O-21, § 15, 1-25-2021; Ord. No. 48-O-21, § 50, 5-10-2021)

6-15-14-8. - BUILDING HEIGHT.

(A) *Maximum Building Height:* The maximum building height in the oCSC district, without bonuses, is shown under "maximum building height (the shorter of)" in Table 3, "Building Height," of this Section in both feet and number of stories. The maximum height is the shorter of the two.

TABLE 3: BUILDING HEIGHT

Subarea	Maximum Building Height (The Shorter Of)		Transitional Height Plane ¹	10% Required Stepback
	Feet	Stories		
1	35	2.5	None	None
2	45	4	R1, R2, R3, R4	None
3	52	5	R1, R2, R3, R4	3rd story and above
4	35	3	R1, R2, R3, R4	10%: 2nd story and above 15%: 3rd story and above ²
5	45	4	R1, R2, R3, R4	2nd story and above
6	45	4	R1, R2, R3, R4	3rd story and above
7	45	4	R1, R2, R3, R4	3rd story and above

Notes:

1. Applies to properties adjacent to the districts listed.
2. See Subsection (C) of this Section, regarding the location of the additional 15 percent setback.

(B) *Transitional Height Plane:* A transitional height plane shall apply in those subareas as indicated under "transitional height plane" in Table 3 of this Section, for properties adjacent to or abutting the districts listed. See Chapter 18 of this Title for details on determining the transitional height plane. This height plane shall be used in place of any transitional height plane height restricting device required by the base district zoning code (for example, the O1 district, [Section 6-15-2-9](#) of this Chapter).

(C) *Required Stepback:* As indicated under "10% required setback" in Table 3 of this Section, a setback from the required pedestrian area of ten percent (10%) of the lot width or depth, as applicable, or five (5) feet, whichever is greater, is required for upper stories. Ten percent (10%) of the lot depth or five (5) feet, whichever is greater, is required for building front stepback. Ten percent (10%) of the lot width or five (5) feet, whichever is greater, is required for building side stepbacks.

1. An additional stepback of fifteen percent (15%) of the lot depth or width from the required pedestrian area required for third story and above in subarea 4 from Hartrey Street in the west to the north leg of Prairie to the east.
2. Buildings with front or side facades of seventy-five (75) feet or more are required to meet this requirement for sixty-five percent (65%) of the second floor front or side facade. Buildings with front or side facades less than seventy-five (75) feet must meet this requirement for one hundred percent (100%) of the second floor front or side facade. The requirements must be met for one hundred percent (100%) of the front or side facade for the third story and above.
3. Stepbacks are required only for building facades that are adjacent to street rights-of-way.

(Ord. 5-O-08; Ord. No. 144-O-14, § 5, 12-8-2014)

6-15-14-9. - FLOOR AREA RATIO.

- (A) The maximum floor area ratio in the oCSC district without bonuses is shown by subarea under "maximum FAR without bonuses" in Table 4 of this Section.
- (B) The maximum floor area ratio in the oCSC district with bonuses is shown by subarea under "maximum FAR with bonuses" in Table 4 of this Section.

TABLE 4: MAXIMUM FAR

Subarea	Maximum FAR Without Bonuses	Maximum FAR With Bonuses
1	None	None
2	None	None
3	1.4	2.0
4	1.4	2.0
5	1.4	2.0
6	1.4	2.0
7	1.0	2.0

(Ord. 5-O-08)

6-15-14-10. - SITE DEVELOPMENT ALLOWANCES.

Site development allowances for any overall building height increase, FAR increase or density (number of dwelling units) increase for planned developments in the oCSC district are not permitted.

(Ord. 5-O-08; Ord. No. 144-O-14, § 6, 12-8-2014)

6-15-14-11. - DEVELOPMENT BONUSES.

Floor area ratio (FAR) bonuses are available and may be approved for developments in the subareas identified in Table 5, "Development Bonuses," of this Section:

TABLE 5: DEVELOPMENT BONUSES

Subarea	Extra Parking	Underground Parking
1		
2		
3		Available
4	Available	Available
5	Available	Available
6	Available	Available
7		Available

(A) *Bonus For Extra Parking:*

1. Bonus Formula: A floor area bonus may be approved for qualifying parking in excess of that required, in accordance with the following standards:

$$\text{Bonus FAR} = \frac{[(\text{number of qualified parking spaces in excess of requirement} \times 350 \text{ square feet}) / \text{lot area}]$$

2. Design Standards and Guidelines: A parking space is qualified if it meets the following standards:
 - (a) It is located on site, specifically identified in the development plan, and legal text indicating that the parking space shall be made available to the general public regardless of whether

they are visiting any of the on-site uses shall be recorded with the property deed.

- (b) It is in excess of the number of on-site spaces required by the Zoning Ordinance.
- (c) It is made available for use to the general public, as well as to on site users.
- (d) If parking spaces are posted as available for a limited time per user, the time period available to general public users shall not be less than the time period for on-site users.
- (e) Aboveground parking garages must be concealed from public view.
- (f) Pedestrian access to the garage must be provided from the public sidewalk.

(B) *Bonus for Underground Parking:*

1. Bonus Formula: A floor area bonus may be approved for qualifying underground parking in subareas as shown under "underground parking" in Table 5 of this Section, in accordance with the following formula:

$$\text{Bonus FAR} = \frac{[(\text{number of qualified underground parking spaces} \times 350 \text{ square feet}) / \text{lot area}]}{1}$$

2. Standards and Guidelines: An underground parking space is qualified if it meets the following standards:
 - (a) Parking spaces must be located entirely below the lowest grade level of any adjacent street frontage.
 - (b) Parking spaces must comply with all parking dimension and access requirements.
 - (c) Vehicular access to the parking garage must be located off an alley.

(Ord. 5-O-08; Ord. No. 144-O-14, § 7, 12-8-2014)

6-15-14-12. - PEDESTRIAN AREA REQUIREMENTS.

- (A) Location: A pedestrian area shall be located between the front facade of all buildings and the curb along Central Street, Green Bay Road, Gross Point Road and Crawford Avenue and along all intersecting streets for properties occupied by nonresidential uses. Each pedestrian area shall consist of two (2) zones parallel to the curb: a sidewalk clear zone and a parkway/street furniture zone Each subarea shall have a minimum width of the Pedestrian Area as specified in Table 6, "Pedestrian Area Requirements," of this Section.

TABLE 6: PEDESTRIAN AREA REQUIREMENTS

Subarea	Minimum Width Along Central, Green Bay, Gross Point, Crawford	Minimum Width Along Side Street Frontage

	(A) Clear Zone	(B) Parkway/Street Furniture Zone	(C) Minimum Pedestrian Area Width ((A) + (B))	(D) Clear Zone	(E) Parkway/Street Furniture Zone	(F) Minimum Pedestrian Area Width ((D) + (E))
1	5 feet	9 feet	14 feet	5 feet	9 feet	14 feet
2	5 feet	9 feet	14 feet	5 feet	9 feet	14 feet
3	8 feet	6 feet	14 feet	10 feet	10 feet	20 feet
4	8 feet	6 feet	14 feet	10 feet	10 feet	20 feet
5	8 feet	6 feet	14 feet	10 feet	10 feet	20 feet
6	15 feet	15 feet	30 feet	15 feet	15 feet	30 feet
7	8 feet	6 feet	14 feet	10 feet	10 feet	20 feet

(B) Sidewalk Clear Zone Requirements:

1. The sidewalk clear zone shall be a minimum width as specified in Table 6 of this Section, shall be located immediately contiguous to the parkway/street furniture zone and shall be continuous.
2. This zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet.
3. Building entryway doors shall not open in a manner that causes them to swing into or in any way obstruct the sidewalk clear zone.

(C) Parkway/Street Furniture Zone Requirements: The parkway/street furniture zone shall have a minimum width as specified in Table 6 of this Section. This zone shall be located immediately adjacent to the curb and shall be continuous. This zone shall be landscaped or hardscaped, and may be used for the placement of trees, street furniture, benches, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

(D) Vehicle Sightlines and Visibility: Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2½) feet and eight (8) feet above grade.

(E) Utilities: Every commercially reasonable effort shall be made to place utilities underground or to the rear

of structures to allow for unobstructed use of sidewalks.

- (F) Relationship of Building to Pedestrian Area: Each building with at least one (1) facade adjacent to the pedestrian area shall have a pedestrian entrance located on the ground floor of that facade and opening directly onto the pedestrian area. Such entrance shall be unlocked and accessible during business hours.
- (G) Optional Sidewalk Setback Area: Buildings may be set back an additional distance up to ten (10) feet from the pedestrian area. The resulting area between the front facade and the sidewalk may be used for landscaping, seating, public art, street furniture, outdoor dining, outdoor display of merchandise during business hours, or other similar uses, provided they are permissible for that location otherwise.
- (H) The front yard and street side yard requirements by the underlying zoning district in Subareas 3, 4, 5, 6 and 7 along Central Street, Green Bay Road, Gross Point Road and Crawford Avenue, as applicable, is hereby replaced with the pedestrian area requirement and does not have to be satisfied.

(Ord. 5-O-08; Ord. No. 144-O-14, § 8, 12-8-2014)

6-15-14-13. - MINIMUM BICYCLE PARKING REQUIREMENTS.

- (A) All nonresidential developments which provide automobile parking facilities shall provide bicycle parking facilities (bike racks) at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces.
- (B) Multi-family developments shall provide interior bicycle parking facilities for building residents at a ratio of at least one (1) bicycle parking space for every one and one-half (1.5) dwelling units. Such bicycle parking facilities must be provided near the building entrance accessible to the street. Multi-family developments shall also provide bicycle parking facilities for visitors/public at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces provided and shall meet the location criteria under subsection (D) of this section.
- (C) No development, except a one- or two-family development, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of ten (10) such spaces.
- (D) Bicycle parking facilities for nonresidential developments and bicycle parking facilities provided for the visitors and/or public shall be located within the parkway/street furniture zone a maximum distance of fifty (50) feet from the building entrance, or shall be located at least as close as the closest automobile space.
- (E) Each bicycle parking facility shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user supplied lock.

(Ord. 5-O-08; Ord. No. 144-O-14, § 9, 12-8-2014)

6-15-14-14. - FENESTRATION.

- (A) Ground level nonresidential uses that face a public way shall provide a minimum linear fenestration of sixty-five percent (65%), measured along the length of the street frontage. Corner buildings shall continue such fenestration around the corner of the building for at least forty (40) feet or the length of the building, whichever is shorter.

(B) Qualifying frontage shall meet the following conditions:

1. Lower edge of lite (sill) is no higher than three (3) feet above grade.
2. Upper edge of lite (header) is no lower than ten (10) feet above grade.

(C) Fenestration shall utilize clear glass. Painted glass, reflective glass or other similarly treated or opaque windows are not eligible. Entrances with glass elements may be counted towards fenestration requirement, as long as qualifying fenestration extends above the entrance to the minimum height specified above.

(Ord. 5-O-08; Ord. No. 144-O-14, § 10, 12-8-2014)

6-15-14-15. - BUILDING FACADE ARTICULATION.

For all building facades facing public streets:

- (A) The length of facade without intervening fenestration or entryway shall not exceed twenty (20) feet.
- (B) Building floors from ground level to third story above ground level shall be delineated through the use of windows, belt courses, cornice lines or similar architectural detailing.
- (C) Facades wider than twenty-five (25) feet shall be vertically articulated to give the appearance of being composed of multiple buildings. Such articulation shall be accomplished by using projections, recesses, material changes, parapets, cornices, varying roof heights/lines, or other similar architectural features.
- (D) Prohibition of Sheet Walls: No more than twenty-five (25) feet of width of any building facade shall form a "sheet wall" from ground level to the topmost floor. A "sheet wall" is defined as a vertical unbroken plane of facade that is unarticulated in depth.

(Ord. 5-O-08; Ord. No. 144-O-14, § 11, 12-8-2014)

6-15-14-16. - ALLEY ACCESS.

New nonresidential or mixed use construction in the oCSC overlay district on zoning lots that abut a public alley narrower than eighteen (18) feet in width must provide a clear area immediately abutting and parallel to the public alley extending to a depth of eighteen (18) feet from the opposite edge of the existing alley. This area may not be used for parking and is to remain free of all obstructions, including, but not limited to, fences, posts, bollards, retaining walls, dumpsters, garbage cans, etc. Relief from this requirement based on exceptional site conditions or other practical difficulties may be granted by approval of the Zoning Administrator and the director of public works.

(Ord. 5-O-08)

6-9-5. - B1a BUSINESS DISTRICT.

6-9-5-1. - PURPOSE STATEMENT.

- (A) The B1a business district is designed to accommodate and encourage the continued viable use of neighborhood business districts and pedestrian oriented shopping areas found throughout the City primarily on arterial roadways and often adjacent to single-family residential areas.
- (B) These shopping and business areas are primarily neighborhood oriented, however, they can also accommodate specialty stores and service facilities that attract a larger market area. The established physical pattern of the district is typically buildings built to or near the front lot line and continuous bands of storefronts. The provisions of this district are intended to maintain pedestrian character and scale within the context of surrounding residential areas.
- (C) Uses in the B1a business district may include businesses catering to the daily shopping needs of neighborhood residents, specialty stores that provide retail opportunities that have broader market appeal, retail service uses and professional service uses, offices and financial institutions without drive-up facilities. No individual use in this district should exceed twenty thousand (20,000) square feet in size.

(Ord. 136-O-05)

6-9-5-2. - PERMITTED USES.

The following uses, provided they are twenty thousand (20,000) square feet or less in size, are permitted in the B1a district:

Artist studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).

Brew pub.

Caterer.

Cultural facility.

Dwellings (above ground floor).

Educational institution—Private.

Educational institution—Public.

Financial institution.

Food store establishment (hours between 6:00 a.m. and 12:00 midnight).

Governmental institutions.

Live-work units (subject to the general requirements of Section 6-4-13 of this Title).

Neighborhood garden.

Offices.

Religious institution.

Residential care home—Category I.

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

(Ord. 136-O-05; Ord. No. 81-O-14, § 33, 8-11-2014; Ord. No. 105-O-18, § 9, 10-8-2018; Ord. No. 82-O-21, § 4, 9-13-2021)

6-9-5-2.5. - ADMINISTRATIVE REVIEW USES.

The following uses may be allowed in the B1a district, subject to the provisions set forth in Section 6-3-5-16, "Administrative Review Uses," of this Title:

Commercial indoor recreation.

Restaurant—Type 2.

(Ord. No. 48-O-21, § 13, 5-10-2021)

6-9-5-3. - SPECIAL USES.

The following uses may be allowed in the B1a business district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses".

Animal hospital.

Aquaponics.

Banquet hall.

Cannabis craft grower.

Cannabis dispensary (subject to the general requirements of Section 6-4-11 of this Title).

Cannabis infuser.

Cannabis transporter.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult.

Daycare center—Child.

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store establishment.

Funeral services, excluding on-site cremation.

Independent living facility.

Kennel.

Membership organization.

Micro-Distillery.

Planned development.

Public utility.

Resale establishment.

Tattoo and body art establishment (subject to the general requirements of Section 6-4-12 of this Title).

Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Uses permitted pursuant to Section 6-9-5-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

Vocational training facility.

(Ord. 136-O-05; amd. Ord. 122-O-09; Ord. No. 78-O-10, § 5, 11-8-10; Ord. No. 71-O-10, § 6, 10-25-10; Ord. No. 67-O-11, § 6, 9-12-2011; Ord. No. 129-O-12, § 6, 1-14-2013; Ord. No. 3-O-14, § 6, 2-10-2014; Ord. No. 56-O-14, § 6, 5-27-2014; Ord. No. 57-O-14, § 6, 6-9-2014; Ord. No. 81-O-14, § 7, 8-11-2014; Ord. No. 8-O-17, § 4, 4-24-2017; Ord. No. 105-O-18, § 10, 10-8-2018; Ord. No. 126-O-19, § 11, 10-28-2019; Ord. No. 31-O-20, § 12, 2-24-2020; Ord. No. 3-O-21, § 12, 1-25-2021; Ord. No. 48-O-21, § 14, 5-10-2021)

6-9-5-4. - LOT SIZE.

The minimum lot sizes in the B1a business district are:

- (A) *Nonresidential*: There is no minimum lot size requirement for nonresidential uses in the B1a business district.
- (B) *Residential*: The minimum residential lot size in the B1a business district is nine hundred (900) square feet for each dwelling unit.

Any structure, legally established as of the effective date hereof, with a number of dwelling units that exceeds the maximum permitted under this Section, that is damaged or destroyed, by any means not within the control of the owner, to the extent of one hundred percent (100%) of the cost of replacement of such structure new, may be repaired or restored; provided however, that no repair or restoration shall be made that would create any new noncompliance not existing prior to such damage or destruction.

(Ord. 136-O-05)

6-9-5-5. - LOT WIDTH.

There is no minimum lot width requirement in the B1a business district.

(Ord. 136-O-05)

6-9-5-6. - FLOOR AREA RATIO.

The maximum floor area ratio permitted in the B1a business district is 2.0.

(Ord. 136-O-05)

6-9-5-7. - YARD REQUIREMENTS.

The minimum yard requirements for the B1a business district are as follows:

(A)	Front yard	Building on corner property or property comprising forty percent (40%) or more of the block width, excluding the public right-of-way, three (3) feet
		Building on property comprising less than forty percent (40%) of block width, excluding public right-of-way, the lesser of three (3) feet or depth on same public right-of-way of any existing street-facing facades of principal buildings on abutting properties
		Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
(B)	Side yard when abutting street designated major street in the comprehensive general plan	Building, three (3) feet
		Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
(C)	Side yard when abutting street designated collector street or distributor street in the comprehensive general plan	Building, none, if front yard abuts a designated collector street, distributor street, or major street in the comprehensive general plan

		Building, three (3) feet, if front yard abuts a street not designated as a collector street, distributor street, or major street in the comprehensive general plan
		Open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
(D)	Side yard when abutting street not designated as a collector street, distributor street, or major street in the comprehensive general plan	Building, none; open, unenclosed parking and appurtenant areas at grade, including driveway aisles and ramps, prohibited
(E)	Side yard when not abutting a street but abutting residential district	Building, ten (10) feet; parking, five (5) feet
(F)	Side yard when not abutting street and not abutting residential district	Building, none; parking, five (5) feet
(G)	Rear yard when abutting residential district	Building, twenty-five (25) feet; parking, fifteen (15) feet
(H)	Rear yard when abutting nonresidential district	Building, fifteen (15) feet; parking, five (5) feet

(Ord. 136-O-05; amd. Ord. 43-O-09)

6-9-5-8. - BUILDING HEIGHT.

The maximum building height in the B1a business district is forty (40) feet or three (3) stories, whichever is less.

Any structure, legally established as of the effective date hereof, with a building height that exceeds the maximum permitted under this Section, that is damaged or destroyed, by any means not within the control of the owner, to the extent of one hundred percent (100%) of the cost of replacement of such structure new, may be repaired or restored; provided however, that no repair or restoration shall be made that would create any new noncompliance not existing prior to such damage or destruction.

(Ord. 136-O-05)



Melissa Klotz <mklotz@cityofevanston.org>

Land Use Commission Public Comment

1 message

noreply@formstack.com <noreply@formstack.com>

Wed, Mar 16, 2022 at 12:06 PM

Reply-To: noreply@formstack.com

To: mmjones@cityofevanston.org, kashbaugh@cityofevanston.org, mklotz@cityofevanston.org



Formstack Submission For: **Land Use Commission Public Comment**

Submitted at 03/16/22 1:06 PM

Name: Milton Rand

Address of Residence: 2538 Wellington Ct

Phone: (314) 442-9265

How would you like to make your public comment?: Written (see below)

Provide Written Comment Here: Would like more information on tax impact of this change. Only several small businesses impacted, but they do seem contiguous with other Central Street business District firms.

Agenda Item (or comment on item not on the agenda): 22PLND-0017

Position on Agenda Item: Other: Need information

3/25/22, 12:27 PM

CITY OF EVANSTON Mail - Land Use Commission Public Comment
Formstack, [11671 Lantern Road, Suite 300, Fishers, IN 46038](#)



Melissa Klotz <mklotz@cityofevanston.org>

2635 crawford -Mailing list for notifications

1 message

andrew gallimore <andrewgallimore@yahoo.com>
To: Michael Griffith <mgriffith@cityofevanston.org>
Cc: Melissa Klotz <mklotz@cityofevanston.org>

Mon, Mar 21, 2022 at 12:15 PM

Hi Michael.

It appears we had a horrible connection on our phone call earlier.

I was trying to clarify whether the city uses the property address or the tax bill mailing address for notifications. (our tax bill mailing address for the vacant lot at 2635 Crawford goes to our actual home address).

It sounded like you were saying that the city uses lists that are two years out of date? I need to make sure that my wife and I get notified for any of the rezoning changes proposed at Sarkis restaurant and the neighboring commercial properties As we are the most proximate residential address to Sarkis and any change substantially impacts our property.

Is there a way to manually change something to allow us to receive notifications? The neighbor told me they received a postcard proposing that Sarkis and the adjoining properties to be rezoned.

Please advise if there's a way to include us in the future mailings?

Here is our mailing address as listed with cook county tax bill mailing address.

Tiffany Kusano
[9144 Dr Korczak Ter](#)
[Skokie, IL 60076](#)

Thanks
Andrew

[Sent from Yahoo Mail for iPhone](#)



Melissa Klotz <mklotz@cityofevanston.org>

Re: 2632 Gross Point Road

1 message

2637 Crawford <2637crawford@gmail.com>

Tue, Mar 22, 2022 at 6:46 PM

To: Thomas Suffredin <tsuffredin@cityofevanston.org>, Melissa Klotz <mklotz@cityofevanston.org>, Marla Cramin <marla@cafesarkis.com>, "Jeffrey P. Smith" <jeff@jefflaw.com>

Thanks, Tom.

I guess my first question is whether Sarkis' request is to be able to keep the tent up longer while COVID is still a factor? That's the impression that I got when we first discussed this. Or is the request to keep the tent up permanently (as referenced in the zoning letter as "permanent tent")? Or build a different permanent structure?

Marla, I want you to know that I support Sarkis and I'm glad you have been able to continue to operate through use of the tent while people are not comfortable eating indoors. I think it's perfectly reasonable that the tent remain there a while longer to support your business until things returns to more normal operations. I've lived near Sarkis for over 25 years and the activity there is part of the neighborhood charm. Just as much as the smell of bacon in the early morning or squirrels running around with Loretta buns in their mouths.

But I am compelled to stick up for the Central Street Master Plan. It was put in place to guide changes towards pedestrian-friendly development and to improve sight lines for motorists, among other purposes. There are plenty of families who walk along Gross Point to get to and from Sarkis, Little Island, CVS, and Lovelace. We deserve a safe pedestrian corridor as much as those who live along Central Street proper.

One of the other impacts of this change would be that it would remove all of those parcels from having a Drive Through prohibition which is included in the Overlay district. https://library.municode.com/il/evanston/codes/code_of_ordinances?nodeId=TIT6ZO_CH15SPPUOVDI_PTBDIRE_6-15-14-6PRUS

The neighborhood has spoken out many times over the past 12 year to oppose drive throughs on this already dangerous intersection. Stripping away the strongest level of protection against drive throughs is not a good idea.

Most of the residential properties around here are also not standard shape and size and would trigger multiple variances in order to replace or remodel existing structures. It seems to be a fact of life that we all have to deal with. I don't think weakening the zoning code is the solution. Any plans for changes or new permanent structures should go through the normal zoning procedure and can be granted variances through the process. If there are plans for new structures on these parcels, why change the code before we know what they are?

I am hoping we can resolve this prior to the hearing and don't have to gear up the whole neighborhood for another fight, petition, etc.

Is there any prospect of a different solution that can allow Sarkis to keep the tent but not make sweeping permanent zoning changes?

Thank you,

Megan Lutz

2637 Crawford Ave

On 3/21/2022 12:49 PM, Thomas Suffredin wrote:

Hi Everyone,

I'm putting this together to create an email chain for any questions or concerns ahead of the meeting on 3/30.

I think that we're all hoping to get to the same outcome, Sarkis continues to operate and thrive, but there may be some questions about the changes that are of concern to Central Street Neighbors Association.

Melissa, thank you again for all your work on this.

Tom

Thomas M. Suffredin (he/him/his)

Councilmember, 6th Ward

Morton Civic Center

City of Evanston

[2100 Ridge Ave. | Evanston, IL 60201 | \(847\) 859-7810](#)

tsuffredin@cityofevanston.org | cityofevanston.org

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Melissa Klotz <mklotz@cityofevanston.org>

Re: 2632 Gross Point Road

1 message

2637 Crawford <2637crawford@gmail.com>

Fri, Mar 25, 2022 at 7:21 AM

To: Melissa Klotz <mklotz@cityofevanston.org>, Andrew Gallimore <andrewgallimore@yahoo.com>, "Jeffrey P. Smith" <jeff@jefflaw.com>, Marla Cramin <marla@cafesarkis.com>, j.huppert@gmail.com

Cc: Thomas Suffredin <tsuffredin@cityofevanston.org>, Johanna Nyden <jnyden@cityofevanston.org>

Hi Melissa,

Thank you for this additional information and context. I am also including Josh Huppert in this discussion. He lives at 2630 Crawford next to Wil-Ridge and I know he has some questions.

Can you provide documentation on the Public Works and IDOT requirements regarding drive-through distance from intersections? Does this apply to all the roads at this intersection (Central, Crawford, and Gross Point)?

I have never heard these Public Works or IDOT requirements for drive-throughs discussed at any meeting or hearing for any of the previous drive-through or development attempts. This includes when Ordinance 69-O-12 was passed by City Council to remove the drive-through prohibition on [2628 Gross Point](#) "for a Chase bank." [SEE LINK](#)

Our neighborhood protested that zoning change because we were concerned about intersection safety, but also that if the bank didn't happen or eventually was gone that a restaurant would try to put in a drive-through. Shortly after the ordinance was passed, Chase pulled out. That eventually opened the door to the Nick's proposal. At the DAPR hearing for Nick's, the staff never discouraged them from submitting plans for a drive-through, only suggested modifying their plans and returning. [SEE LINK](#) Nick's abruptly went out of business before this got to the second DAPR meeting, but as you can see ([SEE LINK](#)) their revised plans still included the drive thru.

I'm glad that Marla has confirmed that Sarkis has no plans for a drive-through and is willing to give up their exemption, but there's always a chance that another business could close and their lot becomes attractive to a drive-through restaurant. The Wil-Ridge site is roughly the same size as the Sarkis corner lot or a bit larger, so that is of concern. [SEE LINK](#)

I like the idea of making it easier for the existing businesses to make improvements to their properties, but I also don't want to open the door to new developments that will make the intersection worse for drivers, pedestrians, or neighbors. Josh and I have met at the intersection to help injured drivers after hearing the sounds of crashes and airbags. Sarkis has had a car crash through their front patio. The goal should be to increase safety for drivers and also the families and walkers who use this intersection to get to the businesses, Lovelace, and the Hillside Food Pantry. It is a heavily walked intersection.

There are plans for the Kensington daycare on the northwest corner of Central/Gross Point. That property is not in the overlay, but this could further increase car and pedestrian traffic. Something to keep in mind.

Thank you again for this dialogue.

Megan

On 3/23/2022 1:36 PM, Melissa Klotz wrote:

Hi everyone,

I know you have concerns about the proposed removal of the Central Street Overlay at the Sarkis property and adjacent properties. Some details:

- City staff identified the properties proposed for the zoning change, which are all along the very western edge of the Central St. Overlay District and mostly front Gross Point Rd. These properties are not in highly walkable areas and do not function in the same way the pedestrian-friendly Central St. business district operates.
- The properties identified also have more than one street frontage which makes it nearly impossible to follow the Overlay District regulations.

- Overlay District regulations are prohibiting storefront facade improvements and other improvements that are desired. For instance, if any existing structure wants to replace their storefront door with a new door that is larger, or new windows that are different, then all Overlay regulations are triggered and the property must comply with 30 feet of setbacks from all street frontages (sidewalk clear zone + street furniture zone). Also, changes to windows are exactly spelled out in the Overlay (sill height, header height, fenestration %, and remaining facade articulation requirements...while this form based code works well on Central St. deeper into the business district, it doesn't work well at these properties.
- Was the Sarkis tent the catalyst to this? YES - Sarkis tent does not comply with the Overlay District (it probably triggers 25 variations) and also does not comply with the Zoning Ordinance since the existing tent is a temporary structure. Additionally, zoning did allow tents throughout the pandemic when they complied with all other zoning regulations (setbacks, bulk) given the Governor's emergency order. However, that order is expiring.
- If the Overlay District is eliminated from the Sarkis property then can the tent remain as is? No. A permanent structure could then be constructed that complies with the underlying B1a Business District zoning as well as the Building Code. While I cannot say what the exact structure could or would be, I would expect some version of wood posts with footing foundations, and a heavy duty permanent canvas canopy or hardtop. Almost like a pavilion. Design of the new structure would follow the regular permit process which currently includes DAPR review.
- If the Overlay District is eliminated could we get a Drive-through? The corner property that Sarkis now owns previously had a text amendment approved to allow a Drive-through as an eligible Special Use. With the Overlay District removed, technically by the Zoning Ordinance each of the other properties could request a Special Use for a Drive-through...but none could be granted since they are all corner properties too close to intersections and do not meet Public Works (or IDOT) requirements for a Drive-through. The largest property by far is the Sarkis corner parcel, which is not intended for a Drive-through to my knowledge, and really is not large enough to appropriately fit one in a way that could be granted by the City Council (as we saw with the Nick's Organic proposals and queuing problems their site plan showed).

Attached is documentation that staff has created thus far to explain the proposal. Specifically, look at the oCSC Central Street Corridor Overlay District regulations. The properties identified are all within Subarea 6 of the Overlay. The sidewalk/street furniture/clear zones and the facade/fenestration/articulation requirements are extremely detailed and just do not work for these properties in the same way that the Overlay District has been successful for the rest of Central St.

Please send me further questions and concerns you may have regarding this so I can provide responses in advance of the public hearing scheduled with the Land Use Commission on 3/30, and please share with any other concerned residents/businesses.

Thanks everyone,

Melissa Klotz

Zoning Administrator

Morton Civic Center

City of Evanston

[2100 Ridge Ave. | Evanston, IL 60201](#) | 847-448-8153 | 224-223-3154

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et. seq.*

On Mon, Mar 21, 2022 at 12:49 PM Thomas Suffredin <tsuffredin@cityofevanston.org> wrote:

Hi Everyone,

I'm putting this together to create an email chain for any questions or concerns ahead of the meeting on 3/30.

I think that we're all hoping to get to the same outcome, Sarkis continues to operate and thrive, but there may be some questions about the changes that are of concern to Central Street Neighbors Association.

Melissa, thank you again for all your work on this.

Tom

Thomas M. Suffredin (he/him/his)

Councilmember, 6th Ward

Morton Civic Center

City of Evanston

[2100 Ridge Ave. | Evanston, IL 60201 | \(847\) 859-7810](#)

tsuffredin@cityofevanston.org | cityofevanston.org

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Melissa Klotz <mklotz@cityofevanston.org>

Re: Land Use Commission Public Comment

1 message

2637 Crawford <2637crawford@gmail.com>
To: Melissa Klotz <mklotz@cityofevanston.org>
Cc: Thomas Suffredin <tsuffredin@cityofevanston.org>

Fri, Mar 18, 2022 at 5:40 PM

Hi Melissa,

Thank you for the background information.

Can you speak to the prohibition of drive throughs that is included in the Central Street Overlay District that will be removed from these parcels via the map amendment? I know B1a would still need a special use for drive through, but that is a much easier lift for a business/developer than a map amendment.

I have spoken to several neighbors and after the many years of businesses wanting to put drive throughs on this already busy intersection, we are concerned.

I am still opposed to the map amendment that was granted to one property (2628 Gross Point) for a bank drive through, then the bank pulled out and the map amendment remains.

Isn't there another non-permanent zoning or use solution so Sarkis can keep up their temporary tent? I support their ability to stay open through the pandemic, but this seems like a PERMANENT change for a TEMPORARY situation. Or is that tent intended to remain there forever? Is post-covid Evanston going to have tents all over the place? In the city code, the only mention I see of tents is that they can be up for a max of 3 days, so a tent would not be allowed in B1a even without the overlay.

If the request is for a permanent tent, then I would be opposed to the premise of this map amendment. Sarkis should make long-term plans build a permanent outdoor seating area and go through the zoning process to make sure they have enough parking and meet all zoning requirements for the capacity of the restaurant.

Thank you,

Megan Lutz

2637 Crawford

On 3/18/2022 5:15 PM, Melissa Klotz wrote:

Hi Megan,

We did receive your public comment for opposition to the rezoning proposed around Crawford/Gross Point as well as the FOIA for the mailing list. Attached is documentation that explains the City-initiated map amendment that was hand delivered to the properties proposed to be removed from the Central Street Overlay District. The documents explain why. Feel free to reach out with any other questions.

Thanks,

Melissa Klotz
Zoning Administrator
Morton Civic Center
City of Evanston

[2100 Ridge Ave. | Evanston, IL 60201](https://www.cityofevanston.org/) | 847-448-8153 | 224-223-3154

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On Thu, Mar 17, 2022 at 7:54 PM <noreply@formstack.com> wrote:



**Formstack Submission For: Land Use
Commission Public Comment**

Submitted at 03/17/22 8:54 PM

Name:	Megan Lutz
Address of Residence:	2637 Crawford Ave
Phone:	(847) 424-0407
How would you like to make your public comment?:	Video (Zoom)
Provide Written Comment Here:	
Agenda Item (or comment on item not on the agenda):	22PLND-0017 - March 30th Meeting
Position on Agenda Item:	Opposed

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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038



Melissa Klotz <mklotz@cityofevanston.org>

Re: 2632 Gross Point Road

1 message

andrew gallimore <andrewgallimore@yahoo.com>

Wed, Mar 23, 2022 at 3:35 PM

To: Melissa Klotz <mklotz@cityofevanston.org>, Megan Lutz <2637crawford@gmail.com>

Cc: Thomas Suffredin <tsuffredin@cityofevanston.org>, Johanna Nyden <jnyden@cityofevanston.org>

I am on vacation for spring break and have Requested a continuance as I just found out about the proposed zoning map amendment yesterday. Even though I own the lot next-door to Sarkis, I was not mailed out an announcement as the cities mailing list apparently is outdated and doesn't reflect that my wife and I purchased our property over two years ago.

Here are some quick thoughts in case my request for continuance is not honored:

1.) The first item listed in the purpose statement of the overly district is "preserve existing character and scale". What does zoning change propose to do is contrary to mission statement. The zoning change explicitly states that it will allow Sarkis restaurant to expand from the current character and scale.

2.) W. Central Street is the Gateway to Central Street And should adhere to similar standards as the Central Street core.

3.) Sarkis restaurant was started in 1965 and it is clearly an iconic restaurant we all want to continue and thrive. The current owners purchased the restaurant in the year 2000. During the almost 60 years the restaurant has been in existence, and 22 Years since the current owners purchases of the property, It has always been a successful business.

During the pandemic Sarkis opened up a second location in the Avondale area of Chicago. The business was able To be a successful business over the past 60 years with their small scale seating area, constantly turning over tables, etc. They never required outdoor seating until was granted as a temporary use during the pandemic.

That pandemic is coming to an end so I don't see why we're trying to make this temporary use a permanent use. To change the zoning to allow a permanent outdoor eating area doesn't make sense if the reason is because it's needed for the restaurant to continue business.

Drive by the parking lot any weekend and you'll see cars blocking the alley, parking in my property, etc. they're probably one of the few restaurants that has prospered during a pandemic because they greatly expanded their seating area With the permanent structure. There's been no slow down in traffic going in and out of the parking lot or parking illegally in the alley or my property.

Tiny island is going to suffer zoning challenges no matter what they want to re-develop if anything other than what it currently is. The repair shop has been there for 40 years and for 20 or 30 years before that it was a tractor store. If anything but a repair place where to go in there they would need major variances anyway so why change the zoning. Lastly CVS is a large corporation with a multi or commercial lease, not a small business burdened by restrictive zoning.

4.) Not only does Sarkis currently have more customers than they can provide parking for, What the current parking setbacks on the rear and side aren't even being enforced which would actually reduce their parking footprint further. No cars be parked closer than 5 feet to the side lot line towards my property, and with a 15 foot setback and 4 foot Alley easement no car should be parked closer than 19 feet From the fence at the rear of the parking lot. So the parking lot is actually sufficiently smaller and has less legal parking spaces then they're currently are allowed if setbacks are enforced. So why exacerbate the problem with allowing more volume in the restaurant to an already thriving business.



From my understanding this whole row of cars shouldn't even be there, and the white car is actually parked in the alley
The black car in front is parked in the side setback



5.) Every week there is a semi truck from Gordon's food services and a large box truck on a different day from Sysco restaurant supply. The trucks block the whole middle to rear section of the alley. So more customers mean more deliveries and longer Periods of blocking the alley.





6.) Sarkis dumpsters are undersized and every week are overflowing several feet above the top of the dumpster and doesn't allow the dumpster lids to close And does not prohibit animals/wind from spreading garbage into neighboring properties. Multiple trash receptacles placed around the parking lot also don't have compliant lids.





I don't see this zoning change benefiting anyone except Sarkis restaurant. It's benefiting them by allowing more density that they didn't require for the previous 60 years, and changing this character of a neighborhood.

None of the other businesses currently have any desire or need for these changes and any future proposed changes will probably be substantial enough that they should come before a board on a case by case basis. You're proposing to redone multiple businesses for the sole benefit of one restaurant which is basically spot zoning.

Sent from Yahoo Mail for iPhone

On Wednesday, March 23, 2022, 1:37 PM, Melissa Klotz <mklotz@cityofevanston.org> wrote:

Hi everyone,

I know you have concerns about the proposed removal of the Central Street Overlay at the Sarkis property and adjacent properties. Some details:

- City staff identified the properties proposed for the zoning change, which are all along the very western edge of the Central St. Overlay District and mostly front Gross Point Rd. These properties are not in highly walkable areas and do not function in the same way the pedestrian-friendly Central St. business district operates.
- The properties identified also have more than one street frontage which makes it nearly impossible to follow the Overlay District regulations.
- Overlay District regulations are prohibiting storefront facade improvements and other improvements that are desired. For instance, if any existing structure wants to replace their storefront door with a new door that is larger, or new windows that are different, then all Overlay regulations are triggered and the property must comply with 30 feet of setbacks from all street frontages (sidewalk clear zone + street furniture zone). Also, changes to windows are exactly spelled out in the Overlay (sill height, header height, fenestration %, and remaining facade articulation requirements...while this form based code works well on Central St. deeper into the business district, it doesn't work well at these properties.
- Was the Sarkis tent the catalyst to this? YES - Sarkis tent does not comply with the Overlay District (it probably triggers 25 variations) and also does not comply with the Zoning Ordinance since the existing tent is a temporary structure. Additionally, zoning did allow tents throughout the pandemic when they complied with all other zoning regulations (setbacks, bulk) given the Governor's emergency order. However, that order is expiring.
- If the Overlay District is eliminated from the Sarkis property then can the tent remain as is? No. A permanent structure could then be constructed that complies with the underlying B1a Business District zoning as well as the Building Code. While I cannot say what the exact structure could or would be, I would expect some version of wood posts with footing foundations, and a heavy duty permanent canvas canopy or hardtop. Almost like a pavilion. Design of the new structure would follow the regular permit process which currently includes DAPR review.
- If the Overlay District is eliminated could we get a Drive-through? The corner property that Sarkis now owns previously had a text amendment approved to allow a Drive-through as an eligible Special Use. With the Overlay District removed, technically by the Zoning Ordinance each of the other properties could request a Special Use for a Drive-through...but none could be granted since they are all corner properties too close to intersections and do not meet Public Works (or IDOT) requirements for a Drive-through. The largest property by far is the Sarkis corner parcel, which is not intended for a Drive-through to my knowledge, and really is not large enough to appropriately fit one in a way that could be granted by the City Council (as we saw with the Nick's Organic proposals and queuing problems their site plan showed).

Attached is documentation that staff has created thus far to explain the proposal. Specifically, look at the oCSC Central Street Corridor Overlay District regulations. The properties identified are all within Subarea 6 of the Overlay. The sidewalk/street furniture/clear zones and the facade/fenestration/articulation requirements are extremely detailed and just do not work for these properties in the same way that the Overlay District has been successful for the rest of Central St.

Please send me further questions and concerns you may have regarding this so I can provide responses in advance of the public hearing scheduled with the Land Use Commission on 3/30, and please share with any other concerned residents/businesses.

Thanks everyone,

Melissa Klotz
Zoning Administrator
Morton Civic Center
City of Evanston

[2100 Ridge Ave. | Evanston, IL 60201](#) | 847-448-8153 | 224-223-3154

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On Mon, Mar 21, 2022 at 12:49 PM Thomas Suffredin <tsuffredin@cityofevanston.org> wrote:

Hi Everyone,

I'm putting this together to create an email chain for any questions or concerns ahead of the meeting on 3/30.

I think that we're all hoping to get to the same outcome, Sarkis continues to operate and thrive, but there may be some questions about the changes that are of concern to Central Street Neighbors Association.

Melissa, thank you again for all your work on this.

Tom
Thomas M. Suffredin (he/him/his)
Councilmember, 6th Ward
Morton Civic Center
City of Evanston

[2100 Ridge Ave. | Evanston, IL 60201](#) | (847) 859-7810

tsuffredin@cityofevanston.org | cityofevanston.org

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et. seq.* Thank you.

2356 Colfax Terrace
Major Variation
22ZMJV-0018

LUC Determining Body



Memorandum

To: Chair and Members of the Land Use Commission

From: Johanna Nyden, Director of Community Development
Melissa Klotz, Zoning Administrator

Subject: 2356 Colfax Terrace | 22ZMJV-0018
Land Use Commission Determining Body

Date: March 23, 2022

Notice – Published in the February 3, 2022 Edition of the *Evanston Review*:

Sarah and Patrick Hillman, property owners, submit for major zoning relief from the Evanston Zoning Ordinance for additions to a single family residence in the R1 Single Family Residential District. The applicant requests zoning relief for 46.1% impervious surface coverage where a maximum 45% is allowed (Section 6-8-2-10), a 27.5' east front yard setback where 38' is required to meet the block average (Section 6-4-1-9), a 1.5' north interior side yard setback where 5' is required (Section 6-8-2-8), a 15.6' west rear yard setback where 30' is required (Section 6-8-2-8), a detached accessory structure (chimney/fire pit) in the front yard where detached accessory structures are only permitted in side and rear yards (Section 6-4-6-2-D, 6-4-6-3-A), 6' and 7.3' solid fencing in the front yard where fencing is not permitted within the front yard or within 3' of the front façade of the house and not over 4' in height or 70% opacity (Section 6-4-6-7). The Land Use Commission is the final determining body for this case per Section 6-3-8-9 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

Revisions submitted March 9, 2022 eliminate variations and bring the new request for zoning relief to the following three variations only:

1. 1.5' north interior side yard setback where 5' is required.
2. 11.7' west rear yard setback where 30' is required.
3. A fence in the front yard where fencing is not permitted within the front yard or within 3' of the front facade of the house, 6' height where 4' is allowed when in a front yard, and solid where a maximum opacity of 70% is allowed when in a front yard.

Recommendation:

Staff and the Design and Project Review Committee (DAPR) provide a positive recommendation of the zoning relief requested for three variations. In consideration of the unique through-lot and abutting private street, the Standards for Major Variations in the R1 District are met.

Application History:

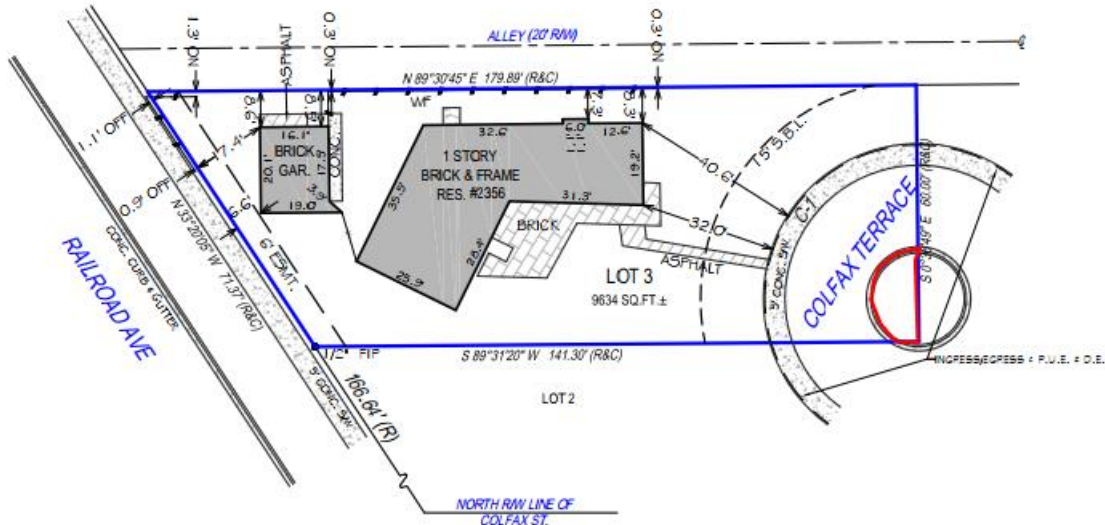
An original request for 12 variations was scheduled for the February 23, 2022 Land Use Commission hearing. By the time of the case, the applicant revised the proposal to 10 variations requested. That request was denied by a motion of 3-6 for approval. The applicant submitted another revised proposal to reduce the variations to six and was scheduled for the March 30, 2022 Land Use Commission and has since submitted another revision to reduce to the current request of three variations. The proposal with three variations requested is the proposal that was reviewed and recommended for approval by DAPR on March 15, 2022 and is requested before the Land Use Commission.

Site Background:

2356 Colfax Terrace a unique lot with private street frontage along the Colfax Terr. cul-de-sac and public street frontage along Poplar Ave. The property is located in the R1 Single Family Residential District on a 9,635 sq. ft. lot where 7,200 sq. ft. is required, and features a dilapidated single family home that has sat vacant for the last 10 - 20 years. The property uses Colfax Terr. as the front yard and Poplar Ave. as the rear yard, just like the other properties on the block.



Note: Although the City's GIS shows Colfax Terrace as a public street, it is private (per the plat of survey) and the property line extends approximately half-way into the cul-de-sac.



2356 Colfax Terr. is a unique lot. Since it features two street frontages and is not a corner lot, it is considered a through-lot. Most through-lots in Evanston are regulated by two front yards. However, Section 6-4-1-9-A of the Zoning Ordinance states that a block of through-lots with an established front yard and established rear yard shall continue that interpretation and regulation. Since the block on that side of the street (including the existing structure at 2356 Colfax Terr.) has historically been interpreted with a Colfax Terr. front yard and Poplar Ave. rear yard, that consistent interpretation remains in effect. The front yard is to the east fronting Colfax Terr. (where the front lot line extends into the private cul-de-sac), the south interior side yard abuts the adjacent residential property, the west rear yard setback abuts Poplar Ave., and the north interior side yard abuts the alley. Per the Zoning Ordinance, the required yards cannot be interpreted in a different way. With these interpretations, the 9,635.7 sq. ft. lot (where 7,200 sq. ft. is required) features a buildable area of 4,625 sq. ft. when taking into account the required 38' front yard setback, 5' interior side yard setbacks, and 30' rear yard setback for attached structures. A standard rectangular 7,200 sq. ft. R1 property with a compliant lot width of 35' features a buildable area of 3,700 sq. ft. for attached structures.

Proposal:

Based on the documents submitted, including a revised site plan package submitted March 9, 2022, the applicant proposes the following variations for the substantial rehabilitation/additions to the existing structure to create a new single family residence:

1. ~~46.1% impervious surface coverage where a maximum 45% is allowed~~
2. ~~27.5' east front yard setback where 38' is required to meet the block average~~
3. ~~1.5' north interior side yard setback where 5' is required~~
4. ~~11.7' west rear yard setback where 30' is required~~
5. ~~Detached accessory structure (chimney/fire pit) in the front yard where detached accessory structures are only permitted in side and rear yards~~
6. ~~6' solid fencing in the front yard where fencing is not permitted within the front yard or within 3' of the front façade of the house and not over 4' in height or 70% opacity (fencing along the alley near the cul-de-sac)~~

7. ~~7.3' solid fencing in the front yard where fencing is not permitted within the front yard or within 3' of the front façade of the house and not over 4' in height or 70% opacity (front yard wall that was previously considered detached from the principal structure; now considered attached via a 2' eave)~~

The three variations now requested include:

1. 1.5' north interior side yard setback where 5' is required

The property features two bulk projections that extend into the north interior side yard setback that abuts the alley. The garage now complies and is set back 8.5 from the alley property line. The dining/den is proposed 1.5' from the property line and the bicycle room (now considered attached and part of the principal structure) is proposed 2.4' from the property line. The Applicant intends to construct the bicycle room on piers without a full subterranean foundation to ensure nearby tree roots (west and southeast of the bicycle room) are not disturbed.

A setback variation may be needed here to accommodate the existing tree root structures. The applicant states the required 5' north interior side yard setback that abuts the alley is wasted space that is otherwise unusable and should therefore be built upon. Staff notes setback areas abutting alleys are used for snow removal, garbage cans, utility poles and guy wires, etc., and the building/fire code requires a 3' setback from property lines if there are any window or door openings (and additional fire rating of structural materials if less than 3').

2. 11.7' west rear yard setback where 30' is required

The existing garage is 6.6' from the west rear yard property line. The portion of the house located in the southwest corner of the property does not extend as close to the rear property line as the existing garage, but is new construction and therefore triggers a rear yard setback variation.

This setback variation is appropriate when considering the previous house footprint and existing garage location that is closer to Poplar Ave. and the rear property line than the proposed construction.

3. A fence in the front yard where fencing is not permitted within the front yard or within 3' of the front façade of the house

Fences on residential properties are not allowed in front yards or within the 3' of the front façade of the house. There is an existing fence along the north property line that abuts the alley and runs the length of the north interior side yard property line from the rear yard at the west to the front lot line at the east. A variation to replace this fence with a larger and more solid fence that blocks visibility to the adjacent alley is appropriate when considering the proximity to front yards and the need for privacy. The Applicant has indicated the existing dilapidated fence will be replaced with a 5' tall solid fence, which is appropriate.

The brick wall at the south side of the property is no longer considered a fence since it now features a 2' eave and is considered part of the principal structure.

Summary:

Staff notes the current proposal does not include hardscape and decking within the courtyard area as previous site plan iterations did. The deck credit, which allows decking equal to 3% of the total lot size that does not count towards impervious surface coverage as long as there is gravel or dirt underneath, has not applied to the property and is available for the courtyard area. Since the impervious surface is nearly maxed out at 44.8%, other hardscaped areas and/or additional roofed porches or stoops are not allowed.

Additionally, staff notes that the brick wall and chimney that were previously considered detached accessory structures in the front yard and now considered attached to the principal structure. The wall is shortened and no longer extends into the front yard setback, and features a 6" eave to the south facing the neighboring property, and a 2' eave facing north into the interior courtyard and chimney. While staff agrees the 2' and 6" eaves together provide a roof and therefore meet the definition of an attached structure, the intent of that regulation in the Zoning Ordinance may not be met. The proposed eaves are not shown on the submitted elevations or renderings (which were developed prior to the March 9, 2022 revision that added the eaves to the site plan).

Given the property's unique characteristics that include a through-lot with one public street and one private street that is included within the property boundary, in conjunction with an alley adjacent to a side yard, certain variations are appropriate to increase the livability at the property. The applicant initially started with 12 variations requested, and has submitted many revisions to reduce the variations requested down to the current three requests.

Design and Project Review Committee (DAPR) Discussion and Recommendation:

March 15, 2022 – The Zoning Administrator updated the Committee that revisions submitted March 9, 2022 triggered three variations (rear yard setback, north interior side yard, and front yard fence along the alley). The Committee discussed the appropriateness of the rear yard setback given the previous structure's location, alley fence, and whether a north interior side yard setback or a front yard setback are preferred to accommodate the bicycle room. The Commission recommended approval 9-1 with the following conditions:

1. The bike room location should be revised to attempt to comply
2. The fence segment along the alley between the attached garage and Poplar Avenue be no taller than 42 inches

Variation Standards:

For variations to be approved, the Land Use Commission must find the proposed variations:

1. Will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties: **Standard met** – no letters of opposition have

been submitted and multiple letters of support have been submitted by neighbors who wish to see the property occupied once again.

2. Is in keeping with the intent of the zoning ordinance: **Standard met** – the property is unique in that it is a through-lot with two street frontages; one of which is a private street included in the property boundary, therefore certain variations are appropriate.
3. Has a hardship or practical difficulty that is peculiar to the property: **Standard met** – the property is a through-lot with two street frontages; one of which is a private street included in the property boundary.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience: **Standard met** – the Applicant has stated the loan to construct the proposed home is based on anticipated resale value and is not viewed as acceptable as a common house design given the through-street, abutting alley, and nearby train embankment and tracks.
5. Is not based exclusively upon a desire to extract additional income from the property or public benefit to the whole will be derived: **Standard met** – the Applicant intends to reside at the property for the anticipated future.
6. Does not have a hardship or practical difficulty that was created by any person having an interest in the property: **Standard met** – the lot, private street, public, street and alley were all platted prior to the current property ownership.
7. Is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty: **Standard met** – when considering the combined hardships of two street frontages and an alley adjacent to a side yard, as well as the existing structure location, certain variations are appropriate.

Attachments:

Major Variation Application

Application Materials – revised site plan package submitted March 9, 2022

Updated Staff Zoning Analysis calculations (based on March 9, 2022 site plan)

Aerial Photo

Zoning Map

Plat of Survey

Letters of Support

Zoning Administrator's Recommended Revisions – March 9, 2022 (prior to
submittal of the March 9, 2022 revised plans currently in question)

DAPR Draft Meeting Minutes Excerpt – March 15, 2022

[Previous Case – Land Use Commission Packet – February 23, 2022](#)

[Previous Case – Land Use Commission Meeting Minutes – February 23, 2022](#)



APPLICATION

CASE #: _____

1. PROPERTY

Address 2356 Colfax Terrace

Permanent Identification Number(s):

PIN 1: 10-12-401-019-0000 PIN 2:

(Note: An accurate plat of survey for all properties that are subject to this application **must** be submitted with the application.)

2. APPLICANT

Name: Sarah & Patrick Hillmann

Organization: _____

Address: 2356 Colfax Terrace

City, State, Zip: Evanston, Illinois 60201

Phone: Work: _____ Home: _____ Cell/Other: (202) 651-0176

Fax: Work: _____ Home: _____

E-mail: patrickhillmann@gmail.com

Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

- same
- architect
- officer of board of directors
- builder/contractor
- attorney
- other: _____
- potential purchaser
- lessee
- potential lessee
- real estate agent

3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: _____

Address: UPDATED PROPOSAL

City, State, Zip: _____ 22 march 2022

Phone: Work: _____ Home: _____ Cell/Other: _____

Fax: Work: _____ Home: _____

E-mail: _____


Please circle the primary means of contact.

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Property Owner(s) Signature(s) -- **REQUIRED** _____ Date _____

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

 _____ Date 3/22/2022

Applicant Signature – **REQUIRED**

5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- | | | |
|-------------------------------------|--|--|
| <input checked="" type="checkbox"/> | (This) Completed and Signed Application Form | |
| <input checked="" type="checkbox"/> | Plat of Survey | Date of Survey: <u>9/10/2021 (revision)</u> |
| <input checked="" type="checkbox"/> | Project Site Plan | Date of Drawings: <u>9 march 2022 (revision)</u> |
| <input checked="" type="checkbox"/> | Plan or Graphic Drawings of Proposal (If needed, see notes) | <u>zvM-01 through 19 (NOT 9-12)</u> |
| <input checked="" type="checkbox"/> | Non-Compliant Zoning Analysis | |
| <input checked="" type="checkbox"/> | Proof of Ownership | Document Submitted: _____ |
| <input checked="" type="checkbox"/> | Application Fee (see zoning fees) | Amount \$ <u>385</u> plus Deposit Fee <u>\$150</u> |

Note: Incomplete applications will not be accepted. Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

Plat of Survey

(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

Site Plan

(1) One copy of site plan, drawn to scale, showing all dimensions.

Plan or Graphic Drawings of Proposal

A Major Variance application requires graphic representations for any elevated proposal-- garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

Proof of Ownership

Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).

- **Tax bill will not be accepted as Proof of Ownership.**

Non-Compliant Zoning Analysis

This document informed you that the proposed project is non-compliant with the Zoning Code and is eligible to apply for a major variance.

Application Fee

*** IMPORTANT NOTE: Except for owner-occupied residents in districts R1, R2 & R3, a separate application fee will be assessed for each variation requested.**

The fee application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.

UPDATED PROPOSAL

22 march 2022

6. PROPOSED PROJECT

A. Briefly describe the proposed project: Addition to single family home. Work includes some ne
foundations, structural, mechanical, electrical, plumbin
and finishes. Final grading to be performed by landsca
contractor. Full Permit Application to follow.

B. Have you applied for a Building Permit for this project? NO YES

(Date Applied: _____ Building Permit Application #: _____)

REQUESTED VARIATIONS

What specific variations are you requesting? For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief and (C) the amount of the exception to this requirement you request the City to grant. (See the Zoning Analysis Summary Sheet for your project's information)

(A) Section (ex. "6-8-3-4")	(B) Requirement to be Varied (ex. "requires a minimum front yard setback of 27 feet")	(C) Requested Variation (ex. "a front yard setback of 25.25 feet")
1		
<u>6-8-2-8</u>	<u>5' north alley yard setback</u>	<u>a 20% reduction of setback for 32' along 180' length, to 1.5' – on spacious, gravel alley</u>

* For multiple variations, see "IMPORTANT NOTE" under "Application Fee & Transcript Deposit" on Page 2.

2		
	<u>west Poplar Avenue and Metra embankment yard setback</u>	<u>11.5' west Poplar Avenue yard setback – matching corners of homes to south</u>
3		
	<u>fence height 4' & 70% opacity (at east yard)</u>	<u>fence height 6' & 100% opacity – matching neighbors to east & obscuring alley trash bins</u>

2. A variation's purpose is to provide relief from specified provisions of the zoning ordinance that may unduly impact property due to the property's particular peculiarity and special characteristics. What characteristics of your property prevent compliance with the Zoning Ordinance requirements?

The property has peculiar characteristics of configuration on three sides, causing practical difficulties on the Owner's desire to improve the property.

- 1.) Metra embankment to the west,
- 2.) the unpaved alley to the north, and
- 3.) a privately owned cul-de-sac on the property to the east

Combined these to create unnecessary complex hardships to improve the property.

In one example, the Comprehensive Plan does not intend to have front yards (like those on Colfax Terrace) facing an alley, trash cans, and the backs of neighboring homes.

1. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining (touching or joining at any point, line, or boundary) properties.

True, the requested Variation will not.

Neighbors fully support this proposal.

2. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

True, the Owners and neighbors will suffer from the unusual yard situation, thus obstructing useful development of the property.

3. Either...

- (a) the purpose of the variation is not based exclusively upon a desire to extract income from the property, or
- (b) while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Zoning Board of Appeals or the City Council, depending upon final jurisdiction under §6-3-8-2, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to any of the standards of §6-3-6-3.

(a) True, the Owners will not extract income due to the Variation Approval.

4. The alleged difficulty or hardship has not been self-created, if so, please explain.

True, the hardship was not self-created.

5. Have other alternatives been considered, and if so, why would they not work?

Yes, we have worked with the Zoning Department for six months demonstrating that the Zoning Ordinance includes procedures for compliance with peculiar lots and unusual yard situations.



City of Evanston DISCLOSURE STATEMENT FOR ZONING HEARINGS

(This form is required for all Major Variances and Special Use Applications)

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made:
Does not apply.

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number ____ above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number ____ above, or indicated below.

UPDATED PROPOSAL

22 march 2022

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number _____ above, or indicated below.

If Applicant or Proposed Land User is a Corporation

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

- a. Names and addresses of all officers and directors.

- b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

If Applicant or Proposed Land User is not a Corporation

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

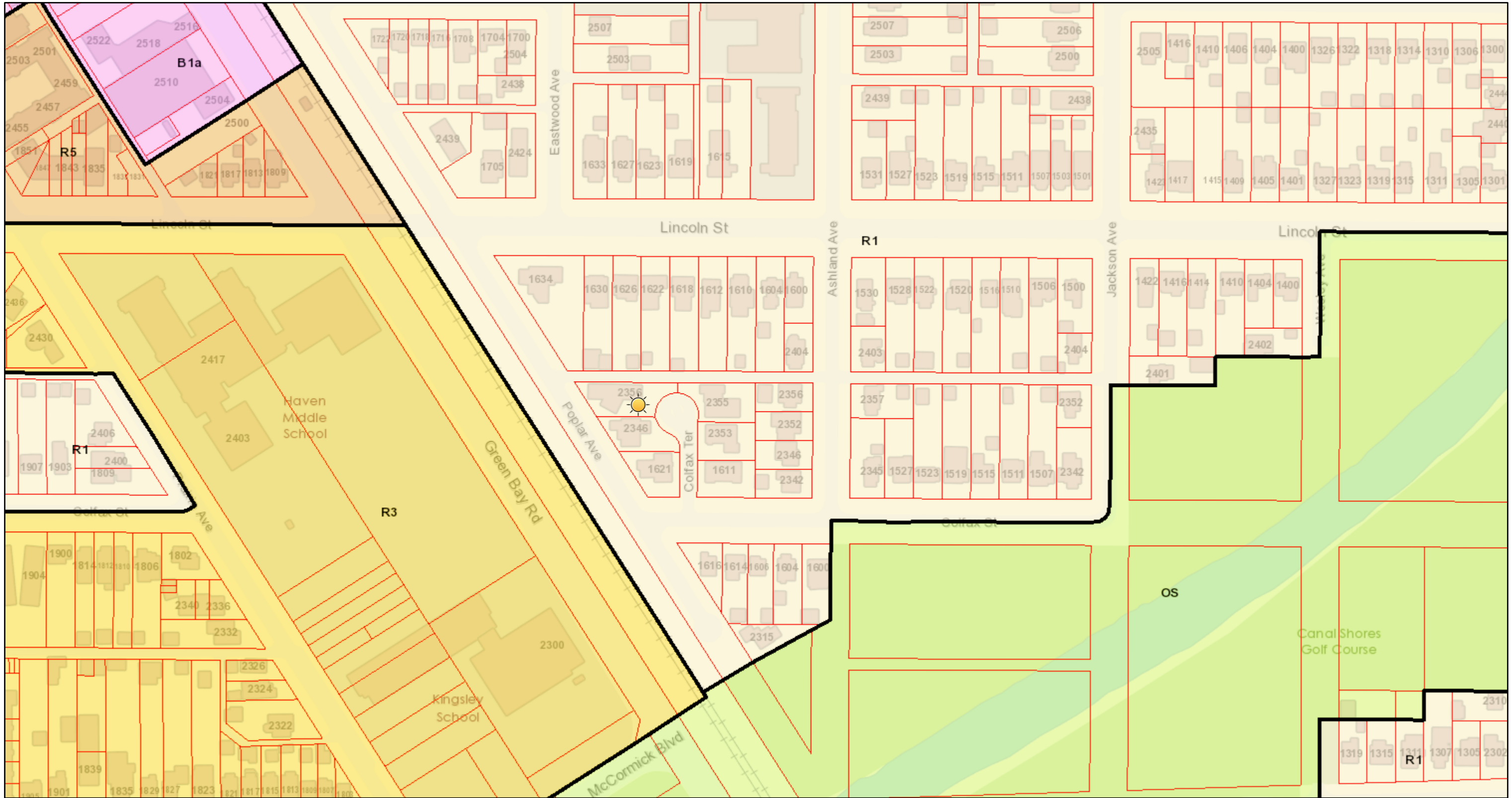
Variations Requested – based on revisions submitted March 9, 2022 analyzed by City staff:

1. 1.5' north interior side yard setback where 5' is required.
2. 11.7' west rear yard setback where 30' is required.
3. A fence in the front yard where fencing is not permitted within the front yard or within 3' of the front facade of the house, 6 height where 4' is allowed when in a front yard, and solid where a maximum opacity of 70% is allowed when in a front yard.

Staff Comments:

- Building lot coverage is compliant as shown at 28.6%.
- Impervious surface coverage is compliant as shown at 44.8%. Previous site plans (and current elevation) include significant hardscape and/or decking in interior courtyard that is not shown on the current site plan that complies with impervious.
- Clarify fence by alley in front yard– some site plans show no fence, some show replacement of existing fence, some show a new 6' fence. Also state style (assumed 6' solid fence for privacy). This is an appropriate variation to request.
- Wall that connects house to chimney/fire pit is considered attached to the house and therefore the 2' roof area plus wall (not the eave that hangs to the south) are counted as building lot coverage. The Zoning Administrator believes the intent of the regulation is not met and will note that in the memo to the Land Use Commission.
- Chimney/fire pit may not comply with Fire Dept. regulation that requires a 10' setback from all property lines and structures for fire pits.

ArcGIS Web Map

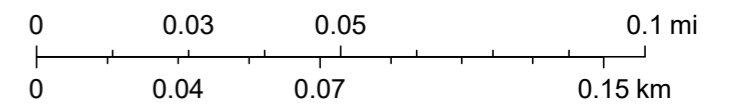


12/3/2021, 11:42:04 AM

Zoning Districts

- | | | | | |
|----------------------------|--------------------------------|---|--------------------------------|--------------------------------------|
| B1 - Business | C2 - Commercial | I2 - General Industrial | R1 - Single-Family Residential | R6 - General Residential |
| B1a - Business | D1 - Downtown Fringe | I3 - General Industrial | R2 - Single-Family Residential | RP - Research Park |
| B2 - Business | D2 - Downtown Retail Core | MUE - Transitional Manufacturing-Employment | R3 - Two-Family Residential | T1 - Transitional Campus |
| B3 - Business | D3 - Downtown Core Development | MXE - Mixed Use Employment | R4 - General Residential | T2 - Transitional Campus |
| C1 - Commercial | D4 - Downtown Transition | O1 - Office | R4a - General Residential | U1 - University Housing |
| C1a - Commercial Mixed-Use | I1 - Industrial / Office | OS - Open Space | R5 - General Residential | U1a - University Housing and Parking |



1:2,000

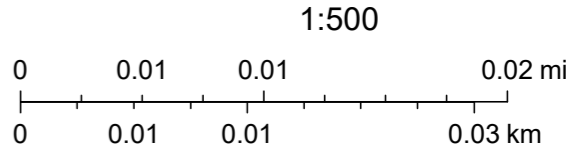


ArcGIS Web Map



12/3/2021, 11:45:20 AM

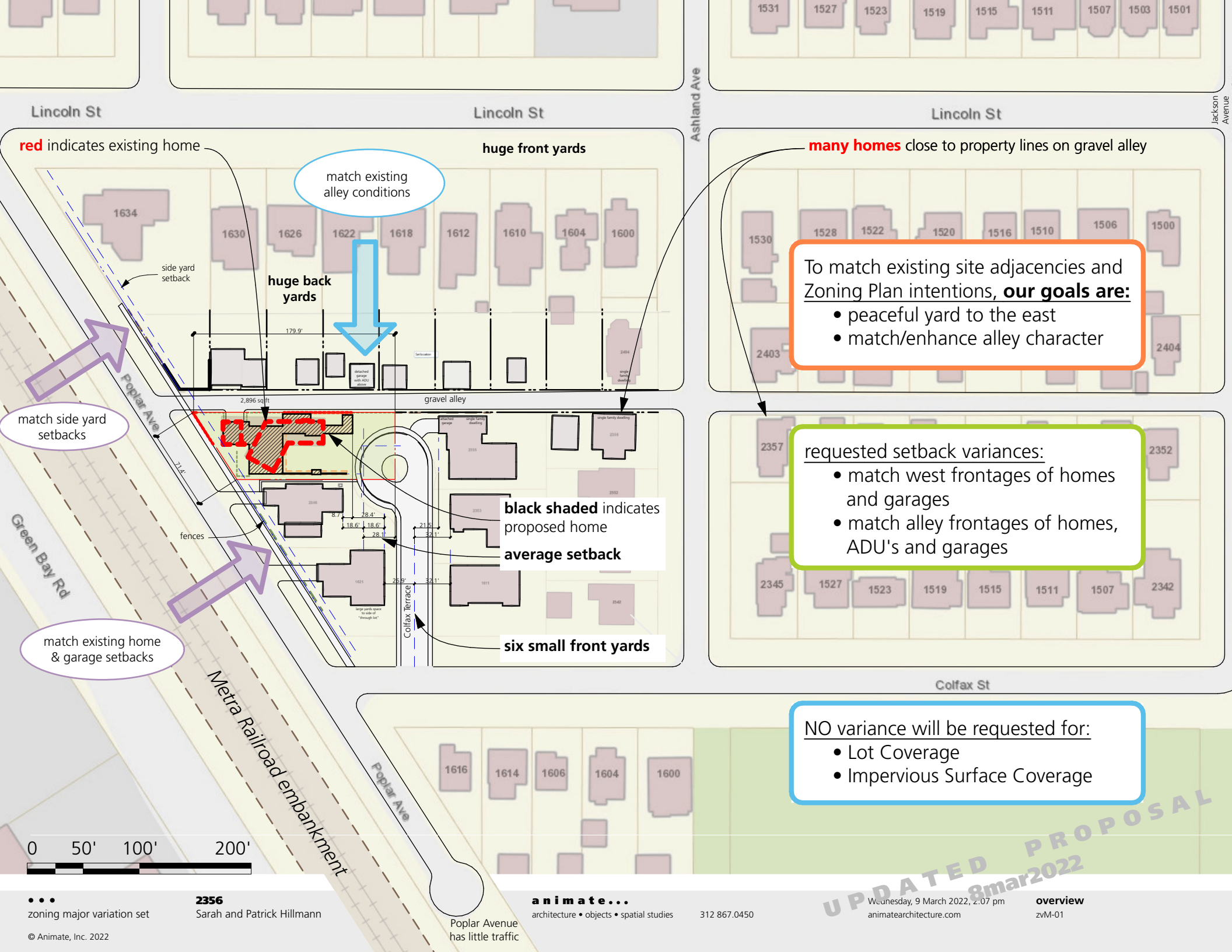
-  City Boundary
-  Tax Parcels



City of Evanston IL, Imagery courtesy Cook County GIS

2356 Colfax Terrace





red indicates existing home

match existing alley conditions

match side yard setbacks

match existing home & garage setbacks

huge front yards

huge back yards

black shaded indicates proposed home
average setback

six small front yards

many homes close to property lines on gravel alley

To match existing site adjacencies and Zoning Plan intentions, **our goals are:**

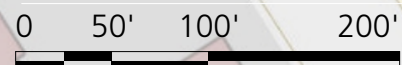
- peaceful yard to the east
- match/enhance alley character

requested setback variances:

- match west frontages of homes and garages
- match alley frontages of homes, ADU's and garages

NO variance will be requested for:

- Lot Coverage
- Impervious Surface Coverage



UPDATED PROPOSAL
8mar2022



www.exactalands.com | office: 773.305.4011



PROPERTY ADDRESS:
2356 COLFAX TERRACE, EVANSTON, ILLINOIS 60201

SURVEY NUMBER: 2108.3654

DATE SIGNED: 09/21/21 FIELD WORK DATE: 9/9/2021

REVISION DATE(S):
(REV.2 9/21/2021) (REV.1 9/10/2021)

POINTS OF INTEREST
NONE VISIBLE

STATE OF ILLINOIS }
COUNTY OF GRUNDY } SS

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.

Kenneth Kennedy
KENNETH A. KENNEDY
035-003403
PROFESSIONAL
LAND SURVEYOR
MORRIS, IL
STATE OF ILLINOIS

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403
LICENSE EXPIRES 11/30/2022
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 184008059-0008

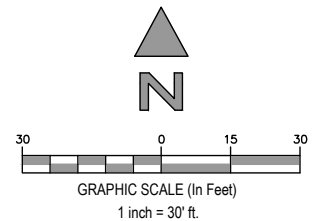
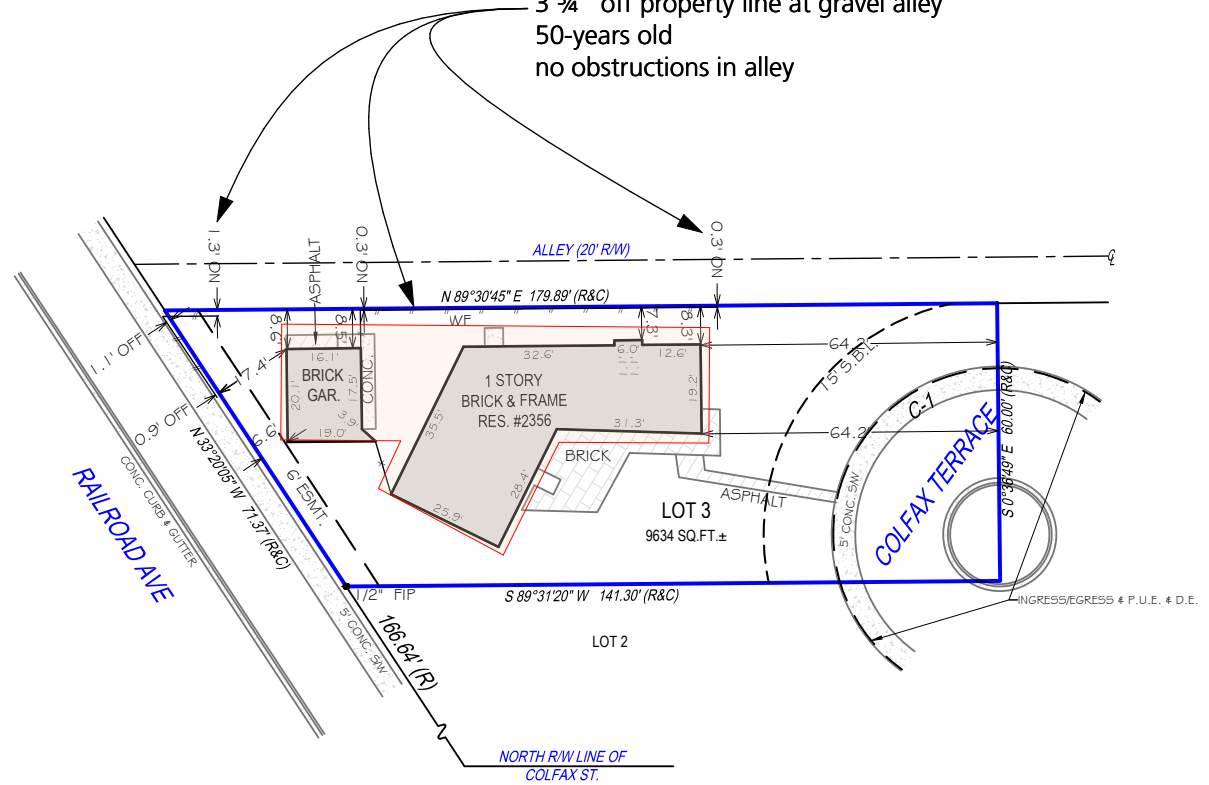


Exacta Land Surveyors, LLC
PLS# 184008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450



2108.3654
BOUNDARY SURVEY
COOK COUNTY

continuous existing fence
(breaks for opening into garage)
3 3/4" off property line at gravel alley
50-years old
no obstructions in alley



SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

also peculiar site with unusual yard situation

northern neighbor with no curb-cut: (side yard) and side entrance

garage access on Lincoln Street
front yard, making the alley which yard?

Roof Area 2,826.5 sq ft
includes all roofed areas

Lot Coverage 2,698.5 sq ft
includes all roofed areas
30% maximum = 2,890 sf

Impervious Surface Coverage 4,174.75 sq ft
includes all roofed areas
45% maximum = 4,335 sf
lot area: 9634 sf

pervious paving systems with demonstrable level of porosity

pervious paving systems with demonstrable level of porosity

fully attached addition — to existing structures

2356 Colfax Tr.
proposed single family, two story home

soil below roof
stairs up to entry level
25% bonus 44.25 sq ft
wall and roof substantially attached to primary structures
fireplace and chimney
soil below roof

overcounted (relative to survey) area included in impervious coverage

southern neighbor with curb-cut: (rear yard)

existing AC condenser unit

14.37'

28.13' average setback

30' standard setback

16'

18.56'

18.56'

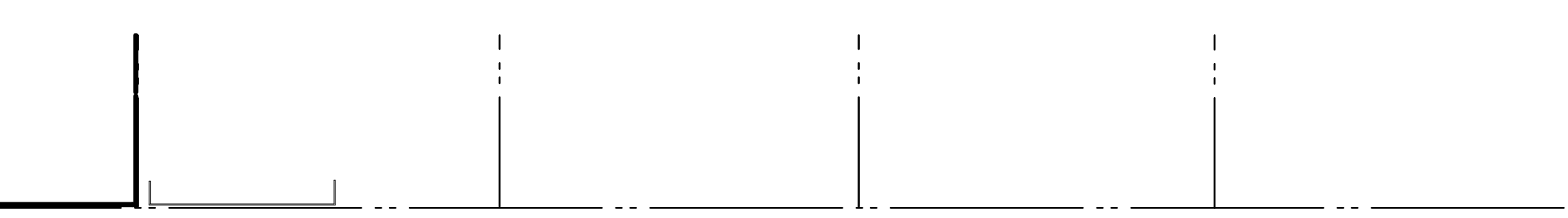
9.58'

southern neighbor with curb-cut: (rear yard)

10.77'

16'

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9mar2022



Roof Area

includes all roofed areas

Lot Coverage

includes all roofed areas
30% maximum

= 2,890 sq ft

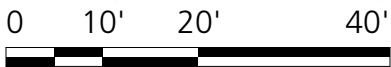
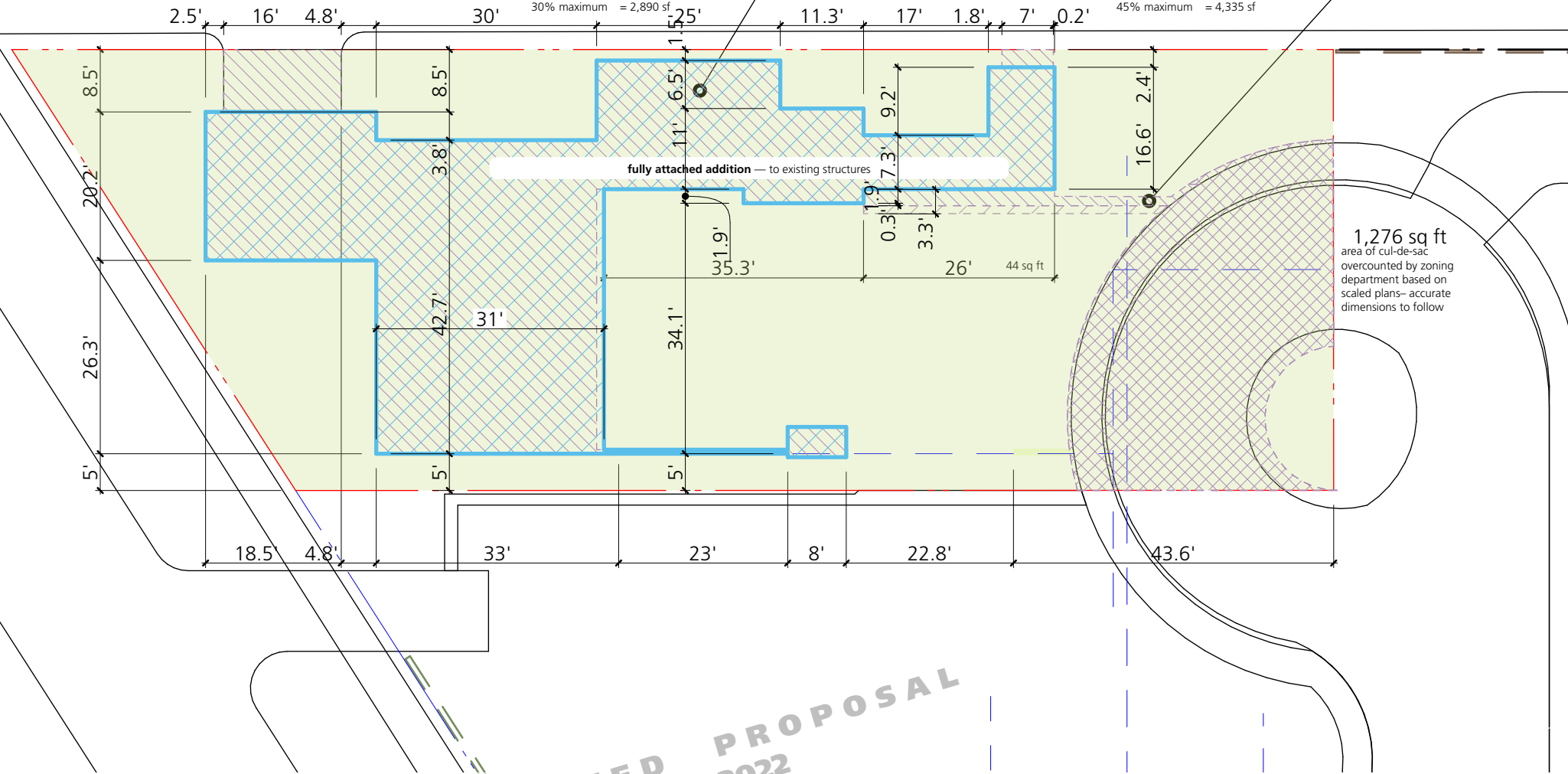
Impervious Surface Coverage

includes all roofed areas
45% maximum

= 4,335 sq ft

2,699 sq ft

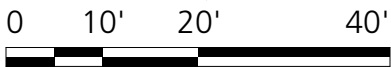
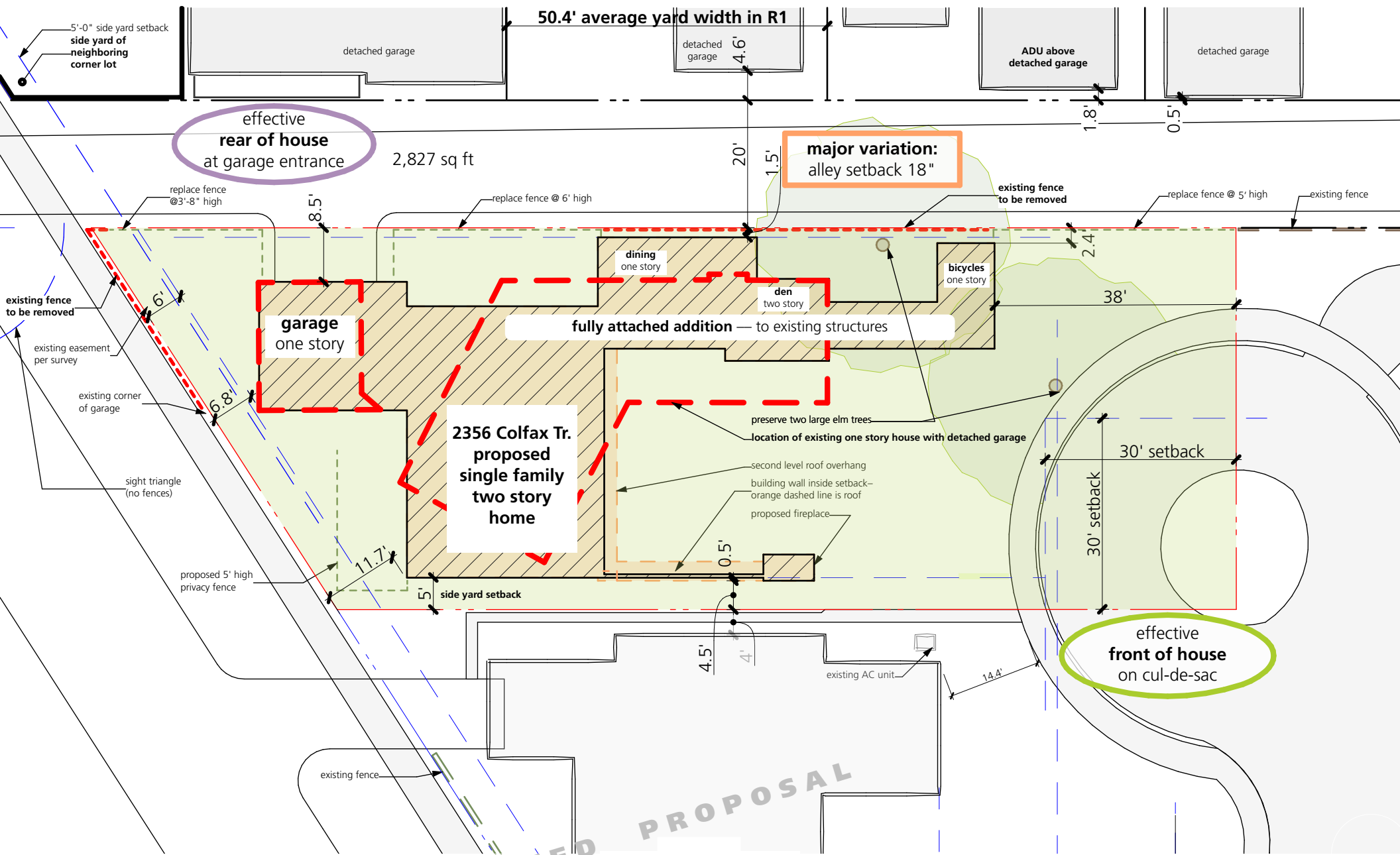
4,175 sq ft



UPDATED PROPOSAL
9mar2022

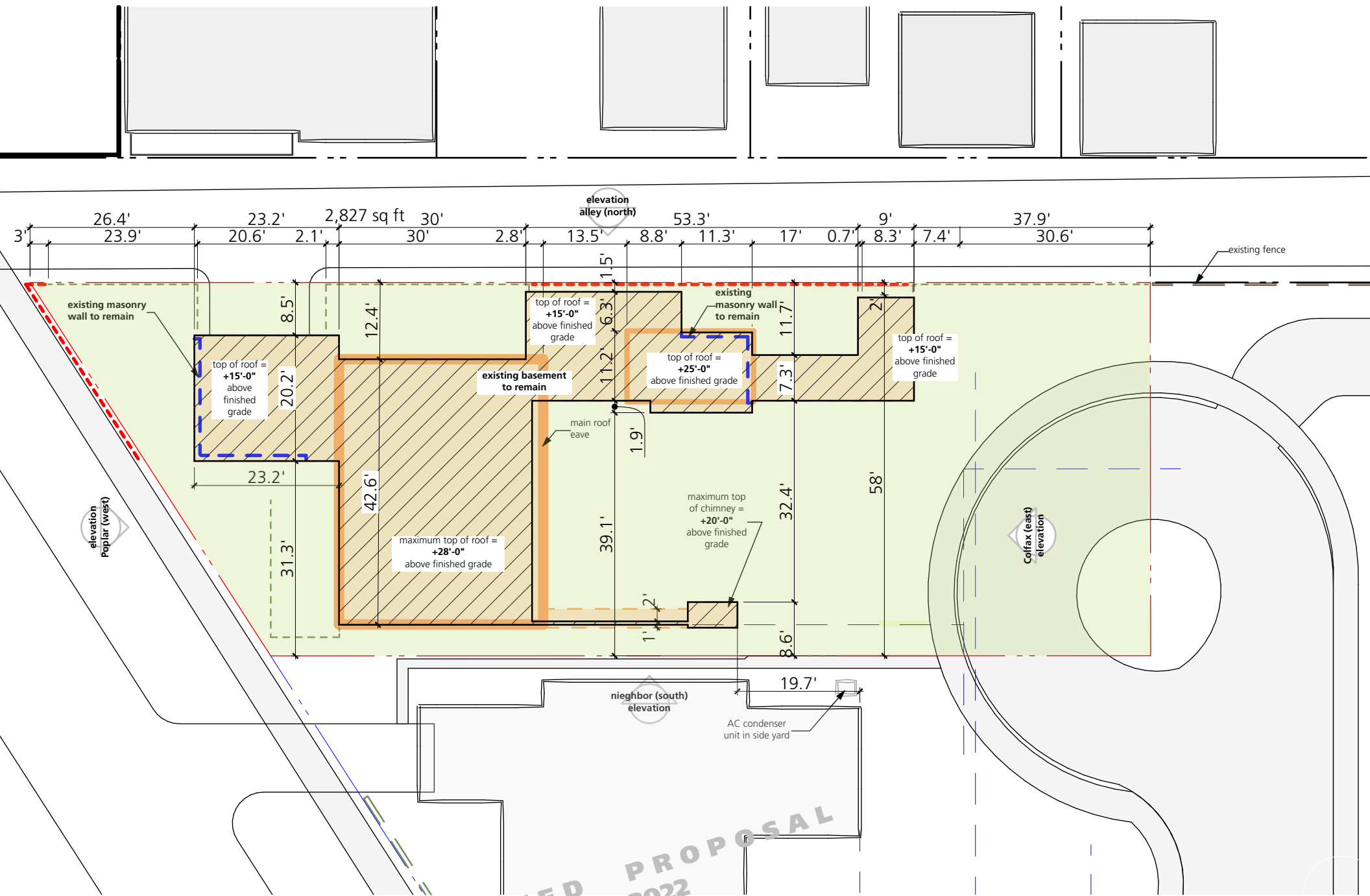
Evanston zoning
R-1

title-cptr	section	issue	zoning requirement	actual	location/ sheet	remarks
			2356 Colfax Terrace	9,634	sf — site area	0.22 acres
		Residential R1	existing home			
6		Zoning (Chapter)				
6-1	2	Intent				
		(A) Promoting the public health... and comprehensive general plan		yes		
		(B) Securing adequate light, pure air, and safety from fire and other dangers		yes		
		(C) Conserving and enhancing the taxable value of land and buildings throughout the City		yes		
		(G) regulating... setback lines on or along streets, alleys, and property lines		yes		
6-2	1	Rules of Interpretation				
		It is not intended ...to interfere with ... other agreements between parties		•		private ownership of a portion of Colfax Terrace cul-de-sac
		(A) In the event of a conflict between the text of these provisions ...the text of these provisions shall control.				
		(C) The word "may" as used in these provisions is permissive		yes		
6-3	8-	Variations				
		1 The purpose of a variation is to relieve a practical difficulty that the regulations ... impose upon a landowner because of the peculiar characteristics of the property				
		3(A)2(a) Front, side, and rear yards and setbacks.	35%		3'-3"	request 35% Variation Alley side yard from 60" to 39"
		6(A) Upon receipt of ..application ..the City will provide notice ..to all owners of ..within ..250 foot radius				
6-4	1-9	Yards				
		(A) the requirements for required yards and for determining or interpreting unusual yard situations:				front and rear yards are effectively at opposite corners
		(A)4 Determining of Front Lot Line for Corner Lots:				
		(A)4(a) If a building exists on the lot, previous determination of the front yard		yes		front yard on east: address per Post Office
		(A)4(c) Pattern of existing development within the neighborhood, specifically of adjacent lots;				
		(A)4(d) The property owner's expressed desire.			west is side yard: between effective rear yard to northwest/front yard to southeast	
		Code does not specify determination of side yards				
6-8	2-8	Yard Requirements				
		(A)3 Side Yard	5'-0" (60")		3'-3"	zv3-06 Variation request (a) and (b)
6-18	3	Definitions				
		side yard ...A side yard .. the yard extending along a side lot line between the front yard and the rear lot lines.				west property line is side yard matching north neighb

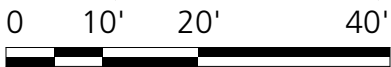


UPDATED PROPOSAL

22 march 2022



UPDATED PROPOSAL
9mar2022





Case Number: 21ZONA-0164 – 2356 COLFAX TER	Case Status/Determination: NON-COMPLIANT
--	--

Plan Dated: 02-28-2022

Proposal: ADDITION TO EXISTING SINGLE-FAMILY DETACHED DWELLING AND DETACHED GARAGE
--

Zoning Section:	Comments
6-8-2-10	Maximum permitted amount of impervious surface coverage is 45%, 4,336.1 sf <ul style="list-style-type: none"> 46.1%, 4,441.3 sf proposed Variation is appropriate when considering the impervious private street is included in the calculation.
6-4-1-9	27.5' front yard setback proposed to the principal structure (connected bicycle room) where 38' is required to meet the block average <ul style="list-style-type: none"> Building setback that aligns with the 15' dashed building line noted on the plat and aligning with the other principal structures on the block is appropriate, not as proposed.
6-8-2-8	1.5' north interior side yard setback proposed where 5' is required.
6-8-2-8	15.6' west rear yard setback (at SW corner of home) where 30' is required.
6-4-6-2.D, 6-4-6-3.A	Detached accessory structures are not permitted between the front of the principal building and the front lot line. <ul style="list-style-type: none"> Chimney/fire pit is still considered a detached structure. Intent of the regulation is not met for the structure to be "substantially connected by a wall or roof". The roof shown is not dimensioned and is within the side yard setback unless it is considered an eave which is a yard obstruction and not a roof. Eaves less than 2' wide do not count towards building lot coverage. Eave on wall not counted as it is not considered roofed. As previously noted, chimney/fire pit may not comply with Fire Department requirements.
6-4-6-7.F	Fences are not permitted within front yards or within 3' of the front façade of the house, and when in front yards cannot exceed 4' in height or 70% opacity. <ul style="list-style-type: none"> Fence along alley extends into front yard at 6' height with solid style proposed. Variation required – appropriate to block alley view from cul-de-sac. Fence along south side of property is a 7.3' solid wall with <2' eave on top; acts as a barrier and is therefore a fence. Variation required for height, solid style, location.

21ZONA-0164 – 2356 COLFAX TER

Responses as a part of this Major Variance Application:

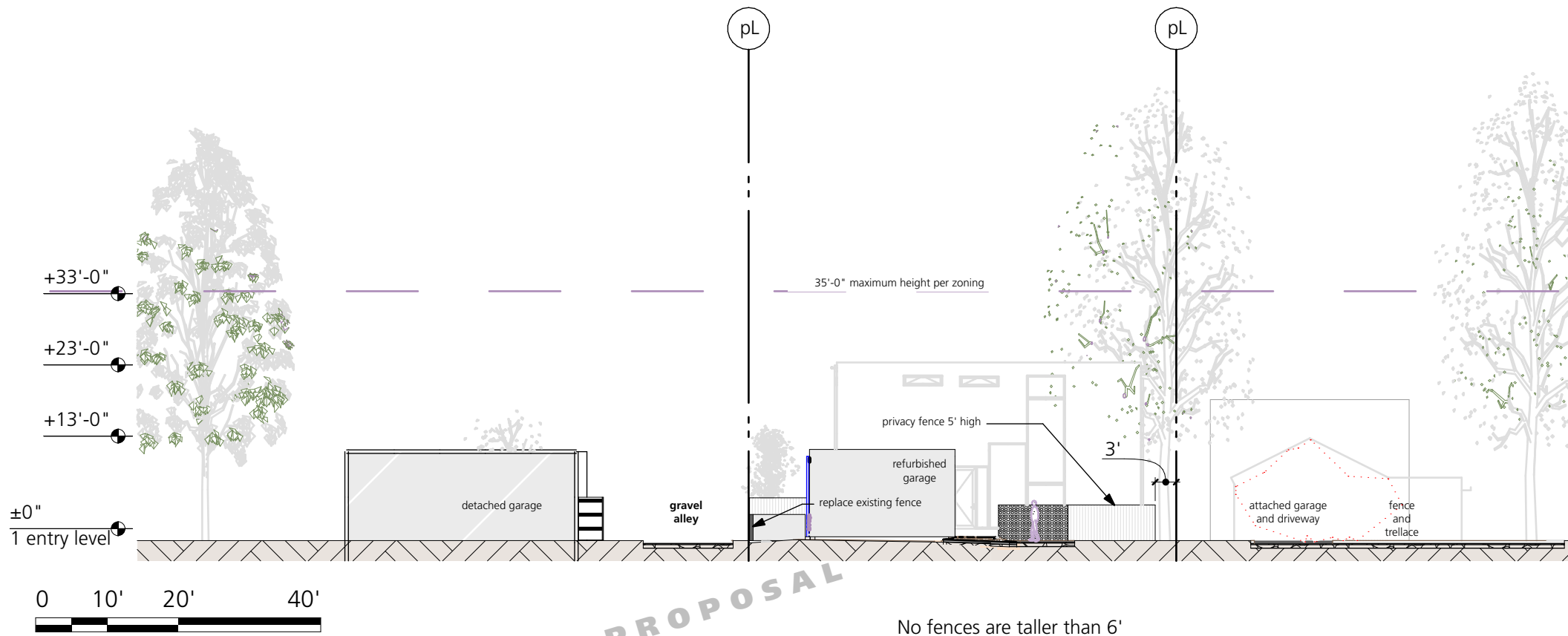
- 1.) **not requested and not applicable:**
We are not requesting a Lot Coverage Variation. See revised areas.
- 2.) **not requested and not applicable:**
Building location moved back to 38'.
- 3.) **yes, please grant this Variation.**
- 4.) **yes, please grant this Variation**
- 5.) **not requested and not applicable:**
This is not a detached structure, it is substantially connected by a wall, roof and foundation. The code states:
6-18-3.d An accessory structure attached to a principal building in a substantial manner by a wall or roof shall be considered part of the principal building.
- 6.) **not requested and not applicable:**
Because this part of the primary structure it is not a fence, and it is not located in the side yard. **In addition, the top of wall was lowered to 6'-0", and east of the fireplace, the wall was deleted.**

1
2

UPDATED PROPOSAL
9mar2022



UPDATED PROPOSAL
22 march 2022



UPDATED PROPOSAL
9mar2022

No fences are taller than 6'

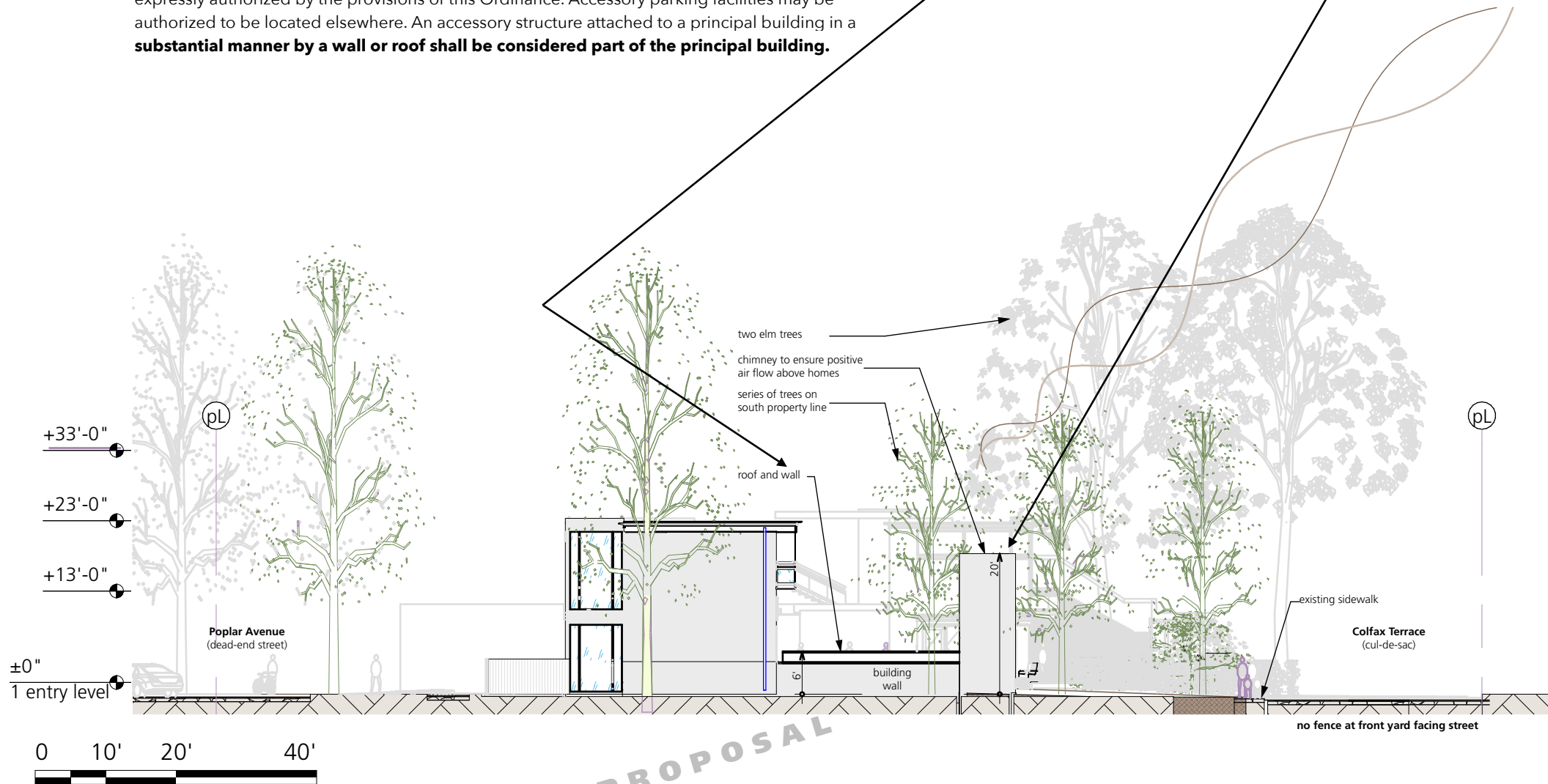
6-18-3, Definitions

ACCESSORY USE OR STRUCTURE

A structure or use that:

- a) is subordinate to and serves a principal building or a principal use, except for a drive-in facility;
- b) is subordinate in area, extent, and purpose to the principal structure or principal use served;
- c) contributes to the comfort, convenience, or necessity of the occupants, business, or industry of the principal structure or principal use served; and
- d) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Ordinance. Accessory parking facilities may be authorized to be located elsewhere. An accessory structure attached to a principal building in a **substantial manner by a wall or roof shall be considered part of the principal building.**

the Fireplace is an **ACCESSORY USE**, that is connected to the principal building in a substantial manner **by a wall.**



UPDATED PROPOSAL
22 march 2022

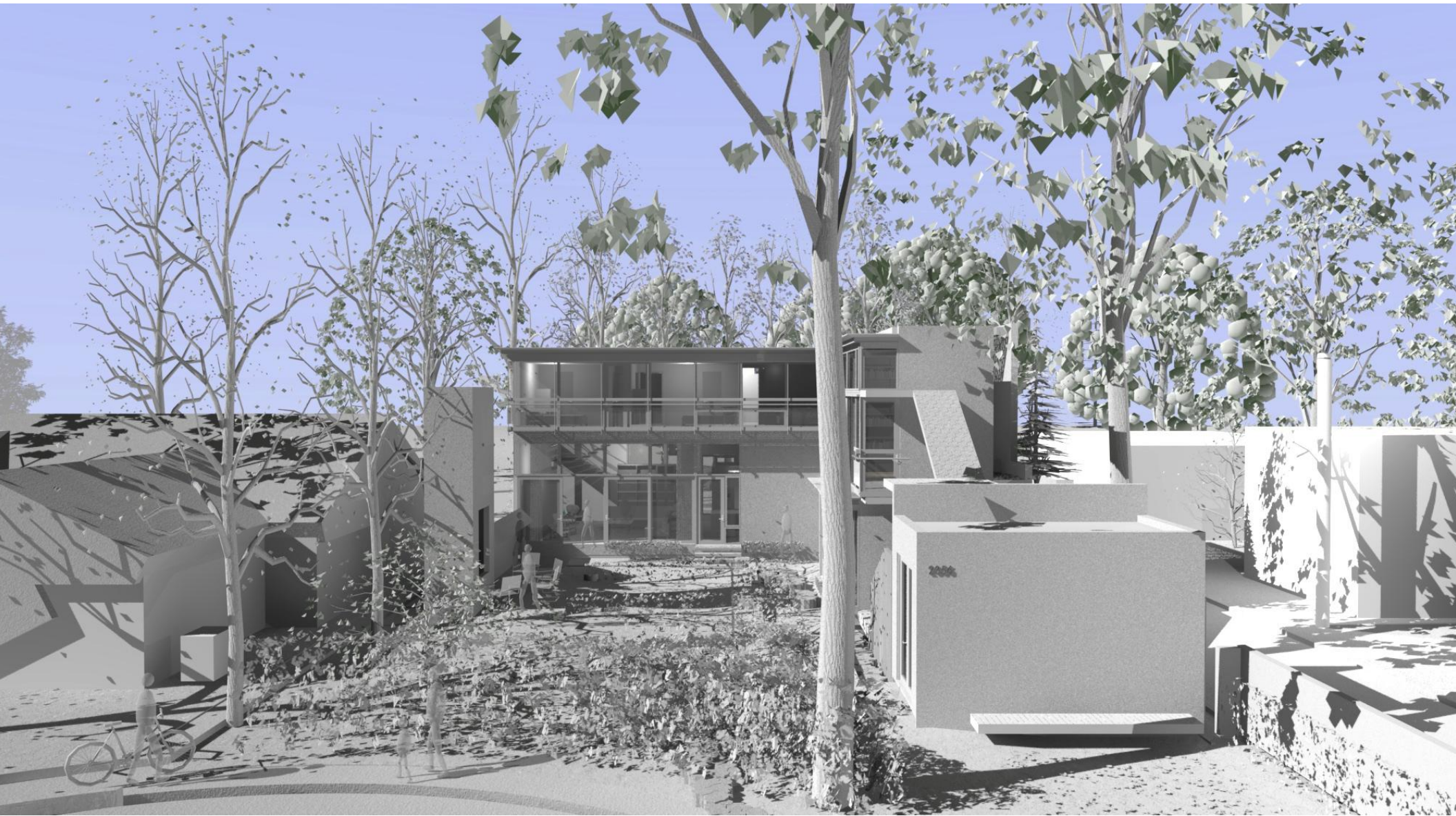


UPDATED PROPOSAL
 22 march 2022



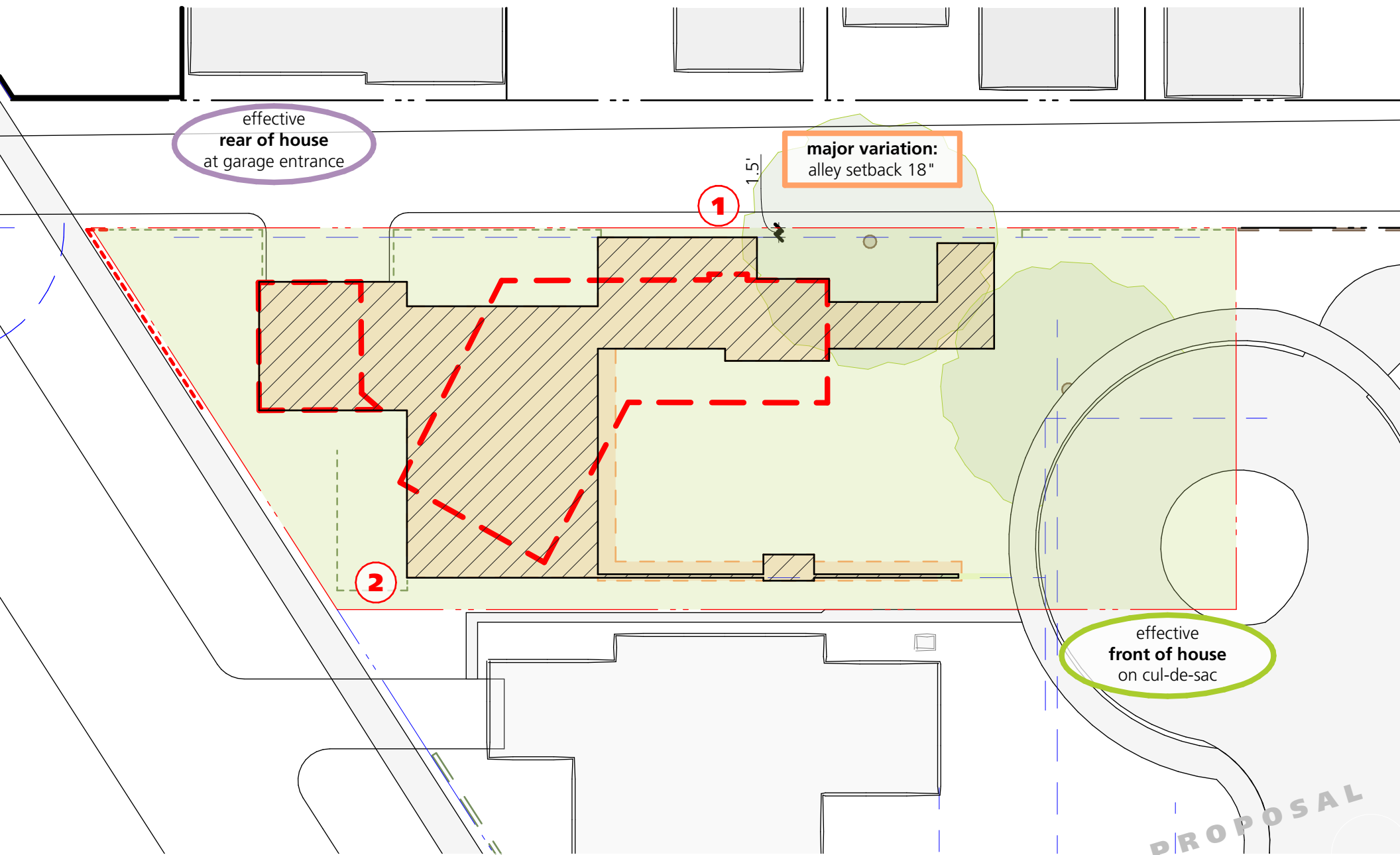
Undulating building elements block alley lights– protecting east and south neighbors

UPDATED PROPOSAL



quiet yard away from alley and Metra– shared with neighbors to east

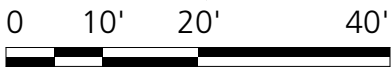
UPDATED PROPOSAL
9mar2022



effective rear of house at garage entrance

major variation: alley setback 18"

effective front of house on cul-de-sac



UPDATED PROPOSAL



Melissa Klotz <mklotz@cityofevanston.org>

2356 Colfax terrace Neighbor Note 1 of 1 (South East Neighbor)

1 message

Patrick Hillmann <patrickhillmann@gmail.com>

Mon, Mar 7, 2022 at 8:56 PM

To: Katie Ashbaugh <kashbaugh@cityofevanston.org>, Melissa Klotz <mklotz@cityofevanston.org>

Melissa and Katie,

Several of our neighbors have reached out to us this week and shared some correspondence that they shared with Alderwoman Revelle and your office. Can we be certain these emails are included in the briefing packet for both LUC and Commissioners' meeting?

This is 1 of 1

Patrick R. Hillmann

(c) +1 202 651 0176

(e) patrickhillmann@gmail.comwww.linkedin.com/in/CrisisCommunications

From: Anne Ryan <anneryan@sbcglobal.net>
Date: March 1, 2022 at 10:38:17 PM EST
To: Eleanor Revelle <erevelle@cityofevanston.org>
Cc: RESJHS <resjhs@gmail.com>
Subject: Re: **2356 Colfax terrace**

Hi Eleanor,

Thanks for your reply. The Hillmans have decided to sell the property as evidenced by the Baird Warner sign that went up today. I am not surprised at the number of variances requested. The property is shaped like a pie slice, as are all of our lots on the cul-de-sac. Perhaps the Planning Commission should have considered this in their decision.

I find this thoroughly disheartening. Along with the lakefront lifeguard sexual abuse report released over the weekend, I wonder about what's going on in our fair city.

We have lived with a dilapidated property on our cul-de-sac for about 20 years now. And, with the Hillman's departure, who is going to buy this property? In its current state, it isn't habitable, but the Planning Commission doesn't seem receptive to upgrading the property. I recall that 1705 Lincoln sat wrapped in Tyvek for over 10 years. Where was the Planning Commission then to manage that eyesore? My husband and I are planning to add a screened-in porch off the back of our home this summer. It's the Planning Commission that I most dread dealing with - not contractors or tradesmen.

I appreciate the time you took to look into the situation. My guess is that 2356 will be the most difficult-to-sell piece of property in Evanston for 2022. It was on the market for several years before the Hillmans purchased it. All in all, this has been a very sad chapter in the life of our cul-de-sac.

Anne Ryan

Sent from my iPad

On Mar 1, 2022, at 5:33 PM, Eleanor Revelle <erevelle@cityofevanston.org> wrote:

Bob —

I did talk with the zoning staff about the [2356 Colfax Terrace](#) proposal. The design required an unusually large number of variations (over a dozen), some of which staff indicated were appropriate and others which were not appropriate, e.g., too great a deviation from what zoning requires. It's my understanding that staff suggested several modifications to the proposed design that the property owners could make that would gain approval for their project. The owners have obviously invested a lot of time, attention, and resources in this project. I hope they will consider reworking the design so they can move forward with their project.

Eleanor

Anne: I am copying you on this email as I know I owe you a reply on this matter. I apologize for the delay.

On Mar 1, 2022, at 5:00 PM, RESJHS <resjhs@gmail.com> wrote:

I am disappointed to have received NO response to my email about this property. Good people have given up. Sad

Sent from my iPhone



Melissa Klotz <mklotz@cityofevanston.org>

2356 Colfax terrace Neighbor Note 2 of 3 (North Neighbor Across Alley)

1 message

Patrick Hillmann <patrickhillmann@gmail.com>

Mon, Mar 7, 2022 at 8:59 PM

To: Melissa Klotz <mklotz@cityofevanston.org>, Katie Ashbaugh <kashbaugh@cityofevanston.org>

Melissa and Katie,

Per my previous email: this is 2 of 3

Patrick R. Hillmann

(c) +1 202 651 0176

(e) patrickhillmann@gmail.comwww.linkedin.com/in/CrisisCommunications**From:** RESJHS <resjhs@gmail.com>**Date:** February 24, 2022 at 6:39:46 PM EST**To:** Marianne Littau <marianne1618@gmail.com>**Subject:** Re: Land Use Meeting - [2356 Colfax Terrace](#)

This could be real helpful. I got a text from Patrick this morning saying that f they had been turned town and were giving up and placing the house back in the market. Tragic I expressed

Sent from my iPhone

On Feb 24, 2022, at 2:53 PM, Marianne Littau <marianne1618@gmail.com> wrote:

Hi, Bob! I wasn't sure if you heard any of the discussion last night. I have just sent the following email to Katie Ashbaugh; she is the Evanston staff member who is working on the Colfax Terrace property. I wanted to email the committee chair but was unable to find his email. I have asked Katie to forward my email to him. I'll let you know if I hear anything from this.

Thanks!
Marianne

----- Forwarded message -----

From: **Marianne Littau** <marianne1618@gmail.com>

Date: Thu, Feb 24, 2022 at 1:49 PM

Subject: Re: Land Use Meeting - [2356 Colfax Terrace](#)To: Katie Ashbaugh <kashbaugh@cityofevanston.org>

Good afternoon, Katie. I had sent you an email yesterday concerning the property at [2356 Colfax Terrace](#). I participated in the call last evening. I had no comment at the time the committee chair asked for comments. However, once the commissioners made their statements, I had comments which I would like to address in this email. I did not find an email address for the committee chair so I am sending this email to you. I would ask that you please forward it to the chair.

My major comment is that I am amazed that some commissioners felt qualified to give an opinion when they hadn't made even an effort to see the property. The property in question is an unusual shape and its setting relative to the alley and its neighbors is unusual. I think each commissioner should have walked the site prior to giving their judgment. I was also amazed that the staff would neither give a statement of approval or disapproval. Does the homeowner have a chance for success in this process?

I did not stay until the end of the meeting so I may have missed some information. However, when I chose to leave the meeting a little after 9:30, it seemed as if the homeowner's requests were going to be denied. I would hope that someone would have given the homeowner and the architect suggestions on changes that would make a difference in the decision. It seems the homeowner has already made modifications in their plans but I'm not sure the city has indicated changes it would be willing to make.

Finally, I think it's important for everyone to acknowledge that, for all intents and purposes, this property has been empty for about ten years. I live at 1618 Lincoln. My home is directly north of the center of the cul-de-sac. I have lived in my home for over 30 years and the Colfax Terrace property has been neglected most of that time. The neighborhood would surely be better off to have homeowners who actually take care of the property. Isn't there a meeting point between the wishes of the homeowner and the requirements the city sees?

Thank you for forwarding this email to the committee chair.

Marianne Littau
1618 Lincoln St.
847-502-4118

On Wed, Feb 23, 2022 at 12:29 PM Katie Ashbaugh <kashbaugh@cityofevanston.org> wrote:

Hi Ms. Littau,

This comment has been received, thank you for sending. This will be forwarded to the Land Use Commissioners for their consideration. Best,

Katie

On Wed, Feb 23, 2022 at 10:31 AM Marianne Littau <marianne1618@gmail.com> wrote:

Good morning. My name is Marianne Littau and my address is 1618 Lincoln St. We are one of the houses across the alley from the Colfax Terrace property.

I am delighted that something is going to be done with this property. It has sat vacant for many years so having a family at that address will be a welcome addition to the neighborhood.

My one concern relates to drainage of water from the property. The alley is unpaved, frequently has excess water in it and in really bad storms, several houses in this area on Lincoln have standing water in their yards. Currently, the roof downspouts from this property drain directly into the alley. Therefore, it is imperative that any water from this property drain away from the alley and toward the sewer on Colfax Terrace.

Thank you.
Marianne Littau
1618 Lincoln St.

--

Katie Ashbaugh, AICP
Planner

Planning & Zoning Division
Community Development Department
City of Evanston
She, Her, Hers

[2100 Ridge Ave | Evanston, IL 60201](https://www.cityofevanston.org) | (708) 328-8559
kashbaugh@cityofevanston.org | [cityofevanston.org](https://www.cityofevanston.org)



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Melissa Klotz <mklotz@cityofevanston.org>

2356 Colfax terrace Neighbor Note 3 of 3 (Neighbor on South Side of House)

1 message

Patrick Hillmann <patrickhillmann@gmail.com>

Mon, Mar 7, 2022 at 9:11 PM

To: Melissa Klotz <mklotz@cityofevanston.org>, Katie Ashbaugh <kashbaugh@cityofevanston.org>

Katie and Melissa,

Per my previous emails, this is 3 of 3.

Additionally, my understanding is that 4 additional neighbors called into Alderwoman Revelle's office. I think it's important to note that we have not asked them to do this. Someone from the Evanston Roundtable also reached out, but we are not planning to provide comment.

I think people are underestimating exactly how important it is to the community to see this property finally be redeveloped in a manner that is consistent with the existing footprint.

I have talked to Joe and we have made significant changes. I truly hope to see a positive outcome.

Patrick R. Hillmann

(c) +1 202 651 0176

(e) patrickhillmann@gmail.comwww.linkedin.com/in/CrisisCommunications**From:** RESJHS <resjhs@gmail.com>**Date:** February 24, 2022 at 8:53:29 AM EST**To:** Revelle Eleanor <erevelle@cityofevanston.org>**Cc:** PatrickHillman@gmail.com**Subject:** **2356 Colfax terrace**

Greetings

I am Bob Stevens resident at [2346 Colfax Terrace](#). I just received news that an imaginative plan for the reuse of the lot immediately adjacent to our home was rejected by the land use board

This is a good plan for a difficult site and the rubrics applied by the board first don't fit the site

This property has been semi vacant for 20 years and the new owners are a terrific addition to the neighborhood

They are discouraged and are ready to throw in the towel. Can you look into this and see if there is a way forward

Sent from my iPhone



Melissa Klotz <mklotz@cityofevanston.org>

Fwd: 2356. Colfax Terrace

1 message

Katie Ashbaugh <kashbaugh@cityofevanston.org>

Mon, Mar 14, 2022 at 3:54 PM

To: Ellyn Golden <egolden@cityofevanston.org>, Johanna Nyden <jnyden@cityofevanston.org>, Cade Sterling <csterling@cityofevanston.org>, Angel Schnur <aschnur@cityofevanston.org>, "Sathysa (Sat) Nagar" <snagar@cityofevanston.org>, Michael Callahan <mcallahan@cityofevanston.org>, Kelly Gandurski <kgandurski@cityofevanston.org>, Brian Zimmerman <bzimmerman@cityofevanston.org>, Carlos Ruiz <cr Ruiz@cityofevanston.org>, "Lawrence C. Hemingway" <lhemingway@cityofevanston.org>, Ron Papa <rpapa@cityofevanston.org>, "Sevcik, Brent" <bsevcik@greeley-hansen.com>, Cara Pratt <cpratt@cityofevanston.org>, Meagan Jones <mmjones@cityofevanston.org>, Melissa Klotz <mklotz@cityofevanston.org>, Rajeev Dahal <rdahal@cityofevanston.org>, Jessica Hyink <jhyink@cityofevanston.org>, Michael Rivera <michaelrivera@cityofevanston.org>, "Biggs, Lara" <lbiggs@cityofevanston.org>, "Flax, Sarah" <sflax@cityofevanston.org>, Mario Tristan <mtristan@cityofevanston.org>, Edgar Cano <ecano@cityofevanston.org>, "Eckersberg, Ingrid" <ieckersberg@cityofevanston.org>, Marion Johnson <marionjohnson@cityofevanston.org>, Michael Griffith <mgriffith@cityofevanston.org>

Good afternoon,

Please see below public comments in support of the [2356 Colfax Terrace](#) variation application. See you tomorrow!

Katie

----- Forwarded message -----

From: **Johanna Nyden** <jnyden@cityofevanston.org>

Date: Mon, Mar 14, 2022 at 10:58 AM

Subject: Fwd: [2356. Colfax Terrace](#)

To: Katie Ashbaugh <kashbaugh@cityofevanston.org>

Please share with DAPR. Thanks!

----- Forwarded message -----

From: **RESJHS** <resjhs@gmail.com>

Date: Mon, Mar 14, 2022 at 10:55 AM

Subject: [2356. Colfax Terrace](#)

To: <jnyden@cityofevanston.org>

I am adjacent property owner sn I am spokes person for several neighbors on Colfax Terrace and Lincoln street thatt to are hopeful that your committee will give a green light to the Hillmans we want them as neighbors and are convinced that they will do nothing to diminish our comfort. They have demonstrated to us a sensitivity to our needs.....Be they run off issues or privacy these are good folks with a sensitive and sensible proposal . We hope it can happen

Bob and Janie Stevens
[2346 Colfax Terrace](#)

Sent from my iPhone

--
Johanna Nyden, AICP
Community Development Director
 Morton Civic Center
 City of Evanston

[2100 Ridge Ave. | Evanston, IL 60201](#) | 847-448-8014 | 224-223-3177



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--

Katie Ashbaugh, AICP

Planner

Planning & Zoning Division

Community Development Department

City of Evanston

She, Her, Hers

2100 Ridge Ave | Evanston, IL 60201 | (708) 328-8559

kashbaugh@cityofevanston.org | cityofevanston.org



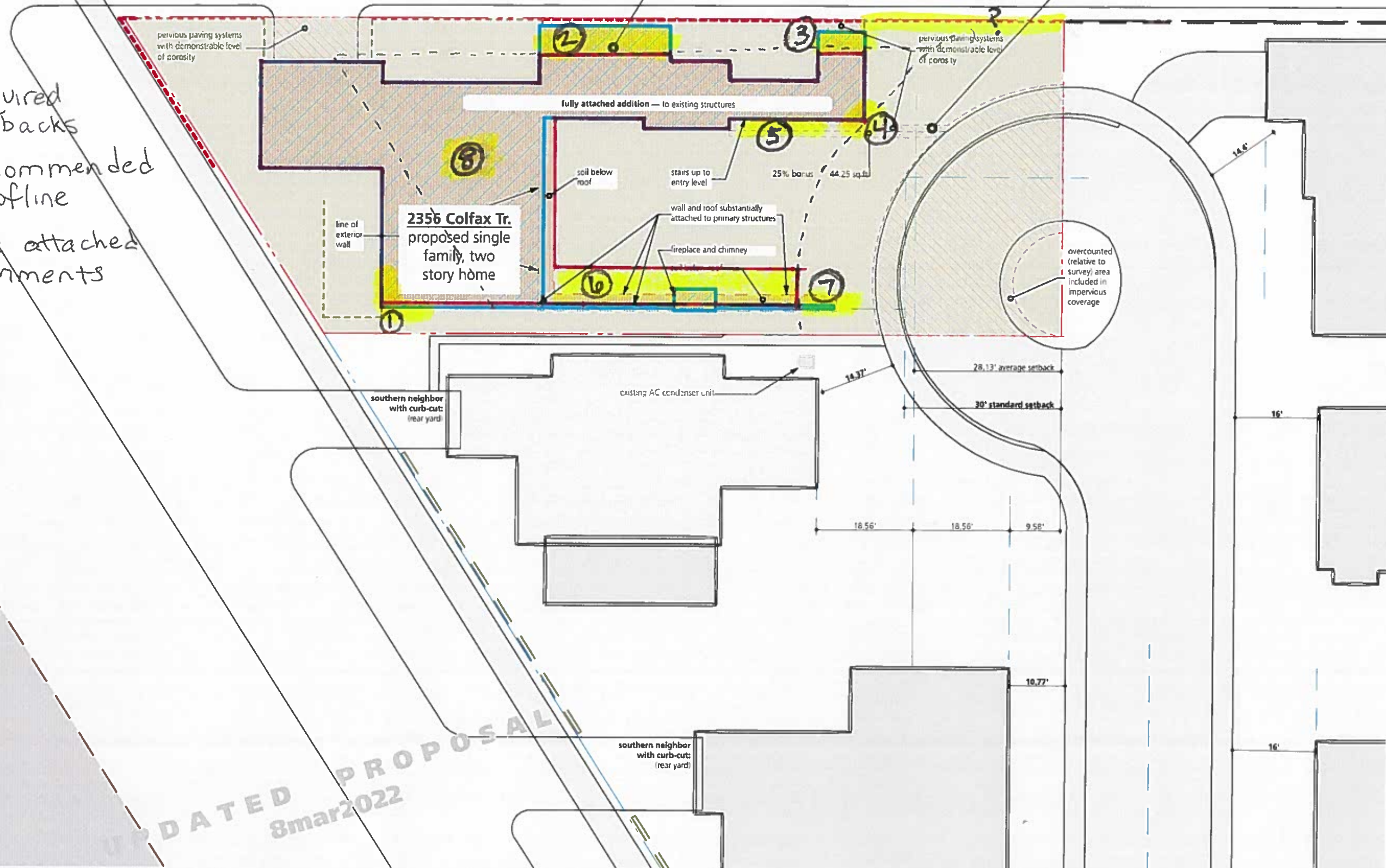
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also peculiar site with unusual yard situation
 northern neighbor with no curb-cut: (side yard) and side entrance making the alley which yard?
 garage access on Lincoln Street front yard.

Roof Area 2,896.5 sq ft includes all roofed areas
Lot Coverage 2,711 sq ft includes all roofed areas 30% maximum = 2,890 sf
Impervious Surface Coverage 4,187 sq ft includes all roofed areas 45% maximum = 4,335 sf lot area: 9634 sf

- - - - - = Required Setbacks
 ————— = Recommended Roofline
 ① - ⑧ = see attached comments



UPDATED PROPOSAL
 8mar2022

Zoning Administrator's recommended revisions (03.09.2022) to achieve the greatest compliance while still achieving the applicant's goals:

1. SW corner of house is within the rear setback. A variation is required. This may be appropriate since the garage from the previous house exists closer to the rear lot line already.
2. Pull proposed addition south so that it is not within the side yard setback. A 5' setback is required. Extending into this setback when there is available buildable area to the south is not appropriate. Addition can extend into courtyard to add square footage back in and remains compliant.
3. Pull proposed bicycle room addition south so that it is not within the side yard setback.
4. Corner of bicycle room should align with the 15' building setback line noted on the plat and that therefore aligns with the existing houses on the block and complies with the required front yard setback. As shown my scaling does not put that SW corner into compliance and is not dimensioned on any site plan. Dimension to the property line to show a variation is not needed and compliance is achieved with the overall 38' front yard setback.
5. Area is noted as having a roofed entry somewhere. That is not shown on plans and not included with building lot coverage in previous calculation. FYI.
6. Site plan shows a 2' eave on north side of wall and 6" eave on south. Those are eave sizes and never counted towards building lot coverage as previously stated, therefore that wall is STILL not considered substantially connected to the principal structure and is considered detached. Increase 2' eave to more than 2' and then it is considered connected.
7. End wall and roof at required front yard setback so a variation is not triggered.
8. FYI building lot coverage and impervious have not been recalculated based on my proposed drawing. I assume you need to bump the kitchen/dining to the south and readjust roofed areas a bit, and can use the remaining building lot coverage for the chimney area to extend that roof more than 2' for compliance. That roofed area will count in full (not a front porch with a 50% credit) since it does not meet the porch depth requirement.

? Note: I cannot tell if the fence along the alley is still proposed at the east end of the property. If a 6' solid fence is still proposed, that is a variation but an appropriate one that I recommend you keep in your request.

My drawing brings your project to the following variations: rear yard setback, fence by alley. I believe this meets the intent of the Zoning Ordinance regulations and would recommend approval of those 2 variations.

**DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
March 15, 2022
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room G300**

Voting Members

Present: J. Nyden, K. Ashbaugh, M. Jones, A. Schnur, L. Biggs, M. Callahan, R. Papa, I. Eckersberg, J. Hyink, C. Pratt

Staff Present: Melissa Klotz, Zoning Administrator; Brian Zimmerman, Solid Waste Coordinator; Michael Rivera, Acting Director of Administrative Services

Others Present: Councilmember Eleanor Revelle (Ward 7)

Presiding Member: J. Nyden

A quorum being present, J. Nyden called the meeting to order at 2:02 p.m.

I. Minutes: February 22, 2022, meeting minutes.

L. Biggs made a motion to approve the February 22, 2022, meeting minutes, seconded by A. Schnur.

The Committee voted by roll call vote of 9-0 to approve the February 22, 2022, meeting minutes.

Ayes: J. Nyden, M. Jones, A. Schnur, L. Biggs, M. Callahan, R. Papa, I. Eckersberg, J. Hyink, C. Pratt

Nays:

Abstained:

II. New Business:

- A. 2356 Colfax Terrace | 22ZMJV-0018 | Recommendation to LUC**
Sarah and Patrick Hillmann, property owners, submit for major zoning relief from the Evanston Zoning Ordinance for additions to a single family residence in the R1 Single Family Residential District. The applicant requests zoning relief for 46.1% impervious surface coverage where a maximum 45% is allowed (Section 6-8-2-10), a 27.5' east front yard setback where 38' is required to meet the block average (Section 6-4-1-9), a 1.5' north interior side yard setback where 5' is required (Section 6-8-2-8), a 15.6' west rear yard setback where 30' is required (Section 6-8-2-8),

a detached accessory structure (chimney/fire pit) in the front yard where detached accessory structures are only permitted in side and rear yards (Section 6-4-6-2-D, 6-4-6-3-A), 6' and 7.3' solid fencing in the front yard where fencing is not permitted within the front yard or within 3' of the front façade of the house and not over 4' in height or 70% opacity (Section 6-4-6-7). The Land Use Commission is the final determining body for this case. Revisions submitted on March 9, 2022 may further reduce the number and/or degree of variations requested. An update will be presented at the meeting

APPLICATION PRESENTED BY: Joe Lambke, architect; Patrick Hillmann, property owner

DISCUSSION:

- M. Klotz described the updated plans she received on March 9, 2022. She noted that the plans went from 6 variations to 3 variations.
- Patrick Hillmann, property owner and applicant, noted that this project had previously went to the Land Use Commission (LUC) and it was denied because there were too many variations. He said they wanted to create a kind of open plan and also make the home accommodate their growing family.
- Mr. Hillmann said that the house is proposed up against the alley to create space between their house and the neighbors' house to the south. He said that the cul-de-sac was a private road and they want to keep the cul-de-sac "open for their neighbors". He described that the one side of the property abuts a "main thoroughfare" (Poplar Avenue which is a dead end street).
- Mr. Hillmann said that the house has been vacant for quite some time and they want to improve the property for their neighbors. He said they have not been able to get insurance from two insurance companies because they have considered it "undesirable".
- M. Jones asked if it was a fence or a wall along the north side lot line (along alley).
- Mr. Lambke said there was a fence there that had been their for 50 years or more and they would like to replace it and for it to be opaque. He said it will not be taller than 6 feet. He said it is "likely they will replace the entire fence".
- K. Ashbaugh asked if they would or not would be replacing the fence, and if it would be in the front yard and how tall it would be in the front yard.
- Mr. Lambke confirmed they would be replacing the fence.
- M. Klotz confirmed that the fence requires a variation to be located in the front yard and to be opaque.
- Mr. Lambke said the fence it will be 5 feet in the front yard.
- L. Biggs said they would like the fence to be 3' 6" in between the garage and the rear (west) lot line.
- Mr. Lambke said that the fence would be removed along the entire length of the rear lot line along Poplar.

- J. Nyden noted the third variation related to the north interior side yard and asked them to explain this request.
- Mr. Lambke and Mr. Hillmann said that the intent is to block the alley (lights from cars, snow, etc.) from the rest of the Colfax Terrace neighbors.
- J. Nyden asked if not being granted this variation would make the project infeasible.
- Mr. Hillmann said they would not continue to move forward this this project if this variation were not granted.
- Mr. Lambke said that the variation from the minimum side yard setback will help the house shield the rest of the neighbors from the alley. He said they are “blending in” with the rest of the neighborhood. He said the “strict interpretation of things” is “twisting” into requiring the variations and that the regulations force the property to not comply with them. He said that only 13% of the north side lot line is affected by the variation to encroach into the side yard setback by 18 inches (1.5’).
- Mr. Hillmann said they are not able to get a loan to refurbish the property. He said they have one but it is dependent on the plans being approved.
- Ms. Sarah Hillmann, property owner, said she wanted to note that if they put money into the property, they want to get a on it if they sell it at some point in the future.
- K. Ashbaugh noted that the bike room also encroached into the side yard being 2.4’ from the north side lot line where 5’ is required. She said that almost 20% of the lot line, not 13%, is then impacted by the building being that close to the lot line and the alley.
- Mr. Lambke acknowledged this and said that they could put the bike room 3 feet from the lot line. He said they could actually comply with the 5 foot setback.
- J. Nyden asked to confirm if they could get the bike room to comply with the 5 foot setback.
- Mr. Lambke said it is possible to comply but they would prefer to have it located where it is. He said it is not critical for the bike room, they could comply with the 5 foot setback.
- K. Ashbaugh asked to confirm the setback they were proposing with regard to the rear yard.
- Mr. Lambke said the house was 11.5’ from the rear lot line along Poplar at the closest point.
- J. Nyden asked M. Klotz for clarification on the front yard requirements and how it was applied, specifically to the bike room.
- M. Klotz said a typical front yard is 27’, but that on this block it is 38’ because of the averaging of the block.
- J. Nyden then noted that there was some flexibility with regard to the front yard or that a variation from that requirement could be reasonable if they comply with the side yard.
- J. Hyink asked if there is an exit from the bike room to the alley.
- Mr. Lambke said yes.
- J. Hyink said the City code does not allow biking in the alley.

- Mr. Hillmann said it will be there will be there to access to the alley from the bike room to load the car.
- J. Nyden said that they should comply with the side yard to be closer to 13% of the side yard not being compliant rather than 20%.
- Mr. Lambke said they could move the bike room.
- M. Callahan noted that there is a tree there.
- M. Klotz said it is not necessary to have the bike room in the front yard or the side yard.
- M. Callahan said that they may be able avoid affecting the tree depending on where they shift the bike room.
- Mr. Lambke said it is not necessary to have the bike room but “effectively it needs to be where they’ve proposed it”.
- J. Hyink asked if they were putting in a 6-foot opaque fence.
- Mr. Lambke said it was 5-feet but yes it would be opaque.
- J. Hyink noted the fence also will serve to block the sight lines and the alley which they are saying is the reason for the location of the house being in side yard.
- Mr. Hillmann said that there is also a street light that shines bright into everyone’s properties so the house also helps with that.
- L. Biggs noted the alley light was put in because a property owner requested it and is paying for the electric for it.
- Mr. Hillmann noted it was bright.
- Mr. Lambke noted that “legally there flexibility”.
- There was additional discussion about the light and whose responsibility it was and its brightness.
- J. Nyden asked for a motion and reiterated the conditions discussed.

L. Biggs made a motion to recommend approval to the Land Use Commission, seconded by M. Callahan, with the following conditions: 1) that the bike room location be revised to attempt to comply, and 2) that the fence segment along the alley between the attached garage and Poplar Avenue be no taller than 42 inches. The motion carried by voice vote, 9-1.

Ayes: J. Nyden, M. Jones, A. Schnur, L. Biggs, M. Callahan, R. Papa, I. Eckersberg, J. Hyink, C. Pratt

Nays: K. Ashbaugh

Abstained:

Adjournment

L. Biggs made a motion to adjourn, seconded by A. Schnur. The motion carried by voice vote, 10-0, to adjourn. The Committee adjourned at 2:54 p.m.

Ayes: J. Nyden, M. Jones, K. Ashbaugh, A. Schnur, L. Biggs, M. Callahan, R. Papa, I. Eckersberg, J. Hyink, C. Pratt

Nays:

Abstained:

Respectfully submitted,
Katie Ashbaugh, AICP, Planner



Memorandum

To: Members of the Land Use Commission

From: Katie Ashbaugh, Planner

CC: Johanna Nyden, Director of Community Development
Melissa Klotz, Zoning Administrator
Meagan Jones, Neighborhood and Land Use Planner

Subject: Land Use Commission Rules & Procedures - Vote Count Update

Date: March 25, 2022

Background:

On January 12, 2022, the Land Use Commission (“LUC”) conducted its inaugural meeting and adopted Rules & Procedures (“Rules”). Within Section 2 of Article IX of the Rules, a concurrent vote of 5 members is required. A total of 5 votes was required in anticipation of the Commission eventually consisting of 9 members, whereas it has been established with 11 members being a combination of current Zoning Board of Appeals and Plan Commission members at the time. However, given the current LUC consists of 10 members as one member has resigned and that the total membership will eventually be 9 members, the Law Department has directed staff to revise the Rules to not specify the number of concurrent votes, but rather that a majority is required. The originally adopted Rules are linked under “Attachments”. The sole paragraph which is being updated is shown below with track changes. The clean version is directly attached and marked as “draft” in the footer.

Section 2 of Article IX, Final Determination Votes (track changed):

~~“The concurring vote of five (5) Commissioners shall be necessary to decide any matter upon which the Commission is the determining body. Those cases for which the Commission is the determining body as specified herein and within Title 6 of the Evanston City Code, a concurrent vote of a majority of Commission seats, whether said seats are vacant or appointed, shall be required. If, due to the absence of Commissioners for cases in which the Commission is the final authority determining body, a concurring vote of five a majority of Commissioners seats, whether said seats are vacant or appointed, does not occur, the matter shall be continued to the next regularly scheduled meeting or a date certain. with t The votes so far standing in order to allow additional taken shall stand, and after previously absent Commissioners to have reviewed the minutes and/or audio-visual recording of the proceedings, and then vote on the motion at the date certain hearing, or further hearings, until there are five concurrent votes to resolve the case. they shall cast~~

their votes on the motion at the date certain hearing, or further hearings, until a concurrent vote of a majority of Commission seats, whether said seats are vacant or appointed, occurs.

Attachments:

1. [Land Use Commission Rules & Procedures - adopted 1/12/2022](#)
2. Land Use Commission Rules & Procedures - Draft, dated 3/25/2022 (next page)

Land Use Commission

Rules & Procedures



City of
EvanstonTM

EVANSTON LAND USE COMMISSION
RULES & PROCEDURES

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ARTICLE I - GENERAL PROVISIONS

SECTION 1 - PURPOSE

The City Council establishes a Land Use Commission to provide for planning the future development and redevelopment of the Municipality as authorized by Division 12 of the Illinois Municipal Code, 65 ILCS 5/11-12-4 et seq, hear and decide major variations from provisions of the Zoning Ordinance, hear and decide appeals of the Zoning Administrator, hear and make recommendations to the Planning and Development Committee and City Council on applications for certain major variations, all special use permits including planned developments, and applications for map amendments and text amendments to the Zoning Ordinance.

Planning by the Land Use Commission may be directed toward the following ends:

(A) Adoption by the City Council of an Official Comprehensive General Plan or geographic or functional parts thereof, showing the present and future use and development or redevelopment of land in the City, including general statements of policy and objectives. Such Plan in itself shall not be regulatory but shall be for the general guidance of local governments and others.

(B) Adoption by the City Council of new or amended zoning, building construction, and other regulations or ordinances, all designed to bring about the desired use and development or redevelopment of land as indicated in specific or general terms by the Official Comprehensive General Plan.

(C) Adoption from time to time by the City Council, when changed conditions warrant, or it is otherwise desired, changes or amendments in the previously adopted Official Comprehensive General Plan, regulations, ordinances and programs.

(D) Providing for the review of and preparation of reports, recommendations or actions on matters relating to plans for development or redevelopment of the City, public improvements and any matters relating to implementation of the Comprehensive General Plan.

SECTION 2 - AUTHORIZATION

The establishment of this Commission is provided for in Title 2, Chapter 19 of the City Code by Ordinance 92-O-21.

These rules are supplementary to the City of Evanston Code of Ethics, Title 1, Chapter 10 of the Evanston City Code, 2012, as amended, and the City of Evanston's home rule Zoning Ordinance, Title 6 of the Evanston City Code, 1993, as amended, and are adopted pursuant to the authority contained therein.

These rules are to be read in conjunction with 65 ILCS, 5/11-13-1, *et seq.* "Zoning" and 5 ILCS, 120/1, *et seq.* "Open Meetings" and Ordinance 15-0-78, "Requiring Disclosure of Ownership Interests of Entities Seeking City Council Approval on Real Estate Matters".

These rules shall be followed in conjunction with and compliance with the current edition of Robert's Rules of Order, which shall be used in any instance in which the Land Use Commission Rules are otherwise silent.

Nothing contained herein shall be construed to give or grant the Commission the power or authority to amend or change the Zoning Ordinance, which authority is reserved to the City Council.

SECTION 3 - OPEN MEETINGS ACT

All meetings and public hearings of the Commission, as defined in the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.*, shall be open to the public and subject to public notice requirements.

Information concerning any pending case shall be obtained only from the Secretary of the Commission and shall be posted on the City website available to the public prior to the meeting. Discussion of the merits of any pending case by the public with any Commissioner, except by sworn testimony at a public hearing, is improper, and may be considered prejudicial.

ARTICLE II - COMMISSION POWERS & DUTIES

This Article may require updating as the Zoning Ordinance or Land Use Commission establishing Ord. 92-O-21 are amended from time to time.

SECTION 1 - DUTIES AS THE DETERMINING BODY

Major Variations: The Commission shall formulate final determinations for any application for Major Variations (notwithstanding Certain Major Variations as described in Section 2 of this Article), and any combined application for Major and Minor Variations pursuant to Section 6-3-8 of the Zoning Ordinance.

Appeal of Minor & Fence Variations: The Commission shall formulate final determinations for any Appeal of a decision to a Minor and/or Fence Variation made by the Zoning Administrator.

Appeal of Decisions made by the Zoning Administrator including Time Extensions: The Commission shall formulate final determinations for any Appeal of a decision made by Zoning Administrator in the administration or enforcement of the Zoning Ordinance.

SECTION 2 - DUTIES AS THE RECOMMENDING BODY

Comprehensive General Plan: The Commission shall formulate recommended policy to the City Council for a Comprehensive General Plan, geographic or functional parts thereof, showing the present and future use and development or redevelopment of land in the City, including general statements of policy and objectives. Such Plan in itself shall not be regulatory but shall be for the general guidance of local governments and others. The Commission shall formulate recommended changes or amendments to the Plan, geographic or functional parts thereof, when changed conditions warrant or it is otherwise desired.

Text & Map Amendments: The Commission shall formulate recommended policy to the City Council for Text & Map Amendments to Zoning Ordinance, Title 6 of the Evanston City Code, 1993, as amended, when changed conditions warrant or it is otherwise desired.

Special Uses including Planned Developments, & Unique Uses: The Commission shall study site-specific requests and make recommendations with conditions to the City Council for Special Uses including Planned Developments, and Unique Uses.

Certain Major Variations: The Commission shall study site-specific requests and make recommendations with conditions to the City Council for certain Major Variations pursuant to Section 6-3-8 of the Zoning Ordinance including but not limited to off-street parking and loading for all uses other than single-family and two-family residential, and height beyond fifty (50) feet.

SECTION 3 - ADDITIONAL DUTIES

Studies & Reports: The Commission shall initiate studies, reports and recommendations to the City Council on matters concerning the present or future development or redevelopment of the City.

Governmental Proposals: The Commission shall study, review, and prepare recommendations on plans and proposals of other departments of the City government which relate to the implementation of the Comprehensive General Plan.

Other Matters: The Commission shall hear and decide or make recommendations on any other matters referred by the City Council.

SECTION 4 - POWERS TO CARRY OUT DUTIES

To carry out the above duties, the Land Use Commission shall have the following powers:

1. To invite the advice and assistance of persons having special knowledge, experience or interest in the needs or problems which are receiving consideration by the Land Use Commission. Such advisors may include, among others, officials of an adjoining municipality or of other local governments or other persons not living in the City.
2. To conduct such public hearings as required and as it deems necessary to gather information and ideas needed for thorough review of the Comprehensive General Plan.
3. To promote the realization of the Comprehensive General Plan and the community objectives it incorporates through public education and other means.
4. To request from the Community Development Department such staff time as may be required to assist the Land Use Commission in carrying out its duties.
5. To establish subcommittees of the Land Use Commission as necessary.
6. To designate a spokesperson or representative to speak on behalf of the Commission before the City Council, City Council committees, and other public meetings as necessary.

7. To adopt additional Rules & Procedures deemed necessary to conduct meetings and public hearings and to carry out the duties of the Commission, in conjunction with and compliance with Roberts' Rules of Order and the Open Meetings Act.

None of the above, without prior approval by the City Council, shall include the power to obligate the City for compensation to any person or organization.

ARTICLE III - MEMBERSHIP

SECTION 1 - TRANSITIONAL MEMBERSHIP

Upon formation, the Land Use Commission shall initially consist of eleven (11) members composed of current members of the Plan Commission and Zoning Board of Appeals and their existing respective term expiration dates as adjusted to 4-year terms, subject to appointment to the Land Use Commission by the Mayor and confirmation by the City Council. Thereafter, such transitional members shall be eligible for appointment for one additional full term on the Land Use Commission if reappointed.

Upon expiration of these initial members' terms, the Land Use Commission in its final form shall consist of nine (9) members.

Quorum shall consist of the majority of the members on the Land Use Commission at any given time.

At the first meeting of the Land Use Commission, transitional members shall elect Officers as outlined in Section 3 of this Article.

SECTION 2 - REGULAR MEMBERSHIP

Appointments of regular members shall be for four (4) years, and shall consist of no more than two terms. Membership shall be appointed by the Mayor, subject to confirmation by the City Council. Regular membership shall consist of nine (9) members. Quorum shall consist of the majority of the members on the Land Use Commission at any given time.

All appointed members of the Land Use Commission shall serve as such without compensation, and shall abide by the City's Code of Ethics set forth in Section 1-10-4 of the Municipal Code, as amended.

When a member of the Land Use Commission has been unable or has failed to attend four (4) consecutive meetings, the Chair may request the Mayor speak to and possibly remove said member. If a member has been unable to attend all meetings during a consecutive period of four (4) months, such absence may be construed, after notice to the member thereof, as a resignation from the Commission.

SECTION 3 - OFFICERS

Commission membership shall include the following officer positions:

Chair: At the end of each year, the Commission shall elect a Chair to serve for the following year, with eligibility for re-election. The Chair shall supervise the affairs of the Commission and preside over all meetings.

Vice-Chair: At the end of each year, the Commission shall elect a Vice-Chair to serve for the following year, with eligibility for re-election, whenever the Chair is absent or is unable to serve.

Commission Liaisons: At the end of each year, the Commission shall elect Commission Liaisons for pertinent standing committees in the City that are related to the cases and duties of the Plan Commission. Liaisons shall attend committee meetings and provide input as it relates to the Land Use Commission. Standing committees that may, but not shall, have Land Use Commission liaisons include the Inclusionary Housing Ordinance Subcommittee and other committees as appropriate.

Subcommittee Officers: At the first meeting of any subcommittee meeting, the Subcommittee shall elect pertinent officers including, but not limited to, a Subcommittee Chair and Vice-Chair.

SECTION 4 - STAFF SUPPORT

Staff support shall include the following position:

Secretary: The Community Development Director, or his/her/their designee, shall serve as Secretary of the Commission and is responsible for the following duties:

1. Be custodian of the active cases of the Commission and keep all records;
2. Ensure the preservation of all files on which Commission action has been completed;
3. Conduct the correspondence of the Commission;
4. Schedule cases and inform applicants of timeframes, deadlines, and expectations for hearings;
5. Publish qualifying cases for public hearings in a local newspaper as required by law, provide mailed notice of qualifying cases as required by the Zoning Ordinance, and post public hearing signs on qualifying properties as required by the Zoning Ordinance;
6. Prepare a written memorandum for each agenda item that provides a description of the request, background information, impacts, ramifications, alternatives, and a staff recommendation;
7. Ensure audio-visual recordings, meeting actions, and/or meeting minutes of all Commission meetings are available to the public;
8. Provide interpretation of the City Code as it relates to matters heard by the Commission;
9. Perform other additional duties as may be requested by the Commission and determined to be appropriate duties to engage in.

ARTICLE IV - GENERAL APPLICATION REQUIREMENTS

SECTION 1 - APPLICANTS

Any case heard by the Commission shall have an official applicant listed on the application submission, and shall be a property owner, authorized representative, contract purchaser, 99-year lessee, City staff initiated, City Council referral, or other governmental agency. In the case of an Appeal, the Appellant shall be an aggrieved party.

A certificate of disclosure of ownership interests of entities seeking recommendation or approval on real estate matters shall be filed with any application on property not held in sole ownership by the applicant.

SECTION 2 - COMPLETE SUBMISSION

Any case heard by the Commission shall feature a complete application with all necessary supporting documents and shall include requests for all zoning relief needed to allow the proposal so that the case may be heard as a whole and in its entirety. In any case where physical improvements are contemplated, or deemed necessary, plans sufficient in detail for a Zoning Analysis shall first be submitted to the Community Development Department for review by City staff.

SECTION 3 - ALTERNATIVE PROPOSALS

Any application may propose alternative forms of relief for the same proposal, providing a separate filing fee, if applicable, is paid for each alternative request so filed and each case is properly noticed in the newspaper and to neighboring properties.

SECTION 4 - PROSPECTIVE PROPOSALS

Applications may not be filed which are prospective with respect to a proposed change to the Zoning Ordinance. However, if a petition or reference has been made and publicly noticed in the newspaper for the Land Use Commission or a subcommittee thereof, such case may proceed at the applicants' own risk. Such case shall not receive a final determination until and unless such original petition or reference is first determined by the authorized body.

ARTICLE V - FILING AND SCHEDULING PROCEDURES

In addition to the general application requirements, the following specific requirements apply based on the type of relief requested:

SECTION 1 - COMPLETE APPLICATION

The Secretary of the Commission shall determine application completeness and may request or insert additional documents or information as is necessary and pertinent to the case at hand.

SECTION 2 - SCHEDULING

Once an application has been deemed complete by staff, such case shall be scheduled to a date(s) certain for pertinent committee meetings and recommending bodies as required by the City Code, including but not limited to, the Historic Preservation Commission, Design & Project Review (DAPR) Committee, and then the Land Use Commission. Meeting dates shall be adjusted as necessary to accommodate continuances or cancelations at prior meetings. Applications shall be processed and scheduled for committee meetings and the Land Use Commission in a timely manner. Scheduling of cases is subject to Commission quorum and/or availability of agenda space. In the event of a backlog of cases to be heard by the Commission, cases will be scheduled for the next available regular or special meeting that has agenda space. In the event the applicant is not present at a meeting for which notice has been given (i.e.

agenda, mailed notice, published newspaper, etc.), the matter may be continued to the next regular scheduled meeting.

SECTION 3 - NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

The Secretary of the Commission shall give due notice of the time, place and subject of every application to consider proposed map and text amendments, planned developments, unique uses or changes to the Comprehensive General Plan, not more than thirty (30) days nor less than fifteen (15) days before the meeting by publishing a notice thereof at least once in one or more newspapers published in the City in compliance with the requirements of the Zoning Ordinance.

Mailed Notices shall be processed by the Secretary of the Commission and may use a third party to fulfill the mailed notice requirements in compliance with the requirements of the Zoning Ordinance. Mailed notices are required to all property owners within 250 feet for Appealed Minor & Fence Variations. Mailed notices are required to all property owners within 500 feet for other Appeals, Major Variations, Special Uses not including Planned Developments, and Map Amendments. Mailed notices are required to all property owners within 1000 feet for Planned Developments and Unique Uses. Failure of delivery of such notice, however, shall not invalidate a case or hearing. Subsequent notices are not required for continuances.

A sign (freestanding or window) shall be posted on the subject property by the Secretary of the Commission a minimum of ten (10) days prior to the public hearing indicating the place, time and date of the hearing, and how to obtain additional information regarding the case.

ARTICLE VI - MEETINGS & PUBLIC HEARINGS

SECTION 1 - MEETING SCHEDULE

Land Use Commission meetings shall be held twice monthly, typically on the second and fourth Wednesday of the month at 7p.m., in Council Chambers at the Civic Center. Meetings may be held virtually in addition to or in place of in-person meetings in accordance with the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended. Meeting dates and times may vary depending on Commissioner availability, agenda management, holidays, and/or meeting room availability, and are subject to confirmation by the Commission Chair and proper public notice. A yearly meeting schedule shall be adopted by the Commission at the end of the preceding year that specifies all regular meeting dates. No new case shall begin after 10p.m., and Commission meetings shall end by 11p.m., unless a majority of the Commissioners present vote to begin a case after 10p.m. or allow a meeting to proceed beyond 11p.m. Additional or rescheduled meetings may occur as necessary with proper public notice.

SECTION 2 - ADDITIONAL OR RESCHEDULED MEETINGS

Additional or rescheduled meetings of the Commission may be held as needed, provided public notice of said hearing is published as required. The Commission shall attempt to schedule a special hearing whenever accepted cases cannot be heard at the next regular hearing because the docket is already full.

SECTION 3 - OPEN MEETINGS ACT

All meetings and hearings of the Commission shall be open to the public and subject to the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended. All meetings and hearings shall follow up with audio-visual recordings, meeting actions, and/or meeting minutes that are available to the public.

SECTION 4 - QUORUM

A quorum of the Commission is required for the transaction of any business. A quorum shall consist of a majority of the currently appointed members of the Commission.

SECTION 5 - RECUSAL

No member of the Commission who has a financial interest in the property or the affairs of a petitioner or affected owner, or who believes he/she/they have some other direct conflict of interest, shall participate in any discussion, questioning, or voting as a Commissioner in the matter involving such property or person. Recusal by any Commissioner shall be clearly stated prior to the start of said agenda item.

SECTION 6 - OATH & SWEARING IN

An oath shall be administered to all persons intending to testify or who may be called to testify during the course of a public hearing. In the case of a hearing that was continued from a previous meeting, the Chair shall remind those who were previously sworn in that they remain under oath.

SECTION 7 - TESTIMONY & PRESENTATION OF EVIDENCE

All meetings and hearings shall provide time for public comment. To allow for all public comments to be voiced in a timely manner, a time allotment per speaker may be established. Any established time limit may be adjusted on a case by case basis by the Chair to accommodate extraordinary circumstances.

Testimony and presentation of evidence regarding site-specific cases shall be limited to the applicant and his/her/their designee, and to persons with a legal interest in real property within the mailed notice boundary for said case, as follows:

Planned Development, Unique Use	1,000 foot radius
Map Amendment, Special Use, Major Variation, Appeal of Decisions made by the Zoning Administrator including Time Extensions	500 foot radius
Appeal of Minor and Fence Variations	250 foot radius
Text Amendment, Comprehensive Plan, Other Plans	No mailed notice boundary/ Testimony from all residents accepted

Any person who resides outside of the applicable radius or boundary may give public comment. However, such public comment shall not be construed as testimony or presentation of evidence.

SECTION 8 - CONTINUANCES

Any person with a legal interest in real property within the notification boundary for a said case, as stated in Section 7 above, shall have the right to seek a continuance of a case. Any request for continuance shall be in writing and include the specific reason(s) the continuance is necessary and may be granted. Such continuance may be at the Commission's discretion, upon showing the case is unable to proceed with testimony, evidence, or cross-examination at the current hearing for good cause.

In the interest of time and receiving testimony from those who are already present at a meeting, the Chair may determine whether it is appropriate to allow testimony to proceed on a given case when a continuance has been requested.

Any case begun at a previous hearing shall only hear new testimony and receive new evidence if testimony remained open at the hearing the continuance was granted.

Any case in which a continuance is granted by the Commission shall be continued by public announcement to a date certain.

ARTICLE VII - ORDER OF BUSINESS

SECTION 1 - GENERAL ORDER OF BUSINESS

Meetings of the Commission shall ordinarily proceed as follows, but may be adjusted by the Chair for good reason:

1. Introductory statements and declaration of quorum
2. Call for continuances, abstentions, recusals, and change to agenda order
3. Review of past meeting minutes
4. Oath and swearing in
5. Old business - hearing of testimony and/or deliberation on continued matters
6. New business - hearing of testimony and deliberation on new matters
7. Discussion - upcoming agenda items, meeting dates, trainings, general housekeeping
8. Adjournment

Procedures for public hearings for Old and/or New business are detailed in Article VIII - Procedures for Hearing Cases.

SECTION 2 - CONSENT AGENDA

The Commission may allow items to proceed on a consent agenda when all of the following conditions are met:

1. Staff and DAPR recommend approval
2. Applicant agrees with the staff report and recommended conditions for approval
3. There is no one present at the time of the public hearing who intends to comment or introduce evidence in opposition to the case
4. There are no Commissioners at the time of the public hearing who intend to comment on the case or cross-examine the applicant

SECTION 3 - MEETING TIME LIMITS

The Commission shall not begin any new public hearing agenda item after 10pm unless deemed necessary by the Chair and agreed upon by the majority of the Commissioners present.

The Commission shall not hold any meeting beyond 11pm unless deemed necessary by the Chair and agreed upon by the majority of the Commissioners present. Any matter on the agenda not heard in full at said meeting shall be rescheduled to the next meeting or to a date certain.

ARTICLE VIII - PROCEDURES FOR HEARING CASES

All cases requiring a public hearing shall be conducted in the order set forth below:

SECTION 1 - CASE INTRODUCTION

Each case shall begin by introducing the matter and shall include the case number, address of the subject property or properties associated with the request and an explanation of the request or the relief sought. The Chair shall explain procedures for the conduct of the case, including but not limited to any time limits, rules governing public comment, that repetition should be avoided, and that all testimony must be relevant to the matter at hand.

If an applicant fails to appear, the Chair may entertain a motion to dismiss the matter or continue the matter to a date certain.

SECTION 2 - APPLICANT'S PRESENTATION

The applicant shall explain the proposal and may provide additional evidence and testimony. Materials submitted to the Commission prior to the hearing and available to the general public on the City website, including the staff report and recommendation, shall be part of the record.

SECTION 3 - CROSS-EXAMINATION

Following the applicant's presentation, Commissioners may ask questions about the proposal and Standards for Approval. The applicant shall then be given the opportunity to respond.

Once all Commissioners' questions are addressed, persons with a legal interest in real property within the notification boundary for a case as stated in Article VI, Section 7, may ask questions about the proposal and Standards for Approval, provide testimony, and present evidence. The applicant shall then be given the opportunity to respond.

Prior to the start of public testimony, the Chair shall remind the public of the general rules regarding time limits and rules governing cross-examination and public comment. The Chair may exclude any question or cross-examination which is argumentative or irrelevant.

The Commission reserves the right to seek clarification of testimony and cross-examine any member of the public that speaks in a hearing.

SECTION 4 - SUBMITTAL OF EVIDENCE & PETITIONS

Any materials to be presented in the Commission's packet that posts on the City website shall be transmitted digitally to the Secretary no less than 4 business days prior to the Land Use Commission meeting where such material is discussed or considered. Such materials will be included in the information packet for the Commission and posted to the City website for public view. Materials transmitted less than 4 business days prior to the Land Use Commission meeting where such material is discussed or considered shall be accepted but may not be posted to the City website.

A petition favoring or opposing a proposal may be submitted. Such a petition should contain only a brief statement of the position of the persons favoring or opposing the proposal, their printed names, address, signatures, and whether each name listed holds a legal interest within the notice boundary area (when applicable). No petition will be admitted into evidence unless the submitter certifies that he/she/they collected all signatures on the petition and that each person signing the petition did so in the presence of the person submitting the petition.

SECTION 5 - REQUESTS FOR CONTINUANCE

Any request for continuance shall include the specific reason(s) the continuance is necessary and may be granted, at the Commission's discretion, upon showing the case is unable to proceed with testimony, evidence, or cross-examination at the current hearing for good cause. A request for continuance with lack of appropriate reason may not be granted by the Commission.

In the interest of time, the Commission may determine whether it is appropriate to allow testimony to proceed on a given case when a continuance has been requested. Any member of the public who comments at such time shall not be permitted to re-state the same comments at the continued hearing. Any case begun at a previous hearing shall only hear new testimony and receive new evidence if testimony remained open at the hearing the continuance was granted.

Any case in which a continuance is granted by the Commission shall be continued by public announcement to a date certain. Whenever a case is continued to a date certain, no additional notice or publication of notice shall be required providing the notice of the initial hearing met all legal requirements.

Any Commissioner absent from all or a part of a previous public hearing that was continued, who certifies that he/she/they have read the minutes and/or watched the audio-visual recording(s) of the hearing for any given matter, may then vote upon any motion before the Commission with respect to such matter.

SECTION 6 - CLOSING STATEMENTS

The applicant and/or staff may offer additional statements that generate further testimony and discussion, and may suggest potential modifications to the original request based on the testimony and evidence presented.

Following additional and closing statements, the record shall be closed for testimony. After testimony is closed, new evidence may not be offered unless the Commission reopens testimony.

SECTION 7 - DELIBERATION

The Commission shall discuss the testimony and evidence presented before them in the public hearing. During deliberation, the Chair may, at the request of any Commissioner, direct clarifying questions to the applicant or any member of the public who testified. New testimony and/or evidence shall not be provided unless testimony is reopened by the Commission.

SECTION 8 - STANDARDS FOR APPROVAL

The end of Deliberation shall include review of the Standards by the Commission. Any Commissioner who believes any individual Standard is not met shall describe in detail why that Standard is not met, and shall cast a corresponding vote that affirms such. If a Commissioner believes an unmet Standard can be met by adding a specific condition, the Commissioner may request such condition be placed on the proposal and may then vote affirmatively.

SECTION 9 - COMMISSION ACTION

Based on discussion, the Commission shall either a) require the applicant, staff, the public, and/or the City Attorney to provide new or additional information and continue the hearing to a date certain; or b) take action on the matter and make a recommendation or final determination, depending on the case type, based on Standards and findings of facts. Any determination or recommendation may include conditions that keep with the intent of the relevant Standards for Approval.

ARTICLE IX - RECOMMENDATIONS & FINAL DETERMINATIONS

SECTION 1 - MOTIONS

All motions, votes, actions, decisions, and recommendations shall include any necessary conditions for approval, and shall be made at a meeting open to the public. Any decision or recommendation on a case shall be made at the meeting at which testimony is concluded, unless the case is continued to a date certain.

SECTION 2 - FINAL DETERMINATION VOTES

The Commission is the final determining body for the following cases:

1. Major Variations (notwithstanding Certain Major Variations as described in Section 3 below)
2. Appeal of Minor and/or Fence Variations
3. Appeal of Decisions made by the Zoning Administrator

Those cases for which the Commission is the determining body as specified herein and within Title 6 of the Evanston City Code, a concurrent vote of a majority of Commission seats, whether said seats are vacant or appointed, shall be required. If, due to the absence of Commissioners for cases in which the Commission is the determining body, a concurrent vote of a majority of Commission seats, whether said seats are vacant or appointed, does not occur, the matter shall

be continued to the next regularly scheduled meeting or a date certain. The votes taken shall stand, and after previously absent Commissioners have reviewed the minutes and/or audio-visual recording of the proceedings, they shall cast their votes on the motion at the date certain hearing, or further hearings, until a concurrent vote of a majority of Commission seats, whether said seats are vacant or appointed, occurs.

SECTION 3 - RECOMMENDING VOTES

The Commission is a recommending body for the following cases:

1. Text Amendments
2. Map Amendments
3. Special Uses including Planned Developments
4. Certain Major Variations (off-street parking and loading for all uses other than single-family and two-family residential, townhouse orientation, and height beyond 50 feet)
5. Unique Uses
6. Comprehensive General Plan & Area Plans
7. Other studies and reports

When the Commission is recommendatory to the City Council, the matter shall be decided by a majority of the Commissioners present at the meeting. Any recommendation made by the Commission shall include relevant written findings of fact. In the event of a tie, the matter shall proceed to the City Council with no recommendation from the Commission, though the Commission may recommend conditions should the matter be approved by the City Council.

SECTION 4 - ALTERNATIVE PROPOSALS DISMISSED

If the Commission decides favorably on any portion of an application for which the Commission is the final authority, and the application was filed with alternative forms of relief for the same proposal, and the favorable decision results in all of the relief necessary to allow the proposal to go forward, the remaining alternative forms of relief shall be dismissed without further action.

ARTICLE X - MATTERS PREVIOUSLY DECIDED

Any application which has been brought before the Commission and received a final determination either by the Commission or the City Council shall not be brought again before the Commission except that the Chair, in consultation with the Zoning Administrator or his/her/their designee, may grant another hearing in any case in which the applicant desires to offer new material evidence and testimony that was not available at the time of the previous hearing and determination.

Any application that is deemed substantially different from the original application, as determined by the Chair and Zoning Administrator or his/her/their designee, may be resubmitted at any time.

ARTICLE XI - SPECIAL REGULATIONS FOR APPEALS

SECTION 1 - An Appeal may be made to the Commission regarding any zoning determination, regulation, requirement, or decision made by the Zoning Administrator or his/her/their designee.

SECTION 2 - Prior to the hearing of the Appeal, the applicant shall provide documentation of all relevant materials including but not limited to violation notices, communication with the City, submittal dates and relevant applications, plans, and other evidence. The Commission may, at its discretion, collect further information or evidence, which may or may not require the continuance of a case to aid in reaching a decision.

SECTION 3 - The Commission shall determine a) if the determination, regulation, requirement, or decision made was done so erroneously; and b) if a different decision should be made in light of an erroneous decision or in light of additional information or evidence presented. The Commission may reverse or affirm, wholly or partly, may modify the decision, or may overrule the decision.

SECTION 4 - An Appeal decision made by the Commission that grants subsequent zoning relief shall not require a new public notice or new public hearing in relation to the relief granted and shall be considered part of the Appeal case.

ARTICLE XII - COMPREHENSIVE GENERAL PLAN & AREA PLANS

Any applicant, or his/her/their designee, may proceed with a request to revise the Comprehensive General Plan, an existing Area Plan, or other long-range planning documents.

SECTION 1 - COMPREHENSIVE GENERAL PLAN

The Commission shall, from time to time, consider an extensive public process with a variety of public input provided to establish a recommendation to revise an existing or adopt a new Comprehensive General Plan. Any proposed Plan may utilize consulting firms to provide some or all of the evidence and testimony necessary leading up to and during meetings and public hearings related to the Plan. When providing a recommendation, the Commission shall ensure any recommended Plan aligns with the stated Goals & Objectives of the City Council and relevant adopted plans including, but not limited to, the Climate Action & Resilience Plan (CARP) and the Multi-Modal Transportation Plan.

SECTION 2 - AREA PLANS

The Commission shall, from time to time, consider an extensive public process with a variety of public input provided to establish a recommendation to revise an existing or adopt any new Area Plan, which includes but is not limited to neighborhood, business district, commercial corridor, and downtown plans. Any proposed Plan may utilize consulting firms to provide some or all of the evidence and testimony necessary leading up to and during meetings and public hearings related to the Plan. Area Plans shall be adopted or revised in conjunction with the Comprehensive General Plan.

ARTICLE XIII - SUBCOMMITTEES

The Commission may establish subcommittees as it deems appropriate. Subcommittees shall make recommendations to the full Land Use Commission. Subcommittees membership shall consist of not more than one half of the Commissioners serving on the Land Use Commission.

Staff shall support all subcommittees and shall maintain minutes and records of their activities. The Secretary of the Commission shall arrange for public notice of meetings required by law or by Commission rule.

Subcommittees shall operate in a manner consistent with the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*), as amended, and the Illinois Freedom of Information Act (5 ILCS 140/1 *et seq.*), as amended, and in a manner consistent with the current edition of Robert's Rules of Order, which shall be used in any instance in which the Land Use Commission Rules are otherwise silent.

ARTICLE XIV - AMENDMENT OF RULES

SECTION 1 - DRAFT AMENDMENT REQUIRED

These Rules may be amended from time to time by an affirmative vote of the majority of the Commission present. Any proposed amendment shall be provided to all Commissioners prior to the meeting at which the amendment is considered.

SECTION 2 - ALTERNATIVE TO DRAFT AMENDMENT

Any Rule may be temporarily waived, suspended, or adjusted by an affirmative supermajority vote of two-thirds of the Commissioners present to meet the particular needs of the public hearing process consistent with Constitutional and statutory requirements for due process, and in compliance with the City Code. Such change shall be temporary in nature and shall require a draft amendment pursuant to Section 1 above to become a permanent amendment to the Rules.