



MEETING MINUTES

LAND USE COMMISSION

Wednesday, March 30, 2022

7:00 PM

Via Virtual Meeting

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

Members Absent: John Hewko, Brian Johnson, Kristine Westerberg

Staff Present: Melissa Klotz, Meagan Jones, Brian George

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:03pm. A roll call was then done and a quorum was determined to be present.

Approval of March 9, 2022 Meeting Minutes

Commissioner Halik suggested a minor edit to the minutes. Commissioner Halik then made a motion to approve the Land Use Commission meeting minutes from March 9, 2022 as amended. Seconded by Commissioner Cullen. A roll call vote was taken and the motion passed, 7-0.

New Business

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. **THIS ITEM WILL NOT BE HEARD AT THIS MEETING AND WILL BE RENOTICED FOR A FUTURE MEETING DATE.**

Chair Rodgers announced that this agenda item has been withdrawn from this meeting's agenda and staff will renotice the item to a meeting date in the future, likely in May.

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.

Ms. Klotz read the case into the record and explained that since notices for this item had been mailed, revisions were submitted that bring the requested variations down to three, specifically: 1) a 11.7' west rear yard setback where 30' is required (Section 6-8-2-8),, 2) a 1.5' north interior side yard setback where 5' is required (Section 6-8-2-8), and 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.

Mr. Patrick Hillman then explained that he has been working with Ms. Klotz and other staff to get the requested variations down to 3. He then provided a general rationale for the project and its design including to fit their growing family, protect trees and not impose on their neighbors.

The hearing was open to questions from the Commissioners and there were none. The hearing was then open for public testimony.

Chair Rodgers explained that staff received an email regarding the project from a nearby resident who requested the email be forwarded to him but that he did not feel it was appropriate for him to respond regarding the actions of the Commission.

Mr. Bob Stevens stated he lives at the neighboring property at 2346 Colfax Terrace and explained that 2356 Colfax has been vacant for over 20 years and is in disrepair. He expressed excitement for the proposal, stating it was appropriate for the site and the care the Hillmans have taken with the proposal has been terrific. He finished saying that the Hillmans are good people and he hopes the variations will be applied to the site.

Mr. Bob Goldman and Mrs. Ann Ryan stated that they live across from the site at 2353 Colfax Terrace and explained that, though they have not met the Hillmans, the cause is near and dear to them since they are neighbors. The existing home has been an

eyesore and is dilapidated. They then expressed their support for the proposed variations.

Mr. Hillman then thanked the Commission and staff for the time.

The public hearing was closed and the Commission began deliberations.

Commissioner Halik expressed happiness that the Hillmans did not sell the property and have come back with a revised plan. He then explained that their proposal is a thoughtful concept for a unique site where the typical zoning regulations do not apply.

Commissioner Lindwall stated that she appreciates the reduction in the number of variances. She then suggested that the Hillmans think about increasing to a 2 or 2.5 ft. north setback for maintenance purposes such as raking leaves along the alley. She then stated that the proposed front and rear yard setbacks are appropriate.

Commissioner Mirintchev joined his colleagues in their support. He explained that he likes the project as it is innovative. He then suggested reducing the weight (visually) of the brick wall as he has some concerns about inappropriate materials being used there.

Chair Rodgers stated that he appreciates the reduction in the number of variances but he still has a problem with the proposed 1.5 ft. north interior side yard setback and thinks the required setback can be easily accommodated. He also expressed being ok with the proposed fence along the alley. Commissioner Halik responded that that setback is along the alley which typically does not have a large setback and the setback is for turning into garages. Chair Rodgers replied that there is still a 3 ft. setback for garages and if not a garage or accessory structure, a 5 ft. setback is still required for a home.

The Commission then reviewed the standards:

1. Met
2. Met
3. There was mention by Chair Rodgers that though the lot is unique, the proposed north interior side yard setback could be increased to 5 ft. given the size of the lot.
4. Similar findings from standard 3 were mentioned with disagreement on whether or not a hardship would occur if the north setback was zoning compliant.
5. Met
6. Met
7. Disagreement on whether 1.5 ft. setback was the minimum necessary change.

Commissioner Mirintchev clarified that there is no fence at 1.5 ft., just the setback for the building and that he has no problem with that.

Commissioner Lindwall made a motion to approve the variations. Seconded by Commissioner Halik.

The Commission then reviewed the conditions proposed by staff with Ms. Klotz explaining why they were proposed; confirming DAPR also reviewed the submitted revisions. The Commission then decided to not recommend the 1st condition relating to the north setback of the proposed bike room on the property and keep the 2nd condition relating to the site triangle for the fence where the alley meets Poplar St.

Commissioner Puchtel made a motion to add a condition to the original motion that the fence segment along the alley between the attached garage and Poplar Avenue be no taller than 42 inches. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion passed, 6-0 (Commissioner Cullen experienced technical difficulties and did not vote).

A roll call vote was taken on the original motion as amended and the motion passed, 6-1.

Other Business

A Revisions to Land Use Commission Rules & Procedures

Ms. Klotz explained the reasoning behind the proposed revisions to the language describing concurrent votes that are needed for items in which the Land Use Commission is the determining body.

Chair Rodgers asked if it would be possible to add the proposed language to the section on transitional activity of the Commission so that when the Commission is at nine people, the final set of Rules can strike out that section and a number will remain. Mr. George stated that it was Law's opinion that the language referencing the specific number of concurrent votes is not a good idea. Though the proposed wording is more verbose, Law believes it is better to err on the side of caution

Chair Rodgers stated that he will defer to Law though the new language may be confusing to others reading the Rules. He then emphasized that this is why it is important for Commissioners to present. Missing a meeting can delay a project 2 weeks or more while waiting for an outstanding vote. Commissioner Halik then mentioned that there are rules that relate to attendance of Commissioners and a brief discussion followed.

Commissioner Mirintchev asked if it would be possible for Commissioners to participate remotely once in-person meetings resume. Chair Rodgers responded that it is his understanding that that is discouraged because there is not enough staff to conduct meetings in a hybrid format.

Commissioner Puchtel inquired what was meant by seats as other parts of the Rules mention members. Mr. George clarified that this references the total number of seats on the Commission. Mr. Puchtel then asked why use the approach to have the majority of the seats instead of making sure there is first a quorum then having votes be the majority of that quorum. Mr. George replied that a majority must be present to conduct

Commission business. State law clarifies the number of seats but that does not apply to Home Rule municipalities.

Ms. Klotz then provided some background on how the votes were handled when the Zoning Board of Appeals was active and state law provided an exact number of required members and votes. As Evanston is a home rule municipality this number does not apply. However, it is best practice to not have final determinations on cases be solely based on which Commissioners happen to attend a meeting; a final determination should be based on the majority of the full Commission, regardless of attendance at any one meeting. Commissioner Puchtel expressed concern of possibly placing additional burden on the Commission.

Chair Rodgers reiterated the importance of Commissioners attending and clarified with Mr. George that if there is a 5-5 vote while Commission membership is at 10, that the motion fails.

Commissioner Cullen made a motion to approve the proposed revisions to the Rules. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion passed, 6-1.

Chair Rodgers then provided the language that speaks to Commissioner attendance.

Public Comment

There was no public comment.

Adjournment

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

Adjourned 8:03 pm

Respectfully submitted,

Meagan Jones, Neighborhood & Land Use Planner