



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 Arevalo seconded, and the motion carried.

Adjourned 8:50 pm

Respectfully submitted,
Meagan Jones, Neighborhood & Land Use Planner