



**MEETING MINUTES**

**LAND USE COMMISSION**

Wednesday, April 13, 2022

7:00 PM

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

Members Present: George Halik, Brian Johnson, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Matt Rodgers, Kristine Westerberg

Members Absent: Myrna Arevalo, Violetta Cullen, John Hewko

Staff Present: Melissa Klotz, Meagan Jones, Katie Ashbaugh, Alexandra Ruggie

Presiding Member: Matt Rodgers

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**Call to Order**

Chair Rodgers opened the meeting at 7:00pm. A roll call was then done and a quorum was determined to be present.

**Approval of March 30, 2022 Meeting Minutes**

Commissioner Halik made a motion to approve the Land Use Commission meeting minutes from March 30, 2022. Seconded by Commissioner Puchtel. A voice vote was taken and the motion passed, 6-0, with one abstention.

**New Business**

**A. Public Hearing: Special Use Permit | 1804 Maple Avenue | 22ZMJV-0016**  
**Andrew Scott, Dykema, applicant on behalf of Verano Evanston, LLC, requests a Special Use Permit for a Cannabis Dispensary in the RP Research Park District (Zoning Code Section 6-12-2-3). 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.

**Presentation**

Andrew Scott, of Dykema, introduced Anthony Marsico who is the principal with the petitioner, and Ed Farrell of Silverstar Protection Group which provides security for the dispensary. Mr. Scott then provided background and overview of previous operators as a medical cannabis dispensary and recent recreational-use dispensary. He explained the management agreement between Verano Evanston and MedMen and that, since

Verano Evanston, LLC is now the owner of the business (named Zen Leaf), they are obtaining a new special use permit.

Anthony Marsico, provided an overview of Zen Leaf's expansion and operations, including security and compliance standards. He explained that there is robust entry security and cameras (with 90 day cloud storage retention) that IDFP and State Police check in. Mr. Marsico then stated that a \$1,000,000 investment was made into improvements of the space. Education is a big piece of operations- product education, how to use it and rules and regulations. Forty-five (45) full time employees work at the site that go through state and federal background checks. He explained that he believes the dispensary is also a draw to other businesses and is a regional draw.

### Questions

Commissioner Halik inquired if cameras are inside and outside. Mr. Marsico responded that there are and there have rarely been incidents at the dispensary. Chair Rodgers stated that he reached out to Police Chief Eddington, who confirmed that there have been no robberies or theft at the site, only 5 minor incidents since the dispensary began operating.

Commissioner Puchtel asked what the goal of the expansion is. Mr Marsico responded the goal is to enhance the customer experience, create a better consult area and flow of the space, especially for medical patients and also have space to educate new customers.

Commissioner Mirintchev mentioned that with the previous special use there was interest in both the inside and outside operations of the space and asked what happens if there is a line to enter the dispensary and there is rain. Mr. Marsico reiterated the reason for the expansion and that it provides more space to queue and more points of sale. He then explained that the initial interest has worn off so the dispensary is not expecting the same lines as before. In addition to that, there is a strict no loitering or consumption policy as well as a strict delivery protocol. If lines get long, there is an existing ability to go to a reservation model. Online reservation is utilized for products and eliminates some bottle neck. Consults also help reduce traffic.

Commissioner Westerberg mentioned that one of the comments for this item mentioned a methadone clinic nearby and asked if staff had information on it. Ms. Ashbaugh responded that staff is unaware of an issue at this time but staff would look into it further if the Commission wishes staff to do so. She then stated that she called the resident to explain the process for the existing dispensary and got no reply.

Commissioner Johnson asked if the online reservation system was because of pandemic. Mr. Marsico responded no, it is a permanent part of operation but does not permit payment transactions. The Covid pandemic did introduce curbside pickup specifically for medical patients. There are 10 locations in Illinois and 100+ nationally.

Chair Rodgers asked for an explanation of the expansion of space. Mr. Scott explained the layout of the previous space and the new built out space. Chair Rodgers then asked for clarification on when the expansion took place. Mr. Scott responded that the physical expansion recently happened with the Special Use obtained several years ago, no new physical expansion is taking place. This process is legalizing the Special Use for the new owner. The space is not getting larger than 3,900 square feet, it is legalizing beyond the 2,400 square feet approved in 2016 when it was only medical cannabis sales.

#### Public Comment

There were no members of the public wishing to provide testimony. The record was then closed.

#### Deliberations

Commissioner Johnson expressed support of the request; he has never noticed a problem with loitering, traffic, or anything similar and there is likely generation parking receipts and additional shopping in the area.

Chair Rodgers pointed out that the fact that a comment received about the dispensary coming in when it has actually been in existence for several years shows that this has been operating quietly.

1. Met
2. Met. Agreement to add a condition from the previous special use re: change of ownership of the business triggering need for new special use.
3. Met
4. Met
5. Met
6. Met
7. Met
8. NA
9. Met

The Commission then reviewed possible conditions and agreed that the new special use should reinstate the condition regarding change of ownership triggering return for a new special use as well as limiting the hours of operation to 10:00 am to 8:00 pm.

**Commissioner Halik made a motion to recommend approval of the Special Use to City Council with the conditions as stated. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed unanimously, 7-0.**

#### **B. Public Hearing: Text Amendment | Omnibus Text Amendment | 22PLND-0021**

**City-initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, for an Omnibus Text Amendment Package relating to the following:**

1. **Redact all mentions of the Zoning Board of Appeals and Plan Commission (Title 6) and replace with the Land Use Commission in accordance with Section 2-19 of the City Code and Ordinance 92-O-21.**
2. **Update ADA Parking Regulations (Section 6-16) to follow current regulations of the Americans with Disabilities Act Standards for Accessible Design and use appropriate wording.**
3. **Move the Sign Code (Section 4-10) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6), establish variation regulations so that sign variations are no longer determined by the DAPR Committee, and establish regulations relating to billboards.**
4. **Move the Subdivision Code (Section 4-11) from the Building Ordinance (Title 4) to the Zoning Ordinance (Title 6) and update requirements and procedures to current practices.**
5. **Establish clear Planned Development Standards for Approval similar to Variation and Amendment Standards (Section 6-3).**
6. **Update requirements and procedures for Planned Developments, including Neighborhood Meeting and Pre-Application steps, to current practices (Section 6-3-6).**
7. **Add Automobile Body Repair Establishment as an eligible Special Use in the I1 Industrial/Office District (Section 6-14-2).**

**The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-4 of the Evanston Zoning Code and Ordinance 92-O-21.**

Chair Rodgers shared that he spoke with staff and the intention is to do omnibus on a quarterly basis as needed.

Ms. Klotz read the agenda item into record and provided a brief background on the overall text amendment; she then went through each specific item.

Item 1

Ms. Klotz provided an explanation of this item. There was no discussion.

Item 2

Ms. Klotz provided a summary of this item stating intention to have regulations match current ADA regulations which is updated and is better policy.

Commissioner Mirintchev asked for clarification on code wording still using "handicapped" versus "accessible". Ms. Klotz responds that the code would only reference ADA compliance.

Item 3

Ms. Klotz provided a summary. Ms. Ashbaugh is now staff's sign reviewer, and the proposed amendment is not changing regulations, just moving them into Zoning Code and establishing minor/major variation processes for signs that do not meet the code.

She then stated that staff looked back at the previous 5 years of sign variations and is proposing thresholds for minor variations for wall and blade sign height and/or area to be no more than 35%, similar to what other existing minor variations are subject to. If a sign is significantly above that threshold it would be brought to the Commission for review.

Commissioner Lindwall clarified that the regulations within the packet existing and references would be updated. Ms. Klotz confirmed.

Commissioner Westerberg asked if sign variations currently go to DAPR for review. Ms. Klotz confirmed this has been the case then added that there is a referral from City Council to look at modifying the DAPR Committee. Depending on how that goes it may change where sign reviews go to, specifically if DAPR becomes a closed meeting.

Commissioner Halik expressed that he was disturbed at the possible elimination of DAPR, explaining that they provide a service that the Commission does not. Commissioner Lindwall agreed explaining that the Comprehensive Plan is clear on the need for this type of Committee and it provides an important function.

Commissioner Halik asked if DAPR doesn't do the review who would; it would change the Commission's purview. Ms. Klotz responded that this and other concerns of the Commission are being taken into consideration.

Commissioner Johnson clarified if this item would be both moving the sign code and possibly adding billboard regulations into the code. Ms. Klotz confirmed this to be the case.

#### Item 4

Ms. Klotz explained that this item is a referral from the City Council to regulate billboards throughout the city and was discussed at a previous Commission meeting. She stated that staff is proposing that billboards be a Special Use in all districts should it move forward. She added that If there is significant concern, staff recommended pulling this item out for a separate discussion. Chair Rodgers stated this was discussed as the plan for this item; other things move forward with an accompanying denial for things the Commission does not agree with.

Commissioner Lindwall expressed that she has a big problem with billboards. Chapter 13 of the Comprehensive Plan has an explicit policy to eliminate billboard advertisements. Moving to allow billboards is not consistent with the plan. Purpose of sign controls is to reduce visual clutter while allowing businesses to advertise, but a big issue is safety. There are only 4: on Green Bay Road. Some on the Chicago side of Howard. Drivers in Evanston need to be careful, do not want to create an attractive nuisance. Also need to look at the notion of not impacting adjacent properties. Should not be looking to enrich one property at the expense of a neighbor. Commissioner Lindwall then suggested a discussion with the City Council. Commissioner Halik

agreed, saying the Commission made a strong recommendation against billboards and if it comes back before the Commission, that can be done again.

Commissioner Johnson agreed and asked about the best route forward. Rodgers does not think Evanston is appropriate for billboards and used Central Street as an example. Lindwall gave Chicago Avenue as an example. Halik agreed, saying it speaks to the character of the community as well. Mirintchev suggested adding language that says no billboards are allowed in Evanston.

Ms. Klotz asked if there was an appetite of the Commission for wall mounted billboards rather than freestanding. Chair Rodgers responded that he thinks the wall mounted signs are what the Commission is really thinking of. There are some businesses with their names on the side of buildings but those are more signs that fall under the sign regulations and not true billboards which could be allowed

Commissioner Puchtel expressed the same sentiment as other Commissioners and asked if item 3 would need to be held. Chair Rodgers responded that the Commission could pull billboards out of that discussion and move the rest forward.

Commissioner Lindwall stated that there is no definition that regulates how big the billboard could be which would need to be included in regulations. Also, in general billboards regulations need to be content neutral and cannot be regulated much outside of prohibiting obscene or pornographic ads. In business signs, more than likely the signage will relate to the business and likely not be as potentially problematic. There could be more messaging on billboards that someone driving by could deem offensive.

#### Item 4

Ms. Klotz provided a summary of this item which would move the subdivision regulations into zoning code where most communities have them. Planning and Zoning staff handles the subdivision process and variations come to the Land Use Commission. The amendment would codify actual steps in the process so that it is clear to the community. There was no further discussion on this item.

#### Item 5

Klotz provided a summary explaining that in the review process for planned developments, there are a large number of standards and many are more general guidelines and requirements than they are standards. Proposed standards would be more similar to those of special uses, variations or amendments. It is a policy change but the wording is very similar to that of other standards that currently exist.

Chair Rodgers requested an explanation of standard 6 as it was his understanding that public benefits had to be near the development versus city wide. Ms. Klotz stated that this is correct and this standard was pulled from major variations and was left general as there are some benefits that benefit the entire city such as on-site affordable housing. Chair Rodgers wanted the language to be clear so that developers are clear

on what can and can't be done. Ms. Klotz responded that staff makes this clear to applicants when reviewing projects.

Commissioner Lindwall stated that City Council has reserved the right to review and negotiate the public benefits and it is not in Commission's purview. She then asked if the proposed amendment would change that. Ms. Klotz responded that Commissioner Lindwall was correct in that the negotiations of public benefits are not in the Commission's purview but that this reference is not listed to go through each listed public benefit but to gauge their general appropriateness.

Commissioner Westerberg stated that the language in the first standard around potential impact is broad and can give a lot of room to the developer. Commissioner Halik expressed that he has a problem with standard 4 due to developers not really having a hardship and that it is incompatible with standard 1. Chair Rodgers gave the example of a ziggurat setback being a hardship on most lots; any development is going to have an impact, and with standard 1, maybe wording is not right but the idea is to not max out everything. Halik and Westerberg reiterated their concerns regarding impact and reasonable expectations. Commissioner Lindwall stated that there is a window of base zoning with additional building potential from site development allowance. Additional discussion continued with additional concerns being expressed on being able to approve or deny a project with conflicting standards, what would be considered a hardship, and the need to have a practical application of zoning regulations for the real world.

Chair Rodgers asked if there was a way to modify standard 4, referencing that standard number 5 for major variations- no additional income unless a public benefit offsets it. It could be used to tweak the language surrounding potential hardship.

Commissioner Halik mentioned that the public comment letter provided on this item mentioned that the existing public benefits are vague and that he believes being more specific is the way to go. Chair Rodgers pointed out that a potential problem with very specific public benefits is that good projects may die because they don't meet them and ties the Commission's hands.

Commissioner Lindwall agreed that standards would be helpful. She suggested going forth with this list and reserving the option to tweak them after some time. Commissioner Westerberg expressed concern with standard 1 and requested that stronger language be included. A brief discussion followed with Commissioner Lindwall suggesting "within the scope of the applicable site development allowances" and there being general agreement. Commissioner Lindwall suggested keeping standard 4 as it is currently proposed and see how it goes. General discussion followed with agreement to remove 4 and bring it back with the next omnibus. Ms. Klotz then clarified that Special Use standards still apply to planned developments

There was general agreement to keep standard 1 with edits, strike 4, edit standard 5 as it relates to standard 8 for special uses and change “environmental” to “climate” or “sustainability”.

#### Item 6

Klotz provided a summary of the proposed changes. Commissioner Lindwall noted that for step 7, it is important to continue having the DAPR Committee as a staff review Committee.

#### Item 7

Ms. Klotz provided a brief summary of what was proposed and why. Chair Rodgers stated that it makes sense to be able to do both auto repair and auto body repair, especially as there is more likely to be toxic issues dealing with oils and fluids. Most people doing both illegally likely do not realize that they cannot do both.

Commissioner Puchtel asked why auto body repair was not originally included. Ms. Klotz responded that that is largely lost history but is likely due to the painting of vehicles needing a painting bay with proper exhaust in order to prevent fumes. Chair Rodgers

Ms. Klots stated that we are in danger of zoning out these types of uses out of industrial districts due to loss of its industrial properties and zoning districts. Chair Rodgers cautioned that when uses are reviewed to operate within industrial districts that the Commission make sure they are not taking up spaces for actual industrial uses that can only operate in these districts.

#### Public Comment

There were no members of the public wishing to provide testimony. The record was then closed.

#### Deliberations

The Commission then reviewed the standards for text amendments

1. Met
2. Met (with removal of billboards from possible regulations)
3. Met
4. Met

Commissioner Puchtel motioned to approve the proposed omnibus amendment with the following changes: **In item #3 - not adding provisions for billboards into the sign regulations for their placement; and in item #5 – changing proposed standard 1 to read: “The requested Site Development Allowance(s) will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties that is beyond a reasonable expectation given the scope of the applicable site development allowances.”, striking the proposed standard 4, and changing “environmental” in proposed standard 5 to “sustainability” or “climate”. A roll call vote was taken and the motion was approved, 7-0.**



Chair Rodgers suggested that Commissioners write a note to the Council regarding their concerns and that he would make a point to the P&D meeting to share those concerns in person. Commissioner Lindwall suggested that the Commission have a discussion with Council, referencing the Comprehensive Plan explicitly stating that they be prohibit and that the appropriate time to consider billboards would be during the revision of the Comprehensive Plan

**Commissioner Lindwall made a motion to continue to prohibit billboards in the City of Evanston (emphasizing that the Commission's reasons be shared with City Council). Seconded by Commissioner Puchtel. A roll call vote was taken and the motion was approved, 7-0.**

### **Communications**

Chair Rodgers alerted the Commission that he met with the Mayor to give him an introduction to the Commission and what he does. He stated that he and the Mayor agreed to meet on a quarterly basis and asked Commissioners to reach out to him should they have anything they want him to bring up at those meetings in an official capacity. Chair Rodgers then briefly addressed Commission decorum concerns brought up from the City Manager's office. He mentioned to the Community Development Director that he would take the issues as presented and give them the appropriate weight, which he believed was bringing them up to the Land Use Commissioners.

### **Public Comment**

Sue Loellbach of Connections for Homeless explained that the organization has been having discussions about Zoning and how it and the budget are moral documents. Dictating where people can live. She stated that she liked the discussion occurring with the omnibus and liked that standards are being looked at. She then explained that standards are focused on property values and character, not looking at economic wellbeing of all of the residents, making sure they have a place to live and equity. Ms. Loellbach stated that Connections has done a technical review of code and is now getting into more details with community conversations. She then stated she will send a note to Ms. Jones, inviting commissioners to listen in during future meetings. Multi-year period to bring equity and affordability into the Code. Halik expressed that the timing of that work is timely as the City embarks on updating the Comprehensive Plan and that this group should be part of those conversations

Chris Dillow stated that he supports Sue's comments regarding their efforts but stated there is a large gap in what we are seeing on the ground. He then explained that the Margarita Inn is being used by Connections but it is not in compliance with the Code. He expressed that pausing to do more outreach is good but the building is now an active homeless shelter operating outside of regulations and there is no guidance from the City on how they should proceed. There have been 270 police and fire calls in the last 2 years. Mr. Dillow expressed that there are insufficient rules and mental health assistance, it is a failed experiment and there is now an immense amount of crime. He suggested that the Commission should apply some regulation while Connections

applies for their special use. Chair Rodgers thanked Mr. Dillow for his comments, then explained that the Commission does not have authority to make demands on staff and encouraged him to reach out to City Council which would have the ability. He added that the Commission cannot intervene and direct staff on enforcement but knows there are application processes. He recommended that Mr. Dillow reach out to his Councilmember, Council as a whole, the City Manager's office and the Community Development Director before applications come before the Commission. This is when the Land Use Commission would be able to take some action.

Commissioner Halik expressed surprise that no regulations exist for this use and proposed that research be done. Mr. Dillow responded that he talked to a project manager of a facility in Bellvue, WA regarding their programs and did a deep dive into their ordinances which had robust regulations for homeless services which incorporates equity into their regulations. He also visited a facility in Oak Park.

Chair Rodgers shared that he used to do zoning consulting and he was approached by neighbors of Margarita Inn. He explained that he told them to consider conditions they would want associated with a possible Special Use but that he could not work with them given he is Chair of the Commission.

Ms. Jones then provided a brief status update on the Strategic and Comprehensive Plans RFP. Interviews have been conducted and there is some additional reference checking being done.

**Adjournment**

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

Adjourned 8:50 pm  
Respectfully submitted,  
Meagan Jones, Neighborhood & Land Use Planner