

LAND USE COMMISSION

Wednesday, October 12, 2022
7:00 P.M.

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

AGENDA

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 in-person 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 Plan Commission meeting online at www.cityofevanston.org/channel16 or on Cable Channel 16.

- I. CALL TO ORDER/DECLARATION OF A QUORUM
- II. APPROVAL OF MEETING MINUTES: September 14, 2022
- III. OLD BUSINESS

A. (Continued from July 13, 2022) Public Hearing: Map Amendment & Planned Development | 2044 Wesley Avenue | 22PLND-0010

John Cleary, applicant, submits for a Zoning Map Amendment to the Zoning Ordinance, Title 6 of the City Code, to remove properties known as 2024 Green Bay Road, 2026 Green Bay Road, and 2026 Wesley Avenue, PINs 10-13-205-003-0000, 10-13-205-002-0000, and 10-13-205-010-0000, from the oWE Evanston Overlay District and to rezone properties known as 2017 Jackson Avenue and 2021 Jackson Avenue, PINs 10-13-204-023-0000 and 10-13-204-022-0000, from the R5 General Residential District to the R4 Residential District. The proposed Map Amendment is in conjunction with a Planned Development application.

John Cleary also submits for a Special Use for a Planned Development to construct 19 townhomes and a 12-unit multiple-family dwelling, 55 off-street parking spaces, and a new street connecting Jackson Avenue with Wesley Avenue on properties known as 2017 Jackson Avenue, 2021 Jackson Avenue, 2032 Jackson Avenue, 2026 Wesley Avenue, 2044 Wesley Avenue, 2024 Green Bay Road, 2026 Green Bay Road, and vacated Jackson Avenue north of Foster Street, PINs 10-13-203-024-0000,

10-13-204-021-0000, 10-13-204-022-0000, 10-13-204-023-0000, 10-13-204-030-0000, 10-13-205-002-0000, 10-13-205-003-0000, 10-13-205-010-0000. The applicant seeks site development allowances for impervious surface coverage, building height, single-family attached dwellings not having frontage onto a public street, elimination of required transition landscape strips, setback from street and development boundary line to a dwelling, yard obstructions into required setbacks, and separation between residential buildings. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. The Land Use Commission makes a recommendation to the City Council, the determining body for these cases in accordance with Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21. **Staff requests this application to be continued to a future date. This application will be required to be re-noticed. No materials for this application are included for review in this meeting packet.**

B. (Continued from September 26, 2022) Public Hearing: Planned Development | 2222-2310 Oakton Street | 22PLND-0025

Shane Cary, applicant on behalf of the City of Evanston, submits for a proposed Planned Development at 2222 - 2310 Oakton Street to demolish the existing one-story Animal Shelter and construct a new one-story Animal Shelter with approximately 8,810 sq. ft. of ground floor area in the I2 General Industrial District and oRD Redevelopment Overlay District. The applicant requests a Special Use for a Kennel, and seeks the following Site Development Allowances: 1) 16 parking spaces where 25 parking spaces are required for the Animal Shelter (kennel) use, and 2) one short open loading berth that is not located within the rear yard and is substandard in length. No changes are proposed to the existing Recycling Center building or area. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-6 of the Evanston Zoning Code and Ordinance 92-O-21. **The staff report and materials remain the same as what was posted on September 23, 2022. Only one additional public comment was received and has been added to the end of the materials for this item.**

IV. NEW BUSINESS

A. Public Hearing: Special Use Permit | 321 Howard Street | 22ZMJV-0073

Gemal Alhelali, lessee, requests a Special Use Permit for a Convenience Store to sell food, beverages, and tobacco products in the B3 Business District (Zoning Code Section 6-9-4-3). 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.

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 Katie Ashbaugh, AICP, Planner at kashbaugh@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).

B. Public Hearing: Appeal | 3331 Dartmouth Place | 22ZMJV-0065

Jacek Wlodek, property owner, appeals the Zoning Administrator's decision to partially deny minor zoning relief (case number 22ZMNV-0049) to construct a 6 foot solid fence with a zero foot setback from the street side yard property line where 2 feet is required (Section 6-4-6-7-F-2-b), to allow the fencing set back less than 3 feet from the front façade of the building (Section 6-4-6-7-F-2-c), and to allow the 6 foot solid fence within the 8 foot by 8 foot sight triangle that is required at the intersection of the driveway and property line where a maximum 4 foot and 70% opacity fence is permitted within the sight triangle (Section 6-4-6-7-E). The appellant was granted zoning relief to allow the fencing set back less than 3 feet from the front façade of the building, and was granted zoning relief to allow the 6 foot solid fence within the sight triangle subject to a 4 foot street side yard setback, and was denied zoning relief for a zero foot street side yard setback. The appellant appeals the partial denial and requests approval of the 6 foot solid fence within the sight triangle with a zero foot setback from the street side yard property line, in the R2 Single Family Residential District. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-8 of the Evanston Zoning Code and Ordinance 92-O-21.

C. Public Hearing: Text Amendment | Adjustments to Planned Developments | 22PLND-0071

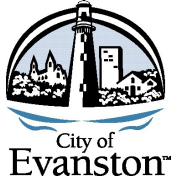
City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to clarify and modify the process for Adjustments to Development Plans for Planned Developments (Section 6-3-6-12). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per Section 6-3-4-6 of the Evanston Zoning Code and Ordinance 92-O-21.

V. COMMUNICATION**VI. PUBLIC COMMENT****VII. ADJOURNMENT**

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, October 26, 2022, at 7:00 pm, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

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 Katie Ashbaugh, AICP, Planner at kashbaugh@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.

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MEETING MINUTES

LAND USE COMMISSION

Wednesday, September 14, 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: Katie Ashbaugh, Brian George, Elizabeth Williams, Meagan Jones

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:02 pm. A roll call was then done and a quorum was determined to be present.

Approval of August 24, 2022 Meeting Minutes

Commissioner Lindwall then made a motion to approve the Land Use Commission meeting minutes from August 24, 2022. Seconded by Commissioner Puchtel. A voice vote was taken, and the motion passed, 7-0.

Old Business

A. Public Hearing: Planned Development | 1621-31 Chicago Avenue | 22PLND-0020

Jeffrey Michael, applicant, Horizon Realty Group, submits a Special Use for a Planned Development to construct a new 18-story mixed-use building with approximately 7,195 square feet of ground floor retail space, 180 dwelling units (including 52 bonus dwelling units per IHO), and 57 parking spaces within a 2-level parking garage in the D4 Downtown Transition District. The applicant seeks the following site development allowances: 1.) To increase the maximum permitted number of dwelling units from 106 to 180; 2.) To increase the maximum permitted Floor Area Ratio (FAR) from 5.4 to 7.8; 3.) To increase the maximum permitted building height from 105' to 174'-8"; 4.) To reduce the number of required parking spaces from 130 to 57; and 5.) To reduce the number of required loading berths from 3 to 2. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. 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.

Jeff Michael, applicant with Horizon Realty Group introduced his team including Tim Kent from Pappageorge Haymes Partners, Graham Grady and Silvia Michas with the Taft Law Firm, Johnathan Perman with the Perman Group, Daniel Mica with the Horizon Realty Group, and Michael Werthmann with KLOA. The applicant then presented an overview of the project titled "The Legacy". He explained the project goals to increase rental options, add affordable housing, a commitment to make first hire attempts for Evanston residents, and a scholarship fund for residents who want to get involved with the real estate industry.

Graham Grady reviewed the applicant's site development allowance requests including but not limited to those standards associated with uninterrupted bicycle lanes, affordable housing, an alley and waste management plan, and trash facilities located inside the building.

Michael Werthmann from KLOA reviewed the traffic study findings. The proposed Legacy project is a transit-oriented development which reduces traffic demands. Access to parking and the loading berths is provided through the alley which can handle the additional traffic produced by the development. Loading is provided on Chicago Avenue which will be managed through the doorman.

Commissioner Questions

Commissioner Halik asked to review the allowable height, both tallest height and building setback at the top, considering parking and affordable housing bonuses. Mr. Michael responded that the actual building is 185 feet and 195 feet total including the penthouse. Staff member Jones explained how the zoning height of 174 feet 8 inches was calculated, which included exclusion of height attributed to the two-story parking levels, or approximately 20 feet. Mr. Michael responded that the requested building height is 174 feet versus the 145 feet allowable zoning height with a site development allowance in the district. Commissioner Mirintchev also asked questions on the parking podium, building height and on the floor plan. **technical issues with audio/visual recording sound**

Commissioner Lindwall asked about the alley. Mr. Michael confirmed that they would re-pave the alley damaged from construction. The additional up to \$200,000 is a public benefit for the alley for the full length from Davis Street to Chicago. She also asked if there was a target demographic for the units and the applicant responded that there was not. She then asked if there was any discussion on replacing the lost Chicago Ave parking and the applicant responded that there was not.

Commissioner Westerberg requested an overview of the alley management plan. Mr. Michael explained that there would be input from the stakeholders and neighbors to

create a shared management plan between the residential and commercial uses that would include timing of move-ins/move-outs and commercial deliveries.

Commissioner Halik asked about the management of the parking spaces in the City's parking garages. Ms. Jones replied that staff is tracking the number of leased spaces and proposed to be leased. Updating parking requirements is a longer term discussion that may occur in the future. Mr. Michael added that the Church Street garage is 50% leased.

Commissioner Johnson asked a question about the number of loading berths. Mr. Michael responded that only two loading berths are necessary because of the number of annual move-in and move-outs and the amount of commercial traffic.

Commissioner Westerberg asked about the impact to their program if they reduced the height of the building by 30 feet. Mr. Michaels responded that there would be less affordable housing units and pointed out that there are buildings east of this site that are also taller than what the base zoning height allows

Commissioner Puchtel asked about the efforts to date for LEED certification. Mr. Perman responded that they have not yet contracted for the service, but the architect completed the checklist based on their experience.

Chair Rodgers inquired about the mix of affordable units. Mr. Michaels responded that it would be proportional to the market rate units. Mr. Perman added that the current mix is 14% studio, 53% one-bedroom, and 31% two-bedroom.

Commissioner Halik asked if they would consider bricks versus the proposed fiber cement panels on the lower levels. Mr. Michaels responded yes.

Public Comment

Bob Froetscher 1580 Sherman Ave., and within one thousand feet of the proposed project, distributed a packet titled "Testimony to the Evanston Land Use Commission" to the commission members. He presented that D4 is a transition zoning district. Some of the standards of approval for this project that are not met is compatibility with the surrounding development and the intent of the zoning district. He reviewed that the 2009 Downtown Plan recommended buildings of 66 to 110 feet in height for this area. He also presented that the proposed project does not meet some of the standards of approval for special use including traffic and parking.

Commissioner Rogers asked staff to explain the Planned Development site development allowances. Ms. Jones presented the base requirements of 54 dwelling units, the housing bonus of an additional 52 dwelling units for a new total of 106 dwelling units, no additional units for the site development allowance, and the proposed density of 180 dwelling units. She clarified for Commissioner Lindwall that there is a base of 123 units, plus 4 units for each of the 13 affordable housing units ($13 \times 4 = 52$) for a total of 180 units, 5 of which will be additional on-site affordable housing units for a

total of 18 on-site affordable units. She continued to review the FAR, zoning height, parking spaces and loading berths for the site. Commissioner Lindwall asked how a developer requests the site development allowances. Ms. Jones explained it is requested as part of the Planned Development process and the allowances vary by zoning district.

William Brown, chairman of the First United Methodist Church, 1580 Sherman Avenue, #405, and within 1,000 feet of the proposed project, presented his concerns regarding the height of the building and the impact of traffic on access church parking.

Paul Breslin, 1635 Hinman Avenue, #1, and within 1,000 feet of the proposed project, reviewed several legal disputes between Horizon and its tenants. Jeanne Breslin, 1635 Hinman Avenue, #1, and within one thousand feet of the proposed project, expressed concern regarding solvency of the developer. Commissioner Rogers reminded the Breslin's that the Land Use Commission must address the codified standards for approval.

Becky Taveirne, 1635 Hinman Avenue, and within 1,000 feet of the proposed project, expressed her concern regarding pedestrian and vehicular traffic safety, parking availability, and compliance with the Downtown Plan.

Grace Imathiu, 516 Church Street, senior pastor of First United Methodist Church, expressed concern regarding the proposed building not meeting the standards for height, mass, and scale. She also expressed concern regarding traffic in the alley.

Dennis Harder, 522 Church Street, #6A, suggested that the city look into the goals and provisions of the affordable housing ordinance and how it might be in conflict with other city ordinances.

Fred Tanenbaum, 807 Davis Street, and within 1000 feet of the proposed project, expressed concern how the building relates to Chicago Avenue.

Arthur Altman, 807 Davis Street, and within 1000 feet of the proposed project, expressed concern regarding the amount of provided parking, the smaller size of the units, and empty small retail spaces.

Martha Rudy, 500 Lake Street, expressed concern about the alley causing undue traffic congestion due to its width. She was also concerned that the turning radius of vehicles would impact the church parking lot

Phyllis Adams, 1016 Hinman Avenue #70, expressed concern regarding whether the older buildings on the block could withstand construction of a large building.

Fergal Hanks, 1500 Chicago Avenue, commented that the proposed project would contribute to downward pressure on rents, it makes use of the existing bike lanes, and

is a transit-oriented development which can contribute to patronizing existing businesses.

Bernard Riley, 1500 Hinman Avenue, expressed concern regarding the expenditure of city resources reviewing projects that are not in alignment with the zoning district.

Robert Hacking, 1630 Chicago Avenue, expressed concern that the building would block existing views. He also expressed concern regarding delivery vehicles blocking the alley.

Mr. Michael noted that this was the second appearance before the Land Use Commission and there were other Ward and meetings before DAPR. He mentioned that the previous iteration of the building had a Porte-Cochere off of Chicago Avenue but that the preference was to have that activity off of the alley. He added that this will be a modern building that can manage additional trash created. Commissioner Halik asked if the project would be viable without any affordable housing and the parking floors were underground. Mr. Michael indicated that they had run similar programs and found them not to be financially viable. Commissioner Rogers noted that the inclusionary housing bonus seems to be doubling the number of units and perhaps should be reviewed.

Mr. Froetsher asked if any of the buildings shown on the exhibit titled "Context from the East" were east of Chicago Avenue and built after 2009. The applicant responded no.

The record was then closed.

Deliberations

Commissioner Lindwall thinks that the proposed project is too dense and too tall. She noted earlier comprehensive and downtown plans described intent to stimulate economic revitalization, envisioned a transition between the downtown core and surrounding areas, and included development incentives to build within the D4 district. Plan updates maintain these qualities, encourage better design and enable a project to be built within the standards.

Commissioner Westerberg commented that redevelopment of the site is welcome however the proposed project seems out of scale. She also noted that routing all traffic to the alley creates a burden to the rest of the community.

Commissioner Mirintchev thinks that the ratio of the number of dwelling units to the number of parking spaces is too small and it deviates too much from the Zoning Ordinance. He noted that the allowable height of 125 feet versus the proposed 195 feet is too much of a difference. He is not satisfied that the amount of proposed retail space is less than what exists now. He also suggested that the proposed layout creates too many north facing apartments and suggested an alternative courtyard scheme.

Commissioner Halik thanked the developer for making the changes from the last meeting. He would like to see more housing downtown, but the scale of this project is too big.

Commissioner Puchtel also noted that he liked the style and height of the building but it was out of character and intent of the transitional district.

Commissioner Johnson noted that he does want more housing and retail but this building is too dense and too tall for the location.

The Commission then reviewed the standards for approval of Special Uses (6-3-5-10):

1. Met as a Planned Development special use
2. Met standard of a mixed-use transit-oriented development but does not meet the transition district standard
3. Does not meet due to negative effect upon the immediate neighborhood
4. Does not meet especially for residences
5. Met as public facilities are available
6. Does not meet for front and rear of property
7. Met as it applies to the site itself
8. Met as there is minimal greenspace on the existing site
9. Met as no regulations are violated.

The Commission then reviewed the standards for approval of Planned Development (6-3-6-9):

1. Does not meet due to the number of requested allowances
2. Does not meet because it is a transition zone
3. Does not meet but site is challenging to meet
4. Met due to bird friendly glass and LEED silver goals
5. Met due to proposed IHO, scholarship fund, EV charging stations, etc.

The Commission then reviewed the standards for approval of Planned Development in the D4 District (6-11-1-10):

1. Does not meet due to building large size
2. Met due to building design
3. Does not meet due to lack of compliance with existing plans
4. Met
5. Met as landscaping is proposed on the site.

The Commission then reviewed the standards for approval of Planned Development in the D4 District (6-11-1-10B):

1. Met because no curb cuts are allowed
2. Does not meet but site is challenging to meet
3. Does not meet but site is challenging to meet
4. Utilities not provided in packet
5. Met as submitted with original application
6. Met with KLOA study

7. Met for now but a wind study has been requested in the future.

Mr. Grady requested that the application be continued to modify the project based on the feedback from this meeting. Discussion followed on next steps for the project and staff advised that the Land Use Commission recommendation will need to be scheduled before the City Council within 60 days. The applicant will have the opportunity to make any changes to their plans in the intervening period.

Commissioner Lindwall agreed with the seven staff recommended conditions and suggested adding a construction management plan and an annual payment of lost revenue related to the lost parking due to the loading zone.

Commissioner Lindwall made a motion to approve the Planned Development at 1621-31 Chicago Avenue, 22PLND-0020, with the additional nine conditions, second by Commissioner Puchtel. A 0-7 voice vote failed the motion. It will forward to City Council with a recommendation of denial for the 18-story apartment building at 1621 Chicago Ave.

Communications

Mr. Halik asked for an update on the Comprehensive Plan. Ms. Flax noted that the original RFP requested a combined Strategic Plan and a Comprehensive Plan. There may be a benefit for a new RFP for only a Comprehensive Plan. Staff is considering options and will bring a recommendation to City Council.

Public Comment

Mr. Breslin asked how much it costs the City to review a project. Chair Rodgers noted that staff and the commission do not have the authority to reject review of a project. Ms. Ashbaugh added that if an applicant has ownership interest by contract or owns the property, they have the right to apply and go through the due process.

Mr. Froetsher thanked the Commissioners for their time and noted that residents have made efforts to understand the relevant standards for the project. He appreciates the Commission's time and hopes a project of this size will not be brought before the Commission again.

Adjournment

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 7-0.

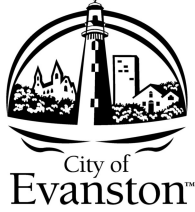
Adjourned 10:05 pm
Respectfully submitted,
Amy Ahner, Planning Consultant
Meagan Jones, Neighborhood & Land Use Planner

2222 - 2310 Oakton Street

Special Use for a Planned
Development with Site Development
Allowances | Special Use Permit for
a Kennel

22PLND-0025

LUC Recommending Body



Memorandum

To: Chair and Members of the Land Use Commission

From: Katie Ashbaugh, AICP, Planner

CC: Sarah Flax, Interim Community Development Director
Elizabeth Williams, Planning Manager

Subject: Planned Development | 22PLND-0025
2222-2310 Oakton Street

Date: September 23, 2022

Request

Shane Cary, applicant on behalf of the City of Evanston, submits for a proposed Planned Development at 2222 - 2310 Oakton Street to demolish the existing one-story Animal Shelter and construct a new one-story Animal Shelter with approximately 8,810 sq. ft. of ground floor area in the I2 General Industrial District and oRD Redevelopment Overlay District. The applicant requests a Special Use for a Kennel, and seeks the following Site Development Allowances: 1) 16 parking spaces where 25 parking spaces are required for the Animal Shelter (kennel) use, and 2) one short open loading berth that is not located within the rear yard and is substandard in length. No changes are proposed to the existing Recycling Center building or area. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-6 of the Evanston Zoning Code and Ordinance 92-O-21.

Notice

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on September 8, 2022.

General Information

Applicant: Shane Cary, Architect/Project Manager
City of Evanston
2100 Ridge Avenue
Evanston, IL 60201

Owner(s): Luke Stowe, City Manager
City of Evanston
2100 Ridge Avenue
Evanston, IL 60201

PINs: 10-25-100-022-0000, 10-25-100-023-0000

Analysis

Project Summary

The applicant is proposing to demolish the existing one-story building (Evanston Animal Shelter), one-story brick shed, and additional shed to construct an 8,810 square-foot, one-story animal shelter.

Existing Conditions

The site consists of two properties, 2222 and 2310 Oakton Street, which are both owned by the City of Evanston and together considered one zoning lot. The site is located on the south side of Oakton Street between McCormick Boulevard and Dodge Avenue. The 2222 Oakton lot is the eastern lot and was developed in the early 1990s as the City's recycling center. The 2310 Oakton lot is the western lot presently developed with a 2,170 square feet, 1-story building for the City's animal shelter and served by eight parking stalls on the west side of the building. The City developed the lot as a dog pound in the 1980s but it has since evolved in function to house both dogs and cats and is operated today by the Evanston Animal Shelter Association. When conducting the zoning analysis, both lots were evaluated together as one zoning lot. The zoning lot is 500 feet wide and 1.72 acres (75,000 sq. ft.) in size. The zoning lot is located in the I2 Industrial District and also the oRD Redevelopment Overlay District.

The animal shelter building on the 2310 Oakton Street half of the zoning lot does not adequately serve this function and it is not compliant with various building and fire code requirements. As such, the City has obtained grant funding to redevelop the lot with a new shelter that not only serves the present demand for animals in need of shelter and care but also meets modern building and fire code requirements. For additional background regarding the funding and justification for the project, please see Attachment X, the most recent memo submitted to the City Council linked at the end of this report.



*Aerial photo
delineating site
boundary*

Surrounding Area

To the north across Oakton Street and immediately to the west across a private drive are suburban commercial properties developed with single-story buildings and parking lots. To the south and east of the site is James Park, a City-owned public park.

Surrounding Zoning and Land Uses	Zoning	Land Use
North (across Oakton Street)	I1 Industrial District	Commercial (Home Depot, Steak n Shake)
South	OS Open Space District	Public park (James Park)
East	OS Open Space District	Public park (James Park)
West (across private drive)	I2 Industrial District	Commercial (Gordon Food Service, Sports Dome)

Proposed Zoning & Uses

The applicant requests approval of a Special Use for a Planned Development with two Site Development Allowances to construct a one-story animal shelter. The applicant also requests approval of a Special Use Permit for a Kennel. The proposed building consists of 5,130 square feet for animal intake, veterinary services, dog kenneling, and food and equipment storage. The remaining 3,680 square feet will be used for adoption services, education, and cat colonies. Outside of the building on the west and south sides are dog runs. The animal shelter will be served by a 16-stall surface parking lot to the east.

The Evanston Animal Shelter Association (EASA), as the non-profit operator of the facility, employs four full-time staff, who are supported by approximately 175 volunteers. The volunteers cover 14 shifts during the course of a week and have about eight volunteers working during peak hours. The peak hours occur in the morning and in the evening. The shifts last about 2 ½ to 3 hours. The volunteers tend to be a younger demographic who use mass transportation and/or ride bicycles to their shifts.

Site Design & Access

The proposed development is designed with a more suburban-type site plan given the development pattern in the immediate area, distance from CTA-elevated rail and Metra train lines, and the nature of the use requiring customers to transport animals in personal vehicles. The primary entrance for staff and customers is located on the east elevation of the building facing the surface parking lot. Immediately to the northeast of the building is a bike rack for eight bikes, which is directly off of the sidewalk.

Using the findings of the Oakton Street Corridor Study and Improvements Project, the three existing curb cuts across the north side of the entire 2222 - 2310 Oakton Street site are proposed to be consolidated down to two. The west curb cut on 2310 Oakton

Street (animal shelter lot) will be completely eliminated and the east curb cut will be adjusted with the western curb cut of 2222 Oakton Street (recycling center lot). The resulting curb cut will be centered between both lots and shared for full access to both. The location will align the entrance with the traffic signal to help manage congestion and improve safety. The future use of the recycling center lot is to be determined but the layout and access are intended to allow for cross access with future development.

Transportation & Mobility

On-Site Parking

The applicant proposes 16 on-site parking stalls on a surface parking lot to the east of the proposed building where 25 stalls are required. Because the Zoning Code does not explicitly provide a parking requirement for an animal shelter or kennel, per Section 6-16-3-4 of the Zoning Code, the Zoning Administrator found that the most applicable parking requirement is that of the “retail goods/services establishments and food stores”, which requires one stall per 350 square feet. When applied to the square footage of 8,810 square feet, 25 parking stalls are required. This is one of the two Site Development Allowances requested as part of the Planned Development.

Retail goods/services establishments and food stores

1 stall/350 s.f.

8,810 s.f. x (1/350) = 25 parking stalls

Parking proposed, on-site: 16 stalls

The Illinois Accessibility Code, as amended, and Sections 6-16-2-6 and 6-16-3-5, Table 16-C, of the Evanston Zoning Ordinance requires one accessible parking stall. The single accessible parking stall is located at the northeast corner of the surface parking lot immediately across from the primary entrance.

Alternative Transportation

As previously described, the bike racks are proposed just northeast of the primary entrance. The building provides shower facilities as well for staff. Also for bike users, the Oakton Street Corridor Study recommended a multi-use path along the south side of Oakton Street to connect James Park to the multi-use paths along the Skokie Channel. The Oakton Street Corridor Project includes the installation of this multi-use path.

In addition to the aforementioned improvements to the City’s bike network along Oakton Street, the site also is located on the Chicago Transit Authority (CTA) bus route #97. Three eastbound bus stops (south side of Oakton) and two westbound bus stops (north side of Oakton) are all located within a five-minute walk of 2310 Oakton Street. The site is not within walking distance of any CTA or Metra rail stops.

Given the accessibility to the site by bus, the City’s continuing improvements to local bike routes, and the make-up of the volunteer population, the proposed number of parking stalls should adequately serve the proposed use.

Off-Street Loading

The proposed floor area of kennel/animal shelter use, which for zoning purposes is considered a ground-floor retail/commercial use, falls within 5,000 to 10,000 square feet and therefore requires one short loading berth, measuring 10 feet wide by 35 feet deep. The minimum required vertical clearance is 14 feet.

The proposed loading stall is located at the southeast corner of the building and is substandard in-depth, being only 29 feet where 35 feet is required. This is one of two requested Site Development Allowances. The vertical clearance of the roof overhang is still not known at the time of publication of this report as it is not provided on the elevations. The Land Use Commission should confirm this with the applicant for the record.

Traffic

The applicant submitted a Traffic Impact Statement which primarily relied upon data gathered from the Oakton Street Corridor Study (study linked in full under Attachments). The primary recommendation of the traffic study was to consolidate the three access points of the zoning lot into two. The study also recommended using the existing traffic signal located at the center of the zoning lot to help control incoming and outgoing traffic from the two facilities. The combination of consolidating the driveways and doing so at the existing traffic signaled access point will serve the intent of minimizing points of potential vehicular and pedestrian conflict on a minor arterial roadway in the southern part of the City.

The number of vehicular trips generated by customers is expected to modestly increase. Using the existing traffic signal will provide the best method of controlling safety related to this modest increase.

Building Design

Floor Area Ratio (FAR)

The I1 district allows a FAR of up to 1.0 by right (Section 6-14-3-8). The existing FAR is 0.21 and is proposed to increase to 0.3, and is therefore compliant.

Building Height

The I2 district allows a maximum building height of up to 45 feet or three stories, whichever is less (Section 6-14-3-7). The proposed building is 18 feet in height and is one story.

Exterior Building Materials

The proposed exterior building materials include:

Primary

- Brick (two types and colors)
- Concrete masonry units (CMUs)

Accent/Secondary

- Steel

- Glass (for windows)
- Wood paneling (near entrance)

The staff responsible for Design and Project Review overall were supportive of the proposed materials but were concerned with the durability of the wood paneling near the entrance. The Land Use Commission should ask the applicant to reconsider the wood paneling and add a condition of approval that the proposed wood paneling instead be either “wood look” imitation paneling or a different but complementary brick.

Mechanical Equipment Screening

The applicant is proposing to fully screen the mechanical equipment on the rooftop of the one-story building. However, the material proposed for the screening is not identified on the elevations although it has been requested by staff. The Land Use Commission should ask the applicant to provide details regarding the screening material and consider adding a condition of approval that the screening material be subject to approval by the Community Development Department.

On-Site Landscaping

The site (2310 Oakton) includes landscaping primarily along the north, west, and south sides of the building and parking lot. Nine shade trees are proposed along the west and south lot lines, abutting the private drive (west) and James Park (south). A tenth shade tree is proposed just north of the intake (loading) area, in front of the east elevation. Seven trees exist on the site at present. The Land Use Commission may wish to ask whether the applicant should include additional trees (shade or ornamental) in the landscape island along the east side of the parking lot.



Landscape plan

Compliance with the Zoning Ordinance

The I2 Industrial District is intended to provide sites for light manufacturing and light industrial uses under controls that minimize any adverse effects on property in nearby residential, business, and commercial districts. In addition to this base zoning district, the oRD Redevelopment Overlay District is intended to allow for flexibility in land use layout and design in redevelopment areas where there is an opportunity for mixed-use development or development projects in which one (1) or more of the uses are different from, but compatible with, the principal permitted uses in the district. The appropriateness of the development shall be considered on a case-by-case basis to ensure that a particular proposal meets basic standards of public health, safety, and welfare, and supports the economic development objectives of the City. It should also be noted that planned developments (PDs) are required for all developments located within the oRD districts.

Ordinances Identified for Requested Relief

6-14-3-3 Special Uses: The following uses may be allowed in the I2 Industrial District, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Planned Development (among other listed uses)

Kennel (among other listed uses)

6-15-13-7.5 Special Uses: The special uses for the oRD district shall be any use listed as special uses in the underlying base zoning district.

The Zoning Ordinance defines a Planned Development as:

A tract of land that is developed as a unit under single ownership or control. One (1) or more principal buildings may be located on a single lot.

The Zoning Ordinance defines a Kennel as:

Any establishment for which the principal use or purpose is the housing of domestic animals, including overnight stays. Multiple animals shall be permitted outside on the premises when accompanied by staff and only between the hours of 8:30 a.m. and 4:30 p.m. on any day. Individual animals shall be permitted outside on the premises to relieve themselves at any time during the Center's hours of operation when accompanied by staff. Prior to beginning operation of any such Kennel, the operator shall submit to the Zoning Administrator a contingency plan for those times when an owner fails to claim his/her animal(s), and, thereafter, comply with said plan. The operator of any such Kennel shall comply with the applicable regulations of Title 8, Chapter 4, and Title 9, Chapter 4 of the City Code, as amended. (Ord. No. 67-O-11, § 2, 9-12-2011)

Finally, Section 6-15-13-5 requires any person requesting a building permit involving the construction of a new building or structure shall be required to submit an application for

a planned development in accordance with the procedures set forth in Section 6-3-6 of the Zoning Ordinance.

The following table identifies how the project does or does not meet bulk requirements of the I2 District and notes planned development site development allowances:

Base zoning, allowable Planned Development site development allowance				
	Height	FAR	Parking	Loading
I2 District Requirement	45 ft.	1.0	25 stalls	1 short loading space
Site Development Allowance	+15 ft	+0.25	N/A	N/A
Proposed Development	60 ft. allowed, 18 ft proposed	1.25 allowed, 0.3 proposed	16 proposed	1 35-foot deep loading stall required; 1 29-foot deep short loading stall proposed
			Site development allowance requested	Site development allowance requested

The proposed amount of parking is reasonable given the access to public transportation and the planned improvements to the City’s bike route infrastructure along Oakton Street. Additionally, the maximum number of workers (paid staff and volunteers) at any given time is 12. To confirm the number of stalls is sufficient for projected customer demands, the Land Use Commission should ask the applicant the average number of customers visiting the existing shelter on a daily and weekly basis.

The proposed loading area should accommodate the needs of the shelter. However, the Land Use Commission may wish to confirm how frequently trucks that require a full 29 feet or more are anticipated to either drop off or pick up animals and supplies, if at all. If commercial grade trucks are not part of operations but rather the area is intended for larger personal pick-up trucks or vans, then the loading berth as proposed is sufficient in length.

Compliance with the Comprehensive Plan

The guiding principle of the Plan is to encourage new development that improves the economy, convenience, and attractiveness of Evanston while simultaneously working to maintain a high quality of life within the community where new developments should be integrated within existing neighborhoods to promote walking and the use of mass transit. The proposed project accomplishes or meets the following goals and objectives of the Comprehensive Plan:

- The City of Evanston's public buildings should be fully accessible, modernized buildings that serve the civic needs and interests of residents. *The proposed animal shelter is a new facility that will meet current zoning, building, and fire code requirements and also accommodate today's best practices for animal care and welfare.*
- Evanston's streets should safely, conveniently, and efficiently link neighborhoods to the rest of the community and to the metropolitan area. *The proposed redevelopment eliminates one curb cut onto an east-west minor arterial road, improving pedestrian safety.*
- The safety and convenience of pedestrians and bicyclists should be a priority. *See above.*
- Buildings and landscaping should be of attractive, interesting and compatible design. *The building and landscaping thoughtfully complement each other with their natural materials and long horizontal lines of the building.*
- Systematically evaluate City-owned buildings in terms of their quality of service delivery; prioritize maintenance and renovation planning accordingly. *This is the tear down/rebuild of an existing facility that has outlasted its useful life.*
- Continue to bring all public buildings into compliance with the Americans with Disabilities Act (ADA). *The property now has a compliant accessible stall and the bathrooms and other interior design features will be required to meet current building code requirements.*
- Encourage the highest quality design in new public buildings. *See above.*

Public Benefits, Section 6-3-6-3

Public benefits are intended to address the impacts that development has on the community. In addition to this project being owned and funded by the City of Evanston and grant funding for the welfare of animals in Evanston, the project also provides the following benefits:

- A. Preservation and enhancement of desirable site characteristics and open space.
 - As a former industrial site, the City of Evanston acquired the land in order to clean and improve the property in the 1970s. This redevelopment removes an additional +/- 2,000 cubic feet of toxic waste.
- B. A pattern of development that preserves natural vegetation, and topographic and geologic features.
 - The existing trees on the site are undesirable tree species. The redevelopment will remove and replace these existing trees.
- C. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the City.
 - N/A
- D. Use of design, landscape, or architectural features to create a pleasing environment or other special development features.
 - The redevelopment of the site includes the construction of a new building constructed primarily of masonry, which is a durable building material and fits the context of the site and the region. The horizontal lines of the

building also allude to Prairie-style architecture. The building contributes positively to the existing built environment.

- E. Provision of a variety of housing types in accordance with the City's housing goals.
 - N/A
- F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
 - The existing facility is dramatically undersized for the use of a 21st-century animal shelter. The redevelopment will upgrade the services provided for the animals in need in Evanston and empower EASA staff to properly care for them. The redevelopment eliminates a building that has outlasted its “useful life” and no longer adequately serves its function as an animal shelter. The new building will be constructed using modern construction methods and materials and comply with the City’s Green Building Ordinance.
- G. Business, commercial, and manufacturing development to enhance the local economy and strengthen the tax base.
 - The Evanston Animal Shelter is a public service provided by the City of Evanston in conjunction with the Evanston Animal Shelter Association, a non-profit organization. Animal rescue and ownership as a part of today’s society contributes to the local and regional economy in that it creates a demand for veterinary services, dog “daycares”, dog walkers, and groomers, in addition to retail pet supply stores. Expanding and improving the function of this community asset contributes to this sector of the economy catering to animal owners.
- H. The efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds, buildings, and other facilities.
 - The redevelopment of this City-owned property allows an existing City-owned property to be more efficiently used and also contributes to the improvement of a major thoroughfare in the City.
- I. The substantial incorporation of generally recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality, such as level silver or higher LEED (leadership in energy and environmental design) certification.
 - The applicant intends to file for LEED certification and accomplishes several objectives listed in the City’s Climate Action and Resiliency Plan.

Compliance with the Design Guidelines for Planned Developments

The proposed development is consistent with the Design Guidelines for Planned Developments. The redevelopment takes advantage of the existing shared access drive with the lot to the east by eliminating the westernmost curb cut on the zoning lot and improving the public way. The brick paver walk connecting the public sidewalk on the south side of Oakton is geometric in design and widens into a path that invites pedestrians to the primary entrance regardless of if they arrive by bus, car, bike, or foot. The perimeter landscaping along the north and west sides softens the property and along the south side, blends with the City-owned park (James Park) to the south. The

building's mass and bulk are consistent and compatible with other existing developments in the block area, being in a more suburban part of the City. The strong horizontal lines combined with the accent materials connote an institutional aesthetic that is needed for the proposed use as an animal shelter.

Design and Project Review (DAPR) Discussion

The Design and Project Review team reviewed the proposed project on September 13, 2022. Staff discussed the justification for the required parking stalls versus the provided parking stalls, the programming of the building interior, the staffing of the Evanston Animal Shelter (both paid employees and volunteers), and also refuse pick up. Staff also discussed concerns with the proposed wood material on the exterior elevations and found that a different, more durable material should be proposed.

Standards for Approval

The proposed development must follow the Standards for a Special Use (Section 6-3-5-10), the Standards for Planned Development (Section 6-3-6-9), and standards and guidelines established for Planned Developments in the I2 Industrial District [Section 6-14-1-10(B)]. The standards for review of a Planned Development found in City Code Section 6-3-6-9 were recently amended by Ordinance 63-O-22.

For the LUC to recommend that the City Council grant a special use for the proposed Planned Development with Site Development Allowances, and also a special use for the proposed Kenel, the LUC must find that each of the two special uses individually meets the following standards:

Standards for Special Uses, Section 6-3-5-10

- A. Is one of the listed special uses for the zoning district in which the property lies.
- B. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance.
- C. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use.
- D. Does not interfere with or diminish the value of property in the neighborhood.
- E. Is adequately served by public facilities and services.
- F. Does not cause undue traffic congestion.
- G. Preserves significant historical and architectural resources.
- H. Preserves significant natural and environmental resources.
- I. Complies with all other applicable regulations.

Standards for Planned Developments in Industrial Districts Sections 6-3-6-9 and 6-14-1-10

For the LUC to recommend that the City Council grant a special use for the proposed Planned Development with Site Development Allowances, the LUC must find that it meets the following standards:

- A. For all boundaries of the planned development immediately abutting a residential property, there shall be provided a transition landscaped strip of at least five

percent (5%) of the average depth of the lot or twenty (20) feet, whichever is greater, consisting of vegetative screening, fencing, or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscaping and Screening." The transition landscaped strip and its treatment shall be depicted on the required landscape plan submitted as part of the planned development application.

- B. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off-site designation likely to attract substantial pedestrian traffic. Pedestrian ways shall not be used by other automotive traffic.
- C. The location, construction, and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the industrial district in which it is located.
- D. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. If the planned development employs local streets within the development, said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
- E. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of stormwater facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.
- F. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land.
- G. For every planned development there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study also shall show the amount and direction of anticipated traffic flow and clearly describe what road improvements and traffic control improvements might become necessary as result of the construction of the proposed development.
- H. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.

Department Recommendation

The proposed development meets the intent of the I2 District and the Comprehensive Plan. Based on the analysis above and in consideration of the Design and Project Review team, staff recommends the Land Use Commission make a positive recommendation for approval of the Special Use for the proposed Planned Development, the Special Use Permit for the Kennel, and the related Site Development

Allowance at 2222 - 2310 Oakton Street to the City Council subject to the following conditions:

1. That the trash/recycle enclosure be of a more durable, non-porous material that matches the building's primary materials;
2. That all signage illustrated on the proposed elevation be subject to a separate sign permit review per Chapter 6-19 of the Zoning Ordinance;
3. That the proposed wood material on the exterior elevations be replaced with imitation wood or a similarly compatible material, subject to approval by the Community Development Department.



Attachments

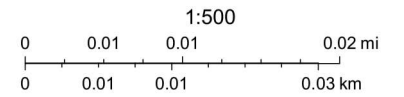
1. Aerial Photo
2. Zoning Map
3. Planned Development Application
4. Special Use Permit Application for Kennel
5. Responses to Standards, Traffic Impact Statement, Market Feasibility Statement
6. Proof of Ownership
7. Plat of Survey, 2222 Oakton Street
8. Plat of Survey, 2310 Oakton Street
9. Topographic Survey, 2222 - 2310 Oakton Street
10. Development Plans, dated 9/7/2022 and 9/23/2022
11. Zoning Report
12. September 27 2021 Memo to City Council regarding Animal Shelter
13. [Oakton Street Corridor Study](#)
14. Public Comments

2222 - 2310 Oakton Street - Aerial



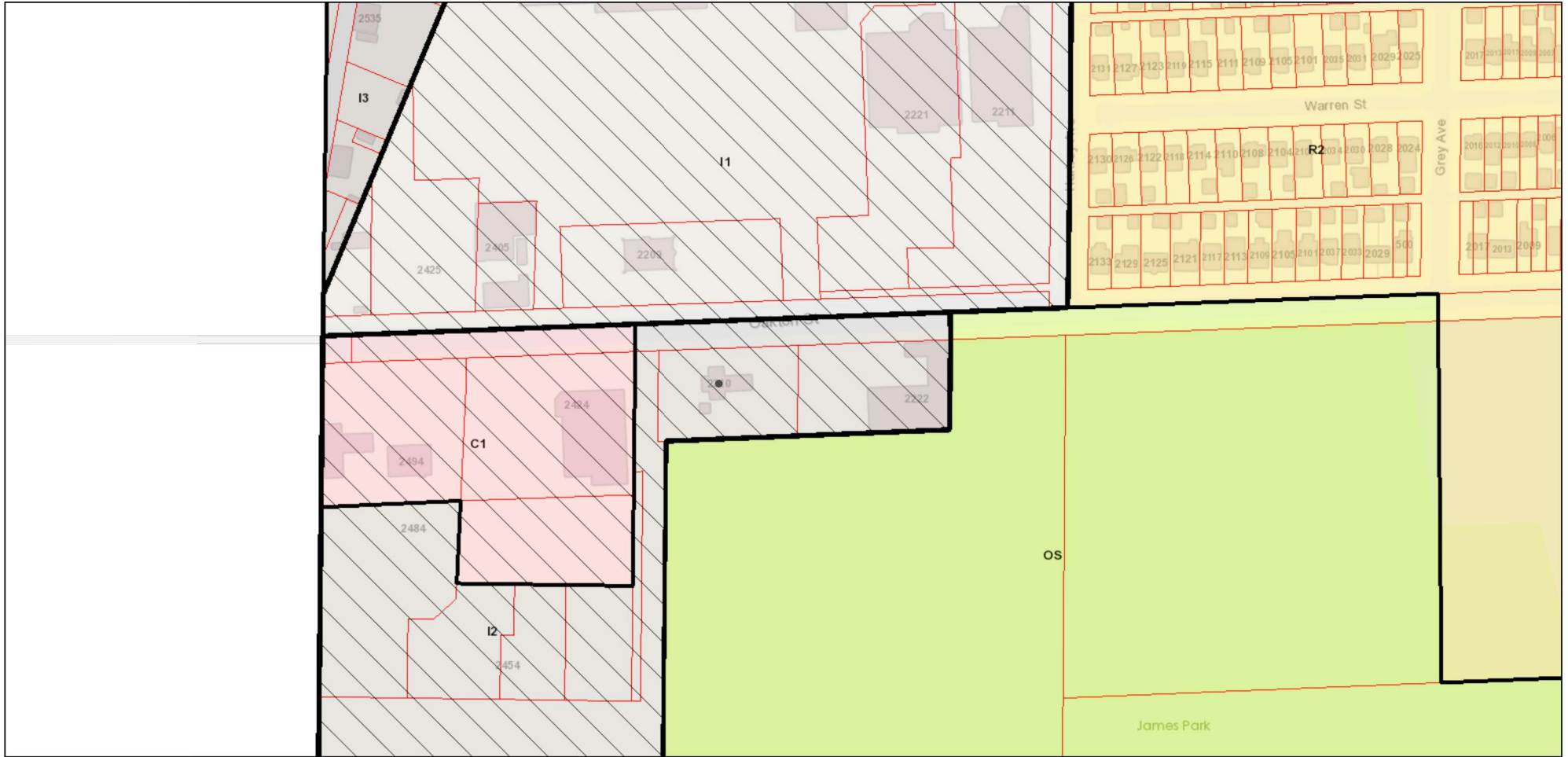
9/23/2022, 12:51:05 PM

-  City Boundary
-  Tax Parcels



Cook County GIS

2222 - 2310 Oakton Street - Zoning



9/23/2022, 12:52:20 PM

Zoning Overlay Districts

- oCSC - Central Street Corridor
- oDM - Dempster-Main Overlay
- oH - Hospital Overlay
- oRD - Redevelopment Overlay
- oWE - West Evanston Overlay
- Zoning Boundaries & Labels

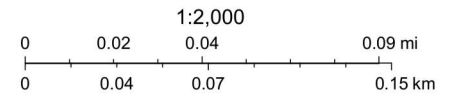
Zoning Districts

- B1 - Business
- B1a - Business
- B2 - Business
- B3 - Business
- C1 - Commercial
- C1a - Commercial Mixed-Use
- C2 - Commercial

- D1 - Downtown Fringe
- D2 - Downtown Retail Core
- D3 - Downtown Core Development
- D4 - Downtown Transition
- I1 - Industrial / Office
- I2 - General Industrial
- I3 - General Industrial

- MUE - Transitional Manufacturing-Employment
- MXE - Mixed Use Employment
- O1 - Office
- OS - Open Space
- R1 - Single-Family Residential
- R2 - Single-Family Residential
- R3 - Two-Family Residential

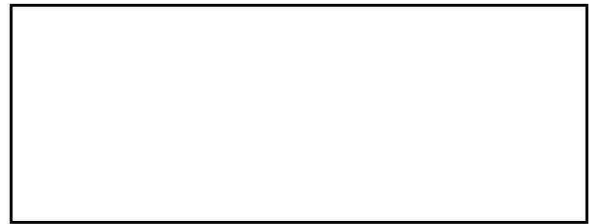
- R4 - General Residential
- R4a - General Residential
- R5 - General Residential
- R6 - General Residential
- RP - Research Park
- T1 - Transitional Campus
- T2 - Transitional Campus





PLANNED DEVELOPMENT APPLICATION

Case Number: _____



1. PROPERTY

Address(es)/Location(s)

2310 Oakton Street

Brief Narrative Summary of Proposal:

The proposed new Evanston Animal Shelter (EAS) for the City of Evanston will be located on the site of the existing shelter on Oakton Street.

The existing facility consists of a 1-story 3,360 SF brick building. In addition to the building the 0.83 acre site contains 3 small sheds and 2 dog runs.

The existing construction is to be removed to allow for the redevelopment of the site.

The Evanston Animal Shelter Association was established in 2015 as a "no-kill" shelter and since then has been expanding various programs and efforts to meet the growing needs of the community

the size and condition of the existing facility can no longer adequately support this growth.

The proposed new facility consists of a one-story building of approximately 8,850 GSF and is designed to provide dedicated cat and dog adoption spaces, increased animal

holding capacity, improved quality of care, and foster community support.

2. APPLICANT

Name: Shane Cary Organization: City of Evanston

Address: 2100 Ridge Avenue City, State, Zip: Evanston, Illinois, 60201

Phone: Work: 847-859-7876 Home: _____ Cell/Other: _____

Fax: Work: _____ Home: _____

E-mail: scary@cityofevanston.org

Please circle the primary means of contact.

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

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

3. 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."


Applicant Signature – REQUIRED

Shane Cary
Date

4. PRE-SUBMISSION REQUIREMENTS

Prior to actually submitting an application for Planned Development, you must:

A. Complete a Zoning Analysis of the Development Plan

The Zoning Office staff must review the development plan and publish a written determination of the plan's level of compliance with the zoning district regulations. Apply at the Zoning Office.

B. Present the planned development at a pre-application conference

Contact the Zoning Office to schedule a conference with Planning & Zoning Division staff.

5. REQUIRED SUBMISSION DOCUMENTS AND MATERIALS

- (This) Completed Application Form
- Application Fee (\$6,000)
- Two (2) Copies of Application Binder

Your application must be in the form of a binder with removable pages for copying. You must submit two application binders for initial review.

The Application Binder must include:

- Certificate of Disclosure of Ownership Interest Form
- Plan drawing illustrating development boundary and individual parcels and PINs
- Plat of Survey of Entire Development Site
- Zoning Analysis Results Sheet
- Preliminary Plat of Subdivision
- Pre-application Conference Materials
- Development Plan
- Landscape Plan
- Inclusionary Housing Ordinance Application
- Statement addressing how the planned development approval will further public benefits
- Statement describing the relationship with the Comprehensive Plan and other City land use plans
- Statement describing the development's compliance with any other pertinent city planning and development policies
- Statement addressing the site controls and standards for planned developments
- Statement of proposed development's compatibility with the surrounding neighborhood
- Statement of the proposed development's compatibility with the design guidelines for planned developments
- Statements describing provisions for care and maintenance of open space and recreational facilities and proposed articles of incorporation and bylaws
- Restrictive Covenants
- Schedule of Development
- Market Feasibility Statement
- Traffic Circulation Impact Study
- Statement addressing development allowances for planned developments

Notes:

- **Plats of survey** must be drawn to scale and must accurately and completely reflect the current conditions of the property.
- **Building plans** must be drawn to scale and must include interior floor plans and exterior elevations.
- **Application Fees** may be paid by cash, check, or credit card.
- **Mailing Fees** also apply and will be provided to the applicant from the City's mailing vendor.

- **Civic Engagement Website** will be set up for the duration of the planned development review process at applicant expense.

6. OTHER PROFESSIONAL REPRESENTATIVE INFORMATION

Attorney

Name: _____ Organization: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Architect

Name: Kevin Boyer Organization: Holabird & Root ::C

Address: 140 S Dearborn City, State, Zip: Chicago, IL 60603

Phone: 312 357-1423 Fax: _____ Email: kboyer@holabird.com

Surveyor

Name: Thomas Baumgartner Organization: Terra Engineering

Address: 225 West Ohio St. City, State, Zip: Chicago, IL, 60654

Phone: 312 477 0123 Fax: _____ Email: terraengineering.com

Civil Engineer

Name: Katherine Kenefake Organization: Terra Engineering

Address: 225 West Ohio St. City, State, Zip: Chicago, IL, 60654

Phone: 630 338 8539 Fax: _____ Email: KKENEFAKE@TERRAENGINEERING.COM

Traffic Engineer

Name: _____ Organization: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

Other Consultant

Name: _____ Organization: _____

Address: _____ City, State, Zip: _____

Phone: _____ Fax: _____ Email: _____

7. MULTIPLE PROPERTY OWNERS

Use this page if the petition is on behalf of many property owners.

"I understand that the regulations governing the use of my property may change as a result of this petition. By signing below, I give my permission for the named petitioner on page 1 of this form to act as my agent in matters concerning this petition. I understand that 1) the named petitioner will be the City of Evanston's primary contact during the processing of this petition, 2) I may not be contacted directly by City of Evanston staff with information regarding the petition while it is being processed, 3) I may inquire the status of this petition and other information by contacting the Zoning Office, and 4) the property owners listed below may change the named petitioner at any time by delivering to the Zoning Office a written statement signed by all property owners and identifying a substitute petitioner."

NAME and CONTACT INFORMATION (telephone or e-mail)	ADDRESS(es) or PIN(s) of PROPERTY OWNED	SIGNATURE
City of Evanston	2310 Oakton Street Evanston, IL 60201	
City of Evanston	2222 Oakton Street Evanston, IL 60201	

Copy this form if necessary for a complete listing.



SPECIAL USE APPLICATION

CASE #: _____

zoning office use only

1. PROPERTY

Address 2310 Oakton Street

Permanent Identification Number(s):

PIN 1: 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: Shane Cary

Organization: City of Evanston

Address: 2100 Ridge Avenue

City, State, Zip: Evanston, Illinois, 60201

Phone: Work: 847-859-7876 Home: _____ Cell/Other: _____

Fax: Work: _____ Home: _____

E-mail: scary@cityofevanston.org

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: agent/employee
- 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: _____

City, State, Zip: _____

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 I 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.”

Shane Cary Applicant Signature – **REQUIRED** _____ Date 09/22/2022

5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form
- Plat of Survey Date of Survey: _____
- Project Site Plan Date of Drawings: _____
- Plan or Graphic Drawings of Proposal (If needed, see notes)
- Non-Compliant Zoning Analysis
- Proof of Ownership Document Submitted: _____
- Application Fee Amount \$ _____

Notes: 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 or floor plans, drawn to scale, showing all dimensions.

Plan or Graphic Drawings of Proposal

A Special Use 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 change of use is non-compliant with the Zoning Code and requires a variance.

Application Fee

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

6. PROPOSED PROJECT

A. Briefly describe the proposed Special Use:

The Evanston Animal Shelter is a new construction project located on the site of the current animal shelter. The use will remain the same, providing sheltering services and community services for the community.

APPLICANT QUESTIONS

a) Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies? (See Zoning Analysis Review Sheet)

This property is located in an I2 zoning district. The animal shelter is most closely related to the kennel use. The Kennel use is specifically listed in the Zoning Ordinance as a special use in section 6-14-3-3.

b) Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a negative cumulative effect on the neighborhood?

The requested special use will not diminish the value of the property in the neighborhood and it will not cause a negative cumulative effect on the neighborhood.

c) Will the requested special use be adequately served by public facilities and services?

The requested special use will be adequately served by public facilities and services.

d) Will the requested special use cause undue traffic congestion?

The requested special use will not cause undue traffic congestion. Please refer to the statement on the traffic impact.

e) Will the requested special use preserve significant historical and architectural resources?

The existing site does not contain significant historical and architectural resources.

f) Will the requested special use preserve significant natural and environmental features?

The current site contains undesirable tree species. The existing facility is dramatically under sized for the expected use. There are outbuildings that present substantial architectural clutter. The site is often used for surface storage, and is generally unsightly. This project will improve all of these negative conditions.

g) Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?

The requested special use will not comply with the parking requirement nor the required 10' by 35' service parking space. These items are addressed in other portions of the plan development application.



City of Evanston DISCLOSURE STATEMENT

(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.

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 3 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.

City of Evanston
 2100 Ridge Avenue
 Evanston, Illinois 60201
 847-448-4311

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 3 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.

Luke Stowe	Hitesh Sedai
City Manager	Chief Financial Officer
2100 Ridge Avenue	2100 Ridge Avenue
Evanston, Illinois 60201	Evanston, Illinois 60201
847-448-4311	847-448-4311

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.

Not Applicable

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.



City of Evanston
Public Works, Capital Planning
2100 Ridge Ave.
Evanston, IL, 60201-2798
T 847.448.4311
www.cityofevanston.org

September 22, 2022

Katie Ashbaugh, AICP, Planner
City of Evanston
Community Development Department
Planning & Zoning Division
2100 Ridge Avenue
Evanston, IL 60201

RE: Supplemental Materials for Zoning Case 22PLND-0073, 2222 - 2310 Oakton Street

Dear Ms. Ashbaugh:

Please find attached the following items as required for the planned development and special use permit applications:

- A. Statement addressing the site controls and standards for planned developments, Section 6-14-1-10(B)
- B. Statement of proposed development's compatibility with the design guidelines for planned developments
- C. Statement of public benefits, Section 6-3-6-3
- D. Statement responding to the standards for special uses, Section 6-3-5-10
- E. Traffic impact statement
- F. Market feasibility statement

If you have any questions or concerns about the above comments, please do not hesitate to contact me directly at scary@cityofevanston.org or at (847) 859-7876.

Sincerely,

Shane Cary, AIA
Architect/Project Manager

Statement addressing the site controls and standards for planned developments, Section 6-14-1-10(B)

1. For all boundaries of the planned development immediately abutting a residential property there shall be provided a transition landscaped strip of at least five percent (5%) of the average depth of the lot or twenty (20) feet, whichever is greater, consisting of vegetative screening, fencing, or decorative walls in accordance with the Manual of Design Guidelines and Chapter 17, "Landscaping and Screening." The transition landscaped strip and its treatment shall be depicted on the required landscape plan submitted as part of the planned development application.
 - a. Not applicable. There are not boundaries abutting a residential property.
2. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities as well as any off-site designation likely to attract substantial pedestrian traffic. Pedestrian-ways shall not be used by other automotive traffic.
 - a. The site layout for this project is coordinated with the Oakton Street Corridor Project by the City. The parking will use the traffic signal that also serves the large retail property on the north side of Oakton. The vehicular traffic is separated from pedestrian and bicycle traffic. The combined use path identified in the Oakton Street Corridor Project will be connected directly to the main entrance. Bicycle racks will be installed near the main entrance for staff, volunteers, and patrons.
3. The location, construction and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the industrial district in which it is located.
 - a. There are no residential uses within or adjoining the development. Additional parking beyond that required for the planned development to service the district is not possible due to site limitations.
4. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. If the planned development employs local streets within the development, said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
 - a. The site layout for this project allows for the use of an existing traffic signal. It closes a curb cut parking lot entrance that has been identified by city staff for abandonment, which will be completed by the Oakton Street Corridor Project, currently proposed for construction in 2023.
5. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction

of storm water facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities.

- a. Utility infrastructure will be underground where appropriate. All storm water requirements identified by the City of Evanston and Metropolitan Water Reclamation District will be accommodated.
6. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed, and other pertinent information concerning the need or demand for such uses of land.
 - a. The Evanston Animal Shelter is a service that is provided by the municipality for the residents of Evanston.
 7. For every planned development there shall be provided a traffic circulation impact study that shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study also shall show the amount and direction of anticipated traffic flow and clearly describe what road improvements and traffic control improvements might become necessary as result of the construction of the proposed development.
 - a. Traffic circulation along the Oakton Corridor was studied by City Staff as a part of the Oakton Street Corridor Project. The findings of that traffic study indicated that the current entrance to the Evanston Animal Shelter should be abandoned, and that the traffic signal to the commercial shopping center and Evanston Recycling Center should be used for site access.
 8. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated.
 - a. Zoning administrator has not indicated additional studies or impacts need to be analyzed.

Statement of proposed development's compatibility with the design guidelines for planned developments

The Evanston Animal Shelter Project respects the surroundings with a scale that fits comfortably within the neighboring structures. The building will be located respectfully back from the property line to allow maintain a comfortable presence for pedestrians and cyclists utilizing the multi-use path. The architectural elements provide strong horizontal lines that help transition from the open space of James Park to the commercial buildings to the north and the west. The height of the building is balanced so that passersby are fully aware of the building, and yet it is not imposing. The project's fencing and canopies provide a gradual increase to the visual height of the building helping to blend the project into the surrounding areas. The fenestration of the building is located and sized in a playful manner. This provides interest and breaks up stretches of straight wall. The building will be clad predominantly in brick which has an extensive historical context in the area. (The land at James Park was historically used to fabricate brick.) The landscape will incorporate grass sod, shrubs and desirable tree species, which will replace the existing undesirable trees. The hardscape is intended to provide a playful walking experience for animals while providing building access to pedestrians, including those who arrived via bicycling or mass transit.

In summary, this development is consistent with the City of Evanston's Comprehensive Plan, Zoning Ordinance. It also fulfills a community need, providing the services that help make Evanston a highly desirable city.

Statement of public benefits, Section 6-3-6-3

1. Preservation and enhancement of desirable site characteristics and open space.
 - This site was historically used as an industrial site. The City of Evanston acquired the land in order to clean and improve the property. The cleaning continues. This project will be removing approximately 2,000 cubic feet of toxic waste.
2. A pattern of development which preserves natural vegetation, topographic and geologic features.
 - The current site contains undesirable tree species. The existing facility is dramatically under sized for the expected use. There are outbuildings that present substantial architectural clutter. The site is often used for surface storage, and is generally unsightly. This project will improve all of these negative conditions.
3. Preservation and enhancement of historic and natural resources that significantly contribute to the character of the City.
 - This area of the city has become a commercial retail center. The Evanston Animal Shelter fits very well within this context. Although the Evanston Animal Shelter is not a retail operation. Some of the operations have similarities with retail. Most importantly, however, is that the Evanston Animal Shelter has a tremendous impact on the community.
4. Use of design, landscape, or architectural features to create a pleasing environment or other special development features.
 - The exterior architectural materials for this building include masonry, wood, and glass which are all consistent with the buildings in the region. Additionally, the building has strong horizontal features that help it sit within the neighboring buildings and landscape naturally.
5. Provision of a variety of housing types in accordance with the City's housing goals.
 - This project is not a residential project and does not provide housing.
6. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.
 - The existing building was designed as a dog pound. It was intended to house dogs for a brief time (about a week). If the owners were not identified within that brief time period the animal was euthanized. This is no longer an acceptable practice. The Evanston Animal Shelter is now a no-kill animal shelter providing primarily for dogs and cats. It also occasionally provides short term housing for other species as needed. The facility needs to be sized appropriately to allow for dogs and cats to remain in the shelter for the required holding period, remain separate, be socialized with people, and be prepared for adoption.
7. Business, commercial, and manufacturing development to enhance the local economy and strengthen the tax base.

- The Evanston Animal Shelter is a public service provided by the City of Evanston in conjunction with the Evanston Animal Shelter Association, a non-profit organization.
8. The efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds, buildings, and other facilities.
- This project will be expanding the animal shelter building footprint in order to better fill the community's needs for animal sheltering. The location of the building within the city is strategically advantageous due to the amount of vehicular, bicycle, and pedestrian traffic which helps elevate the animal shelter's profile and increases the probability of great outcomes for everyone in need of the Evanston Animal Shelter's services. The adjacent Oakton Corridor Improvements (also proposed for construction in 2023) will further increase access.
9. The substantial incorporation of generally recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality, such as level silver or higher LEED (leadership in energy and environmental design) certification.
- The new building and site will be applying for LEED certification and will be designed to meet that criteria. It is also being designed to comply with the City's Climate Action Resilience Plan. The building systems will be designed to produce zero carbon emissions on site, eliminating natural gas as a source of heat.

Statement responding to the standards for special uses, Section 6-3-5-10 (Planned development)

- A. It is one of the special uses specifically listed in the zoning ordinance.
 - The proposed use, a planned development, is listed in Section 6-14-3-3 of the Zoning Ordinance.
- B. It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time
 - The planned development meets the adopted comprehensive general plan and zoning ordinance as amended. The location is not directly adjacent to a residential neighborhood which alleviates some of the potential issues with noise. The neighboring properties to the north and west are primarily retail oriented.
- C. It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole.
 - The planned development includes two properties that have been identified to be used for municipal purposes in the master plan. This municipal purpose will continue. The planned development will not cause a negative cumulative effect on the immediate neighborhood or on the City as a whole.
- D. It does not interfere with or diminish the value of property in the neighborhood.
 - The Animal Shelter planned development will continue the City's goal of cleaning this historically industrial site. The property already contains this use and the new building's appearance and design will enhance the neighboring properties. The development will also improve the safety of Oakton Street along the adjacent public way by utilizing an existing traffic signal.
- E. It can be adequately served by public facilities and services.
 - The planned development can be adequately served by the facilities and services.
- F. It does not cause undue traffic congestion
 - The Animal Shelter planned development will not cause undue traffic congestion. And, will relieve current issues with the parking lot access on Oakton Street.
- G. It preserves significant historical and architectural resources.
 - This property does not contain any significant historical and architectural resources for preservation.
- H. It preserves significant natural and environmental features; and
 - The Animal Shelter planned development will enhance the natural and environmental features by replacing undesirable tree species with desirable trees, and improving a service for the community, taking stray animals off of the street and finding their forever homes.

- I. It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.
 - o The Animal Shelter planned development complies with all of the applicable regulations of the district except such regulations that have been modified through the planned development process.

Statement responding to the standards for special uses, Section 6-3-5-10 (Kennel)

- J. It is one of the special uses specifically listed in the zoning ordinance.
 - The proposed use, a kennel, is listed in Section 6-14-3-3 of the Zoning Ordinance.
- K. It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time
 - The animal shelter use fits well within the adopted comprehensive general plan and zoning ordinance as amended. The location is not directly adjacent to a residential neighborhood which alleviates some of the potential issues with noise. The neighboring properties to the north and west are primarily retail oriented.
- L. It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole.
 - These two properties have been identified to be used for municipal purposes for several revisions of the master plan.
- M. It does not interfere with or diminish the value of property in the neighborhood.
 - The Animal Shelter will continue the City's goal of cleaning this historically industrial site. The property already contains this use and the new building's appearance and design will enhance the neighboring properties.
- N. It can be adequately served by public facilities and services.
 - The Animal Shelter can be adequately served by the facilities and services.
- O. It does not cause undue traffic congestion
 - The Animal Shelter will not cause undue traffic congestion.
- P. It preserves significant historical and architectural resources.
 - This property does not contain any significant historical and architectural resources for preserving.
- Q. It preserves significant natural and environmental features; and
 - The Animal Shelter will enhance the natural and environmental features by replacing undesirable tree species with desirable trees, and improving a service for the community, taking stray animals off of the street and finding their forever homes.
- R. It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.
 - The Animal Shelter project complies with all of the applicable regulations of the district except such regulations that have been modified through the planned development process.

Traffic impact statement

The Evanston Animal Shelter is located at 2310 Oakton Street on an approximately 0.82 acre site. The Evanston Municipal Storage Facility is located at 2222 Oakton Street on an approximately 0.9 acre site. The pedestrian, bicycle, and vehicular traffic of these two properties were studied as related to the Oakton Street Corridor Study. The major findings of this traffic study for this area is that the existing three access points to these two lots should be reduced to one point of access. Additionally, the study recommended using the existing traffic signal located between the two lots to help control incoming and outgoing traffic from the two facilities. Lastly, the study found that a multi-use path along the south side of Oakton Street connecting James Park to the multi-use paths along the Skokie Channel is highly desirable. The Oakton Street Corridor Project will make the modifications to the public way including adjusting the traffic signal, adjusting the traffic signal timing, removing the two entrances that are to be abandoned, and installing the multi-use path.

The Evanston Animal Shelter Association has 4 full time employees and approximately 175 volunteers. The volunteers cover 14 shifts during the course of a week and have about 8 volunteers during peak hours. Volunteers tend to be a younger demographic, and many take mass transportation and/or ride bicycles to the facility. The number of vehicular trips generated by customers is expected to modestly increase. Utilizing a traffic signal will provide the best method of controlling safety related to this modest increase.

The measures taken by these two projects will substantively improve the safety of the community and provide new amenities with limited impact on congestion.

Market feasibility statement

The Evanston Animal Shelter is an open admission, city shelter that takes in all strays and surrenders from the City of Evanston regardless of age, health or temperament. The shelter also takes in animals in need from surrounding areas as space allows with an achieved Save Rate of 96%-97%. The Evanston Animal Shelter is a partnership between the City of Evanston (CoE), the Evanston Animal Shelter Association (EASA), and Cook County Animal and Rabies Control (CCARC). The City of Evanston owns and maintains the building and property. The Evanston Animal Shelter Association operates the shelter on behalf of CoE. CoE provides a grant of \$100,000 to EASA and provides \$35,000 per year as reimbursement for various supplies such as animal food, cat litter and some vaccination materials. EASA provides the funding for the majority of the shelter operations and has an annual budget of \$300,000. This new facility is supported by the grant "A Home for Cook County's Animals" which is a grant for capital improvements from CCARC. As a partner, Cook County Animal and Rabies Control (CCARC) now has an agreement with the City of Evanston and will be provided 24 hour access similar to the City of Evanston Police Department, all of which is delineated in the grant agreement between CoE and CCARC.



COOK COUNTY ASSESSOR'S OFFICE

Joseph Berrios, Assessor

2014 AFFIDAVIT

Agency Number: 1630

Agency Name: EVANSTON CITY OF

2100 RIDGE AVE, EVANSTON, IL 602042700

Michelle Masonup, as authorized agent for the agency listed above, have reviewed the Property List on the Cook County Assessor's web site for the agency noted above and affirm that following is true and correct:

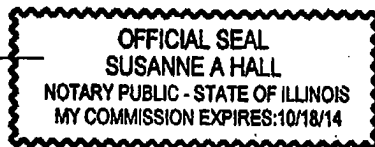
- 1. The agency listed above is the owner of each of the properties on the Property List on the Cook County Assessor's web site, unless indicated as set forth below;
2. If any property has experienced a "change in ownership" (as defined under the Illinois Property Tax Code 35 ILCS 200/1-1 et seq.) since the Illinois Department of Revenue granted the exemption, I have electronically checked the appropriate box on the Property List of the Cook County Assessor's web site and completed an online Exempt Property Information Sheet for each such property;
3. If any property has experienced a "change in use" (as defined under the Illinois Property Tax Code 35 ILCS 200/1-1 et seq.) since the Illinois Department of Revenue granted the exemption, I have electronically checked the appropriate box on the Property List of the Cook County Assessor's web site and completed an online Exempt Property Information Sheet for each such property.
4. If any property has been leased, licensed or is otherwise used by party other than the owner, I have electronically checked the appropriate box on the Property List of the Cook County Assessor's web site. If the property has been leased within the last year I have also electronically checked the appropriate box and completed an online Exempt Property Information Sheet for each property.
5. This Affidavit is given to the Cook County Assessor's Office so that it may maintain the exemptions of the properties on the Property List on the Cook County Assessor's web site.

Further affiant sayeth not.

Subscribed and sworn to before me this 30th day of December 2013

Signature of Notary Public

NOTARY PUBLIC



Signature: Michelle Masonup
Print Name: Michelle Masonup
Title: Deputy City Attorney
Phone: 847-448-8009

Official Use Only
Reviewed By:
Date:

This is for viewing purpose only

PINS

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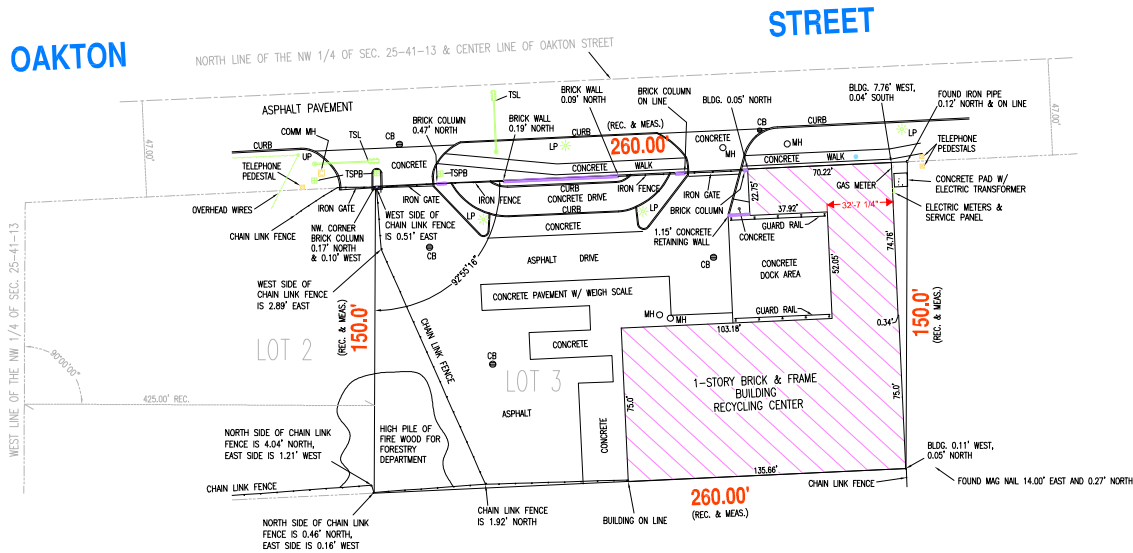
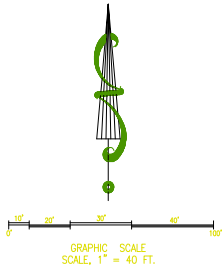
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11-30-211-001-0000

11-30-212-007-0000
11-30-212-008-0000
11-30-213-040-0000

PLAT of SURVEY

Legal Description:
 LOT 3 IN WILLIAM B. JOHNSON'S SUBDIVISION OF THE EAST 650 FT. OF THE WEST 1075 FT. OF THE SOUTH 150 FT. OF THE NORTH 197 FT. OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as: **Evanston Recycling Center; 2222 Oakton Street, Evanston, Illinois.**



SITE NOTES:
 Area = 38,049 sq. ft.

- Text Legend:**
- CB = Catch Basin
 - COMM MH = Communications Manhole
 - LP = Light Pole
 - MH = Manhole
 - TSL = Traffic Signal Light
 - TSPB = Traffic Signal Pull Box

GENERAL NOTES:
 All information provided to the surveyor is shown or noted hereon.
 The description on this plat was provided to us by the client, and does not guarantee ownership, and should be compared to your Deed, Abstract or Certificate of Title.
 All building restrictions, building lines and easements may or may not be shown, check your Deed, Abstract, Title Report, and local ordinances, no responsibility is assumed by Surveyor.
 Compare all points before building by same and report any discrepancy at once.
 Dimensions are shown in feet and decimal parts thereof, no dimension is to be assumed by scaling.

FIELD MEASUREMENTS COMPLETED MAY 16, 2012

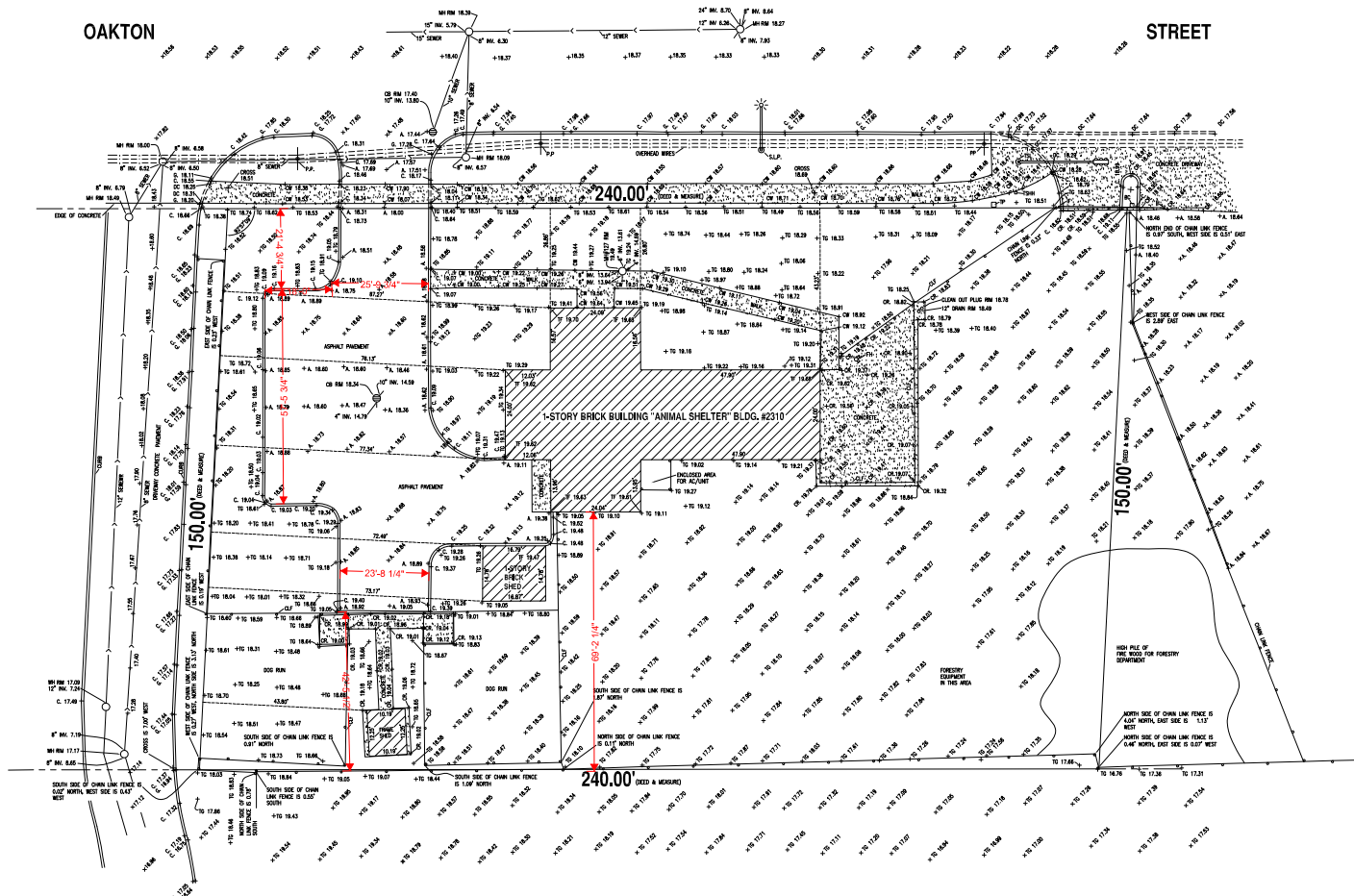
STATE OF ILLINOIS }
 COUNTY OF COOK }
 This is to certify that a survey of the above described property was performed under my supervision and that the above plat correctly represents said survey. This professional service conforms to the current Illinois Minimum Standards for a boundary survey.

B.H. SUHR & COMPANY, INC.		
R. R. HANSEN MEMBER: I.P.L.S.A. A.C.S.M. N.S.P.S.	SURVEYORS ESTABLISHED 1811 840 CUSTER AVENUE, EVANSTON, ILLINOIS 60202 TEL. (847) 864-6315 / FAX (847) 864-9341 E-MAIL: SURVEYOR@BHSUHR.COM	Professional Design Firm License No. 184-008871
LOCATION	EVANSTON RECYCLING CENTER	MAY 16, 2012
ORDER No.	12-147	CITY OF EVANSTON
ORDERED BY	DEPARTMENT OF PARKS, RECREATION & COMMUNITY SERVICES	
PC134 © 2008 B. H. Suhr & Company, Inc. All rights reserved.		

PLAT OF SURVEY

THAT CERTAIN LOT OR PARCEL OF LAND DESCRIBED IN A PLAT OR SURVEY DATED AUGUST 25, 1972, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, ON OCTOBER 4, 1972, AS DOCUMENT 22074837, AND ALSO DESCRIBED AS FOLLOWS: THE WEST 240 FEET OF THE EAST 500 FEET (MEASURED ALONG THE SOUTH LINE OF OAKTON STREET) OF THE FOLLOWING: THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF OAKTON STREET, WITH A LINE DRAWN PARALLEL TO AND 425 FEET EAST OF THE WEST LINE OF SAID SECTION 25; THENCE SOUTH ALONG SAID LINE 425 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 150 FEET; THENCE EAST ALONG A LINE PARALLEL WITH THE SOUTH LINE OF OAKTON STREET, 450 FEET; THENCE NORTH ALONG A LINE PARALLEL WITH THE WEST LINE OF SAID SECTION 25, A DISTANCE OF 150 FEET TO THE SOUTH LINE OF OAKTON STREET; THENCE WEST ALONG THE SOUTH LINE OF OAKTON STREET, A DISTANCE OF 650 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 2310 OAKTON STREET, EVANSTON, ILLINOIS.



OAKTON

STREET

- A=ASPHALT
- C=CURB
- CB=CONCRETE BRUSH
- CLF=CHAIN LINK FENCE
- CC=CONCRETE
- PH=PIPE HYDRANT
- C=CASTER
- B=INLET SIGN
- F=IRON FENCE
- B=IRON PIPE
- M=MANHOLE
- PP=POWER POLE
- SH=SHED
- SL=SHED LIGHT HOLE
- SP=SHED LIGHT POLE
- 1/2"=TOP OF FOUNDATION
- 1"=TOP OF GROUND
- TR=TRAILING FENCELINE
- TS=TRAFFIC SIGNAL LIGHT
- TR=TRAFFIC SIGNAL HANDLE

NOTE:
LOCATION OF UNDERGROUND UTILITIES WERE NOT SURVEYED BY PHYSICAL EVIDENCE AND TRACED FROM RECORDS AND/OR FIELD MARKINGS NORMALLY CONSIDERED RELIABLE, NO RESPONSIBILITY FOR THEIR ACCURACY IS ASSUMED BY THE SURVEYOR.

NOTE:
PHONE TO EXPANION CALL TOLL FREE
JULIIE 1-800-892-0123 (FOR SUBURBAN)

BENCHMARK:
ELEVATIONS ARE WITH REFERENCE TO GRS BENCHMARK
A.M. ELEVATIONS 19.192, LOCATED OAKTON STREET & HANFORD AVENUE.

AREA=35,982 SQ. FT.

FIELD MEASUREMENTS COMPLETED NOVEMBER 11, 2008

STATE OF ILLINOIS
COUNTY OF COOK

This is to certify that we have surveyed the above described property and the above plat correctly represents said survey. This professional service conforms to the current Illinois Minimum Standards for a Surveyor.

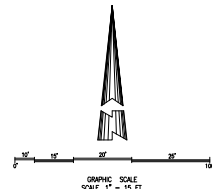
B.H. SUHR & COMPANY, INC. SURVEYORS

By _____ EVANSTON, ILLINOIS, 2008

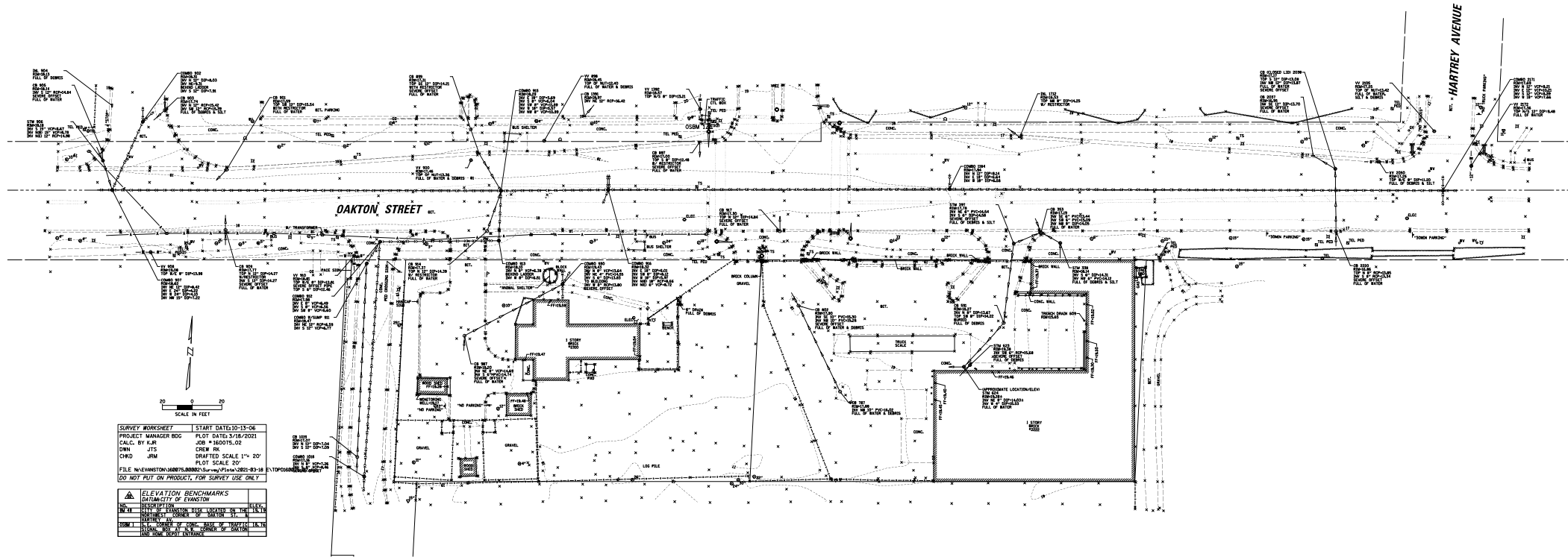
The description on this plat was provided to us by the client, and does not guarantee accuracy, and should be compared to your deed, Abstract or Certificate of Title. If there are any discrepancies between this plat and your deed or any other records, check your deed, Abstract, Title Report, and book references, as responsibility is assumed by Borrower.

Changes of points between buildings by name and report are encouraged as soon as possible.

Measurements are shown to feet and decimal parts thereof; no dimensions in to be assumed by scaling.

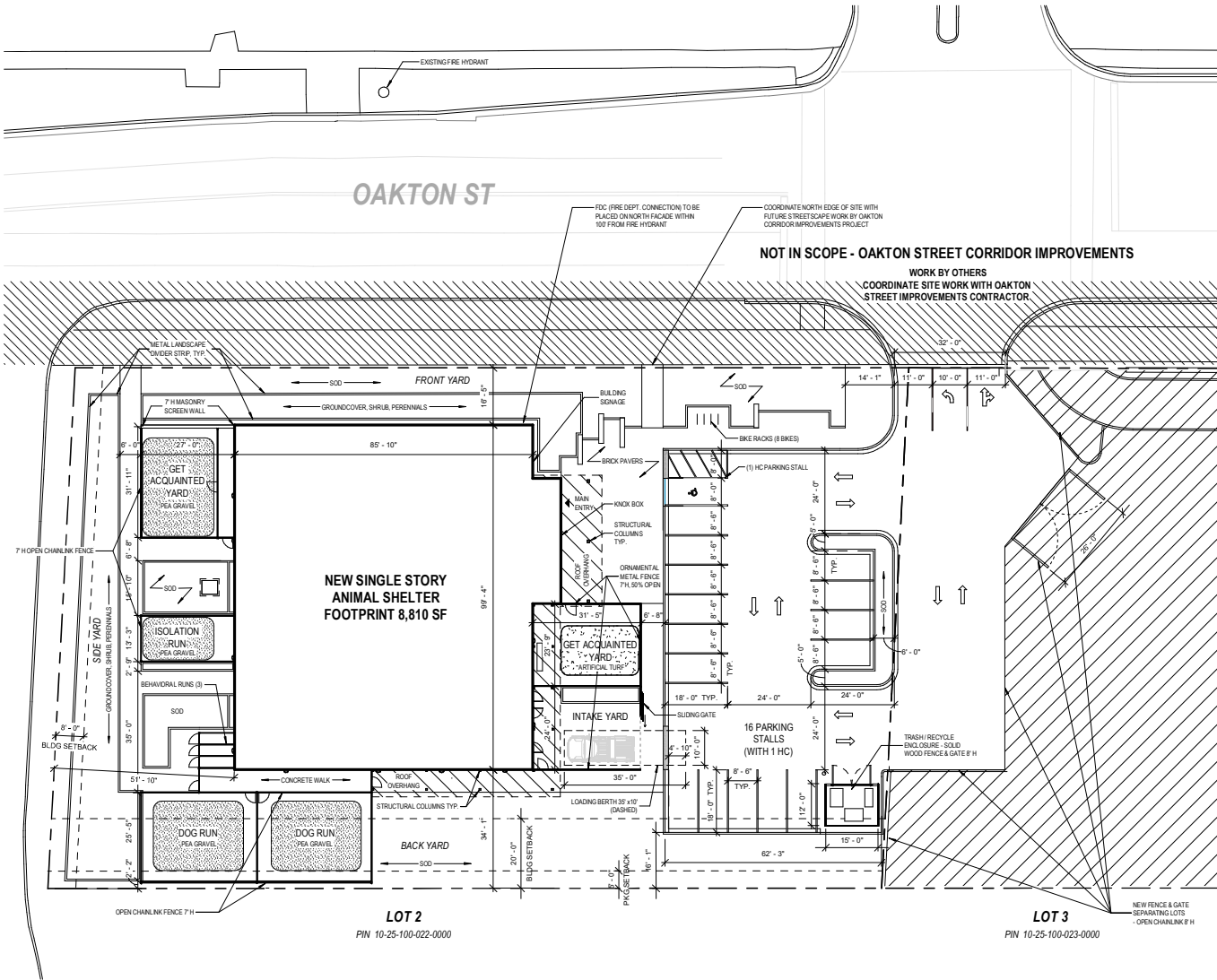


B.H. SUHR & COMPANY, INC.			
R. E. HANSEN REGISTERED P.L.S.&S. A.C.E.S. R.S.P.S.	REGISTERED PROFESSIONAL ENGINEER 140 CLUSTER AVENUE, EVANSTON, ILLINOIS 60120 TEL: (847) 864-3315 FAX: (847) 864-0341 EMAIL: SERVEYOU@BHSURVEY.COM	Professional Design Firm License No. 06-00001	
BOOK 08	PAGE 404	EVANSTON, ILLINOIS	NOVEMBER 11, 2008
ORDER No. 08-404		ORDERED BY: CITY OF EVANSTON	



SURVEY WORKSHEET | START DATE: 10-13-06
 PROJECT MANAGER: BDC | PLOT DATE: 3/18/2021
 CALC. BY: K.R. | JOB #: 140075-02
 DWN: JTS | CREW: BDC
 CHKD: JRM | DRAFTED SCALE: 1" = 20'
 FILE: N:\EVANSTON\140075-02\Survey\Plot\140075-02-18.dwg | PLOT SCALE: 20'
 DO NOT PUT ON PROJECT, FOR SURVEY USE ONLY

ELEVATION BENCHMARKS	
DATUM: NAD 83	
BM	DESCRIPTION
BM1	CONCRETE BENCH MARK LOCATED ON 10'x10' CONCRETE PAD
BM2	CONCRETE BENCH MARK LOCATED ON 10'x10' CONCRETE PAD
BM3	CONCRETE BENCH MARK LOCATED ON 10'x10' CONCRETE PAD
BM4	CONCRETE BENCH MARK LOCATED ON 10'x10' CONCRETE PAD
BM5	CONCRETE BENCH MARK LOCATED ON 10'x10' CONCRETE PAD



OAKTON ST

LOT 2
PIN 10-25-100-022-0000

LOT 3
PIN 10-25-100-023-0000

HATCHED AREAS: NOT INCLUDED IN PROJECT SCOPE

- OAKTON STREET CORRIDOR IMPROVEMENT WORK
- FORMER RECYCLING CENTER PROPERTY NOT IN SCOPE

NOT IN SCOPE - OAKTON STREET CORRIDOR IMPROVEMENTS

WORK BY OTHERS
COORDINATE SITE WORK WITH OAKTON STREET IMPROVEMENTS CONTRACTOR

FDC (FIRE DEPT) CONNECTION TO BE PLACED ON NORTH FACADE WITHIN 100' FROM FIRE HYDRANT

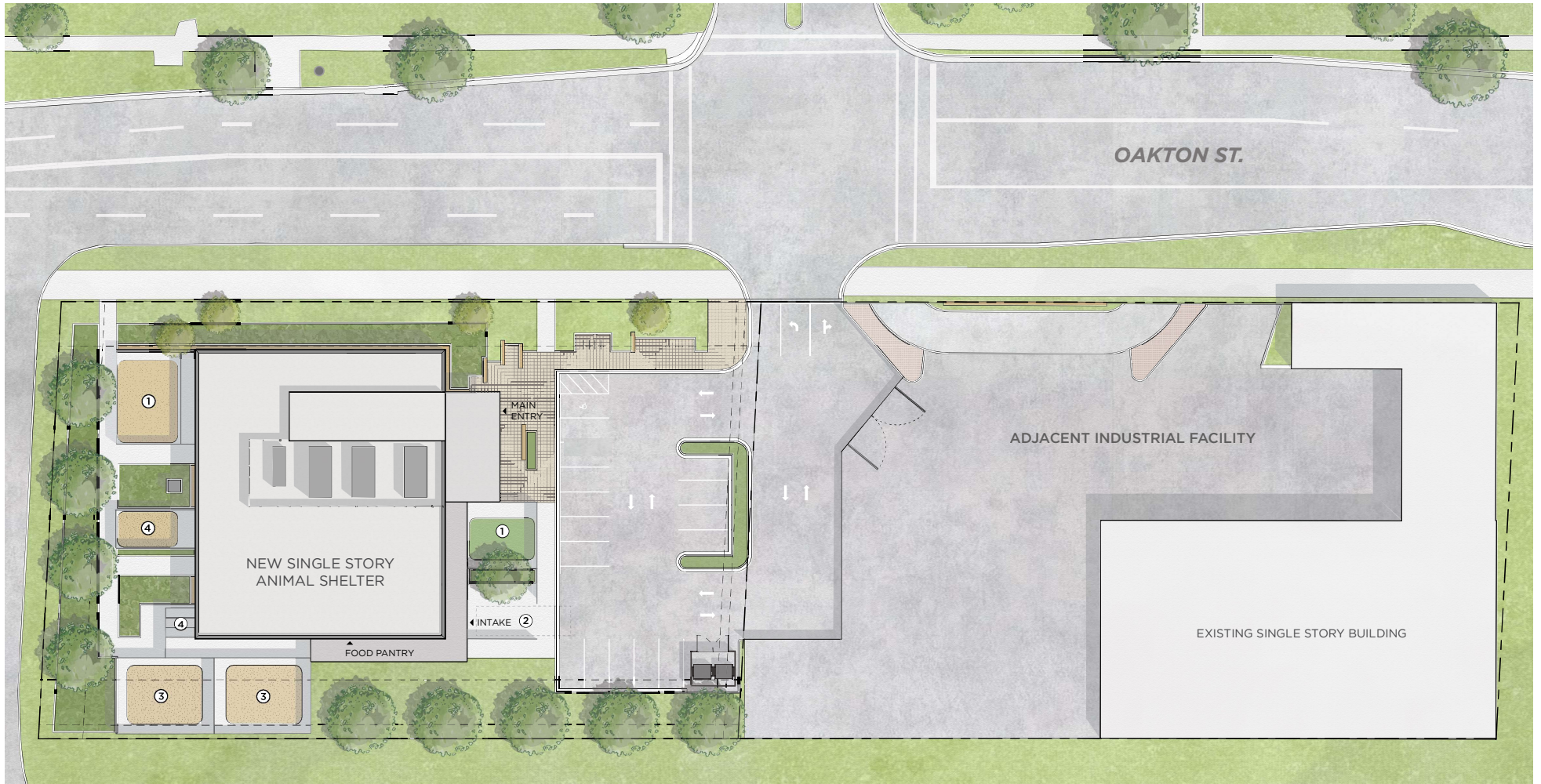
COORDINATE NORTH EDGE OF SITE WITH FUTURE STREETSCAPE WORK BY OAKTON CORRIDOR IMPROVEMENTS PROJECT

NEW SINGLE STORY ANIMAL SHELTER FOOTPRINT 8,810 SF

16 PARKING STALLS (WITH 1 HC)

NEW FENCE & GATE SEPARATING LOTS - OPEN CHAINLINK 6'H

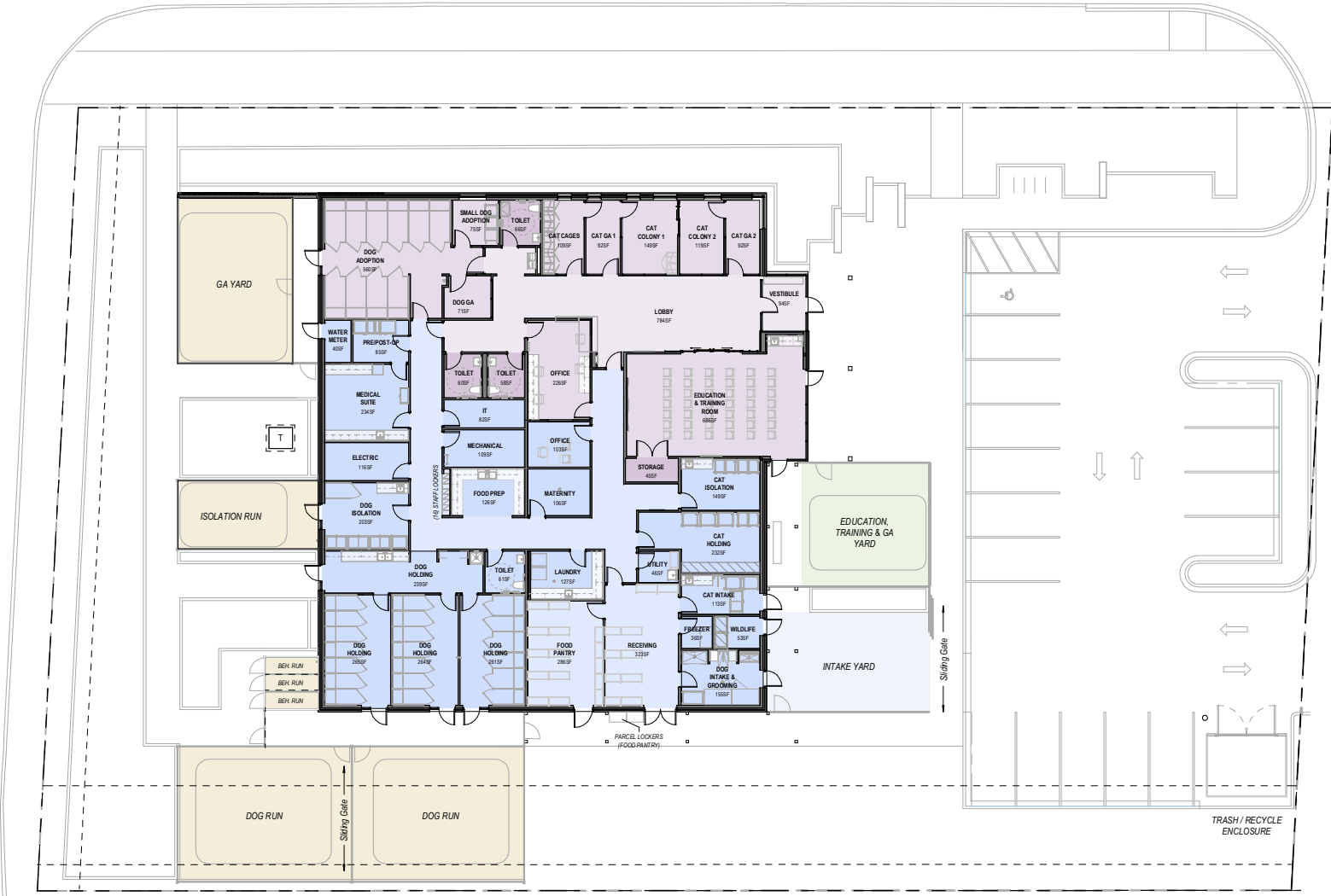
SITE PLAN



▲ ENTRY	--- PROPERTY LINE	① GET-AQUAINTED YARD	③ DOG RUNS	■ SOD	■ ARTIFICIAL TURF	■ UNIT PAVERS	■ ASPHALT	1/32" = 1'-0"
— FENCING	- - - SETBACK LINE	② INTAKE YARD	④ ISOLATION RUN	■ GROUND COVER, SHRUB, PERENNIAL	■ PEA GRAVEL	■ CONCRETE WALK		

FLOOR PLAN

OAKTON ST



1" = 20'-0"



PARKING COUNT ANALYSIS

APPROACH A



BACK-OF-HOUSE

INDUSTRIAL SERVICE:

1 PARKING SPACE PER 1,000 SF

AREA = 5,130 GSF
(58% OF TOTAL GSF)

5,130 GSF / 1,000 = **5.1 SPACES**

FRONT-OF-HOUSE

RETAIL:

1 PARKING SPACE PER 350 SF

AREA = 3,680 GSF
(42% OF TOTAL GSF)

3,680 GSF / 350 = **10.5 SPACES**

TOTAL PARKING SPACES = 16

PARKING COUNT ANALYSIS

APPROACH B



ANIMAL HOLDING

AREA = 2,684 SF
(30% OF TOTAL GSF)

ANIMAL RELATED STORAGE

AREA = 686 SF

TOTAL ANIMAL RELATED SF

TOTAL AREA = 3,370 SF
(38% OF TOTAL GSF)

TOTAL BUILDING GSF
- TOTAL ANIMAL DEDICATED SF

= 5,440 GSF

1 PARKING SPACE / 350 SF

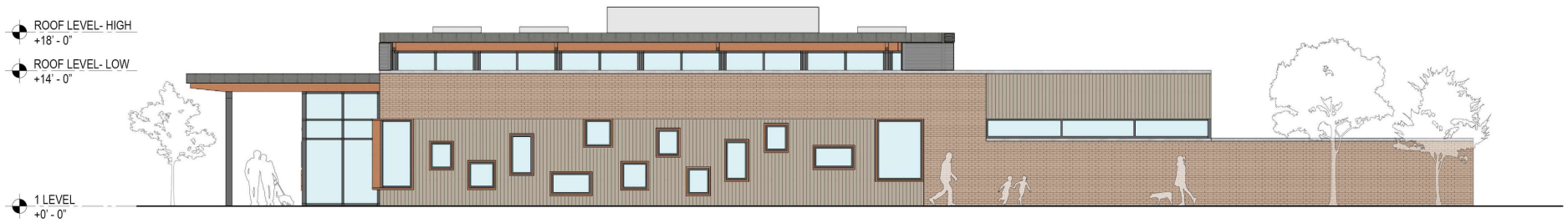
= 16 SPACES

TOTAL PARKING SPACES = 16

ELEVATIONS

MATERIAL LEGEND

- BRICK - RUNNING PATTERN
- WOOD
- BRICK - VARIATION
- GLASS
- CMU BLOCK
- RTU
- STEEL



NORTH ELEVATION



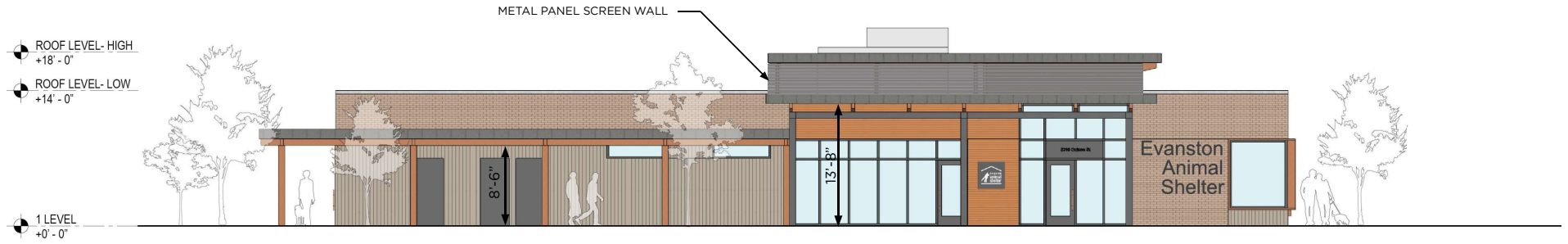
SOUTH ELEVATION



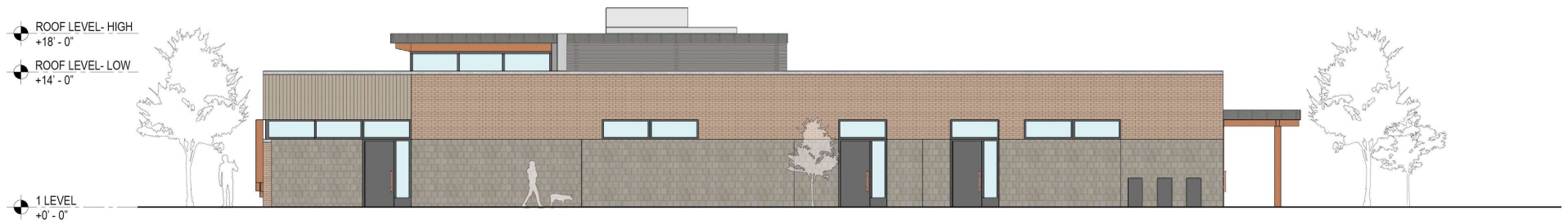
ELEVATIONS

MATERIAL LEGEND

- BRICK - RUNNING PATTERN
- WOOD
- BRICK - VARIATION
- GLASS
- CMU BLOCK
- RTU
- STEEL

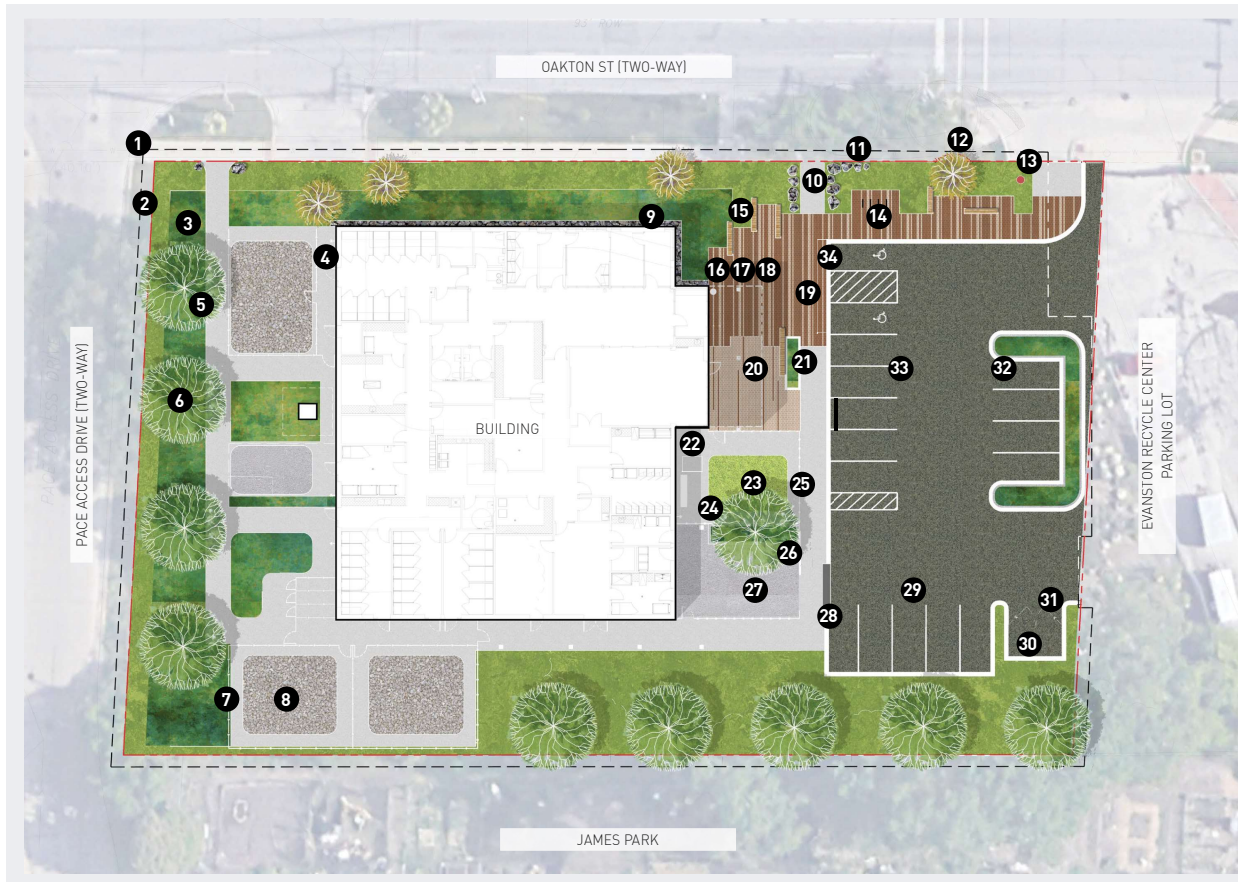


EAST ELEVATION



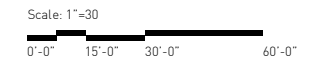
WEST ELEVATION

LANDSCAPE PLAN



- 1 PROJECT LIMIT LINE
- 2 PROPERTY LINE
- 3 SHRUB/ GROUNDCOVER/ PERENNIALS
- 4 HOSE BIB, REFER TO MEP
- 5 ZONING SETBACKS LINE
- 6 SHADE TREE
- 7 7'H CHAIN LINK FENCE AND GATE
- 8 AGGREGATE PAVING, TYPE 1
- 9 AGGREGATE PAVING, TYPE 2
- 10 PEDESTRIAN CONCRETE PAVING
- 11 LANDSCAPE BOULDERS
- 12 ORNAMENTAL TREE
- 13 PUBLIC ART (BY OTHERS, NIC) (FOR REFERENCE ONLY)
- 14 BIKE RACKS
- 15 BENCHES
- 16 TRASH RECEPTACLE
- 17 BUILDING COLUMNS, REFER TO ARCH (FOR REFERENCE ONLY)
- 18 BUILDING OVERHANG, REFER TO ARCH (FOR REFERENCE ONLY)
- 19 UNIT PAVER PAVING, TYPE 1
- 20 UNIT PAVER PAVING, TYPE 2
- 21 RAISED CONCRETE CURB
- 22 ACCESSIBLE CLEARANCE LINE
- 23 ARTIFICIAL TURF
- 24 PET WASTE STATION
- 25 7'H ORNAMENTAL METAL SINGLE SWING GATE
- 26 7'H ORNAMENTAL METAL SLIDING GATE
- 27 VEHICULAR CONCRETE PAVING
- 28 MOUNTABLE CONCRETE CURB
- 29 ASPHALT PAVING, REFER TO CIVIL (FOR REFERENCE ONLY)
- 30 8'H ORNAMENTAL METAL FENCE
- 31 8'H ORNAMENTAL METAL DOUBLE SWING GATE
- 32 VEHICULAR CONCRETE CURB AND GUTTER, REFER TO CIVIL
- 33 PAVEMENT STRIPPING, REFER TO CIVIL (FOR REFERENCE ONLY)
- 34 ADA RAMPS, REFER TO CIVIL (FOR REFERENCE ONLY)

1 PLAN
 SCALE: 1" = 30'-0"



FENCING DETAILS



BLACK

25 **ORNAMENTAL METAL FENCE AND GATE**
METAL, 7'H, MIDWEST FENCE CORP
MODEL NO: WELDED WIRE FENCE AND GATE



FSC
WOOD

ADD ALTERNATE: WOOD PANELS
FSC-CERTIFIED CUMARU WOOD, 2" X 6" PLANK, CUSTOM
FABRICATED BY GC
PATTERN A: HORIZONTAL, SOLID BOTTOM, GRADIENT TOP



BLACK

7 **CHAIN LINK FENCE AND GATE**
METAL, 7'H, MIDWEST FENCE CORP
MODEL NO: CHAIN LINK FENCE AND GATE



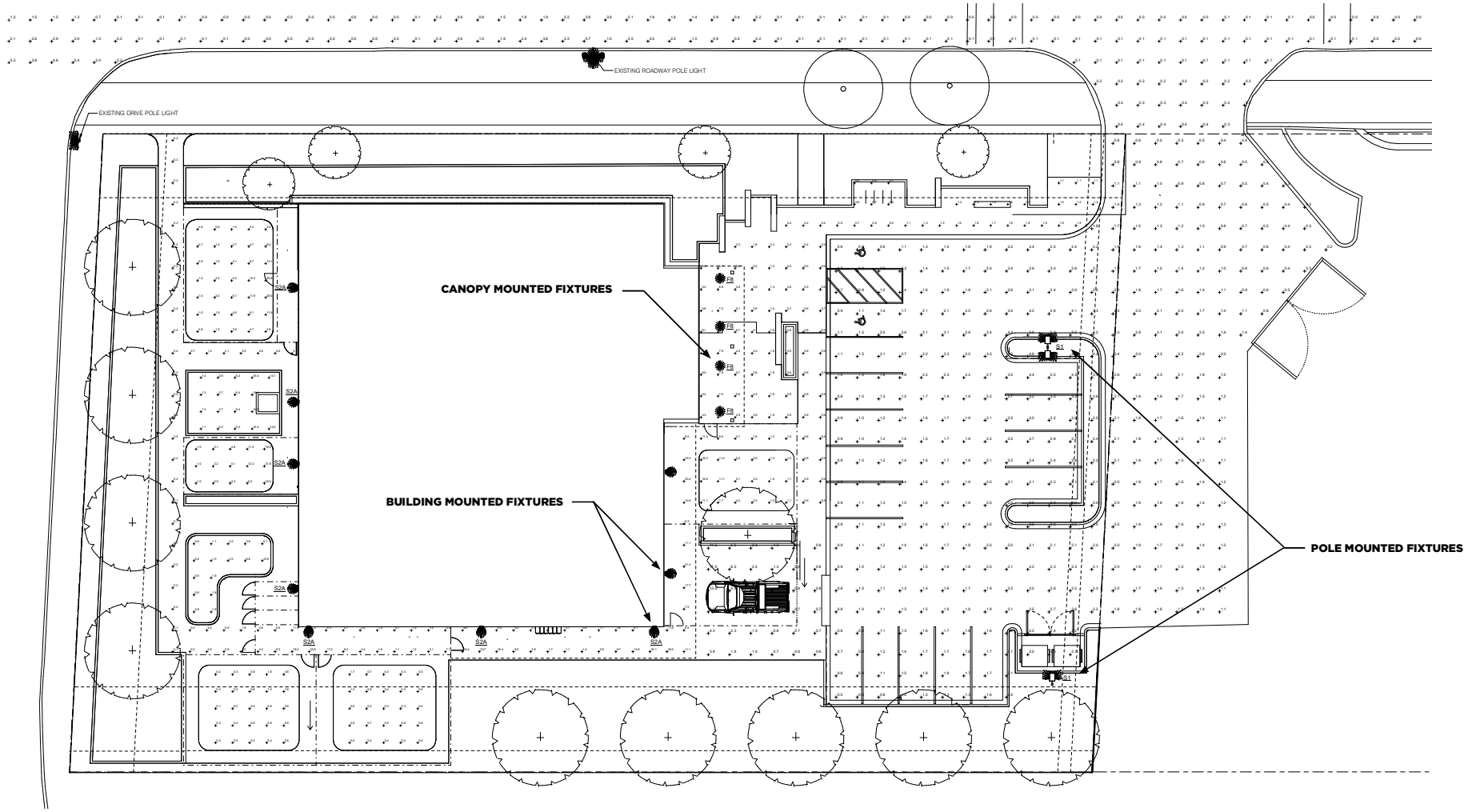
BLACK

FSC
WOOD

30 **8'H ORNAMENTAL METAL FENCE AND DOUBLE SWING GATE (TO MATCH GA COURTYARD AND INTAKE YARD FENCE)**
PER COE CODE: OUTDOOR TRASH STORAGE SHALL BE PLACED ON HARD SURFACE AND BE AESTHETICALLY SCREENED BY A PERMANENT FENCE.

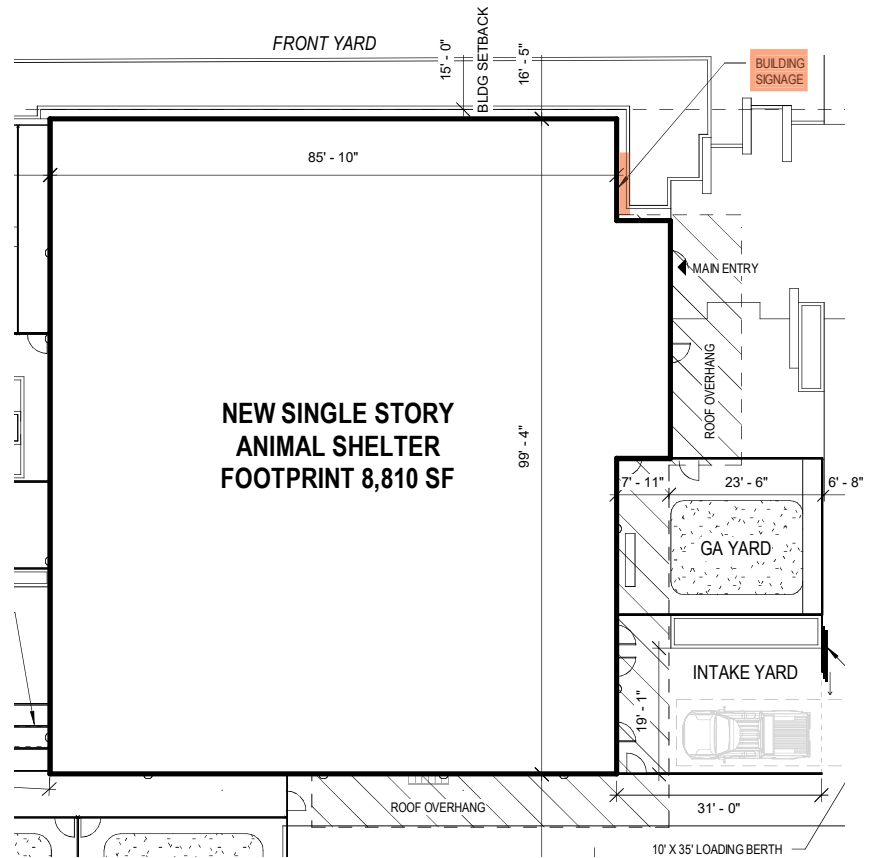
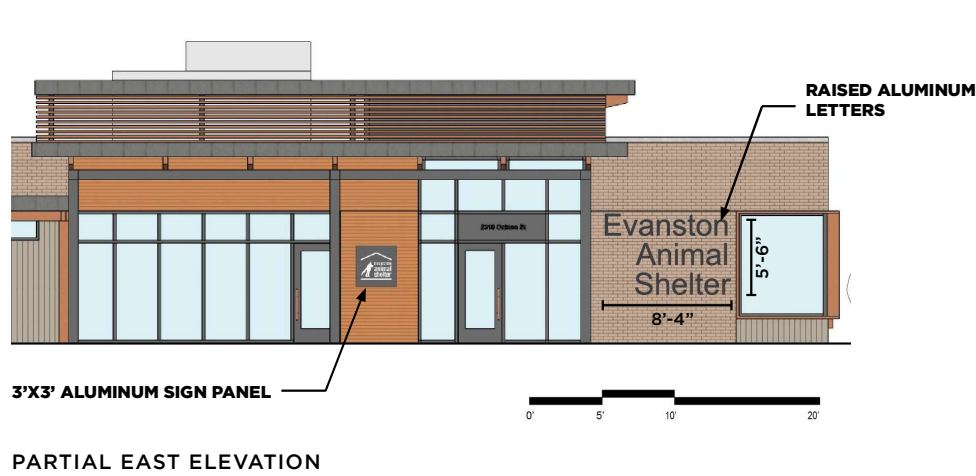
LIGHTING PLAN

SITE PLAN PHOTOMETRICS - ELECTRICAL



SIGNAGE PLAN

*SEE DEVELOPMENT PLAN (PAGE 13) AND EAST ELEVATION (PAGE 17) FOR SIGNAGE LOCATION ON EXTERIOR FACADE OF NORTH-EAST BUILDING CORNER.



City of Evanston

ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: Pending August 12, 2022

RESULTS OF ANALYSIS: Non-Compliant

Z.A. Number: 22ZONA-0043

Purpose: Zoning Analysis without Bld Permit App

Address: 2310 Oakton ST, BLDG#

District: I2

Overlay: oRD

Preservation

Applicant: Shane Cary

Reviewer: Katie Ashbaugh

District:

Phone: 8478597876

THIS APPLICATION PROPOSES (select all that apply):

ANALYSIS BASED ON:

- | | | |
|---|---------------------------|---------------|
| <input checked="" type="checkbox"/> New Principal Structure | Change of Use | Sidewalk Cafe |
| <input type="checkbox"/> New Accessory Structure | Retention of Use | Other |
| <input type="checkbox"/> Addition to Structure | Plat of Resubdiv./Consol. | |
| <input type="checkbox"/> Alteration to Structure | Business License | |
| <input type="checkbox"/> Retention of Structure | Home Occupation | |

Plans Dated: 9/7/2022
Prepared By: Holabird & Root
Survey Dated: 11/11/2008, 5/16/2012

Proposal Description:

New 8,810 SF principal structure for animal shelter with 16 parking stalls

Existing animal shelter, open parking lot,
Improvements: recycling center, 2 accessory structures

ZONING ANALYSIS

PLANNED DEVELOPMENT THRESHOLDS

Does not apply to I1, I2, I3, OS, U3, or Excluded T1 & T2 Properties. See Section 6-8-1-10(D) for R's; Section 6-9-1-9(D) for B's; Section 6-10-1-9(D) for C's; Section 6-11-1-10(D) for D's; Section 6-12-1-7(D) for RP; Section 6-13-1-10(D) for MU & MUE; Section 6-15-1-9 for O1, T's, U's, oH, oRE, & oRD.

- | | |
|--|-----|
| 1. Is the request for construction of substantially new structures or a substantial rehabilitation or substantial addition as defined by increasing floor area of principal structure by 35% or more? If not, skip to 2 & 4 below. | Yes |
| 2. Does the zoning lot area exceed 30,000 sqft? | Yes |
| 3. Does the proposal entail more than 24 new residential, commercial, business, retail or office units in any combination? | No |
| 4. Does the proposal entail the new construction of more than 20,000 sqft of true gross floor area at or above grade including areas otherwise excluded from defined gross floor area? | No |

RESIDENTIAL DISTRICT CALCULATIONS

The following three sections apply to building lot coverage and impervious surface calculations in Residential Districts.

<u>Front Porch Exception (Subtract 50%)</u>	<u>Pavers/PerVIOUS Paver Exception (Subtract</u>	<u>Open Parking Debit (Add 200sqft/open space</u>
Total Eligible Front	Total Paver Area	# Open Required Spaces
Front Porch Regulatory Area	Paver Regulatory Area	Addn. to Bldg Lot Cov.

PRINCIPAL USE AND STRUCTURE

	Standard	Existing	Proposed	Determination
USE:	I2	Mixed Use	Mixed Use	Non-Compliant

Comments: Animal shelter (2310 Oakton St): requires Special Use Permit
 Recycling center (2222 Oakton St): permitted use

Gross Floor Area (SF)	1.0	16015	22285	Compliant
Use: Non-Residential		0.21	0.3	

Comments:

Height (FT)	45' or 3 stories, whichever is less		18	Compliant
--------------------	-------------------------------------	--	----	-----------

Comments:

Front Yard(1) (FT)	None required	26.8	16.42	Compliant
---------------------------	---------------	------	-------	-----------

Direction: N

Street: Oakton

Comments: Of animal shelter only; existing recycling center is 0.04' south from north front lot line

	Standard	Existing	Proposed	Determination
Interior Side Yard(1) (FT) Direction: E	8	0.11		Legal Non-Conforming
Comments: No change; is of existing recycling center; existing and proposed animal shelter does not have east interior side yard				
Interior Side Yard(2) (FT) Direction: W	8	76.13	47.25	Compliant
Comments: Of new animal shelter only; recycling center does not have west interior side yard				
Rear Yard (FT) Direction: S	20	69.19	34.08	Compliant
Comments: Of animal shelter only; existing recycling center is 0.05' north of south rear lot line				

ACCESSORY USE AND STRUCTURE

Use (1)	Standard	Existing	Proposed	Determination
Permitted Districts:	I2	Open Off-street Parking	Open Off-street Parking	Compliant
Comments:				
Permitted Required Yard:	Interior side	Interior Side Yard	Interior Side Yard	Compliant
Comments:				
Front Yard(1A) (FT) Direction: N Street:	0	21.42	25.25	Compliant
Comments: Of animal shelter parking lot only				
Rear Yard (FT) Direction: S	5	42.45	15.65	Compliant
Comments: Of animal shelter parking lot only				

PARKING REQUIREMENTS

	Standard	Existing	Proposed	Determination
Use(1): Retail Services Establishment	1 per 350 sqft gross floor area.	8	16	Non-Compliant
Comments:				
Use(2): Industrial Related Activity	1 per 3 employees, and 1 per company vehicle.	5		Legal Non-Conforming
Comments:				
TOTAL REQUIRED:	25	13	16	Non-Compliant
Comments:				
Handicap Parking Spaces	Sec. 6-16-2-6			Compliant
Comments:				
Access:	Sec. 6-16-2-2			Compliant
Comments:				
Surfacing:	Sec. 6-16-2-8 (E)			Compliant
Comments:				
Location:	Sec. 6-4-6-2			Compliant
Comments:				

	Standard	Existing	Proposed	Determination
Angle(1): 90 Degree	Comments:			
Width(W) (FT)	8.5	9.5	8.5	Compliant
Comments:				
Depth(D) (FT)	18.0	18	18	Compliant
Comments:				
Aisle(A) (FT)	24.0	25.83	24	Compliant
Comments:				
Module (FT)	SL 42.0, DL 60.0	43.83	42	Compliant
Comments:				

LOADING REQUIREMENTS

	Standard	Existing	Proposed	Determination
Loading Use: Retail and/or Commercial	1 short 5K to 10K, 2 short 10K to 25K, 2 long 25K to 60K, 3	1	1	Compliant
Comments:	Recycling center not included			
TOTAL (long):	0			
TOTAL (short):	1			
Short Berth Size (FT)	10' wide x 35' deep		29	Non-Compliant
Comments:				
Vertical Clearance (FT)	14'			Non-Compliant
Comments:				
Location:	Sec. 6-16-4-1			Compliant
Comments:				

RESULTS OF ANALYSIS

Results of Analysis: This Application is **Non-Compliant**

Site Plan & Appearance Review Committee approval is: **Required**

See attached comments and/or notes.

SIGNATURE _____

DATE _____



Memorandum

To: Honorable Mayor and Members of the City Council
From: Shane Cary, Architect/Project Manager
CC: David Stoneback, Public Works Agency Director; Lara Biggs, City Engineer
Subject: Evanston Animal Shelter Improvements
Date: September 27, 2021

Recommended Action:

Staff requests the City Council review design options and provide direction for the Evanston Animal Shelter Improvements, which will set the budget for the project. Staff is recommending 2 options for the level of service for the shelter and 2 options for the level of compliance with sustainability goals for the City Council to select from. A presentation will be provided.

Council Action:

For Discussion

Summary:

Based on direction previously provided by City Council, potential building programming and associated costs have been developed for the animal shelter improvements project. Staff is requesting that the City Council provide direction on the following:

1. The size/level of service to be provided by the new animal shelter building
2. The level of sustainability goals and Climate Action and Resilience Plan (CARP) alignment that will be targeted

Staff will provide a presentation summarizing the options. Cost estimates will be included so that the project budget can be set.

Background Information:

The City of Evanston owns and maintains an animal shelter building at 2310 Oakton Street. The City contracts with the Evanston Animal Shelter Association (EASA) for the operations of the animal shelter. The City provides grants of \$100,000 annually to assist with operations costs. EASA, which operates with a total annual budget of \$300,000, fundraises the remaining amount. In return for Evanston funding, EASA accepts animals impounded by the City as well as owner relinquished animals from the community. Since taking over operations, EASA has operated the shelter as no-kill, open admission shelter with a save rate of 96-97%.

On average, EASA processes over 570 animals per year. To accomplish this, EASA utilizes an extensive network of volunteers. When not in a pandemic, approximately 175 volunteers staff 14 shifts per week at the shelter. They also use foster homes to house the animals. In 2019, 169 foster homes hosted 343 animals. In addition, the shelter operates programs to help residents afford to keep their own animals in their home, such as providing donated dog food, cat food and cat litter to residents who would not otherwise be able to feed their animals. A report describing EASA's programs and services in 2020 is attached.

Existing Building:

Constructed in the 1970's, the animal shelter building is inadequate for the current operations. The 2750-square foot building was originally intended to house a small number of animals for a short time. Euthanasia was utilized to manage the number of animals that were in residence. Because of the age of the building, it was not designed with modern shelter standards in mind. The inadequacies of the building include:

- Not enough capacity to house dogs and cats (cat housing was not included in original operations)
- No separate intake area for animals that are dropped off
- No isolation area for sick dogs or cats
- Minimal adoption facilities
- Lack of windows and natural light
- Inadequate storage
- No space for in-house medical procedures

The existing building does not meet the current building code. In particular, the HVAC is nearing the end of its useful life, and the City would not be able to replace it and bring the system up to code without somehow expanding onto the building to house new mechanical equipment. The current HVAC is also inadequate for maintaining even temperatures throughout the building; during warmer weather, the temperatures in some of the areas where animals are housed exceeds 90 degrees. Also, the building does not contain a fire sprinkler system.

If the HVAC or other critical building systems fail and cannot be repaired, it is likely that the Evanston Animal Shelter Association (EASA) will lose its licensing from the Illinois Department of Agriculture that allows the operation of an animal shelter.

History:

In 2007, the City signed an agreement with Community Animal Rescue Efforts (CARE) to expand the Animal Shelter building in order to improve operations and provide a minimum standard of animal care. In 2008, the City hired an architectural consultant to perform the required design services for this expansion. Unfortunately, the consultant's services were terminated in 2009 as the consultant was unable to prepare a design solution that met City and CARE requirements.

In 2010, the City and CARE again hired a consultant to design the needed improvements and expansion of the shelter. Just prior to the award of the design, the Animal Shelter Expansion Project was put on hold while the City considered the potential sale of the Animal Shelter property. In 2012, the City decided to go ahead with the project and a consultant was hired. CARE fundraised to assist in covering the cost of the major renovation and expansion. Before

a building came into fruition, CARE and the City determined it was best to part ways due to issues with the management of the animals. The City issued a Request for Proposal for another partner to operate the animal shelter and ultimately contracted with the current operator, Evanston Animal Shelter Association (EASA), a not-for-profit organization created to respond to this request.

On October 23, 2017, as part of a budget presentation, staff notified the City Council that the building was not compliant with building codes, had failing building systems, and needed a significant capital investment in order to stay operational. The City Council directed staff to work with the Animal Welfare Board to complete an in-house study to determine what a new/expanded building would need in order to meet the operational needs of the animal shelter. Staff attended multiple Animal Welfare Board meetings and toured numerous animal shelter facilities in the Chicago area. As staff began preparing a written report of the findings for City Council, Cook County released the call for grants for the Housing Cook County Animals grant program. Staff pivoted to developing a grant proposal for submission to Cook County.

Cook County Animal and Rabies Control sent out a call for projects because the current total of all shelter capacity in Cook County is insufficient to house all of the animals that need sheltering. During a January 8, 2020 presentation Cook County provided criteria upon which the grant would be determined. Some of the highlighted criteria were an increase in the sheltering capacity, separate areas for infirmed animals, 24 hour access by Cook County, capability of dealing with hoarding cases, holding area for atypical pets, welcoming area for adopters, separation of intake and adoption, stress reduction features, odor and noise reduction, and rabies observation.

On February 24, 2020, City Council approved Resolution 15-R-20 to submit a grant application to Cook County. The proposed grant application requested a \$4.5M grant from Cook County with matching funds from the City of Evanston and the Evanston Animal Shelter Association. The grant application was for a new building with site improvements, and had an overall project cost of \$6.0M. A breakdown of the costs is as shown below:

Funding Source	Amount
Cook County Animal Shelter Grant Program	\$4,500,000
Evanston Animal Shelter Association	\$500,000
City of Evanston	\$1,000,000
Total	\$6,000,000

On May 28, 2020, Cook County announced an award of \$2.0M grant to the City of Evanston. Cook County and the City of Evanston then negotiated the final terms of the grant agreement.

On October 5, 2020, a discussion was held at Human Services about how to proceed, and the board made a referral to the Animal Welfare Board to determine if there are other sources of fundraising that could be tapped to offset the COE cost of building a new building.

On 12/8/20, the Animal Welfare Board met to discuss options for fundraising. At that time, the discussion centered around if EASA could fundraise more than \$500,000 or if a separate non-profit group could be set up to handle the capital improvement fundraising. To date, no one has volunteered to set up a separate non-profit group. Meanwhile, EASA has renewed its commitment to fundraise \$1,000,000 for capital improvement of the animal shelter, but is unable to commit to more than that amount.

On 01/21/21, the Animal Welfare Board approved a recommendation to execute an amendment to the existing MOU specifically allowing EASA to fundraise for capital improvements for the Evanston Animal Shelter building and to set a target of \$1,000,000 for the funds to be raised.

On 02/01/21, the Human Services Committee approved Resolution 20-R-21 and Resolution 21-R-21. These two resolutions amended the two agreements between the City and EASA to allow capital fundraising; adjusting the yearly financial contribution the City provides EASA; and extending the length of the agreement with EASA.

On 02/08/21, City Council approved Resolution 20-R-21 and Resolution 21-R-21. The memo accompanying the resolutions indicated the range of the project budget to be \$4.5M-\$6M.

On 03/22/21, City Council approved Resolution 30-R-21 entering into a grant agreement with Cook County. City Council also approved a contract with Holabird and Root Architects (HRA) to perform a pre-design study for the purpose of determining a more accurate cost estimate before setting the final project budget. The memo accompanying the grant agreement and the contract with Holabird and Root Architects indicated a range for the project budget of \$4.5M-\$6M.

Funding Source	New Building	Renovation and Addition
Cook County Animal Shelter Grant Program	\$2,000,000	\$2,000,000
Evanston Animal Shelter Association	\$1,000,000	\$1,000,000
City of Evanston	\$3,000,000	\$1,500,000
Total	\$6,000,000	\$4,500,000

New Building Program & Size:

The Strategic Programming effort identified and prioritized the elements of the building that are required for the building. Three levels of service have been identified as meeting the needs of the City and Cook County.

Level 1 - Health, Welfare and Community - This level of service meets the minimum requirements to provide services to Cook County and the City of Evanston. It also

incorporates building code and accessibility requirements as well as meeting industry standards for humane animal care.

Level 2 - Operational Efficiencies - By adding a surgical suite to the space provided in Level 1, this option will allow EASA to provide better animal care onsite, reducing costs and animal stress. It will also allow the operation of a community vaccination and spay/neuter programs, which translate into reduced unwanted pet populations and pet homelessness. The addition of a sally port will increase safety of impounded animal transfers between vehicles and shelters.

Level 3 - Human Experience and Future Growth - Adding to Level 2, this will allow the shelter to operate a full-range of community education and service events, while the increased building size will allow flexibility to accommodate future needs.

A detailed description of the facilities included in each level of programming is attached. A summary of the estimated cost for each level is as follows:

Programming/Building Level	Square Footage	Estimated Cost
1: Health, Welfare, and Community Programs	7,500	\$5.5 M
2: Operational Efficiencies	8,500	\$6.0 M
3: Human Experience and Future Growth	12,700	\$8.5 M

Staff is recommending the selection of Level 1 or 2 as the recommended option in order to better align with previous budget estimates.

Site Investigation/Renovation vs. New Construction:

The Site Investigation & Analysis involved identifying the major limitations and opportunities presented by the site, the neighboring buildings, and streets. The existing building was also evaluated for potential reuse as part of a renovation and expansion project. However, the inadequacies of the existing building limits the utility of building reuse. These include:

- Small size
- Lack of code compliance
- Narrow hallways, low ceilings and small room spaces with CMU block walls making interior modifications a challenge
- Failing building systems
- Lack of critical safety features
- Lack of natural light

A cost evaluation determined that the cost of a reuse/expansion compared to the cost of a new building was approximately the same. **Staff recommends that the City eliminate the option for building renovation and proceed with the construction of a new building.**

Sustainability Goals:

The City of Evanston has a Green Building Ordinance which sets minimum standards for energy and environmental stewardship. The most appropriate path to comply with the Green Building Ordinance is to design it to a LEED Silver building. LEED, Leadership in Energy and Environmental Design, is a rating system created by the U.S. Green Building Council (USGBC) which has set standards for environmental stewardship in the building industry for over 20 years.

On 12/10/18, the City Council adopted the Climate Action and Resilience Plan (CARP). CARP sets a series of goals for municipal operations, including carbon neutrality for municipal operations by 2035. To meet this goal, all city facilities would need to have net zero greenhouse gas emissions. This requires city facilities to eliminate dependence on fossil fuels such as natural gas, and move to source all energy needs from electricity, and purchase renewable energy credits to offset the carbon emissions associated with electricity production. Because this timeline is 14 years, HRA investigated the cost and implications of meeting a net zero emissions goal. HRA also looked at a more aspirational goal of net zero energy, which would require all energy to be generated onsite.

Eliminating carbon emissions without generating onsite energy will likely increase the cost of operations because of the difference in fuel costs (natural gas vs. electricity). Although natural gas is currently less expensive than electricity, this may not remain the case throughout the life of this building. In order to meet the goal of eliminating greenhouse gas emissions by 2035, this project will need to rely on electricity for all energy needs. A life cycle cost analysis will be performed as a part of the decision making process for selecting specific types of equipment, but is not available at this stage of the decision making.

The animal shelter also has specific hurdles to overcome in order to maintain zero carbon emissions on site. One of the issues is that an animal shelter requires a substantial amount of outdoor fresh air. Air cannot be recirculated in areas that contain animals, and building code/best practices requires a high level of air changes every hour. This places a greater energy burden on the building than an office building or a residence. There is a large amount of cleaning that must be performed at an animal shelter, which increases the amount of water and the amount of energy required to heat this water. Finally, the animal shelter is occupied by animals all of the time, which means that the energy use is more consistent throughout a 24 hour cycle than other building types.

The option to go to net zero energy is also challenging. Although operations costs may decrease as energy is generated onsite from renewable sources, there are still a number of technical issues to overcome. These include investing in technology which may become quickly obsolete, lack of experience maintaining renewable technologies in the City's facilities staff, and a small site, which provides limited area for locating renewable energy generation, such as solar panels.

A summary of the different sustainability goal options and their estimated cost is as follows:

Level of Sustainability Goal / CARP Alignment	Design Standards	Estimated Cost
A: City's Code Requirements	Energy code compliance and LEED silver	Base project cost
B: CARP - Short-term (Net Zero Carbon Emissions)	Energy code compliance, LEED Silver, zero carbon emissions on site, and solar ready.	+ \$0.2M - \$0.4M (varies by building size)
C: CARP - Long-term (Net Zero Energy)	Energy code compliance, LEED Silver, zero carbon emissions on site, and generates as much energy as it consumes over the course of a year.	+ \$1.0M - \$1.5M (varies by building size)

Staff is recommending the selection of Level A or B as the recommended option in order to simplify technical challenges associated with the project design, construction, and long-term operation.

Public Engagement:

As part of the pre-design study, a steering committee of Evanston subject matter experts was also formed to review study results and make recommendations. The steering committee met twice to discuss study results and provide feedback.

Following two meetings of the steering committee, a public meeting was held on 9/13/21 to get feedback on which should be the recommended options. The virtual public meeting was attended by nearly 100 people. The primary feedback was that the existing building was failing, and it needed to be replaced/expanded to better support critical social services. Feedback on sustainability goals indicated that people valued sustainability improvements being incorporated into the project, but did not want the animal care or the social services provided by EASA to be compromised in order fund sustainability.

Note on Cost Estimates:

Although cost estimates are provided for different options, challenges with pandemic-related labor costs and construction supply have made construction pricing volatile. Cost estimates are more likely than typical to lose accuracy over time.

Detailed Funding:

The City of Evanston has funding commitments from Cook County (\$2M) and from EASA (\$1M). Depending on the project options to move forward, the total project cost could range from \$5.5M to \$10.0M. All costs over \$3.0M need to be funded by the City of Evanston. Unless another source of funding is identified, this will likely be through general obligation bonds. A summary of funding is as follows:

Funding Source	Project Minimum Cost (Options 1-A)	Project Maximum Cost (Options 3-C)
Cook County Grant	\$2.0M	\$2.0M
EASA Fundraising	\$1.0M	\$1.0M
City of Evanston	\$2.5M	\$7.0M
Total	\$5.5M	\$10.0M

Recommendations:

A summary of staff recommendations and the associated cost estimate is shown in the table below.

	Level 1: Health, Welfare, and Community Programs <i>7,500 SF</i>	Level 2: Operational Efficiencies <i>8,500 SF</i>	Level 3: Human Experience and Future Growth <i>12,700 SF</i>
A: City's Code Requirements (LEED Silver certification)	\$5.5M	\$6.0M	\$8.5M
B: CARP - Net Zero Carbon Emissions	\$5.7M	\$6.3M	\$8.9M
C: CARP - Net Zero Energy	\$6.5M	\$7.1M	\$10.0M

Staff requests direction from City Council on which options to pursue for the project design. Following this guidance, staff will finalize the scope of consulting services for design and construction and return to City Council for approval of a contract amendment to the consulting services contract for HRA.

Attachments:

[Services Provided by EASA](#)

[Facilities Included at Each Level of Building Program / Size](#)



At the Evanston Animal Shelter, we believe in compassion for all companion animals and the power of the human-animal bond. We endeavor to not only heal and care for the animals in our shelter and to find them forever homes, but to also serve the community with support programs that keep pets with their people.

Our mission: *We give companion animals the best chance at the life they deserve through rehabilitation, foster care, adoption, and community support that keeps pets with the people who love them.*

The Year of Unprecedented Challenges

In 2020, we intensified our service to the community to extend our reach to those impacted by the pandemic:

PET FOOD PANTRY

Value to the Community - \$52,000

This past year we distributed nearly 35,000 pounds of free pet food. In addition to curbside pick-up at the shelter, we partnered with the Evanston Emergency Food Pantry, the Produce Mobile, and Meals on Wheels to help reach all those in need. We firmly believe that no one should have to give up their pet because they can't afford to feed them.



CUSTODIAL PROGRAM

Value to the Community - \$62,000

Through our Custodial Program we provide short-term care, free of charge for pets whose owners are facing an extended illness or loss of their home to fire, domestic violence, or financial hardship. In 2020 we provided 1,549 days of care to 23 animals, ensuring they could return to their people when they were back on their feet.

MEDICAL INTERVENTION PROGRAM

Value to the Community - \$8,000

In 2020 we expanded the scope of our Senior Safety Net program to include people of any age, recognizing that owners may be struggling with the financial strain of dealing with a routine illness in their companion pet. This program pays up to \$500 per animal to cover non-catastrophic medical care for owners who can't afford it.



Yet we never wavered in providing compassionate care for our animals:



VETERINARY FEES - \$122,000

Every animal that comes to the shelter receives an exam, with most requiring core vaccinations, a heartworm or snap test, a microchip, and spay or neuter surgery. Seniors receive a senior blood panel to detect conditions common in aging animals. With shelter animals one sees a myriad of health issues. This past year we covered everything from three amputations of mangled legs to several cancer cases.

IN SHELTER CARE AND SOCIALIZATION - \$40,000

The shelter provides a safety net for the homeless animals that come through our door. We provide all the necessities for basic care, enhanced care and extensive enrichment and socialization. No matter the age, condition or temperament, all of our animals are given what they need on the path to the life they deserve.



FOREVER FOSTER HOMES - \$5,500

Some animals that come to us are either elderly or suffer from a serious chronic illness. They deserve a compassionate end-of-life experience other than living in a cage or kennel. They are, however, difficult to place in an adoptive home because of concerns about long-term medical costs and a shorter life expectancy. Our Forever Foster program finds special people willing to provide hospice care. We pay all of the medical costs and they supply the love.

FOSTER HOMES - Priceless

Animals deteriorate quickly in the shelter environment, so we work hard to find alternative care as quickly as possible. Foster homes provide loving care for the animals while we look for their forever homes. Last year 300 families provided a collective 42,272 days of foster care. While animals are in their foster homes we provide food, medication and supplies.



Evanston Animal Shelter
2310 Oakton Street
Evanston, IL 60202
evanstonanimalsheter.net

**DETAILED BUILDING FACILITIES FOR PROPOSED SHELTER IMPROVEMENTS AT
DIFFERENT LEVELS OF BUILDING SIZE PROGRAM**

Level 1: Health, Welfare, and Community Programs - 7,500 SF	
<ul style="list-style-type: none"> • Vestibule • Lobby • Cat Get Acquainted Area • Dog Get Acquainted Area • Cat Colony • Dog Adoption • Cat Cages • Education/Training • Break Room • Office • Storage 	<ul style="list-style-type: none"> • Food Pantry • Medical Exam • Laundry • Food Preparation • Cat Intake/Grooming • Dog Intake/Grooming • Dog Holding • Cat Isolation • Dog Isolation • Maternity Room

Level 2: Operational Efficiencies - 8,500 SF	
<ul style="list-style-type: none"> • Sally Port • Storage 	<ul style="list-style-type: none"> • Surgical Suite

Level 3: Human Experience and Future Growth - 12,700 SF	
<ul style="list-style-type: none"> • Lobby+ • Cat Colony+ • Education/Training+ • Dog Adoption+ • Public Receiving • Break Room+ • Office+ • Surgical Suite+ 	<ul style="list-style-type: none"> • Storage+ • Food Prep+ • Laundry+ • Dog Intake/Grooming+ • Sally Port+ • Dog Holding+ • Dog Isolation+ • Cat Holding+



Katie Ashbaugh <kashbaugh@cityofevanston.org>

Land Use Commission Public Comment

4 messages

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

Fri, Sep 23, 2022 at 5:49 AM

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 09/23/22 6:49 AM

Name: Catherine Palivos

Address of Residence: [1430 Mulford St](#)

Phone: (773) 524-7978

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

Provide Written Comment Here: As a resident of Evanston that lives near the current old shelter, I 100% support the construction of a new animal shelter on the existing site. This new facility is need ASAP!

Agenda Item (or comment on item not on the agenda): New animal shelter

Position on Agenda Item: In Favor

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

Fri, Sep 23, 2022 at 7:49 AM

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 09/23/22 8:49 AM

Name:	Jane Roth
Address of Residence:	450 Davis Street
Phone:	(847) 868-8122
How would you like to make your public comment?:	Written (see below)
Provide Written Comment Here:	I support the construction of a new animal shelter on the site of the previous one.
Agenda Item (or comment on item not on the agenda):	Evanston Animal Shelter
Position on Agenda Item:	In Favor

[Quoted text hidden]

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

Fri, Sep 23, 2022 at 12:12 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 09/23/22 1:12 PM

Name: Vicki Seglin

Address of Residence: 1608 Kirk St

Phone: (847) 424-0480

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

Provide Written Comment Here:

I am in favor of, and greatly excited by, the prospect of a new building for the animal shelter on the current site. The city shelter is desperately in need of a new building that will match the expertise and enthusiasm of the staff and volunteers, create a healthier space for the animals (and people) as well as continue to meet community needs. Maintaining it on that site seems reasonable both in terms of continuity of location and, as it remains in a business/park area, not affecting residences. Thank you.

Agenda Item (or comment on item not on the agenda):

New animal shelter building

Position on Agenda Item:

In Favor

[Quoted text hidden]

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



Formstack Submission For: Land Use Commission Public Comment

Submitted at 09/23/22 1:26 PM

Name: June Morrow

Address of Residence: 1930 Ridge Avenue, Apt C-102

Phone: (847) 636-6987

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

Provide Written Comment Here: I am in favor of, and pray it happens, for a new more modern more efficient, and larger new animal rescue facility in Evanston. It's beyond time that it becomes a reality.

Agenda Item (or comment on item not on the agenda): How large will the new facility be?

Position on Agenda Item: In Favor

[Quoted text hidden]



Katie Ashbaugh <kashbaugh@cityofevanston.org>

Land Use Commission Public Comment

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

Sun, Sep 25, 2022 at 5:42 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 09/25/22 6:42 PM

Name: Lucas Abramson

Address of Residence: [617 Hinman Avenue](#)

Phone: (678) 525-7498

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

Provide Written Comment Here:

I'm speaking in support of a new facility for the Evanston Animal Shelter. Their staff and volunteers are doing some of the most noble and vital work there is and they deserve a new facility so that they can provide the best care to the helpless animals that they serve every single day. The current facility is inadequate and they do the absolute best they can, but they and their animals deserve much better.

As a community, we should emphasize our support of work that is done for the vulnerable. The animals that the shelter takes in are abandoned, neglected, left to starve to death, before they are saved by some kind soul and given a second chance at a happy life, at a life devoted to loving their human companions. A community needs to be invested in supporting this kind of work because it shows where our values lie. The shelter gives back to the community, they serve the community, and they deserve to be supported by our community.

Agenda Item (or comment) Evanston Animal Shelter new facility

**on item not
on the
agenda):**

**Position on
Agenda
Item:**

In Favor

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321 Howard Street
Special Use Permit
22ZMJV-0073

LUC Recommending Body



Memorandum

To: Members of the Land Use Commission

From: Katie Ashbaugh, AICP, Planner

CC: Sarah Flax, Interim Director of Community Development
Elizabeth Williams, Planning Manager

Subject: Special Use Permit for Convenience Store
321 Howard Street, 22ZMJV-0073

Date: October 7, 2022

Request

Gemal Alhelali, lessee, requests a Special Use Permit for a Convenience Store to sell food, beverages, and tobacco in the B3 Business District (Zoning Code Section 6-9-4-3). 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.

Notice

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on September 22, 2022.

General Information

Applicant: Gemal Alhelali
321 Howard Street
Evanston, IL 60202

Owner(s): 309 - 323 W. Howard LLC
6300 N. Northwest Hwy #316590
Chicago, IL 60631

PIN: 11-30-213-020-0000

Analysis

Site Background

The site, 321 Howard Street, is the westernmost ground floor tenant space of a two-story multi-tenant commercial building. The building is located at the southeasternmost point of the City's corporate boundaries, or the intersection of Howard

Street with the CTA Purple Line. The property is located on the north side of Howard Street, just west of the intersection of Howard and Paulina Streets. The property is within the B3 Business District, and is surrounded by the following zoning districts:

Surrounding Zoning and Land Uses	Zoning	Land Use
North	I2 Industrial District	Railyard (industrial)
South	City of Chicago	Commercial/retail
East	City of Chicago	Commercial/mixed-use
West	B3 Business District	Commercial

Zoning Analysis

The applicant proposes operating a Convenience Store at 321 Howard Street. The Zoning Ordinance currently defines this use as:

Convenience Store:

Any food store establishment having a building size or occupying a sales floor space under three thousand two hundred (3,200) square feet. (Ord. 114-O-02)

Food Store Establishment:

A building or portion thereof where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer. "Food store establishments" shall include, but not be limited to, a candy or confectionery store, grocery store, a food and drug supermarket, meat or fish market, fruit and vegetable market, retail bakery, and other uses similar in nature and impact. "Food store establishment" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use. Seating for the consumption of food and/or beverages by customers is prohibited. (Ord. 39-O-95)

6-9-4 B3 Business District

6-9-4-3 Special Uses: The following uses may be allowed in the B3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Convenience Store
 (among others listed)

Proposal

The applicant proposes to operate a convenience store with groceries and household goods, including but not limited to milk, eggs, bread, canned food, non-alcoholic beverages, and sandwiches. They also may sell hot food such as hotdogs. They have applied for a food license with the Health and Human Services Department.

The applicant also proposes the sale of tobacco products. Notably, the sale of tobacco must be less than 50 percent of total sales to not qualify as a Smoke Shop. Staff recommends this limitation as a condition of the Commission's recommendation. The floor plan should also indicate that less than half of the store's products on display are tobacco products. The business will employ three people and hours of operation will be between 7:00 am and 10:00 pm daily. Deliveries, if they occur, may be made from the alley to the south of the building through the rear entrance.

No additional zoning relief is required and no exterior changes to the existing building or property are proposed. No comments in favor of or against the application were received at the time of publication of this report.

Comprehensive Plan

The Evanston Comprehensive General Plan encourages the utilization of vacant and underutilized businesses along existing commercial corridors that can add sales tax revenue and encourage economic vitality. The Comprehensive Plan specifically includes:

Objective: Promote the growth and redevelopment of business, commercial, and industrial areas.

Objective: Retain and attract businesses to strengthen Evanston's economic base.

The proposed use will occupy an otherwise vacant storefront on Howard Street.

Design and Project Review (DAPR) Discussion

On October 4, 2022, staff reviewed the proposed operation of a convenience store for the subject property. Staff discussed with the applicant their plans for delivery and waste clean-up in the front and rear of the store. Staff also confirmed the percentage of the store that will display tobacco products and informed the applicant that it must be no more than 50 percent of goods sold. The applicant indicated he plans to install security cameras at the rear of their tenant space to monitor activities in the alley and for staff safety and overall security. The applicant also indicated he plans to obtain merchandise from CostCo or other big box retailers and bring it in themselves rather than have deliveries in the alley or blocking the street. The applicant stated they plan to sell 30 to 40 percent tobacco products and will employ no more than two additional staff for a total of three.

Department Recommendation

Should the Land Use Commission recommend approval of the proposed special use for a convenience store at 321 Howard Street, the following conditions should be considered:

1. That the cashier is located at the front of the store;
2. That tobacco sales are not to exceed 50 percent of total sales or floor display;
3. That storefront window obstruction is restricted to a height of 3 feet above the grade;
4. That any deliveries are to be done in the alley;
5. That a refuse receptacle is to be placed near the cashier and is to be accessible to customers;
6. That litter in front and rear of the store is to be cleaned up by the store owner; and
7. That the hours of operation be limited to 7:00 am to 10:00 pm daily.
8. That prior to Certificate of Occupancy issuance, a floor plan be provided that shows the tobacco products behind the sales counter with a note indicating the planned storage and security.

Standards for Approval

The proposed special use for a convenience store must follow the Standards for a Special Use (Section 6-3-5-10).

For the LUC to recommend that the City Council grant a special use, the LUC must find that the proposed special use:

1. **Is one of the listed special uses for the zoning district in which the property lies;** A Convenience Store is listed as a special use in the B3 Business District.
2. **Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance;** The use is compliant with the Zoning Ordinance and Comprehensive General Plan. The proposed use promotes the growth and development of a business and commercial area and strengthens Evanston's economic base.
3. **Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use:** The proposed use has limited potential to negatively interfere with any proximate residential or commercial uses.
4. **Does not interfere with or diminish the value of property in the neighborhood:** The proposed use would occupy a currently vacant storefront and is non-objectionable to surrounding commercial uses.

5. **Is adequately served by public facilities and services:** The building is served by adequate sidewalks, streets with dedicated bike lanes, trash collection, on-street parking, and is near CTA bus and train service.
6. **Does not cause undue traffic congestion:** The location is well suited for customers to access by foot or bike and customer parking is available on the street and within the block area.
7. **Preserves significant historical and architectural resources:** N/A.
8. **Preserves significant natural and environmental resources:** N/A.
9. **Complies with all other applicable regulations:** The proposal complies with all other applicable regulations.

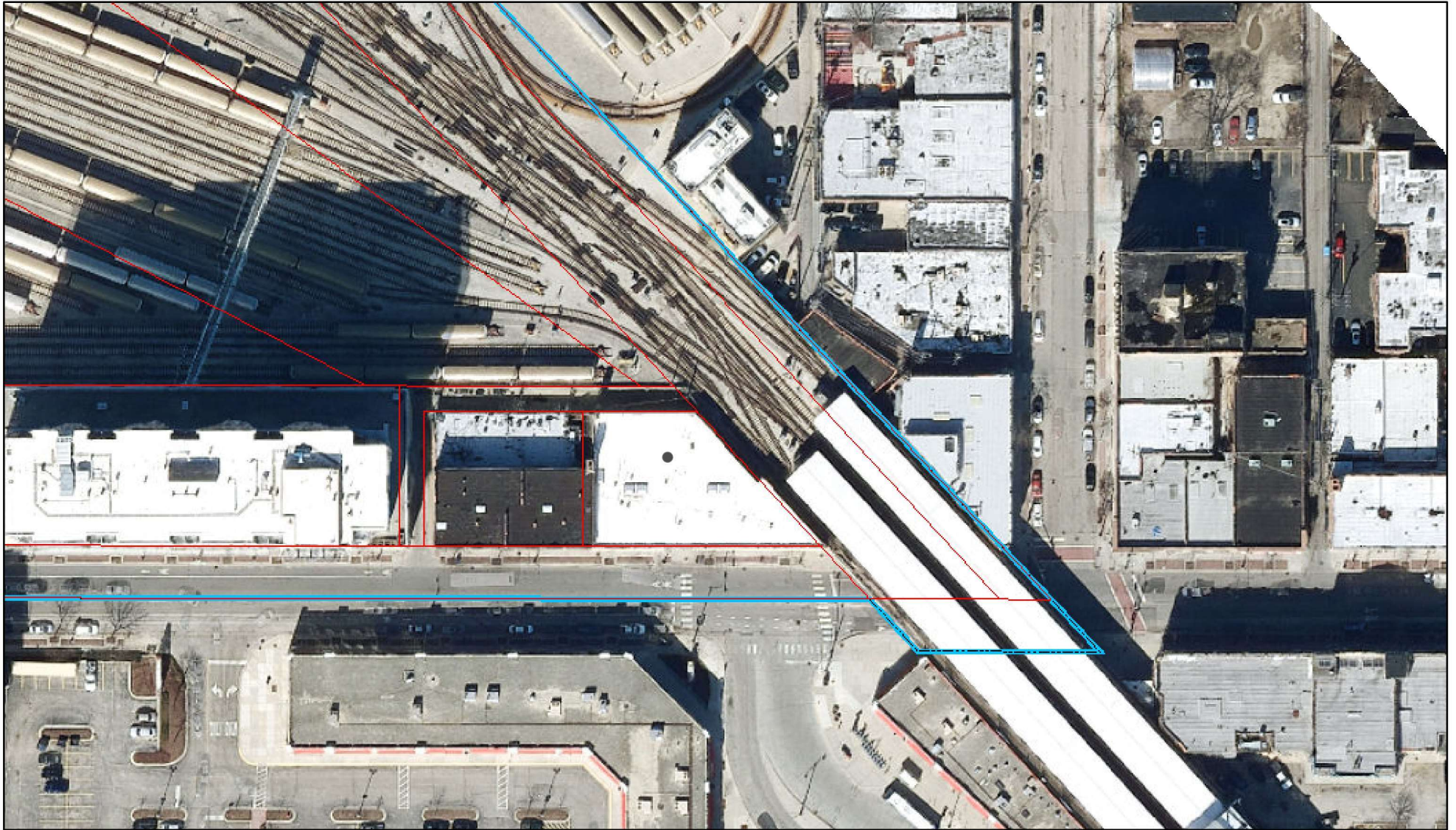
Attachments

1. Applicant's Special Use Application Materials
2. Street View
3. Aerial Photo
4. Zoning Map
5. Plat of survey
6. Floor Plan - proposed
7. Business operations summary
8. Zoning analysis



321 Howard Street – Street view

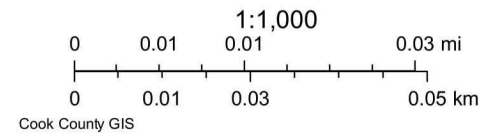


321 Howard St Aerial Photo

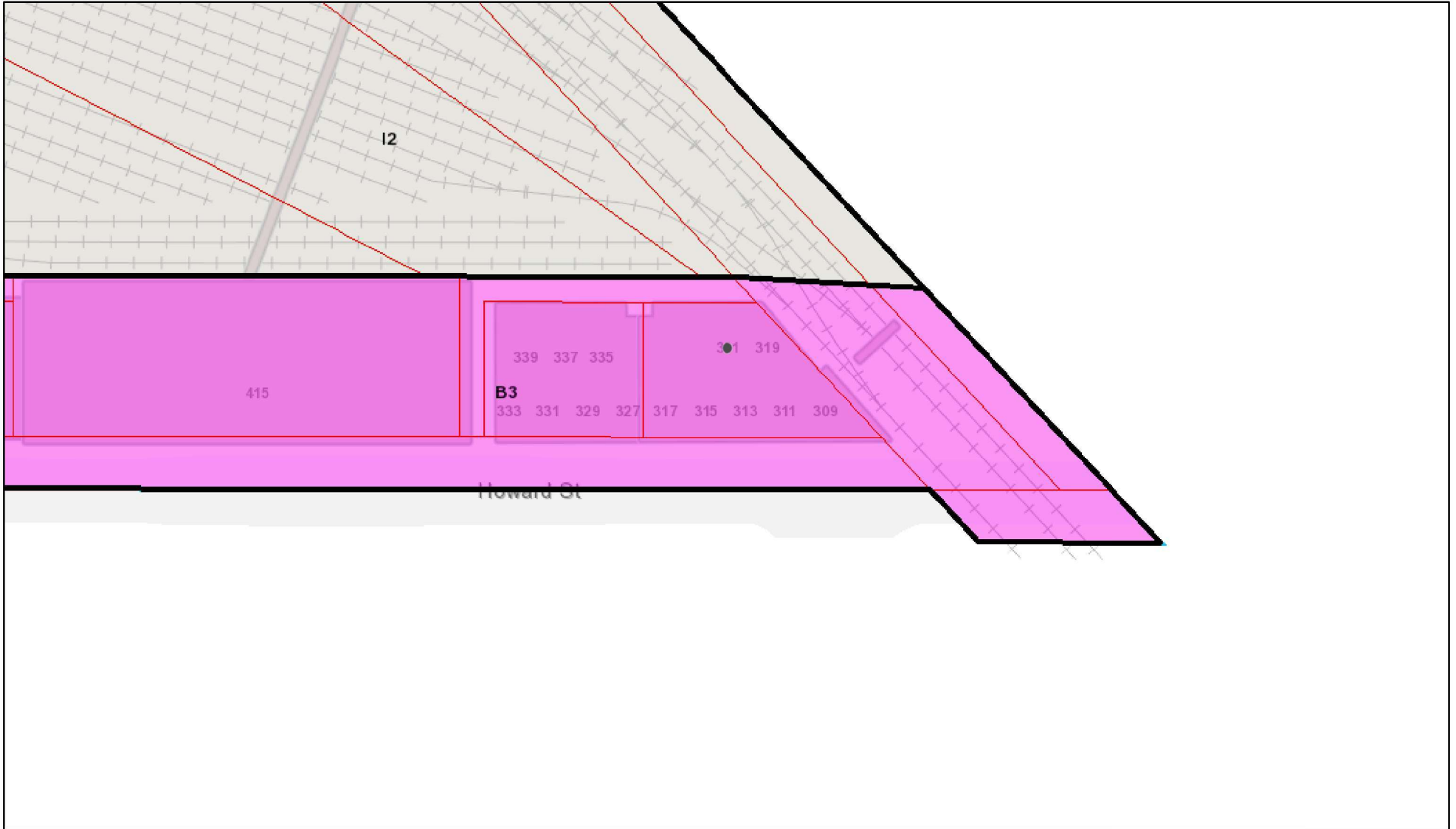


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-  City Boundary
-  Tax Parcels

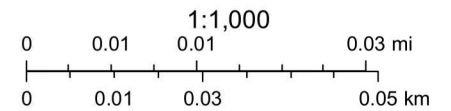


321 Howard St Zoning Map



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- | | | | |
|----------------------------|----------------------------|--------------------------------|--------------------------|
| Zoning Boundaries & Labels | B2 - Business | C2 - Commercial | D4 - Downtown Transition |
| Zoning Districts | B3 - Business | D1 - Downtown Fringe | I1 - Industrial / Office |
| B1 - Business | C1 - Commercial | D2 - Downtown Retail Core | I2 - General Industrial |
| B1a - Business | C1a - Commercial Mixed-Use | D3 - Downtown Core Development | I3 - General Industrial |



PROFESSIONALS ASSOCIATED SURVEY, INC.
Property - Alta - Topo - Condo - Mortgage Survey

TEL: (847) 675-3000
FAX: (847) 675-2167

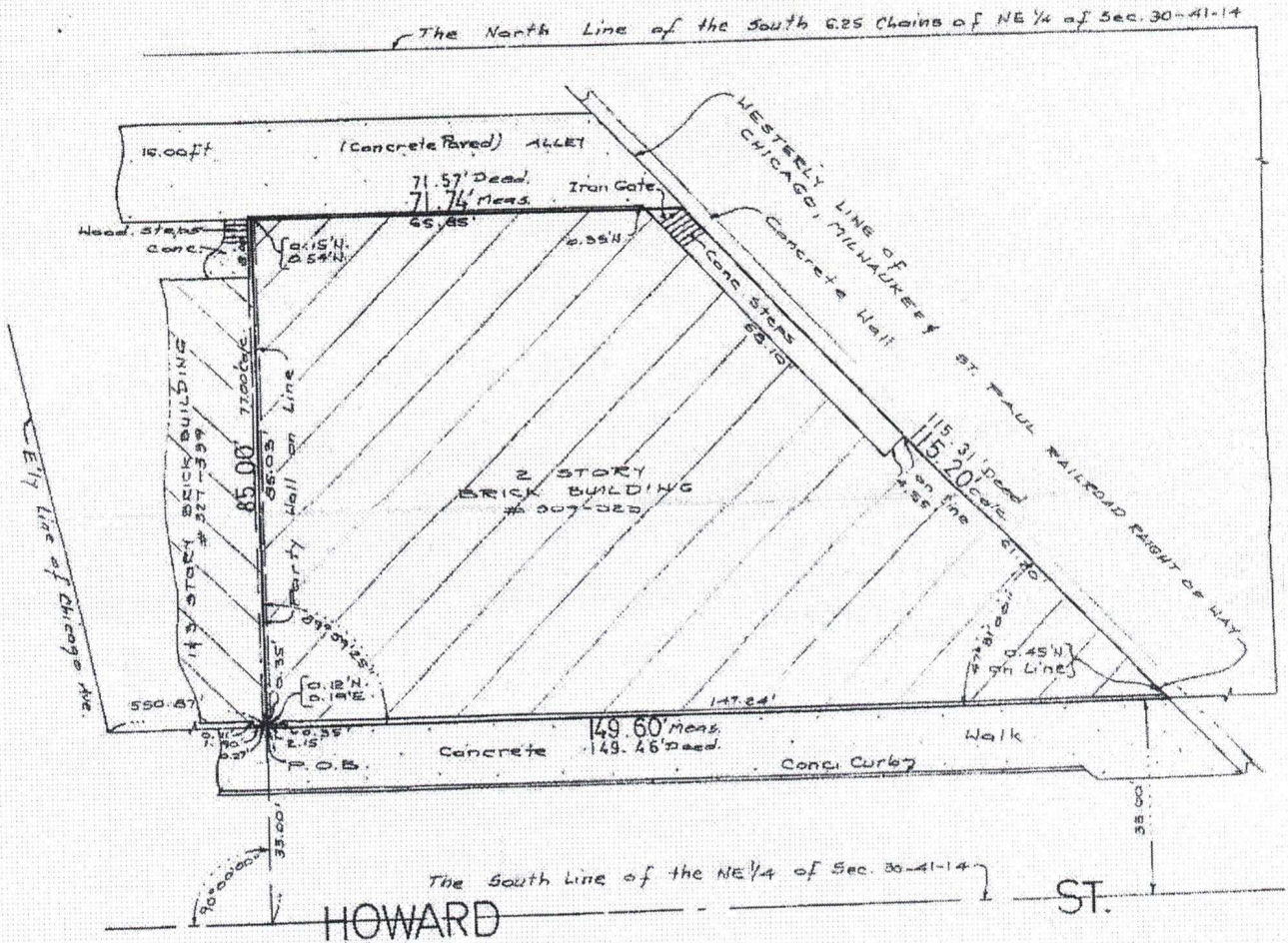
7100 N. TRIPP AVENUE
LINCOLNWOOD, ILL. 60112

PLAT OF SURVEY
OF



THAT PART OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING ON A LINE PARALLEL WITH AND 33.00 FEET NORTH OF (MEASURED AT RIGHT ANGLES TO) SOUTH LINE OF SAID NORTHEAST 1/4 AT A POINT 550.87 FEET EAST OF (MEASURED ALONG SAID PARALLEL LINE) THE EASTERLY LINE OF CHICAGO AVENUE (FORMERLY CLARK STREET) THENCE NORTH AT RIGHT ANGLES TO SAID PARALLEL LINE, 85.00 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST 1/4 71.57 FEET MORE OR LESS TO THE WESTERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO MILWAUKEE AND ST. PAUL RAILROAD AT A POINT 118.00 FEET NORTH OF (MEASURED AT RIGHT ANGLES TO) THE SOUTH LINE OF SAID NORTHEAST 1/4; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY 115.81 FEET MORE OR LESS TO A POINT 33.00 FEET NORTH OF (MEASURED AT RIGHT ANGLES TO) THE SOUTH LINE OF SAID NORTHEAST 1/4, THENCE WEST 149.46 FEET MORE OR LESS TO PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 309-23 HOWARD STREET, EVANSTON, ILLINOIS.



CHECK (X) IN BOX MEANS THAT SURVEY HAS BEEN MADE FOR USE IN CONNECTION WITH A REAL ESTATE OR MORTGAGE LOAN TRANSACTION AND IS NOT TO BE USED FOR CONSTRUCTION.

THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED.

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

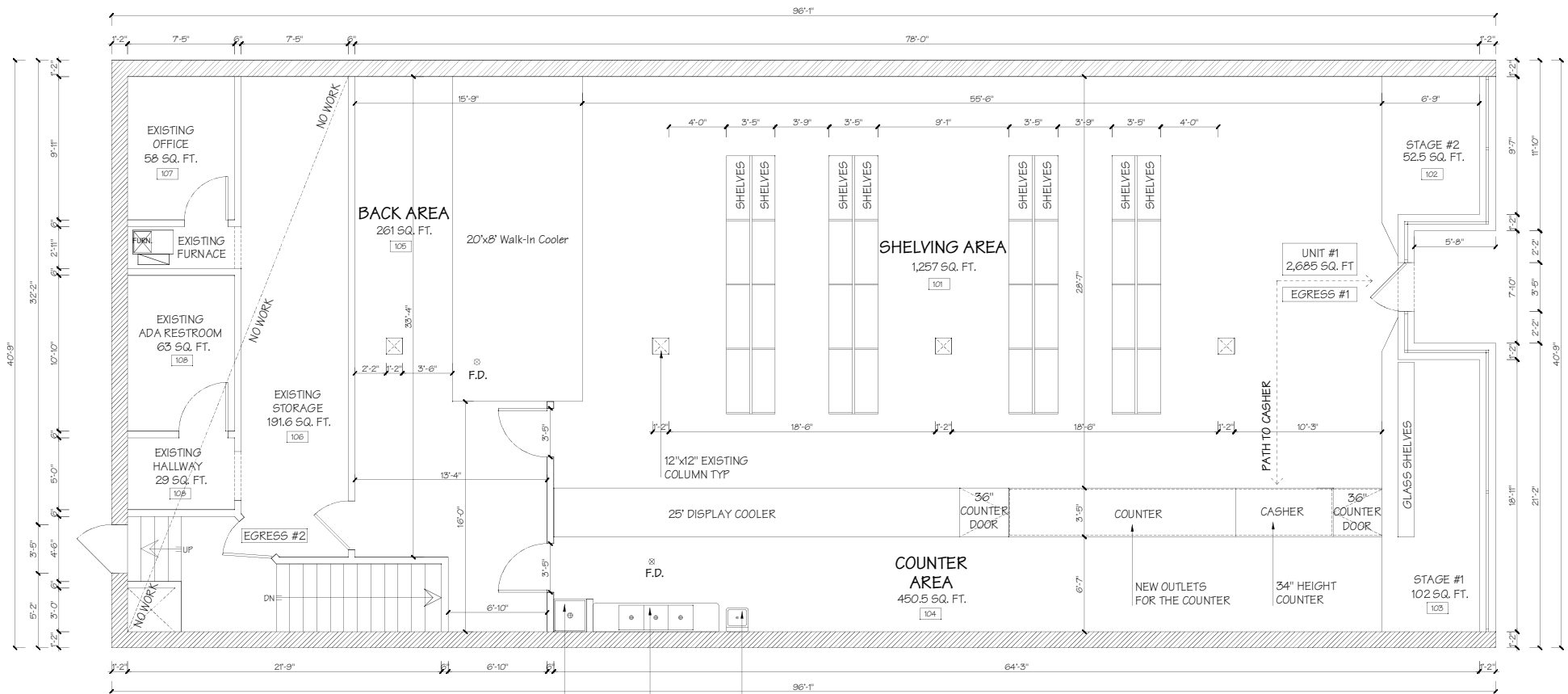
Order No. 01-55942
Scale: 1 inch = 20 feet
Date: June 21, 2001
Ordered by: Charles R. Gryll
Attorney at Law

BUILDING LINES AND BASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.



State of Illinois
County of Cook
We, PROFESSIONALS ASSOCIATED SURVEY, INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat herein drawn is an accurate representation of said survey.
Charles R. Gryll
PROF. LL. LAND SURVEYOR



ROOM SCHEDULE		
NO.	NAME	AREA SQ. FT.
101	AISLE AREA	1,257
102	STAGE #1	102
103	STAGE #1	52
104	COUNTER AREA	450
105	BACK AREA	261
106	EXISTING STORAGE	191
107	EXISTING OFFICE	58
108	EXISTING REST ROOM	63
109	EXISTING HALLWAY	29
SQUARE FOOTAGE OF THE TENANT SPACE		2,685

NEW MOP SINK
 NEW HAND SINK
 NEW 3-COMPARTMENT SINK
 CONNECT TO GREASE TRAP

PROPOSED FIRST FLOOR PLAN
 SCALE 1/4" = 1'-0"

DB CONTRAST
 DESIGN-BUILD
 773 510-5183
 DBCONTRAST@GMAIL.COM

321 HOWARD ST.
 EVANSTON, IL 60202
 INTERIOR BUILD-OUT

COVER SHEET INFO.

PROJECT NO. : 202209-3
 DATE: 09/14/2022
 DRAWN BY: DS
 CHECKED BY: EVA.

A 101

HOURS OF OPERATIONS:

<u>SUNDAY</u>	<u>MONDAY</u>	<u>TUESDAY</u>	<u>WEDNESDAY</u>	<u>THURSDAY</u>	<u>FRIDAY</u>	<u>SATURDAY</u>
7 AM	7 AM	7 AM	7 AM	7 AM	7 AM	7 AM
-	-	-	-	-	-	-
10 PM	10 PM	10 PM	10 PM	10 PM	10 PM	10 PM

NUMBER OF EMPLOYEES: 3

City of Evanston

ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: Closed/Non-compliant September 20, 2022

RESULTS OF ANALYSIS: Non-Compliant

Z.A. Number: 22ZONA-0187
Address: 321 HOWARD ST
Applicant: Gamal Al Helali
Phone:

Purpose: Zoning Analysis without Bld Permit App
District: B3 **Overlay:** None **Preservation:** Not Within
Reviewer: Katie Ashbaugh **District:**

THIS APPLICATION PROPOSES (select all that apply):

- | | | | |
|-------------------------|-------------------------------------|---------------------------|---------------|
| New Principal Structure | <input checked="" type="checkbox"/> | Change of Use | Sidewalk Cafe |
| New Accessory Structure | <input type="checkbox"/> | Retention of Use | Other |
| Addition to Structure | <input type="checkbox"/> | Plat of Resubdiv./Consol. | |
| Alteration to Structure | <input type="checkbox"/> | Business License | |
| Retention of Structure | <input type="checkbox"/> | Home Occupation | |

ANALYSIS BASED ON:

Plans Dated: 8/1/2022
Prepared By: Applicant
Survey Dated: 6/21/2001
Existing: 2-story commercial brick building
Improvements:

Proposal Description:
 Convenience Store

ZONING ANALYSIS

RESIDENTIAL DISTRICT CALCULATIONS

The following three sections apply to building lot coverage and impervious surface calculations in Residential Districts.

<u>Front Porch Exception (Subtract 50%)</u>	<u>Pavers/Pervious Paver Exception (Subtract</u>	<u>Open Parking Debit (Add 200sqft/open space</u>
Total Eligible	Total Paver Area	# Open Required Spaces
Front	Paver Regulatory Area	Addn. to Bldg Lot Cov.
Front Porch		
Regulatory Area		

PRINCIPAL USE AND STRUCTURE

	Standard	Existing	Proposed	Determination
USE:	B3	None	Convenience Store	Non-Compliant

Comments: Special Use Permit required

Minimum Lot Width (LF)	No Requirement	No Change
USE: Other		

Comments:

Minimum Lot Area (SF)	No Requirement	No Change
USE: Nonresidential		

Comments:

Building Lot Coverage (SF) (defined, including subtractions& additions):	No Change
Comments:	

Impervious Surface Coverage (SF, %)	No Change
Comments:	

	Standard	Existing	Proposed	Determination
Front Yard(1) (FT) Direction: S Street: Howard Comments:	0		0	Compliant
Interior Side Yard(1) (FT) Direction: W Comments:	0		0	Compliant
Interior Side Yard(2) (FT) Direction: E Comments:	0		0	Compliant
Rear Yard (FT) Direction: N Comments:	0		0	Compliant
Permitted Districts: Comments:				
Permitted Required Yard: Comments:				
Additional Standards: Comments:				
Height (FT)	Flat or mansard roof 14.5', ot			
Comments:				
Distance from Principal Building:	10.00'			
Comments:				
Front Yard(1A) (FT) Direction: S Street: Howard Comments:				
Front Yard(1B) (FT) Direction: Does Not Apply Street: Comments:				
Street Side Yard (FT) Direction: Does Not Apply Street: Comments:				
Interior Side Yard(1A) (FT) Direction: W Comments:				

RESULTS OF ANALYSIS

Results of Analysis: This Application is **Non-Compliant**

Site Plan & Appearance Review Committee approval is: **Required**

See attached comments and/or notes.

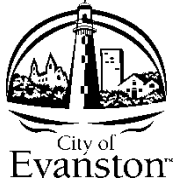
SIGNATURE

DATE

Land Use Commission

3331 Dartmouth Pl.
Appeal of Fence Variation
22ZMNV-0049

Determining Body



Memorandum

To: Chair and Members of the Land Use Commission

From: Melissa Klotz, Zoning Administrator

CC: Sarah Flax, Interim Director of Community Development
Elizabeth Williams, Planning Manager

Subject: Appeal of Fence Variation Determination
3331 Dartmouth Pl., 22ZMJV-0065

Date: October 6, 2022

Request

Jacek Wlodek, property owner, appeals the Zoning Administrator's decision to partially deny minor zoning relief (case number 22ZMNV-0049) to construct a 6 foot solid fence with a zero foot setback from the street side yard property line where 2 feet is required (Section 6-4-6-7-F-2-b), to allow the fencing set back less than 3 feet from the front façade of the building (Section 6-4-6-7-F-2-c), and to allow the 6 foot solid fence within the 8 foot by 8 foot sight triangle that is required at the intersection of the driveway and property line where a maximum 4 foot and 70% opacity fence is permitted within the sight triangle (Section 6-4-6-7-E). The appellant was granted zoning relief to allow the fencing set back less than 3 feet from the front façade of the building, and was granted zoning relief to allow the 6 foot solid fence within the sight triangle subject to a 4 foot street side yard setback, and was denied zoning relief for a zero foot street side yard setback. The appellant appeals the partial denial and requests approval of the 6 foot solid fence within the sight triangle with a zero foot setback from the street side yard property line, in the R2 Single Family Residential District. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-8 of the Evanston Zoning Code and Ordinance 92-O-21.

Notice

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on September 22, 2022.

General Information

Applicant: Jacek Wlodek
3331 Dartmouth Pl., Evanston, IL 60201

Owner(s): same

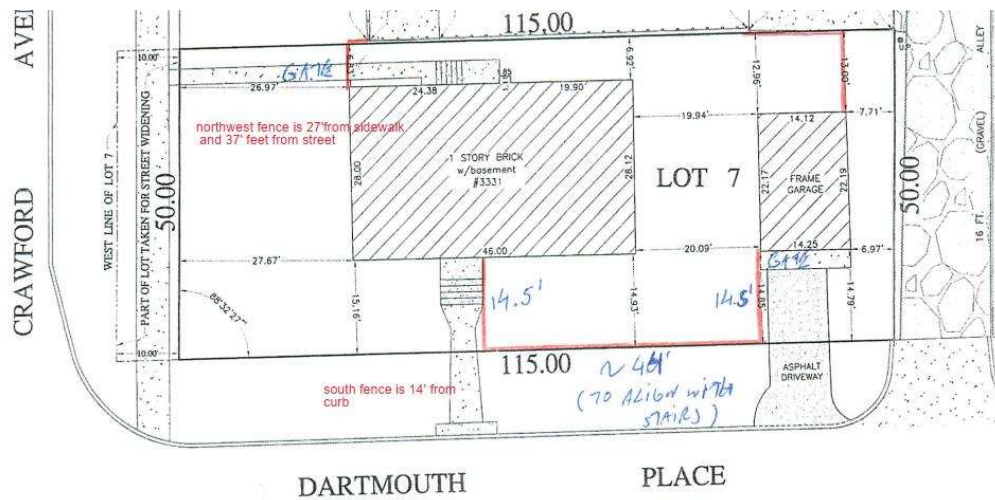
PINs: 10-11-307-008-0000

Analysis

3331 Dartmouth Pl. is located on the southeast corner of Crawford Ave. and Dartmouth Pl., adjacent to the Village of Skokie to the west. The lot size is 5,748 sq. ft. where a minimum 5,000 sq. ft. is required, and 50 feet wide where a minimum 35 feet is required in the R2 District. The property features a single family residence and one-car detached garage, and all structures comply with required setbacks. The required front yard per zoning (27 foot setback) faces Crawford Ave. and the required street side yard (15 foot setback) is Dartmouth Pl.

Surrounding Zoning and Land Uses	Zoning	Land Use
North	R2	Single Family Residential
South	R2	Single Family Residential
East	R2	Single Family Residential
West	Skokie	Single Family Residential

The property owner (appellant) submitted a fence variation on July 15, 2022, that was approved in part and denied in part on August 17, 2022. The fence variation determination is now appealed. The original fence variation request was for the following:



The appellant requested three variations, which were partially approved and partially denied as follows:

1. A 6 foot solid fence with a zero foot setback from the street side yard property line (Dartmouth Pl.) where 2 feet is required (Section 6-4-6-7-F-2-b):

Denied - the 2 foot required setback is intended to provide a small buffer distance to the property line, where a public sidewalk is typically located. Fencing that is installed right on the property line often crowds the public sidewalk, and creates a fortress effect around the property. The 2 foot setback softens the fortress effect. Although there is currently no public sidewalk abutting this property along Dartmouth Pl., pedestrians may still utilize the grassy right-of-way area and may be negatively impacted by a solid 6 foot fence right at the property line. The City's Public Works Agency acknowledges there is no identifiable date to install a public sidewalk at this section of Dartmouth Pl., but that a public sidewalk is planned for the future and a fence should not immediately abut it.

Zero foot setback requests for fencing are not typically granted. The appellant prefers the zero foot setback to enclose as much property as possible for privacy/safety concerns. Since the property complies with lot size and lot width, there is no identifiable hardship that makes it necessary to reduce the setback and enclose more area.

2. To allow fencing set back less than 3 feet from the front façade of the building (Crawford Ave.) (Section 6-4-6-7-F-2-c):

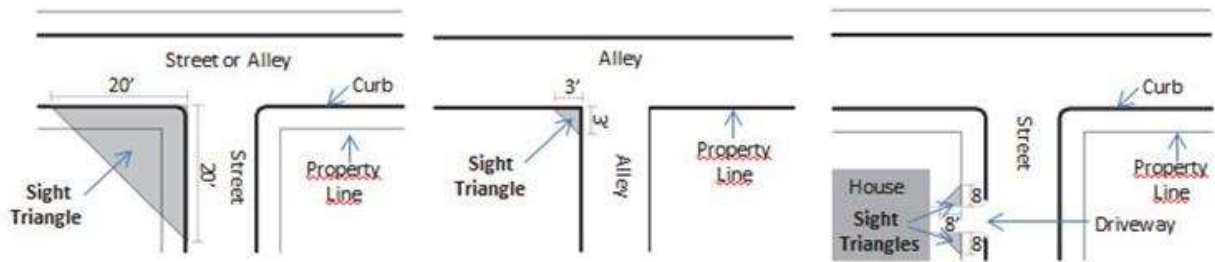
Granted - the appellant indicated the variation was needed to allow adequate spacing from the fence gate to the existing landing and stair on the north side of the house.

3. To allow the 6 foot solid fence within the 8 foot by 8 foot sight triangle that is required at the intersection of the driveway and property line where a maximum 4 foot and 70% opacity fence is permitted within the sight triangle (Section 6-4-6-7-E):

Denied in part - the sight triangle is a safety requirement to ensure adequate visibility for vehicular traffic pulling out of the driveway to see traffic on the street as well as potential pedestrians in the grassy right-of-way/future sidewalk location. Planning & Zoning staff consulted with the Public Works Agency, who confirmed a sidewalk is planned for the future in that location so the sight triangle should be preserved for safety.

The Zoning Ordinance requires the following sight triangles for fences (Table (E)-1 and Figure 6-4-6-7 (E)):

Intersection	Sight Triangle Size	Measured From	Maximum Height within Sight Triangle	Maximum Opacity within Sight Triangle
2 Streets	20' x 20'	Edge of curbs	2.5'	Any
2 Alleys	3' x 3'	Edge of property lines	2.5'	Any
Street & Alley	20' x 20'	Edge of curb (street) & property line (alley)	2.5'	Any
Property Line & Driveway (that leads to a street)	8' x 8'	Edge of driveway & property line	4'	70%



The variation determination attempted to achieve the goal of allowing a 6 foot tall privacy fence since the property owner reports criminal activity in the area and the need for the fence height and visual obscurance. To allow a 6 foot tall solid fence with appropriate safety for the sight triangle, the variation was granted to allow the fencing within the sight triangle if the entire fence follows a 4 foot street side yard (Dartmouth Pl.) setback. Doing so naturally moves most of the fencing out of the 8 foot by 8 foot sight triangle and therefore achieves the visual clearance needed.

The partial approval/denial of this variation essentially gave the appellant an option: locate the fencing at the regular 2 foot setback and not within any part of the sight triangle (fence built to Zoning Ordinance regulations), or locate the fencing at a 4 foot setback to substantially reduce the need for any sight triangle.

Following the fence variation determination, the appellant suggested alternative fence locations that may now be considered (see attached):

Option A Alternative: The fence is set back 2 feet from the street side property line as required, and reduces the vision triangle to approximately 5 feet x 5 feet (as measured from the intersection of the property line and the driveway).

Option B Zoning Ordinance Requirement: The fence is set back 2 feet from the street side property line as required, and the full 8 feet x 8 feet sight triangle is shown to demonstrate the area that only permits a 4 feet tall with 70% opacity fence or the option to cut the corner at the hypotenuse of the triangle to maintain a 6 foot solid fence.

Option C Variation Granted: The fence is set back 4 feet from the street side property line, which obviates the need for the full sight triangle. While this option does allow for slight fence obstruction into the area that would be the 8 foot x 8 foot sight triangle, the difference is minimal.

The appellant submitted photos of other 6 foot solid fences that are located within sight triangles at other properties. These situations do exist throughout the city. The sight triangle requirement for driveways that lead to the street is a newer requirement that was added to the Zoning Ordinance within the last decade. The requirement is intended to help with safety, and aligns with the sight triangle requirements for intersecting streets and alleys. Although there are existing fences in sight triangles, best practice, notably due to safety, is to maintain the sight triangle requirement whenever possible for all new fencing.

Department Recommendation

Staff recommends the Land Use Commission uphold the Zoning Administrator's determination to partially grant and partially deny fence variation request 22ZMN-0049, specifically including the denial of the elimination of the sight triangle that is necessary for safety reasons to provide adequate vision clearance for pedestrians and vehicles within the right-of-way.

Standards for Approval

The fence variation and appeal request must follow the Standards for Variations - (Section 6-3-8-12-B).

Variations From Fence Regulations: Variations from the requirements for fences set forth in Section 6-4-6-7 of this Title may be authorized by the Zoning Administrator upon making written findings that the proposed variation satisfies the following standards:

- 1. The requested variation will not be materially detrimental to the public welfare or injurious to the use, enjoyment or property values of adjoining neighbors.** Locating a 6 foot solid fence within a sight triangle that is required for safety of pedestrians and vehicles within the right-of-way is materially detrimental to the public welfare, therefore fencing within the sight triangle should be minimized as was granted in the original Fence Variation determination, or should follow the Zoning Ordinance requirement of maximum 4 foot height and 70% opacity.
- 2. The additional screening, additional height, or requested location achieved through the variation will assist in reducing noise, screening incompatible adjacent uses, or increase safety to the owners of the subject property or abutting properties.** The additional screening and height requested within the sight triangle are requested to increase safety to the owners of the subject

property, as evidenced by prior potential criminal activity caught by the owner's Ring doorbell that shows an unknown person on the property looking into the yard/house at night.

3. **In no event shall a variation be granted that would permit a fence taller than thirty (30) inches to be located within twenty (20) feet of the corner curb line of an intersection. NA**

Attachments

Appeal Application

Photos of Other Fences & Sight Triangle Options- submitted 08.21.22

Site Plan Options - submitted 09.21.22

Photos of Installed Fence & Sight Triangle Options - submitted 10.05.22

Staff Clarification on Sight Triangle Options - 10.06.22

Appellant/Staff Emails

Public Works Agency Sidewalk Improvement Memo to City Council - 09.27.22

Fence Variation Application

Fence Variation Public Notice

Fence Variation Determination Notice



APPEAL APPLICATION

CASE #: _____

zoning office use only

1. PROPERTY

Address _____

Permanent Identification Number(s): _____

PIN 1: ---- PIN 2: -------

2. APPELLANT

Name: Jacek Wlodek

Organization: _____

Address: 3331 Dartmouth PL Evanston IL 60201

City, State, Zip: _____

Phone: Work: _____ Home: _____ Cell/Other: 773-865-8137

Fax: Work: _____ Home: _____

E-mail: jwlodek2002@hotmail.com

Please circle the primary means of contact.

3. 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."

Jacek Wlodek
Applicant Signature – **REQUIRED**

8/31/2022
Date

4. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form
- Application Fee Amount \$ _____ Check # _____ (if applicable)

Notes:

- **Incomplete applications will not be accepted.** Applications lacking any required documents or materials will not be accepted. Incomplete applications cannot be "held" at the zoning office.
- **Application Fees** may be paid by cash, check, or credit card.
- **Return this form and all required additional materials in person to:**

City of Evanston, Zoning Office
2100 Ridge Avenue, Room 3202, Evanston, IL 60201

Hours of Operation: Monday – Friday, 8:30am – 5:00 pm

5. Address (or location) of property to which pertains the decision you are appealing:

3331 Dartmouth PL Evanston IL 60201

6. Describe the Zoning Administrator's decision that you are appealing:

for point 6, 7 and 8 - see separate sheet attached, history of email exchanged with City officials and pictures of property in question along with pictures of properties in the same situation where permit were issued counter proposal rejected by Zoning Administrator and police report from attempted burglary.

Total application - 37 pages

7. Describe what you believe to be the correct zoning ordinance interpretation or what you believe to be the correct facts related to this particular zoning decision:

8. Describe in what manner you believe yourself aggrieved or harmed by this zoning interpretation and/or determination:

6. Describe the Zoning Administrator's decision that you are appealing

I have requested permission to build solid 6' fence at site triangle. Per Zoning Code Section 6-4-6-7.E. - an 8x8' site triangle is required at intersection of property line and driveway - fence can be no more than 4' tall, 70% opacity.

7. Describe what you believe to be the correct zoning ordinance interpretation or what you believe to be the correct facts related to this particular zoning decision:

Site triangle has little practical use, and as a matter of fact is not improving level of privacy, noise reduction and asset protection we were expecting while building fence :

In the process of fence variance application there was no negative comments from neighbors within 250' from our house. Clearly nobody was bothered by our design.

- The length of the driveway is 28 feet. The fence, even if placed at property line would be 15 feet long, leaving remaining 13 feet of driveway with unobstructed view toward street and right of way area. (see sketch attached - PDF file)
- site triangle leaves open window to everyone to peer at our back yard, its contents and our activities
- low height of site triangle allows anyone to scale it very easily and grab what they want
- No part of the fence falls into 20' triangle required at alley and street as set per city code
- Most importantly I have noticed that there are several households in my neighborhood, that seem to be in same situation as mine and they were granted permission for fence variation - quite recently. See pictures attached:
 - 2128 Lincolwood - no site triangle at driveway, no set back from property line (built 2021)
 - 2131 Lincolwood - no site triangle at driveway (built 2018)
 - 2726 Payne - no site triangle at driveway (built 2021)
 - 2320 Prospect - no site triangle at driveway and street (driveway backing out directly to Dartmouth)

8. Describe in what manner you believe yourself aggrieved or harmed by this zoning interpretation and/or determination:

Our property is located at the corner lot of Crawford and Dartmouth - small dead end street with seven houses. Although initially thrilled with open yard concept, circumstances forced us to decide to fence our property (see video of trespasser climbing A/C to peer through windows that are 10 feet above the ground <https://ring.com/share/18aa7bdd-d95f-4b96-b97b-323fe3e89d91>, others simply walk through or stop cars and check out the contents) .

While planning the fence our goals were creating quiet and cozy place for our family, securing safety or our assets and privacy at the same time.

Another prevalent factor that came to attention was the size of the fenced property. We decided we want to maximize our fenced holdings - pushing fence as close as possible to property line, which spells out to few more garden plots, or more room to play soccer and play with pets.

We were offered very costly compromise in order to remove requirement for 8x8 site triangle - we can avoid it by setting the fence back 4 feet from property line. This means loss of 180 of usable land, that would be placed outside the fence, with no use to us, but cost to maintain and pay real estate taxes. Side yard would become very narrow, and basically with no practical use due to small size.

The fence in current shape, with site triangle does not provide privacy, noise reduction and safety as expected. Anyone can still see our yard and even can easily scale the fence. The site triangle does not improve any visibility for us on driveway or cars on the alley. It is forced upon us arbitrary without better review of whole situation and specific location. It feels we are being penalized for being owners of the corner lot, with burden of additional costs and regulations.

At the same time i am finding that my treatment not being fair(discriminatory) since there are properties in the same situation as mine and having site triangle at the site.

Summary of expenses:

- \$2,000 - total cost of fence
- approx \$700 - cost of fence variance application and appeal along with mailings.
- 1 month - Time to process variance application
- 2 month - Time to appeal denial
- application was submitted on 6/30/2022
- permit was issued on 8/19/2022 (with site triangle required)

In summary administrative expenses increased the cost of fence by 30%. Process to obtain permit took 50 days. another 60 days are needed to apply and hope for positive decision of Land Use Committe. In the meantime prices of material, labor are sharply going up and winter is coming very quickly miniminzg the chances to finish before year end.



3331 Dartmouth - site triangle as required by Zoning Administrator



3331 Dartmouth - site triangle as required by Zoning Administrator



3331 Dartmouth - site triangle as required by Zoning Administrator



2128 Lincolnwood - no site triangle, no 2' setback, built 2020



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Home **Building**

Search Permit Applications

Record 20FNCE-0181:
FENCE
Record Status: Issued

Record Info ▼

Application Status

✓ ▼ Application Submittal

Due on 07/14/2020, assigned to TBD
Marked as Accepted on 07/14/2020 by Lisa Gray

✓ ▼ Zoning Review

Due on 07/14/2020, assigned to Michael Griffith
 Marked as Comments Made on 07/14/2020 by Cade Sterling

Comment: Req. 2' setback from street side-yard

*Due on 07/14/2020, assigned to Michael Griffith
Marked as Compliant on 07/16/2020 by Cade Sterling*

✓ ▼ Preservation Review

Due on 07/14/2020, assigned to TBD
Marked as Not Required on 07/14/2020 by Lisa Gray

✓ ▼ Check Licenses/Assess Fees

Due on 07/16/2020, assigned to TBD
 Marked as Ready to Issue on 07/20/2020 by Jesse Breceda

Comment: IN P DRIVE.

 ▼ Permit Issuance

Due on 07/20/2020, assigned to TBD
Marked as Fees Paid on 07/20/2020 by Lisa Gray

 ▼ Inspections

Due on 07/20/2020, assigned to TBD
Marked as TBD on TBD by TBD

Permit Closed

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2131 Lincolnwood -no site triangle, no 2' setback



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Home **Building**

Search Permit Applications

Record 18FNCE-0284:
FENCE
Record Status: Issued

Record Info ▾

Application Status

- ✔ ▾ Application Submittal
 - Due on 10/12/2018, assigned to TBD
 - Marked as Accepted on 10/12/2018 by Jesse Breceda
- ✔ ▾ Zoning Review
 - Due on 10/12/2018, assigned to Michael Griffith
 - Marked as Compliant on 10/12/2018 by Jesse Breceda
- ✔ ▾ Preservation Review
 - Due on 10/12/2018, assigned to TBD
 - Marked as Not Required on 10/12/2018 by Jesse Breceda
- ✔ ▾ Check Licenses/Assess Fees
 - Due on 10/12/2018, assigned to TBD
 - Marked as Ready to Issue on 10/12/2018 by Jesse Breceda
- ✔ ▾ Permit Issuance
 - Due on 10/12/2018, assigned to TBD
 - Marked as Fees Paid on 10/12/2018 by Jesse Breceda
- ⌚ ▾ Inspections
 - Due on 10/12/2018, assigned to TBD

Marked as TBD on TBD by TBD

Permit Closed

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2320 Prospect - no site triangle, driveway backing out directly to Dartmouth - two houses over from my house



2726 Payne - no site triangle, no 2 ' set back built 2021



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Home

Building

Search Permit Applications

Record 21FNCE-0137:

FENCE

Record Status: Issued

Record Info ▾

Application Status

✓ ▾ Application Submittal

Due on 05/03/2021, assigned to TBD
Marked as Accepted on 05/03/2021 by Tracey O'Mann

✓ ▾ Zoning Review

Due on 05/03/2021, assigned to Michael Griffith
Marked as Compliant on 06/09/2021 by Cade Sterling

✓ ▾ Preservation Review

Due on 05/03/2021, assigned to TBD
Marked as Approved - Admin on 06/09/2021 by Cade Sterling

✓ ▾ Check Licenses/Assess Fees

Due on 06/09/2021, assigned to TBD
Marked as Ready to Issue on 06/10/2021 by Tracey O'Mann

✓ ▾ Permit Issuance

Due on 06/10/2021, assigned to TBD
Marked as Fees Paid on 06/11/2021 by Tracey O'Mann

🕒 ▶ Inspections

Permit Closed



PROFESSIONAL DESIGN FIRM No. 184-003233

PLAT OF SURVEY

OF

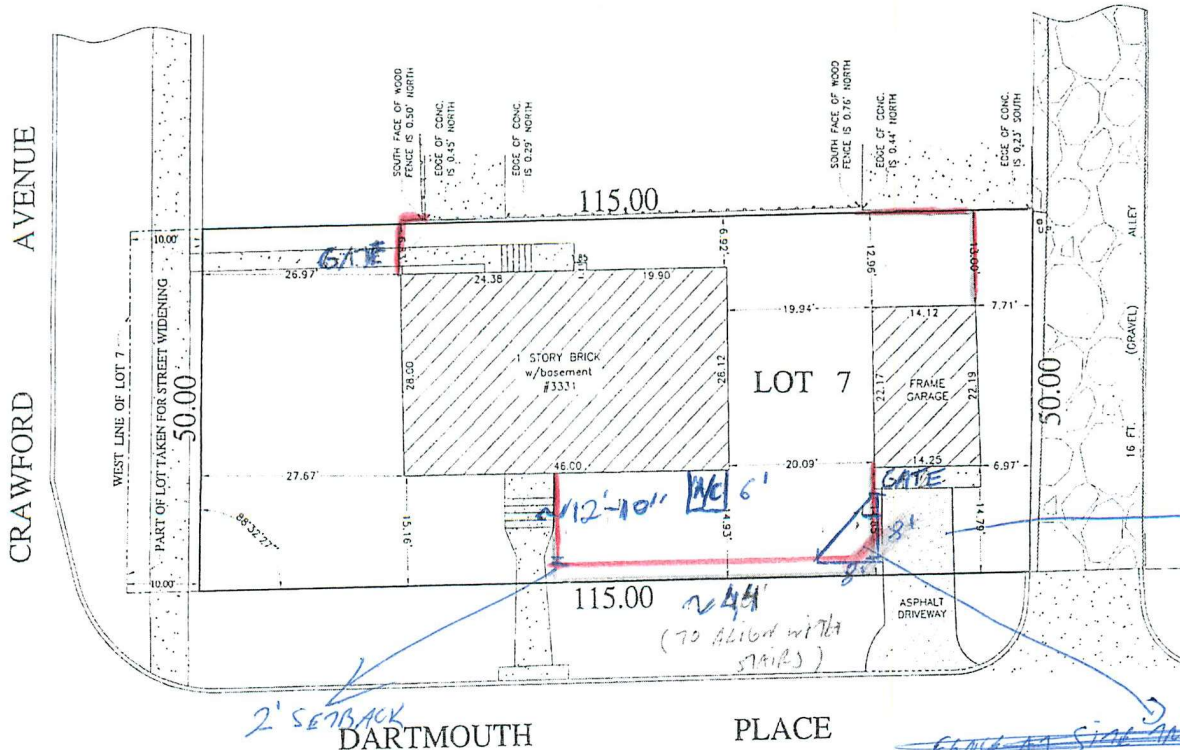
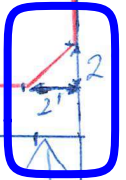
LOT 7 IN BLOCK 3 (EXCEPT THE WEST 10 FEET THEREOF TAKEN FOR WIDENING OF THE STREET IN THE HIGHLANDS EVANSTON LINCOLNWOOD SUBDIVISION, BEING A SUBDIVISION OF THE WEST 1/4 OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3331 DARTMOUTH PLACE, EVANSTON, IL. 60201

TOTAL LAND AREA = 5,748 sq.ft.

SIDE TRIANGLE
OR TAIL

2' SETBACK
PROPERTY LINE



2' SETBACK

~~FRAME AS SIDE TRIANGLE~~

~~70% OPENING~~

~~LOWER TRAIL 4'8"~~
(SEE ATTACHED)

~~RETAINING~~
FENCE
6' TALL, SOLID

FENCE LOCATION

LEGEND:

- CHAIN LINK FENCE
- WOOD FENCE
- IRON FENCE
- CONCRETE PAVEMENT
- E.F.P. - ENCLOSED FRAME PORCH
- O.F.P. - OPEN FRAME PORCH
- O.B.P. - OPEN BRICK PORCH
- O.C.P. - OPEN CONC. PORCH
- E.C. - EDGE OF CONCRETE

ORDER NO. 101894
SCALE: 1 INCH = 16 FEET
FIELDWORK COMPLETION DATE 25 MAY 2021
ORDERED BY: MATT ALBRECHT

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, TITLE POLICY AND LOCAL ZONING ORDINANCE, ETC.

LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND MUST BE COMPARED WITH DEED AND/OR TITLE POLICY. NO CORNERS WERE MONUMENTED PER CUSTOMER REQUEST. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

State of Illinois ss
County of Cook

We, M M Surveying Co., Inc., do hereby certify that we have surveyed the above described property and that the plat herein drawn is a correct representation of said survey.

Signature: M. Romo

Date: MAY 26-2021

REG. ILL. Land Surveyor No. 35-3756
LIC. EXP. NOVEMBER 30, 2022

Proposed to Zoning Administrator and rejected - no fence and corner, 2x2 triangle opening visibility without need to move the whole fence back 4 feet

Re: Fw: 3331 Dartmouth Pl: fence variation application

Jacek Wlodek <jwlodek2002@hotmail.com>

Thu 8/25/2022 3:17 PM

To: Lara Biggs <lbiggs@cityofevanston.org>

Cc: Elizabeth Williams <ewilliams@cityofevanston.org>; Melissa Klotz <mklotz@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>

1 attachments (527 KB)

3331 Dartmouth - Fence - 22FNCE-0203 revised as of 8-18-2023.pdf;

Mrs. Biggs,

thank you for your attention to my email. I would love to meet, however I don't want to take your time and attention from more significant projects than my fence. I will try to present my issues shortly in the email (the whole exchange below) and see where that leads us. I am open to meeting or discussion if you think it will be helpful in finding satisfying solution for all parties involved.

As a homeowner, I am looking to maximize the size of the yard that is secured with fence. Afterward this is the space I am still required to pay real estate tax and cover cost of landscaping and maintenance. I understand there is 2 feet setback rule regarding corner lots, however I was hoping that specific location would work to my benefit. There is 14 feet of "no man's land" (grassy right of way) measured from curb to property line. While filing my application I assumed that this may be plenty of space for city utilities and sidewalk - especially that dead-end street with 7 houses on it is probably the last one to have such type of upgrades installed. I am not sure how much space city needs to use for sidewalk, I am leaving it your judgment. I am just hoping that set back rule is not applied blindly ignoring location's specifics and, in the effect, taking away 90 (2x44 feet fence length) square feet of my land for not reason.

Our main goal in building fence was privacy, security and noise reduction. Site triangle, with less than 4 feet height and 70% opacity stands in direct conflict of that goal - it gives anyone opportunity to invade our privacy (and we had people climb the walls to our windows - Ring records available). City offered compromise, you mention below - no site triangle, but fence must be set back 4 feet. It means I am losing another 90 square feet of property. I have revised fence plan (attached) - explanation below:

Excerpt from Michael Griffith email : "Along the street side property line, there is nothing to prevent installing a 6' tall privacy fence meeting the minimum 2' setback off the property line and locating it outside of the required 8'x8' site triangle. As a compromise, the variation approved allows a 6' tall privacy fence to be installed without a site triangle as long as the fence is setback 4' from the property line, half the distance of an 8' site triangle."

I am proposing to erect 6 foot tall, solid fence with 2' feet set back from property line. The fence will not be installed at corner of driveway and fence line - 2x2 feet triangle of open space. This will move fence along the driveway 4 feet back from property line, half the distance of 8' triangle, just the way it was approved in variation decision.

My proposal in my opinion is a little variation that allows me to hold on to my land and provide sight line as required by city's offer (also stays in line with your ROW recommendation). My offer was flatly denied, because final determination has been made. So pretty much I am left with no choice, but to appeal to Land Use Committee.

My biggest concern is that fence variation was approved without prior consulting with me and giving chance to discuss compromise, some solution that would be acceptable by both parties. I think in the process specifics of my home location were omitted, and standard approach was applied. As a result, as a home owner I am burdened with excessive costs and consequences limiting access to my property that overwhelmingly outweigh the benefits provided to the public. Just to emphasize, we leave at the dead-end street with 7 houses, and no pedestrians crossing my driveway.

Thank you for looking into this again

Jacek
773-865-8137

From: Lara Biggs <lbiggs@cityofevanston.org>
Sent: Thursday, August 25, 2022 1:13 PM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Cc: Elizabeth Williams <ewilliams@cityofevanston.org>; Melissa Klotz <mklotz@cityofevanston.org>
Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Mr. Wlodek,
Community Development forwarded me your concerns about complying with fence setbacks/sight line provisions.

I am aware that there is currently no sidewalk on Dartmouth Place. However, City Council approved a program last year to improve sidewalks in the City of Evanston. To this end, the City has completely changed how sidewalks are repaired and funded. They have also authorized the installation of sidewalks in those areas where there are currently sidewalk gaps in order to provide a safer pedestrian experience and support better use of mass transit. This was last discussed at City Council on 9/27/21; the memo regarding the proposed changes is attached to this email.

Staff is working on the plan to install missing sidewalks over the next 10-15 years, but it is not yet approved. Therefore, I cannot tell you when the sidewalks will be installed on Dartmouth Place. However, given the direction from City Council, it is appropriate for staff to move forward as if the sidewalk will be there eventually. For this reason, staff is requesting you provide the standard setback or sight line requirements. I can meet if you would like to, but my recommendation is likely to stay the same, requesting that you comply with the code regarding setbacks from the ROW line. As I understand, there are two routes to compliance:

- 1. Fence must be set back 4' from the property line and then the sight triangle is NOT needed; or
- 2. Fence must be set back 2' from the property line (the usual requirement) and the sight triangle IS needed.

Please let Melissa know if you would like to meet.

Lara N. Biggs, P.E.

Bureau Chief - Capital Planning / City Engineer

City of Evanston

847-448-8210



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

From: Jacek Wlodek <jwlodek2002@hotmail.com>

Date: Thu, Aug 25, 2022 at 7:25 AM

Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

To: Melissa Klotz <mklotz@cityofevanston.org>

Cc: Michael Griffith <mgriffith@cityofevanston.org>, ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>, Agnieszka Skwarek <askwarek@hotmail.com>

Melissa,

I appreciate that you are sharing with me number 311, however I dont have very good experience and frankly no success in receiving relevant information while using this number. Could you please forward this email along to the person in proper department, who can provide answers?

While scanning copy of the Code, I found that 5 feet clearance is required for pedestrian passage. Is this requirement relevant to my situation. Or for some reason it should be more?

Sincerely,
Jacek

From: Melissa Klotz <mklotz@cityofevanston.org>

Sent: Wednesday, August 24, 2022 10:50 AM

To: Jacek Wlodek <jwlodek2002@hotmail.com>

Cc: Michael Griffith <mgriffith@cityofevanston.org>; ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>

Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Jacek,

"Right-of-way" is discussed in detail in Title 7, Public Ways, of the City Code and is available [here](#). "Grassy" is my own descriptive word. For further details on Title 7 or an exact definition, contact Public Works staff via 311. I do not know the exact dimensions of the right-of-way area as that does not matter to the zoning requirements that apply to the private property, but Public Works may know, and can explain any other requirements you are inquiring about. I am not aware of plans for a sidewalk at your right-of-way - just that it could or may be added in the future. Feel free to inquire with public works on this.

Approximate property lines and right-of-way from an aerial view with GIS:



Thanks,

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 Wed, Aug 24, 2022 at 7:23 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Melissa,
in your email below you have mentioned "grassy right of way". I have questions regarding what "grassy right of way" area is. I have highlighted those sections in your email body below and copying it here for reference.

"While your property does not currently have a sidewalk, people may still walk along the grassy right-of-way area to get to Crawford"

- Where the "grassy right of way" is defined in city code?
- what are the exact dimensions/requirements of "grassy right of way" that are applicable to 3331 Dartmouth PL?

the typical 2' required setback is a buffer for the public sidewalk area/where people may walk in the grass/future public sidewalk area

- I have bought house a year ago and was not aware that City has plans to build public sidewalk in my neighborhood. Could you provide more information about it? Timing of the project?

Jacek

From: Jacek Wlodek <jwlodek2002@hotmail.com>
Sent: Tuesday, August 23, 2022 9:17 AM
To: Michael Griffith <mgriffith@cityofevanston.org>
Cc: Melissa Klotz <mklotz@cityofevanston.org>; ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>
Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Michael,
Understood.
On Friday 8/19/2022 I have made payment on permit application you have approved on 8/19/2022. I still did not receive permit. Please advise.

Jacek

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Tuesday, August 23, 2022 8:53 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Cc: Melissa Klotz <mklotz@cityofevanston.org>; ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>
Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Jacek,

The revised plan does not comply with the approved variation. The determination notice is attached.

Either the fence is setback 2' from the property and the required site triangle is provided, OR
The fence is setback 4' from the property line and a site triangle is not required.

Respectfully,
Michael Griffith
Planner
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-8155 | 847-448-4311 |
mgriffith@cityofevanston.org | cityofevanston.org



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On Tue, Aug 23, 2022 at 7:59 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Melissa and Michael,

I have revised fence plan again. Please see attached and let me know if this is acceptable. I believe it is within the compromise you have offered - see excerpt from Michael's email:

"Along the street side property line, there is nothing to prevent installing a 6' tall privacy fence meeting the minimum 2' setback off the property line and locating it outside of the required 8'x8' site triangle. As a compromise, the variation approved allows a 6' tall privacy fence to be installed without a site triangle **as long as the fence is setback 4' from the property line, half the distance of an 8' site triangle.**"

I am proposing to erect 6 foot tall, solid fence with two feet set back from property line. The fence will not be installed at corner of driveway and fence line - 2x2 feet triangle of open space. This will move fence along the driveway 4 feet back from property line, half the distance of 8' triangle, just the way it was approved in variation decision.

I hope this plan can be approved and we can carry on without further appeals to Land Use Commission.

Jacek

From: Melissa Klotz <mklotz@cityofevanston.org>

Sent: Monday, August 22, 2022 12:17 PM

To: Jacek Wlodek <jwlodek2002@hotmail.com>

Cc: ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Michael Griffith <mgriffith@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>

Subject: Re: Fw: 3331 Dartmoun PI: fence variation application

Jacek,

I did look over the examples you provided - most are the exact unsafe situation we are trying to avoid. The driveway sight triangle is a newer regulation (roughly 5 years old) so there are definitely some existing driveways with blind spots. None of those would be granted today. That situation is allowed along the alley since alleys are not meant to be pedestrian paths.

If you do move forward with the appeal, you will want to explain how/why the sight triangle is not necessary - we want vision clearance from the driver of the vehicle (tall or short vehicle) out to the grassy right-of-way area, street, and alley intersection to see all vehicles and pedestrians (tall or short) before the rear of the vehicle gets to those areas. Since it is a safety concern, I do not expect to change my stance on that, but if you can clearly show it is still safe for all with proper vision clearance, the LUC may change the final determination.

Let me know if you have any other questions,

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, Aug 22, 2022 at 10:57 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Melissa,

thank you for prompt reading and commenting on my overly long email. I understand and agree with all your comments (see comments in red below), except for site triangle. I thought my explanations with pictures attached will give you a good idea how specifically my yard is placed. Did you have a chance to see pictures of driveway I have attached? what is even more frustrating is that there are properties in my neighborhood that are in the same position - with even much shorter driveways crossing through sidewalk and street - and the fences built don't have site triangles. I have sent pictures along with addresses. Should I resend?

I understand the arguments, but I think they may not apply to my case and bring little benefit to the public at the big cost to me. I am not sure how to present my case anymore.

Please let me know what information or what format may be more helpful for you. If you want to meet in person or zoom I am fine with that, but maybe it would best to do it at my driveway???

At this point I am determined to appeal the decision, since it seems as the only way to have it overturned. Of course I would love to have you on my side after gaining full understanding of circumstances and facts.

Jacek

773-865-8137 (feel free to call me anytime)

From: Melissa Klotz <mklotz@cityofevanston.org>
Sent: Monday, August 22, 2022 9:49 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Cc: Agnieszka Skwarek <askwarek@hotmail.com>; Michael Griffith <mgriffith@cityofevanston.org>; Elizabeth Williams <ewilliams@cityofevanston.org>
Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Jacek,

I have re-reviewed your fence variation documents and the comments you provided, and have the following responses and details for you:

- You have the right to submit an appeal application within 10 days of the determination that was made - so you have until August 31st to submit if you choose to appeal. The appeal fee is \$275. The appeal would proceed to the Land Use Commission for a new determination and would likely be scheduled for the September 28th Land Use Commission meeting, which is the next available agenda date. **OK**
- The determination made has already been finalized with the public notification sent out, so the determination could only be changed now via an appeal to the LUC. **OK**
- The sight line variation request: sight lines are safety concerns. It is imperative to make sure there is proper vision clearance for drivers backing out of driveways, as well as vehicles exiting the alley. Vision clearance is needed along the full right-of-way area where a public sidewalk would normally be located. **While your property does not currently have a sidewalk, people may still walk along the grassy right-of-way area to get to Crawford.** The sight line variation is rarely, if ever, granted due to safety/liability concerns. **I did not apply for sight line variation. In my opinion fence without site triangles presents no obstruction for sight lines for me on driveway or anybody on the alley. Repeating myself again - it is 14 feet from street and 20 feet from driveway - far away from intersection of street and alley or driveway. I have send pictures of my driveway hoping that they will make my point much clearer.**
- It is understandable that you want the fence as close to the property line as possible to maximize your fenced in area. Given the lot shape and corner lot, it makes sense to push the fence as close to property lines as possible. However, **the typical 2' required setback is a buffer for the public sidewalk area/where people may walk in the grass/future public sidewalk area.** 0' setbacks are problematic because fences, landscaping, and shoveled snow end up encroaching into the right-of-way area and blocking the pedestrian area. 0' setbacks are very rarely granted since the required setback is only another 2' back. **OK, I am not going to question that part of decision anymore. I just wanted to emphasize specifics of my yard that in reality is 14 feet from street - leaving plenty space for pedestrians, snow or any other uses.**
- Given the above, it is definitely understandable that you do not want to push the fence further back to a 4' setback. You do not HAVE to. It is a trade off given the sight triangle issue that is a safety concern that must be addressed. With the 4' setback, your fencing stays out of the sight triangle area so you are able to have the fence height and style of your choosing. If it isn't worth it to you to have that fence height and style near the garage, then you are not REQUIRED to do the 4' fence setback and instead can just comply with the 2' setback plus regular sight triangles. **there is no safety concern. the fence does not obstruct visibility of people on driveway and in the alley. From my point of view trade off is - full safety and privacy at the cost of 90 square feet of yard**
- 3' front facade setback at NW corner of the house was granted in full considering your window and stair locations. **I have never questioned that part of decisions**
- AC unit: I don't fully follow where you intend to locate the AC unit. Be aware of AC location regulations: the unit may be in the Dartmouth yard as long as it is setback at least 4' from the Dartmouth property line and is also within 2' of the house; OR at least 4' from the Dartmouth property line, within 30' of the alley property line, and also at least 3' away from the alley property line and N interior side property line. Feel free to send a marked site plan for the AC location and I can verify if it will comply or not. **A/C move was already approved by Zoning, inspection was performed. No action on that.**

With these explanations I hope you understand how/why the fence variation was granted in part. If you choose to appeal, these explanations will be conveyed to the LUC for consideration. The LUC can reaffirm the existing approvals, or completely change the determination (which could be a full denial or full granting). Let us know if you have additional questions or would like to meet virtually or in person to go over the variation determination reasoning further.

Thank you,

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, Aug 22, 2022 at 6:41 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:
 Just resending message - had to remove video of trespasser, too big for transmission.

From: Jacek Wlodek <jwlodek2002@hotmail.com>
Sent: Sunday, August 21, 2022 6:27 PM
To: mklotz@cityofevanston.org <mklotz@cityofevanston.org>
Cc: Michael Griffith <mgriffith@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Melissa,

I have been working with Michael on my fence and fence variation applications. Our property is located at the corner lot of Crawford and Dartmouth. Although initially thrilled with open yard concept, circumstances forced us to decide to fence our property (see video of trespasser climbing A/C to peer through windows that are 10 feet above the ground <https://ring.com/share/18aa7bdd-d95f-4b96-b97b-323fe3e89d91>). While planning the fence our goals were creating quiet and cozy place for our family, securing safety of our assets and privacy at the same time. Another prevalent factor that came to attention was the size of the fenced property. We decided we want to maximize our fenced holdings - pushing fence as close as possible to property line, which spells out to few more garden plots, or more room to play soccer and play with pets.

Even though we have received no negative comments in response to our fence variation, requested variations were not accepted as follows:

2' set back reduction to 0'

We are required to maintain 2 feet set back from property line, even though property line is located 14 feet from curb and street giving city enough space for utilities that are buried somewhere in the middle, and other uses. There is no sidewalk we are bordering. This set back means we are losing 90 square feet of usable land to keep it outside the fence. We are still required to maintain it and pay real estate taxes for land that has no practical use.

The setback also makes it impossible to built enclosure on south east corner for A/C unit, which needs 3-4 feet breathing space around per manufacturers recommendations. (it would project 8 feet in side yard making very narrow passage by the fence).

8x8" Site triangle - max 4' tall, 70% opacity - to permit 6' tall solid fence

We were offered very costly compromise in order to remove requirement for 8x8 site triangle - we can avoid it by setting the fence back 4 feet from property line. This means loss of 180 of usable land, that would be placed outside the fence, with no use to us, but cost to maintain and pay real estate taxes. Side yard would become very narrow, and basically with no practical use due to small size.

Disadvantages and expense of being corner lot owner

I have to mention that as the owner of corner lot there are specific requirement that are making my ownership much more expensive and less comfortable than other owners. None of the other owners is required to set back fences dividing them from their neighbors by 2'. I am responsible for maintaining of 1,610 square foot of the lawn that is not my property. My side yard is required to be open or semi open to neighbors with low and see-through fences. Variances are possible, but process is costly, time consuming and as my example shows not always successful.

Permit

At this point, due to time constraints, we have decided to go with construction of fence with 2 feet set back and including required site triangle (up to 4 feet and 70% opacity) - permit issued by Michael last week. However, I am prepared to contest site triangle part of this decision to Land Use Committee. In case of positive decision we will simply swap two corner sections of the fence for higher and solid fence.

I am hoping that we can resolve this issue without taking that step - it would save time for me and all city and Committe officials involved along with financial costs of applications and additional changes to fence (just to remind the whole cost of project is \$2,000). Let me lay out all relevant facts that in my opinion show that site triangle has little practical use, and as a matter of fact is not improving level of privacy, noise reduction and asset protection we were expecting while building fence :

- The length of the driveway is 28 feet. The fence, even if placed at property line would be 15 feet long, leaving remaining 13 feet of driveway with unobstructed view toward street. (see sketch attached - PDF file)
- site triangle leaves open window to everyone to peer at our back yard, it contents and our activities
- low height of site triangle allows anyone to scale it very easily and grab what they want
- No part of the fence falls into 20' triangle required at alley and street as set per city code
- Most importantly I have noticed that there are several households in my neighborhood, that seem to be in same situation as mine and they were granted permission for fence variation. See pictures attached:
 - 2128 Lincolwood - no site triangle at driveway, no set back from property line
 - 2131 Lincolnwood - no site triangle at driveway
 - 2726 Payne - no site triangle at driveway
 - 2320 Prospect - no site triangle at driveway and street (driveway backing out directly to Dartmouth)

See attached pictures of my yard with picket fence permitted to install at its location per current plan to better visualize circumstances we are facing. The empty space between pickets and garage and along the south elevation of the house are 6' tall solid fence. All placed at 2' setback.

Summary of expenses and time involved:

- \$2,000 - total cost of fence
- \$700 - cost of fence variance application and appeal along with additional mailings.
- 1 month - Time to process variance application
- 2 months - Time to appeal denial
- application was submitted on 6/30/2022
- permit was issued on 8/19/2022 (with site triangle required)

In summary administrative expenses increased the cost of fence by 30%. Process to obtain permit took 50 days. another 60 days are needed to apply and hope for positive decision of Land Use Committe. In the meantime, prices of material, labor are sharply going up and winter is coming very quickly, making chances of finalizing the project slimmer and slimmer.

thank you for attention to this email and prompt response
Jacek Wlodek
773-865-8137

Ring #AlwaysHome

Check out this video! I just captured it with my Ring Camera!

ring.com

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Friday, August 19, 2022 10:48 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: Re: 3331 Dartmoun PI: fence variation application

Jacek,

The picket fence detail you emailed is acceptable for the site triangle. I've signed off on the subject with the last site plan and fence details as the approved plan. The permitdesk will contact you once the permit is ready to be issued.

Concerning the Zoning Administrator's decision on the fence variation application, please contact:

Melissa Klotz, Zoning Administrator, mklotz@cityofevanston.org

Respectfully,
 Michael Griffith

Planner

Planning & Zoning Division
 Community Development Department
 Morton Civic Center
 City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-8155 | 847-448-4311 |
mgriffith@cityofevanston.org | cityofevanston.org



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On Thu, Aug 18, 2022 at 10:02 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Michael,
 apologies but i have updated the print I have sent in the morning. Previously, location of A/C unit was not disclosed. See at the southeast corner of the building. This is one of the big reasons we decided to fence of the property (easy to steal, people climbing to peer through window). It projects far into the yard and obstructs the yard. Another reason we petitioned to have fence moved as far as possible toward property line. Maybe that will affect the site triangle requirement?

From: Jacek Wlodek <jwlodek2002@hotmail.com>
Sent: Thursday, August 18, 2022 7:08 AM
To: Michael Griffith <mgriffith@cityofevanston.org>
Subject: Re: 3331 Dartmoun PI: fence variation application

Michael,
 thank you for the phone call yesterday. Revised fence plan is attached along with picture of the fence to be used for site triangle. Please issue permit.

As discusses yesterday, you have not convinced me as to rationale of having site triangle at driveway, in the light of safety and privacy issues I have presented with fence variation application. I am planning to appeal that part of decision with Land Use Committee. I will forward filled out application within next few days.

Jacek Wlodek
 773-865-8137

From: Jacek Wlodek <jwlodek2002@hotmail.com>
Sent: Wednesday, August 17, 2022 8:36 AM

To: Michael Griffith <mgriffith@cityofevanston.org>
Subject: Fw: 3331 Dartmouth Pl: fence variation application

Michael,
 due to time constraints, I am willing to accept proposed compromise:

- south side fence will be placed with two feet set back off the south property line
- the fence will be 6 feet tall, solid - except as noted below
- site triangle at the driveway and the alley (8'x8', fence height not to exceed 4' and maximum 70% opacity/solid) will be installed. Sample attached.

Please issue the permit at your earliest convenience.

Please note that I am going to appeal the decision regarding the site triangle. If Land Use Commission approves my appeal, that section of the fence will be replaced with solid, 6 feet tall fence.

Also, with this email I have to express my disappointment with the appeal process. I thought the process is designed to allow homeowners for a changes in their property that are generally not accepted by City Code. I thought the fact that there are no negative comments from neighbors, is indicative of positive decision. However, it appears that in the end it is administrative decision by Zoning Administrator.

Most importantly I still dont understand on what ground requested variations were denied. Clearly there must be some higher public interest, city interest that causes denial.

Site triangle at the driveway and property line (see atached)

The length of the driveway is 28 feet. The fence, if extended to property line would be 15 feet long, leaving remaining 13 feet of driveway with unobstructed view toward street. What other benefits the site triangle gives me that we are required to have it at cost of our privacy and safety? What are the benefits to the public and neighbors? it seems also that our privacy and safety is of little importance - especially in the light of our camera footage showing people trespassing at night and climbing to the windows.

Fence placed at property line

I understand general code requirement of 2 feet set back of property line, which makes sense if fence would sit right on sidewalk or the street limiting visibility and space. In our case there is 14 feet of space between property line and street, leaving plenty of space for city projects and needs. All the utility lines are burried in the middle of that space. Why am still required to keep 2 feet set back from property line? will my real estate tax bill be reduced because I am forced to giveaway use of part of my land?

Thank you for your help in the process

Jacek
 773-865-8137

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Tuesday, August 16, 2022 11:19 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Jacek,

The determination on the application has been made.

Respectfully,
[Michael Griffith](#)

Planner

Planning & Zoning Division
 Community Development Department
 Morton Civic Center
 City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-8155 | 847-448-4311 |
mgriffith@cityofevanston.org | cityofevanston.org



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On Tue, Aug 16, 2022 at 10:15 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Michael,

thank you for prompt response. In the morning I have sent you another email with detailed drawing of my driveway, questioning rationality of having site triangle. Could you please review and discuss with Zoning Administrator if in this situation (very long driveway) site triangle is necessary. I am willing to settle for solid fence two feet of property line without site triangle. Thank you for consideration.

From: Michael Griffith <mgriffith@cityofevanston.org>

Sent: Tuesday, August 16, 2022 9:47 AM

To: Jacek Wlodek <jwlodek2002@hotmail.com>

Cc: Agnieszka Skwarek <askwarek@hotmail.com>

Subject: Re: 3331 Dartmouth Pl: fence variation application

Jacek,

The determination notice noting the Zoning Administrator's decision was emailed to you noting the fence variation was approved with conditions.

We did not receive comments regarding the fence variation application.

At the northwest corner of the residence, the requested variation was approved. The fence is not required to be setback 3' from the west street facing facade given the location of the window and landing/steps on the north side of the home.

Along the street side property line, there is nothing to prevent installing a 6' tall privacy fence meeting the minimum 2' setback off the property line and locating it outside of the required 8'x8' site triangle. As a compromise, the variation approved allows a 6' tall privacy fence to be installed without a site triangle as long as the fence is setback 4' from the property line, half the distance of an 8' site triangle.

You may appeal the Zoning Administrator's decision to the Land Use Commission. The Land Use Commission may reverse or affirm, wholly or partly, or may modify the Zoning Administrator's determination. In my opinion, the variations approved are reasonable and I don't think the Land Use Commission will over turn the Zoning Administrator's determination. It is also possible the Land Use Commission may find that the variations approved should not have been approved and thus both areas of the fence are to meet zoning code requirements.

To appeal:

- Complete an appeal application and email it back to me by August 31, 2022. Ignore the application where it says to return the application to the Zoning Office, email the application to me. Application attached.
- Application fee: \$275. The application fee is not refundable. A follow-up email will be sent with a link to pay the fee online.
- Once the appeal application is submitted the case will be scheduled for the next available Land Use Commission public hearing date.
- Public notice is mailed to all property owners within 500'. We use The Blueprint Shoppe to mail public notices, they bill applicants directly.
- The process may take approximately 2 months depending on the next available public hearing date.

Respectfully,

[Michael Griffith](#)

Planner

Planning & Zoning Division

Community Development Department

Morton Civic Center

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On Mon, Aug 15, 2022 at 9:47 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Michael,

thank you for your response. Before we carry on I have couple of questions:

- What is the basis for the decision?
- Are we going to receive formal response explaining why our petition was rejected?
- Were there any negative comments from the neighbors that affected decision?
- What are our options in terms of appealing south side fence decision?
- What is the timeline if we decide to appeal?
- What are the chances of succeeding in the appeal?
- was the video from security camera added to the application file?

I am looking forward to get rid of requirement to have triangle at 4' tall. And of course to push the fence as far as possible toward the property line.

- would the fence style affect the decision?
- are the styles attached considered 70% opacity?

If you think it would be easier to discuss I am available at my cell.

Sincerely
773-865-8137

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Monday, August 15, 2022 9:09 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Jacek,

The fence variation has been approved subject to conditions:

- The fence is permitted to be placed at the northwest corner of the residence, a setback is not required.
- A site triangle is not required at the driveway and property line intersection with the 6' tall solid fence setback at least 4' from the south street side property line.

If you want to place the fence closer to the south property line, then it must comply with the zoning code, minimum 2' setback off the south property line and provide the required site triangle (8'x8', fence height not to exceed 4' and maximum 70% opacity/solid).

Approval notice is attached.

Please email me a revised site plan for the fence permit based on the above conditions and then I can sign off on the fence permit.

Respectfully,
Michael Griffith

Planner

Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

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Re: 3331 Dartmouth PI - 22FNCE-0203

Michael Griffith <mgriffith@cityofevanston.org>

Mon 7/11/2022 3:40 PM

To: Jacek Wlodek <jwlodek2002@hotmail.com>

Jacek,

Thank you for your response and the revised site plan. You may apply for the following fence variations:

Zoning Code Section | Requirement to be Varied | Requested Variation

6-4-6-7.F.2.c | Fence is required to be setback at least 3' from the front/street facing façade | To reduce the required setback to 0'

6-4-6-7.F.2.b | Fence is required to be setback at least 2' from the south street side property line | To reduce the required setback to 0'

6-4-6-7.E. | An 8' x 8' site triangle required at the driveway and property line intersection, max. 4' tall fence and 70% opacity within site triangle | To permit a 6' tall solid fence within the site triangle.

Please submit a revised fence variation application noting the above variation requests on page 3 of the application. A blank form is attached.

Regarding the fence at the northwest corner of the residence, I recommend submitting photos/drawing of the window location, note how far the window is from the corner showing a 3' setback is not feasible.

Fence variations are an administrative decision by the Zoning Administrator. Variations may or may not be approved.

To apply for a fence variation:

- Email me a completed fence variation application form along with the required documents noted on the application.
- Application fee: \$275. The fee is not refundable. Once a complete application is submitted I'll email a link to pay the application fee online.
- Public notice is mailed to all property owners within 250'. Two notices are mailed, a public notice describing the requested variations, and a determination notice describing the decision. We use a local print shop to mail notice, they bill applicants directly.
- There is a 10-working day comment period. Afterwards, the application is forwarded to the Zoning Administrator for a determination to approve, approve with conditions, or to deny.
- The process takes about a month.

Please let me know if you have any questions.

Respectfully,

Michael Griffith

Planner

Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-8155 | 847-448-4311 |

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On Mon, Jul 11, 2022 at 12:36 PM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Michael,

see my comments below in red. let me know if you have authority to approve fence as designed. If not are there any exemption from discussed regulations?

From: Michael Griffith <mgriffith@cityofevanston.org>

Sent: Monday, July 11, 2022 11:26 AM

To: Jacek Wlodek <jwlodek2002@hotmail.com>

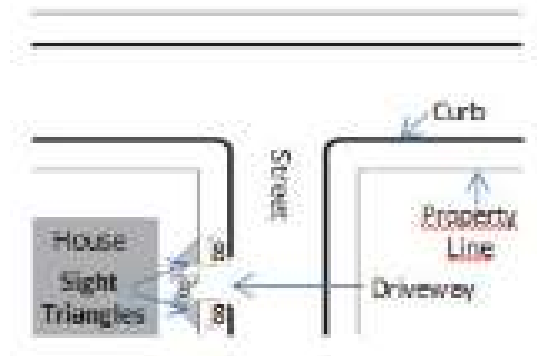
Subject: 3331 Dartmouth PI - 22FNCE-0203

Jacek Wlodek,

I've reviewed the subject fence permit and have the following comments:

- Zoning considers the front yard of the property to be located at the west side of the residence, along Crawford Ave. The fence at the northwest corner of the residence is required to be setback at least 3' from the front west/street facing facade. Northwest corner is set back 37' from the street. Setback of 3' form facade means that fence would be in the middle of the window. Corner of the building is the only viable option to set up the fence (and is fairly common design in the neighborhood)
- The fence is required to be setback at least 2' from the south street side property line. Fence is 14' from the curb, 6 inches away from the property line. Does the 2' setback still apply? can we petition to reduce set back? seems wasteful to give up so much land....

- A site triangle is required where the driveway and the south property line intersect, extending 8' back in both directions. A fence within the site triangle cannot exceed 4' in height and a maximum of 70 opacity. A 6' tall fence is permitted along the south property line as long as it is located outside of the required site triangle. Zoning Code Section 6-4-6-7. **the driveway is 30' long in total, the fence is around 14' from the curb - what is the benefit of the 8' triangle? the fence is not limiting any visibility because it is set back pretty far from the street and alley. there is enough space to lay 20'x20' triangle on the corner of property with plenty of visibility**
- Regarding the fence variation application submitted with the fence permit, it isn't clear what you are asking for. Please clarify. **I am asking for permission to built 6' tall fence around the whole property, solid or almost solid - to protect our privacy and property due to suspicious activity happening at the alley and exposure to traffic on Crawford.**
- A revised site plan can be emailed to me. **attached**



Respectfully,

Michael Griffith

Planner

Planning & Zoning Division

Community Development Department

Morton Civic Center

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City of Evanston Public Record Requests

Request #22-1847

Open

As of August 8, 2022, 2:54pm

Request Visibility: Embargoed -- Will be auto-published 24 hours after closure

Details

Police report for attempted burglary at 3331 Dartmouth PL, Evanston IL 60201 on 8/1//2022 reported by Agnieszka Wlodek

Received

August 8, 2022 via web

Due

August 15, 2022

Departments

Police

Requester

Jacek Wlodek

jwlodek2002@hotmail.com

3331 Dartmouth PL Evanston IL 60201, Evanston, IL 60201

7738658137

Requester email status list

Request opened

- **Sent** August 8, 2022, 11:20am
 - **Delivered** August 8, 2022, 11:21am
 - **Opened** August 8, 2022, 11:21am
-

Tags

Documents

Public (pending)

(none)

Requester



City of Evanston Public Record Requests

(none)

Staff Only

(none)

Staff

Point of Contact

smendoza@cityofevanston.org

Support

mriviera@cityofevanston.org

osheikh@cityofevanston.org

sjjones@cityofevanston.org

Tasks

Timeline

Support Staff Added

mriviera@cityofevanston.org

Sarah Jones (Police)

Omar Sheikh

August 8, 2022, 11:20am (auto-assigned)

Staff Only

Department Assignment

Police

August 8, 2022, 11:20am (auto-assigned)

Public

Request Visibility

Embargoed

August 8, 2022, 11:20am (auto-assigned)

Staff Only

Request Opened

Request received via web

August 8, 2022, 11:20am by Jacek Wlodek

Public

INCIDENT/INVESTIGATION REPORT

I N C I D E N T D A T A	Agency Name <i>Evanston Police Department</i>			Case# <i>22-006290</i>		
	ORI <i>IL0163200</i>			Date / Time Reported <i>08/01/2022 22:23 Mon</i>		
	Location of Incident <i>3331 DARTMOUTH PL, Evanston IL 60201</i>			Gang Relat	Premise Type <i>Residence/home</i>	Zone/Beat <i>EPD, 75</i>
				Last Known Secure <i>08/01/2022 22:14 Mon</i>		
	#1	Crime Incident(s) <i>Suspicious Person</i> <i>7332</i>	(Com)	Weapon / Tools		Activity
				Entry	Exit	Security
	#2	Crime Incident	()	Weapon / Tools		Activity
				Entry	Exit	Security
	#3	Crime Incident	()	Weapon / Tools		Activity
				Entry	Exit	Security

M V I C T I M	MO		# of Victims <i>1</i> Type: INDIVIDUAL		Injury:			
	V1	Victim/Business Name (Last, First, Middle) <i>WLODEK, AGNIESZKA</i>			Victim of Crime # <i>1,</i>	DOB <i>06/27/1977</i> Age <i>45</i>		
		Home Address <i>3321 DARTMOUTH PL, Evanston, IL 60201-</i>			Email	Home Phone <i>773-865-8139</i>		
		Employer Name/Address			Business Phone	Mobile Phone		
		VYR	Make	Model	Style	Color	Lic/Lis	VIN
		CODES: V- Victim (Denote V2, V3) W1 = Witness IO = Involved Other RP = Reporting Person (if other than victim)						

O T H E R I N V O L V E D	Type:		Injury:								
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
	Home Address					Email			Home Phone		
	Employer Name/Address					Business Phone			Mobile Phone		
	Type:		Injury:								
	Code	Name (Last, First, Middle)			Victim of Crime #	DOB Age	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
Home Address					Email			Home Phone			
Employer Name/Address					Business Phone			Mobile Phone			

P R O P E R T Y	1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)										
	VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number		

Officer/ID#	<i>HINDES, K. (PATR, *169) (1354)</i>			Supervisor	<i>DUKLER, M. (PATR, *232) (1573)</i>		
Invest ID#	<i>(0)</i>			Case Status	<i>Open 08/01/2022</i>		
Status	Complainant Signature			Case Disposition:	Page 1		

INCIDENT/INVESTIGATION REPORT

Evanston Police Department

Case # 22-006290

Status Codes 1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

	IBR	Status	Quantity	Type Measure	Suspected Type	
D R U G S						

Assisting Officers
MANGAS, M. (1696), LANG, P. (1563)

Suspect Hate / Bias Motivated:

NARRATIVE

Officer(s) name and star number(s): Hindes #169
 Response address: 3321 Dartmouth Place
 Response date and time: 08/01/22 at 2223hrs
 Nature of Call: Suspicious Person
 Recorded on Body Worn Camera: Yes

In summary, on 08/01/22 at approximately 2223hrs, I, Officer Hindes #169, responded to 3321 Dartmouth Place in reference to a Suspicious Person incident. Upon arrival, I spoke with complainant/victim, Agnieszka Wlodek (06/27/77). Agnieszka Wlodek advised me that on 08/01/22 at 2214hrs, she was alerted by her Ring doorbell camera that an unknown person was in her front yard. Upon reviewing the Ring doorbell camera recording, Agnieszka Wlodek advised me that she observed a male subject stand on top of her air conditioner condenser unit, and attempt to peer into her window. Both the window and air conditioner condenser unit are on the southside of her residence. Agnieszka Wlodek stated that the male subject then went S/B, in the east alley, of the 2300 block of Crawford Ave riding a smaller sized bicycle.

I then observed the Ring doorbell camera recording, and observed what Agnieszka Wlodek had advised me. The recording was of poor quality, and a race or any other descriptors of the male subject could not be determined. Furthermore, it appeared that the male subject was wearing light colored clothing and riding an unknown make and model smaller bicycle.

The area was checked with negative results.

Incident Report Suspect List

Evanston Police Department

OCA: 22-006290

1	Name (Last, First, Middle) * No name *						Also Known As				Home Address					
	Business Address															
	DOB	Age	Race	Sex <i>M</i>	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
	Scars, Marks, Tattoos, or other distinguishing features															
<hr/>																
Reported Suspect Detail																
Suspect Age		Race <i>U</i>	Sex <i>M</i>	Eth	Height	Weight	SSN									
Weapon, Type	Feature	Make	Model			Color	Caliber	Dir of Travel		Mode of Travel						
VehYr/Make/Model		Drs	Style	Color	Lic/St		VIN									
Notes							Physical Char									



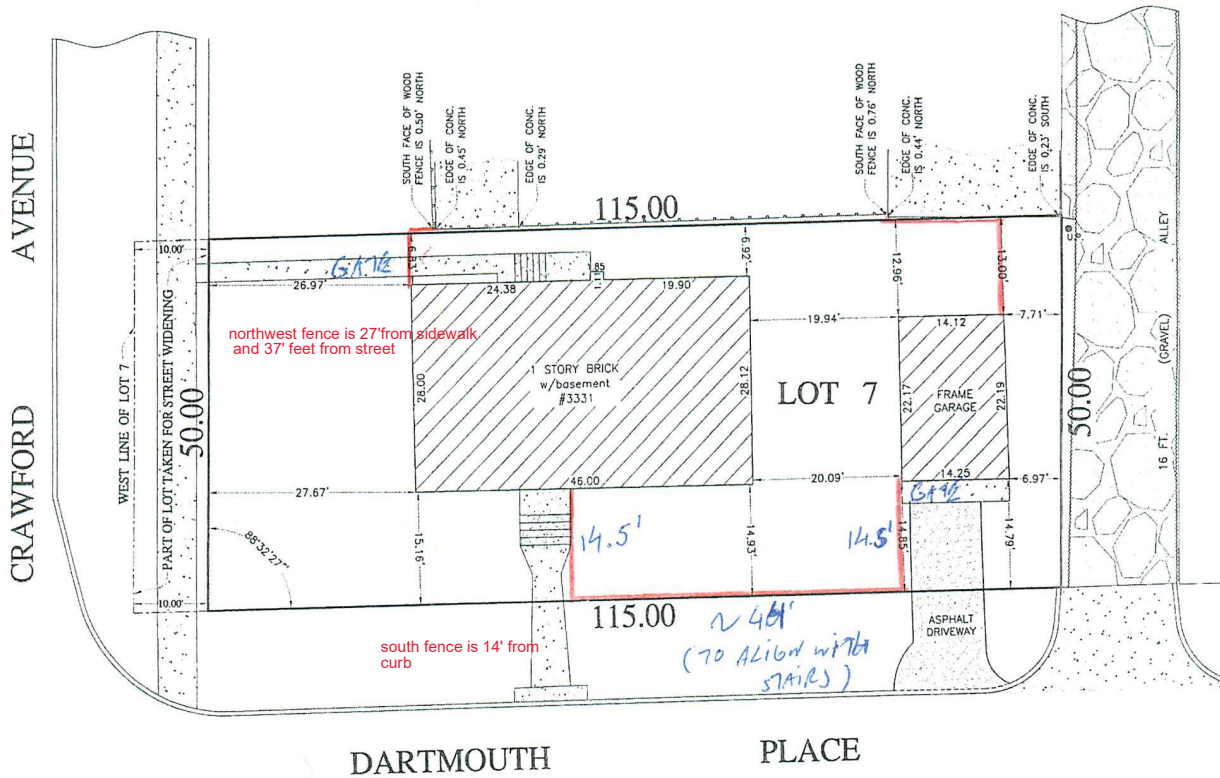
PROFESSIONAL DESIGN FIRM No. 184-003233

PLAT OF SURVEY
OF

LOT 7 IN BLOCK 3 (EXCEPT THE WEST 10 FEET THEREOF TAKEN FOR WIDENING OF THE STREET) IN THE HIGHLANDS EVANSTON LINCOLNWOOD SUBDIVISION, BEING A SUBDIVISION OF THE WEST 1/2 OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 11, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3331 DARTMOUTH PLACE, EVANSTON, IL. 60201

TOTAL LAND AREA = 5,748 sq.ft.



FENCE LOCATION

LEGEND:

- CHAIN LINK FENCE
- WOOD FENCE
- IRON FENCE
- CONCRETE PAVEMENT
- ENCLOSED FRAME PORCH
- OPEN FRAME PORCH
- OPEN BRICK PORCH
- OPEN CONC. PORCH
- EDGE OF CONCRETE



State of Illinois ss
County of Cook

We, M M Surveying Co., Inc., do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a correct representation of said survey.

Signature: *Zbigniew Domczyk*

Date: *May 26, 2021*

REG. ILL. Land Surveyor No. 35-3758
LIC. EXP. NOVEMBER 30, 2022

ORDER NO. 101894
SCALE: 1 INCH = 16 FEET
FIELDWORK
COMPLETION DATE: 25 MAY 2021
ORDERED BY: MATT ALBRECHT

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, TITLE POLICY AND LOCAL ZONING ORDINANCE, ETC.
LEGAL DESCRIPTION NOTED ON THIS PLAT WAS PROVIDED BY THE CLIENT AND MUST BE COMPARED WITH DEED AND/OR TITLE POLICY. NO CORNERS WERE MONUMENTED PER CUSTOMER REQUEST.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.









GARAGE

DRIVEWAY

PROPERTY LINE

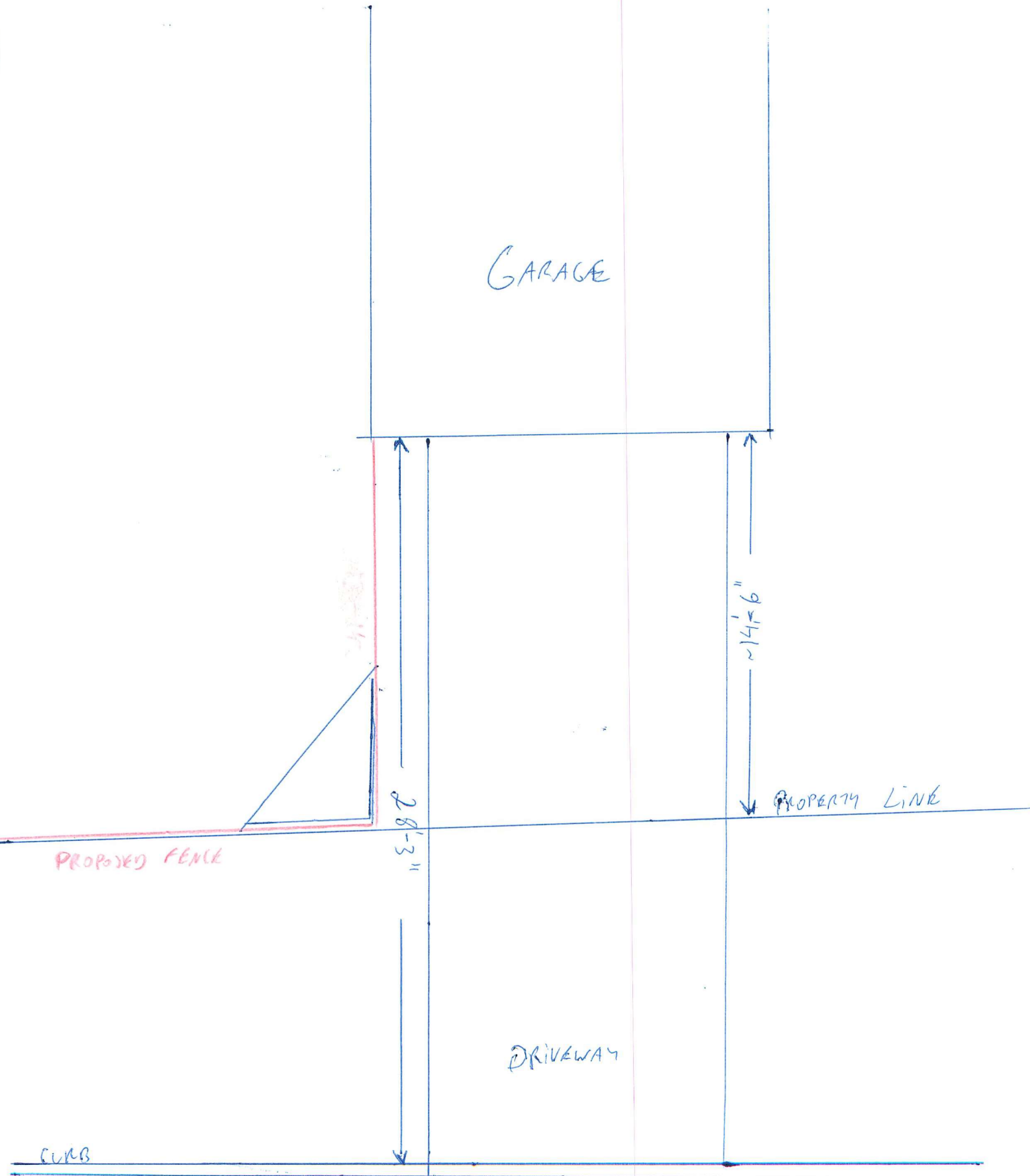
PROPOSED FENCE

CURB

STREET

28'-3"

~14'-6"









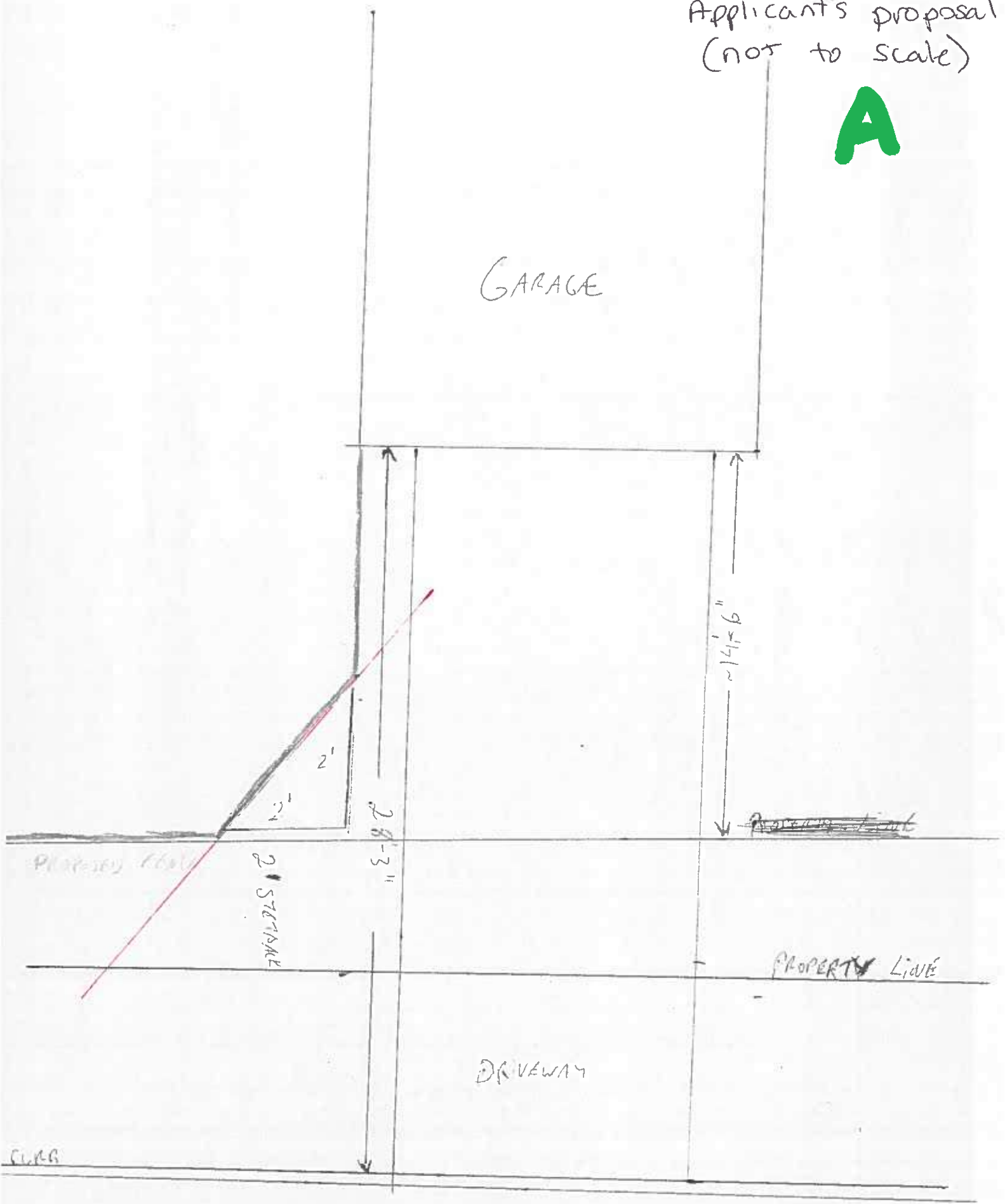
9-21-2022

Applicant's proposal
(not to scale)

A

GARAGE

DRIVEWAY



PROPERTY LINE

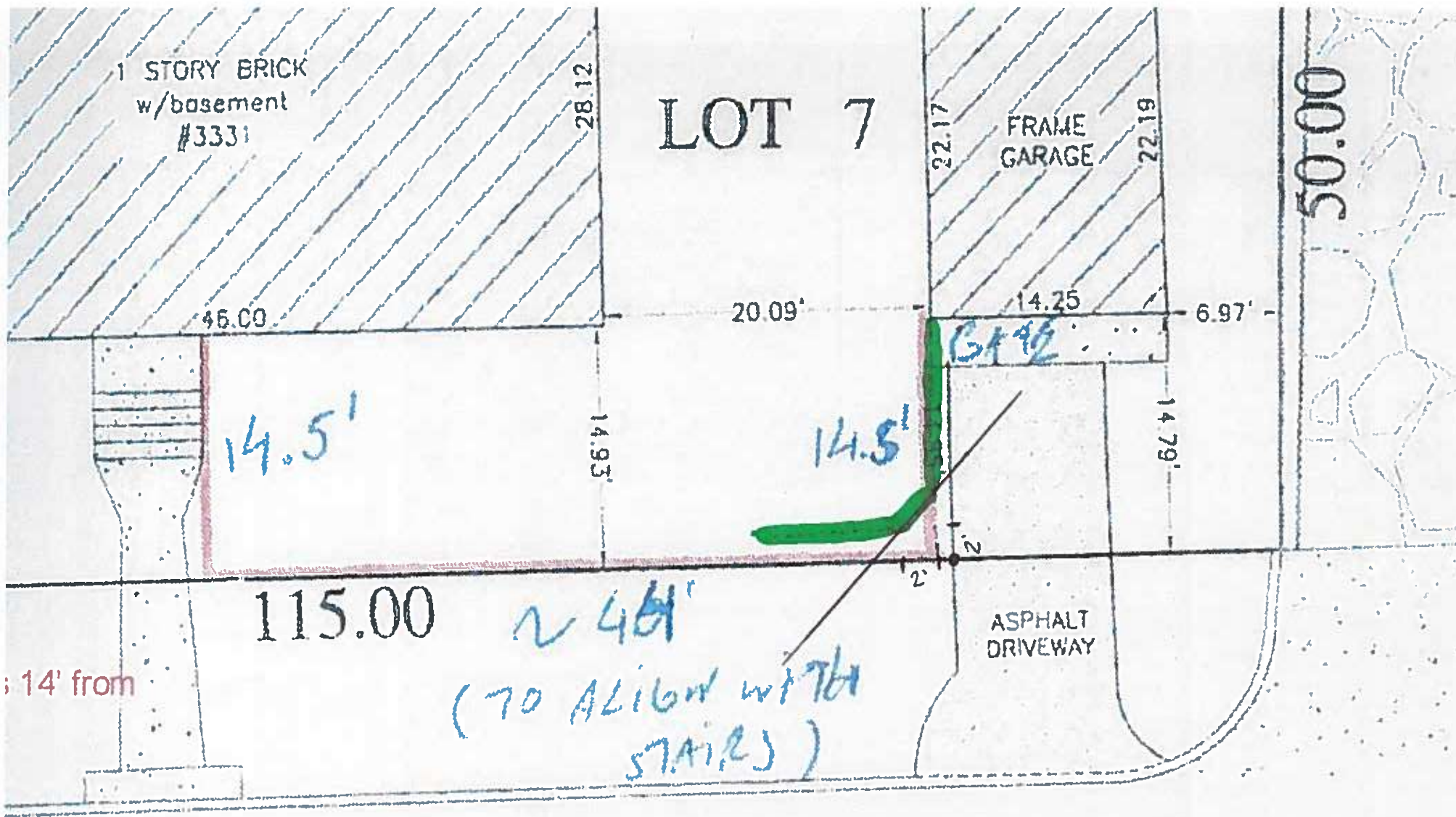
2' STAIRCASE

2'-3"

9'-11/2"

PROPERTY LINE

CLUB



1 STORY BRICK
w/basement
#3331

LOT 7

FRAME
GARAGE

ASPHALT
DRIVEWAY

50.00

46.00

20.09'

14.25

6.97'

14.5'

14.93'

14.5'

14.79'

115.00

~ 46'

(TO ALIGN WITH
STAIRS)

14' from

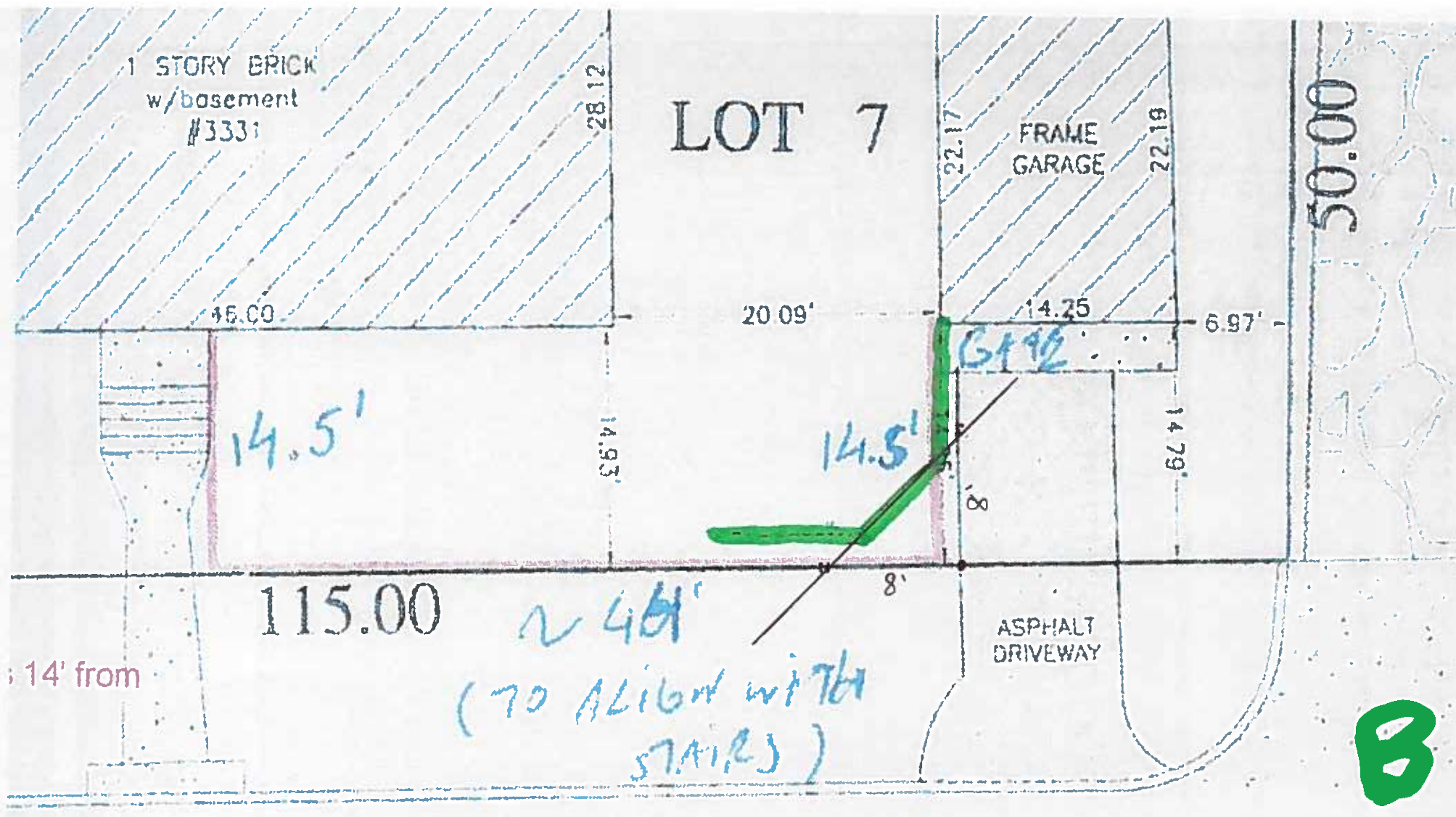
9-21-2022

Applicant's scaled proposal
Establishes ~5' x 5' sight Δ

DOUTH

PLACE

A



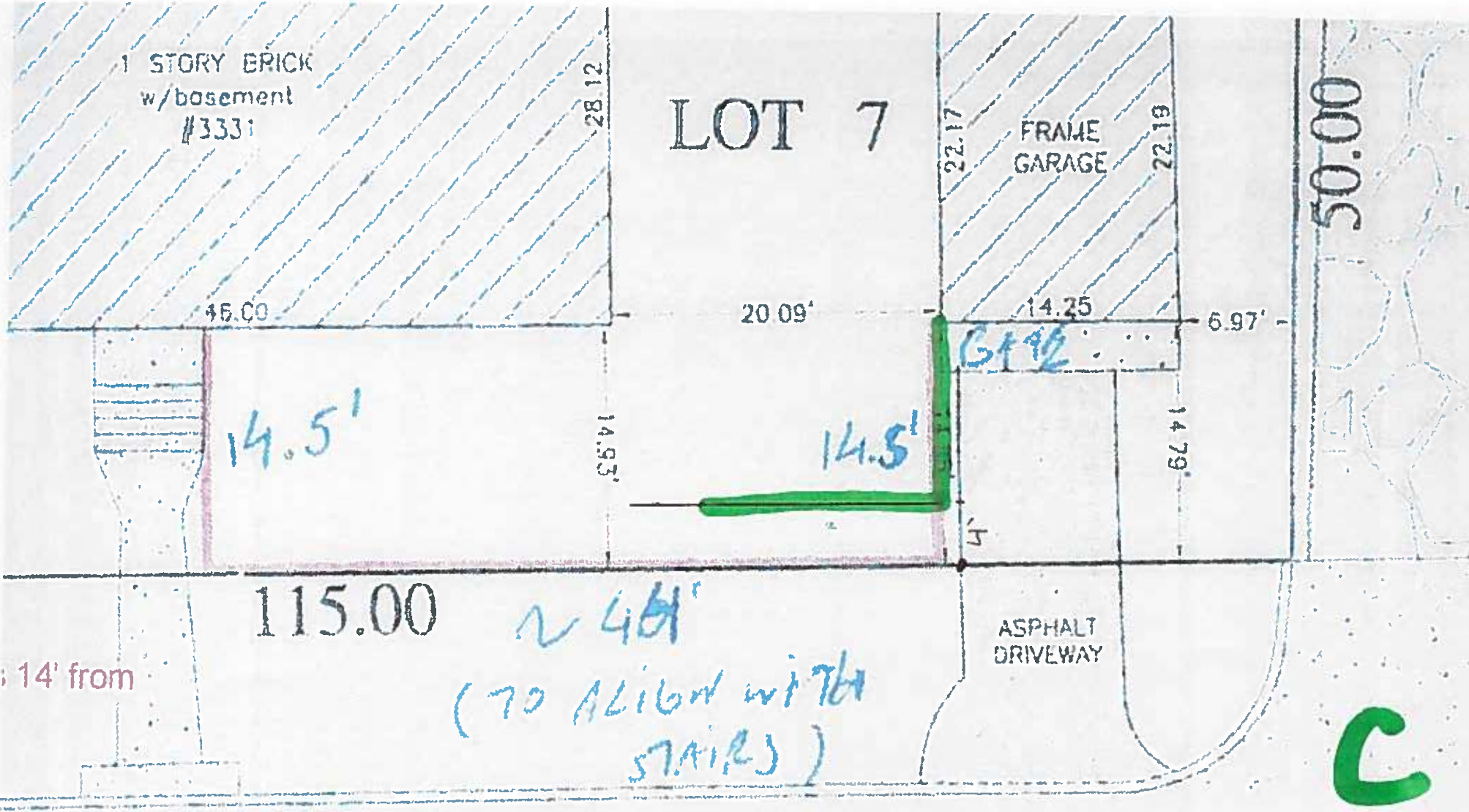
B

DOUTH

PLACE

Sight triangle required by code (8' x 8')

All fencing within sight triangle has a maximum 4' height + 70% opacity.



DOUTH

PLACE

Approved variation:
 4' setback from property line + zero sight triangle required.



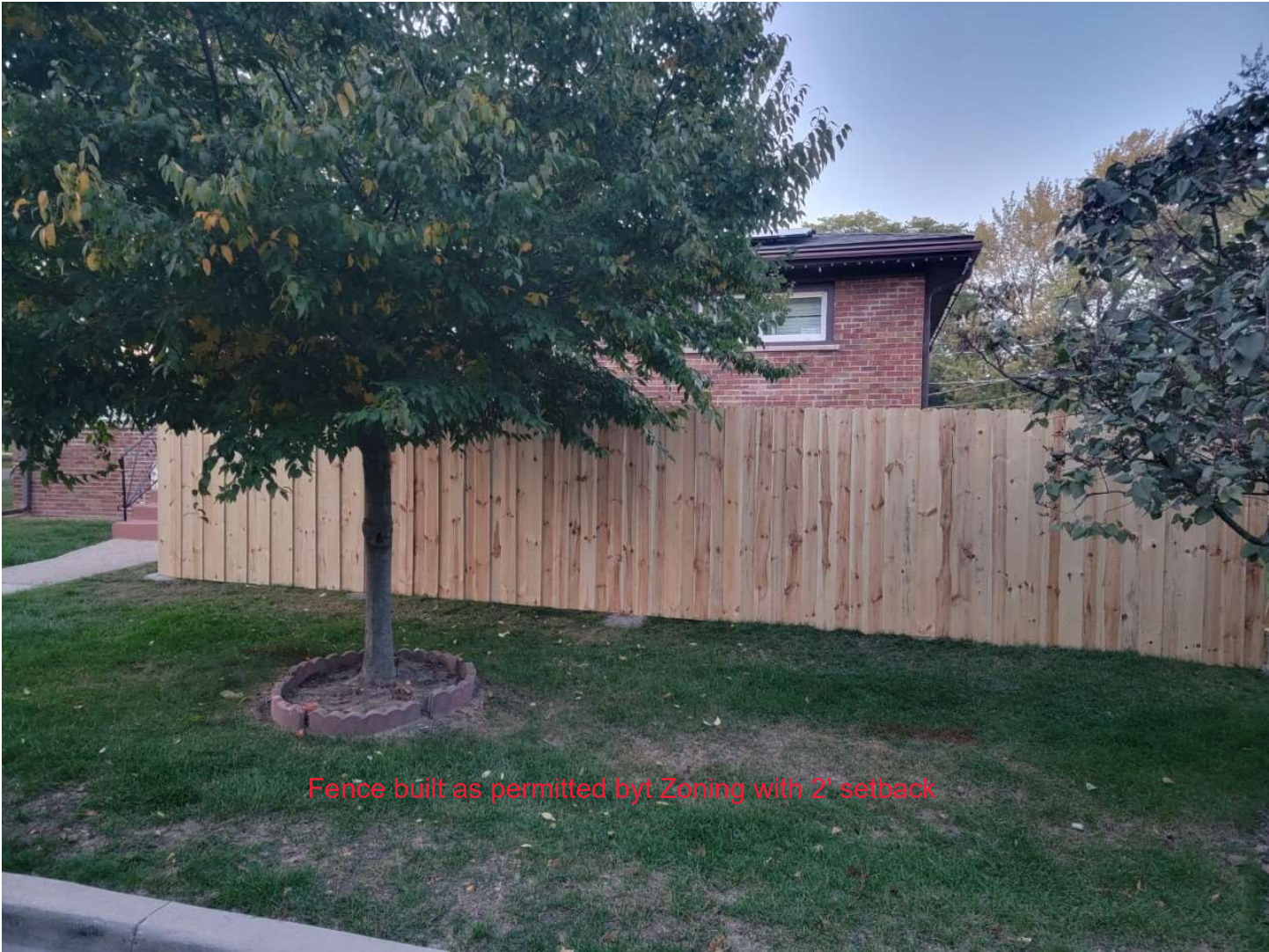
Fence built as permitted by Zoning with 2' setback



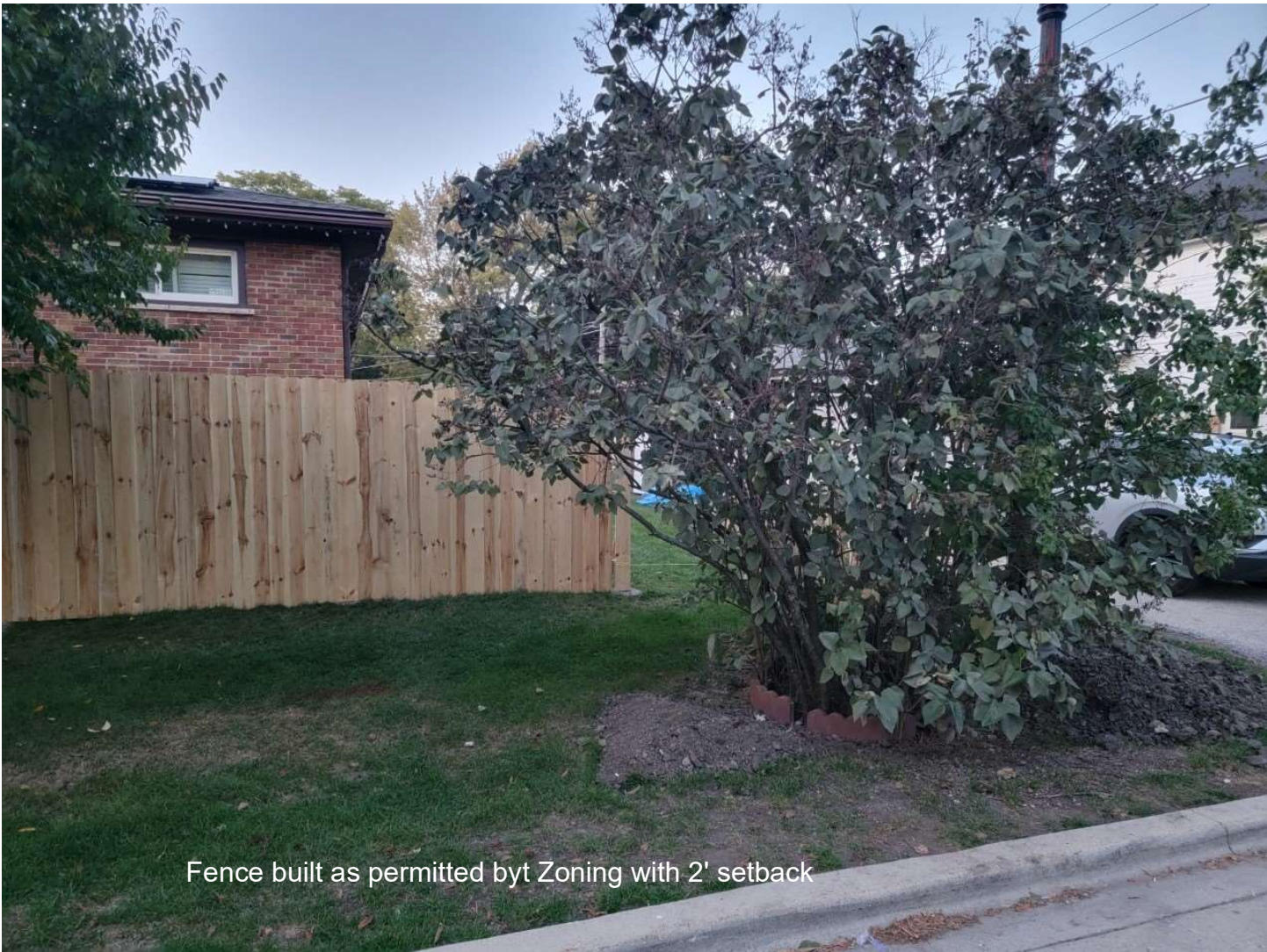
Property line

Right of way

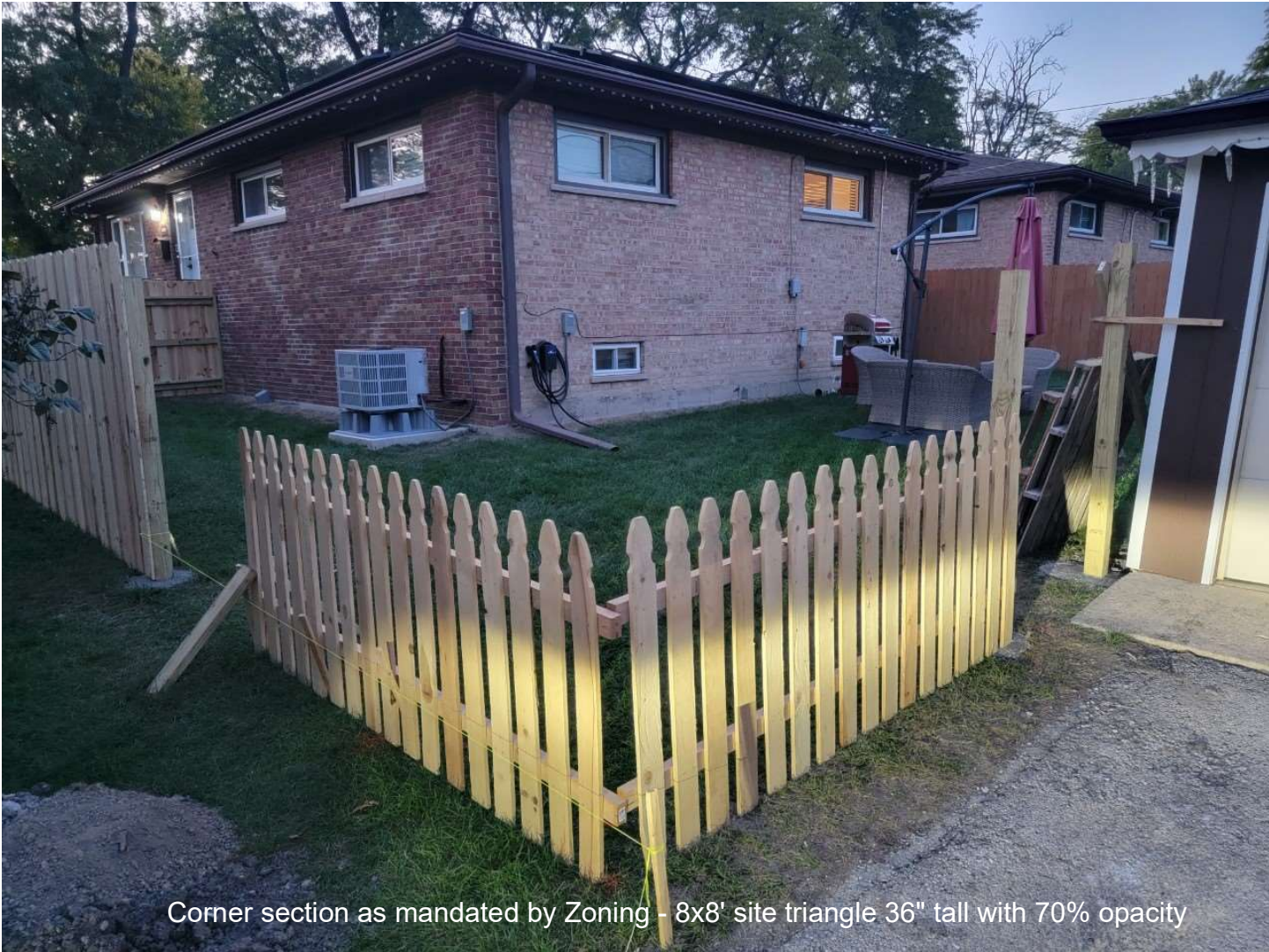
Fence built as permitted by Zoning with 2' setback



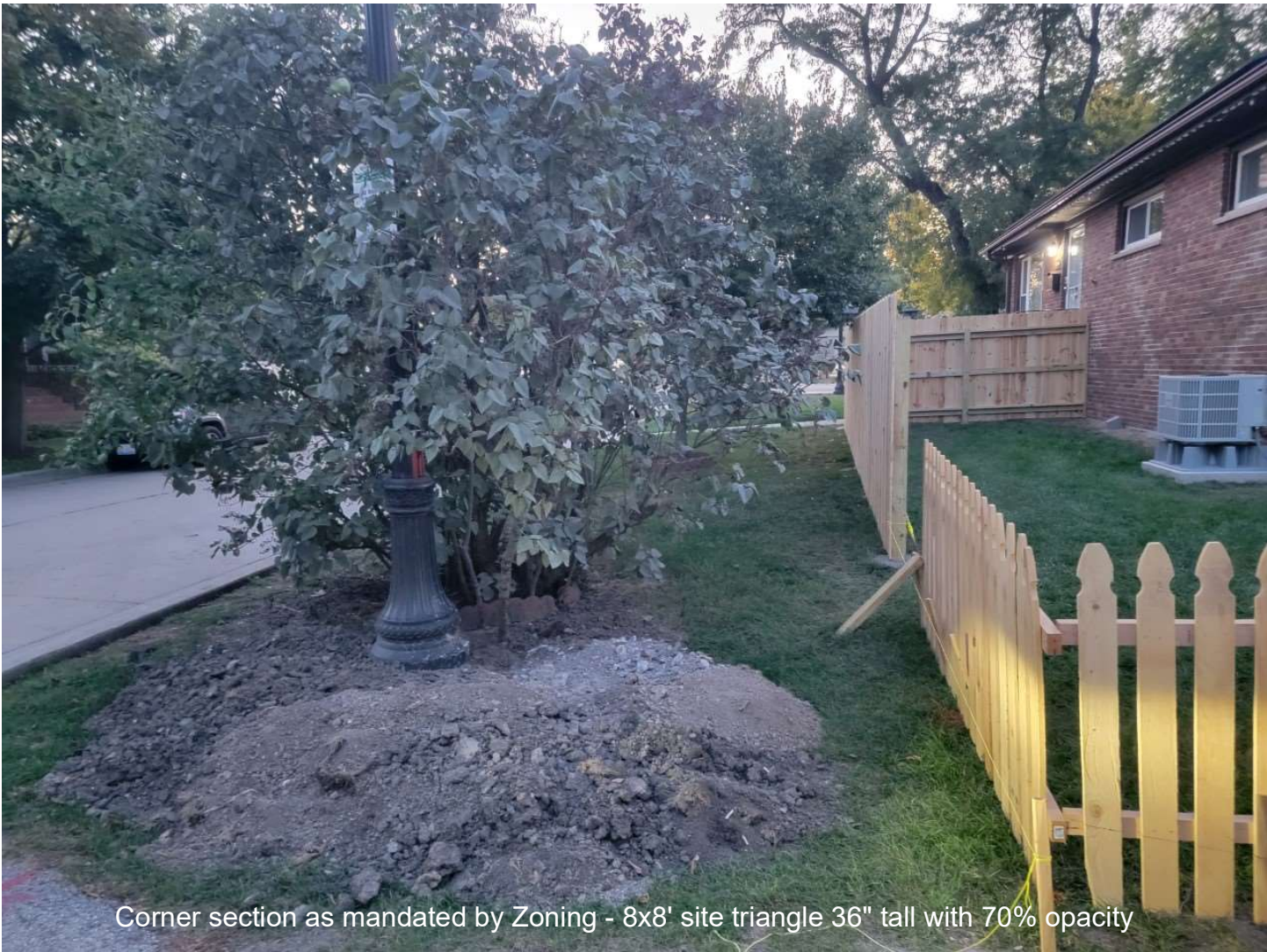
Fence built as permitted by Zoning with 2' setback



Fence built as permitted by Zoning with 2' setback



Corner section as mandated by Zoning - 8x8' site triangle 36" tall with 70% opacity



Corner section as mandated by Zoning - 8x8' site triangle 36" tall with 70% opacity



Corner section as mandated by Zoning - 8x8' site triangle 36" tall with 70% opacity



Corner section as mandated by Zoning - 8x8' sight triangle 36" tall with 70% opacity

Corrected by Staff:

8' x 8' sight triangle is measured starting at the intersection of the property line and driveway.



Corrected by Staff



Melissa Klotz <mklotz@cityofevanston.org>

Re: appeal invoice and next steps

1 message

Melissa Klotz <mklotz@cityofevanston.org>
To: Jacek Wlodek <jwlodek2002@hotmail.com>

Wed, Sep 21, 2022 at 11:14 AM

Jacek,

My stance remains the same since it is based on a safety issue and following the recommendation of Public Works. Regardless, I do not have the authority to change the variation determination once it has been made. The LUC can make small adjustments (or big adjustments) and approve whatever they deem appropriate.

However - see attached comparison of what is required by code, what was approved by variation, and what you proposed today. Today's proposal is close to the same intent as what was approved by variation. If you want this option included in the packet, I can include it and the LUC can consider it as your preferred option at this point. You would need to explain how the vision clearance that is established with the smaller sight triangle is appropriate and you can still adequately see vehicles on the street and pedestrians walking in the City right-of-way area/future sidewalk location. Please confirm you want this included in the packet as shown (I re-scaled your drawing onto the plat to show the real fence location for all options).

Thanks,

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 Wed, Sep 21, 2022 at 6:40 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Melissa,

could you share your stance on appeal? draft of the memo? are you to going recommend no change? or maybe there is room for small adjustments that will make us all happy?...

I floated this idea before - what if we modify shape of fence at sight triangle and leave 2'x2' corner open/fencless (see attached)? see attached - fence outlined in red.

Jacek

From: Melissa Klotz <mklotz@cityofevanston.org>
Sent: Tuesday, September 20, 2022 4:12 PM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: Re: appeal invoice and next steps

Jacek,

I just checked your deck permit and since it has nothing to do with the portion of the fence variation that is appealed, it does not need to be on hold with zoning. I've removed the hold so it should be reviewed by zoning shortly.

Yes, my staff memo will post with the meeting materials for the Land Use Commission the Friday before the meeting.

Let me know if you have any other questions,

Thanks,

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 Tue, Sep 20, 2022 at 3:30 PM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Thank you Melissa, I will make sure to pay it. I presume your memo will be posted on the website at the same time?

Also, I have noticed that my permit application for deck 22DKPC-0059 (really just a landing and stair replacement) is being place on hold due to my LUC appeal. I am confused as why these two unrelated projects are combined by Zoning. Could you please shed some light for me?

Jacek

From: Melissa Klotz <mklotz@cityofevanston.org>
Sent: Tuesday, September 20, 2022 3:09 PM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: appeal invoice and next steps

Jacek,

Attached is the invoice for your appeal case at 3331 Dartmouth. To pay:

Click this link: <https://www.billerpayments.com/app/cust/guestauth.do?bsn=evanpermit>
Enter case number 22ZMJV-0065 exactly like that.
Enter 60201 for zip.
Enter the invoiced amount and credit card info to pay.

The appeal is scheduled for the October 12 Land Use Commission hearing. Mailed notices will get to all property owners within 250 feet of the site some time next week. I will post a public hearing sign at the property at least 10 days before the hearing.

If you have any other documents or info you would like to submit as part of the case, please email it to me. If you want to create a pdf or powerpoint presentation for the meeting, feel free and email that to me at least a day before the meeting so I can get it set on the big screen.

The info packet to the Land Use Commission will post on the City website the Friday before the meeting. Feel free to review it prior to the meeting. Let me know if you have any questions as we get closer to the meeting date.

Thanks,

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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Site plan options.pdf

330K



Melissa Klotz <mklotz@cityofevanston.org>

Re: Fw: 3331 Dartmouth Pl: fence variation application

1 message

Lara Biggs <lbiggs@cityofevanston.org>

To: Jacek Wlodek <jwlodek2002@hotmail.com>

Cc: Elizabeth Williams <ewilliams@cityofevanston.org>, Melissa Klotz <mklotz@cityofevanston.org>

Mr. Wlodek,
Community Development forwarded me your concerns about complying with fence setbacks/sight line provisions.

I am aware that there is currently no sidewalk on Dartmouth Place. However, City Council approved a program last year to improve sidewalks in the City of Evanston. To this end, the City has also authorized the installation of sidewalks in those areas where there are currently sidewalk gaps in order to provide a safer pedestrian experience and support better use of mass transit regarding the proposed changes is attached to this email.

Staff is working on the plan to install missing sidewalks over the next 10-15 years, but it is not yet approved. Therefore, I cannot tell you when the sidewalks will be installed on Dartmouth Place staff to move forward as if the sidewalk will be there eventually. For this reason, staff is requesting you provide the standard setback or sight line requirements. I can meet if you would like to comply with the code regarding setbacks from the ROW line. As I understand, there are two routes to compliance:

1. Fence must be set back 4' from the property line and then the sight triangle is NOT needed; or
2. Fence must be set back 2' from the property line (the usual requirement) and the sight triangle IS needed.

Please let Melissa know if you would like to meet.

Lara N. Biggs, P.E.

Bureau Chief - Capital Planning / City Engineer

City of Evanston

847-448-8210



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

From: Jacek Wlodek <jwlodek2002@hotmail.com>

Date: Thu, Aug 25, 2022 at 7:25 AM

Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

To: Melissa Klotz <mklotz@cityofevanston.org>

Cc: Michael Griffith <mgriffith@cityofevanston.org>, ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>, Agnieszka Skwarek <askwarek@hotmail.com>

Melissa,

I appreciate that you are sharing with me number 311, however I don't have very good experience and frankly no success in receiving relevant information while using person in proper department, who can provide answers?

While scanning copy of the Code, I found that 5 feet clearance is required for pedestrian passage. Is this requirement relevant to my situation. Or for some reason it is

Sincerely,
Jacek

From: Melissa Klotz <mklotz@cityofevanston.org>
Sent: Wednesday, August 24, 2022 10:50 AM**To:** Jacek Wlodek <jwlodek2002@hotmail.com>**Cc:** Michael Griffith <mgriffith@cityofevanston.org>; ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>**Subject:** Re: Fw: 3331 Dartmouth Pl: fence variation application

Jacek,

"Right-of-way" is discussed in detail in Title 7, Public Ways, of the City Code and is available [here](#). "Grassy" is my own descriptive word. For further details on Title 7 or an exact definition, contact the right-of-way area as that does not matter to the zoning requirements that apply to the private property, but Public Works may know, and can explain any other requirements you are inquiring just that it could or may be added in the future. Feel free to inquire with public works on this.

Approximate property lines and right-of-way from an aerial view with GIS:



Thanks,

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 Wed, Aug 24, 2022 at 7:23 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Melissa,

in your email below you have mentioned "grassy right of way". I have questions regarding what "grassy right of way" area is. I have highlighted those sections in you

"While your property does not currently have a sidewalk, people may still walk along the grassy right-of-way area to get to Crawford"

- Where the "grassy right of way" is defined in city code?
- what are the exact dimensions/requirements of "grassy right of way" that are applicable to 3331 Dartmouth PL?

the typical 2' required setback is a buffer for the public sidewalk area/where people may walk in the grass/future public sidewalk area

- I have bought house a year ago and was not aware that City has plans to build public sidewalk in my neighborhood. Could you provide more information about it? Tim

Jacek

From: Jacek Wlodek <jwlodek2002@hotmail.com>

Sent: Tuesday, August 23, 2022 9:17 AM

To: Michael Griffith <mgriffith@cityofevanston.org>

Cc: Melissa Klotz <mklotz@cityofevanston.org>; ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>

Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Michael,
 Understood.

On Friday 8/19/2022 I have made payment on permit application you a have approved on 8/19/2022. I still did not receive permit. Please advise.

Jacek

From: Michael Griffith <mgriffith@cityofevanston.org>

Sent: Tuesday, August 23, 2022 8:53 AM

To: Jacek Wlodek <jwlodek2002@hotmail.com>

Cc: Melissa Klotz <mklotz@cityofevanston.org>; ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>

Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Jacek,

The revised plan does not comply with the approved variation. The determination notice is attached.

Either the fence is setback 2' from the property and the required site triangle is provided, OR
 The fence is setback 4' from the property line and a site triangle is not required.

Respectfully,
Michael Griffith
 Planner

Planning & Zoning Division
 Community Development Department
 Morton Civic Center
 City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-8155 | 847-448-4311

mgriffith@cityofevanston.org
cityofevanston.org



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On Tue, Aug 23, 2022 at 7:59 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Melissa and Michael,

I have revised fence plan again. Please see attached and let me know if this is acceptable. I believe it is within the compromise you have offered - see excerpt from

"Along the street side property line, there is nothing to prevent installing a 6' tall privacy fence meeting the minimum 2' setback off the property line and locating it outside c approved allows a 6' tall privacy fence to be installed without a site triangle as long as the fence is setback 4' from the property line, half the distance of an 8' site triangle."

I am proposing to erect 6 foot tall, solid fence with two feet set back from property line. The fence will not be installed at corner of driveway and fence line - 2x2 feet trianl back from property line, half the distance of 8' triangle, just the way it was approved in variation decision.

I hope this plan can be approved and we can carry on without further appeals to Land Use Commission.

Jacek

From: Melissa Klotz <mklotz@cityofevanston.org>
Sent: Monday, August 22, 2022 12:17 PM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Cc: ewilliams@cityofevanston.org <ewilliams@cityofevanston.org>; Michael Griffith <mgriffith@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>
Subject: Re: Fw: 3331 Dartmouth Pl: fence variation application

Jacek,

I did look over the examples you provided - most are the exact unsafe situation we are trying to avoid. The driveway sight triangle is a newer regulation (roughly 5 years old) so there al would be granted today. That situation is allowed along the alley since alleys are not meant to be pedestrian paths.

If you do move forward with the appeal, you will want to explain how/why the sight triangle is not necessary - we want vision clearance from the driver of the vehicle (tall or short vehicle see all vehicles and pedestrians (tall or short) before the rear of the vehicle gets to those areas. Since it is a safety concern, I do not expect to change my stance on that, but if you can may change the final determination.

Let me know if you have any other questions,

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, Aug 22, 2022 at 10:57 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Melissa,

thank you for prompt reading and commenting on my overly long email. I understand and agree with all your comments (see comments in red below), except fo will give you a good idea how specifically my yard is placed. Did you have a chance to see pictures of driveway I have attached? what is even more frustrating is t same position - with even much shorter driveways crossing through sidewalk and street - and the fences built don't have site triangles. I have sent pictures along

I understand the arguments, but I think they may not apply to my case and bring little benefit to the public at the big cost to me. I am not sure how to present m

Please let me know what information or what format may be more helpful for you. If you want to meet in person or zoom I am fine with that, but maybe it woul

At this point I am determined to appeal the decision, since it seems as the only way to have it overturned. Of course I would love to have you on my side after ga

Jacek

773-865-8137 (feel free to call me anytime)

From: Melissa Klotz <mklotz@cityofevanston.org>
Sent: Monday, August 22, 2022 9:49 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Cc: Agnieszka Skwarek <askwarek@hotmail.com>; Michael Griffith <mgriffith@cityofevanston.org>; Elizabeth Williams <ewilliams@cityofevanston.org>
Subject: Re: Fw: 3331 Dartmoun Pl: fence variation application

Jacek,

I have re-reviewed your fence variation documents and the comments you provided, and have the following responses and details for you:

- You have the right to submit an appeal application within 10 days of the determination that was made - so you have until August 31st to submit if you choose to appeal. The appeal Commission for a new determination and would likely be scheduled for the September 28th Land Use Commission meeting, which is the next available agenda date. **OK**
- The determination made has already been finalized with the public notification sent out, so the determination could only be changed now via an appeal to the LUC. **OK**
- The sight line variation request: sight lines are safety concerns. It is imperative to make sure there is proper vision clearance for drivers backing out of driveways, as well as ve of-way area where a public sidewalk would normally be located. While your property does not currently have a sidewalk, people may still walk along the grassy right-of-way area due to safety/liability concerns. **I did not apply for sight line variation. In my opinion fence without site triangles presents no obstruction for sight lines for me on driveway or any 20 feet from driveway - far away from intersection of street and alley or driveway. I have send pictures of my driveway hoping that they will make my point much clearer.**
- It is understandable that you want the fence as close to the property line as possible to maximize your fenced in area. Given the lot shape and corner lot, it makes sense to put 2' required setback is a buffer for the public sidewalk area/where people may walk in the grass/future public sidewalk area. 0' setbacks are problematic because fences, lands area and blocking the pedestrian area. 0' setbacks are very rarely granted since the required setback is only another 2' back. **OK, I am not going to question that part of decision reality is 14 feet from street - leaving plenty space for pedestrians, snow or any other uses.**
- Given the above, it is definitely understandable that you do not want to push the fence further back to a 4' setback. You do not HAVE to. It is a trade off given the sight triangle setback, your fencing stays out of the sight triangle area so you are able to have the fence height and style of your choosing. If it isn't worth it to you to have that fence height : fence setback and instead can just comply with the 2' setback plus regular sight triangles. **there is no safety concern. the fence does not obstruct visibility of people on driveway privacy at the cost of 90 square feet of yard**
- 3' front facade setback at NW corner of the house was granted in full considering your window and stair locations. **I have never questioned that part of decisions**
- AC unit: I don't fully follow where you intend to locate the AC unit. Be aware of AC location regulations: the unit may be in the Dartmouth yard as long as it is setback at least 4' OR at least 4' from the Dartmouth property line, within 30' of the alley property line, and also at least 3' away from the alley property line and N interior side property line. Feel will comply or not. **A/C move was already approved by Zoning, inspection was performed. No action on that.**

With these explanations I hope you understand how/why the fence variation was granted in part. If you choose to appeal, these explanations will be conveyed to the LUC for consider change the determination (which could be a full denial or full granting). Let us know if you have additional questions or would like to meet virtually or in person to go over the variation

Thank you,

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, Aug 22, 2022 at 6:41 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Just resending message - had to remove video of trespasser, too big for transmission.

From: Jacek Wlodek <jwlodek2002@hotmail.com>
Sent: Sunday, August 21, 2022 6:27 PM
To: mklotz@cityofevanston.org <mklotz@cityofevanston.org>
Cc: Michael Griffith <mgriffith@cityofevanston.org>; Agnieszka Skwarek <askwarek@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Melissa,

I have been working with Michael on my fence and fence variation applications. Our property is located at the corner lot of Crawford and Dartmouth. Although I decided to fence our property (see video of trespasser climbing A/C to peer through windows that are 10 feet above the ground <https://ring.com/share/1E>) While planning the fence our goals were creating quiet and cozy place for our family, securing safety or our assets and privacy at the same time.

Another prevalent factor that came to attention was the size of the fenced property. We decided we want to maximize our fenced holdings - pushing fence as far as possible, garden plots, or more room to play soccer and play with pets.

Even though we have received no negative comments in response to our fence variation, requested variations were not accepted as follows:

2' set back reduction to 0'

We are required to maintain 2 feet set back from property line, even though property line is located 14 feet from curb and street giving city enough space for us to use. There is no sidewalk we are bordering. This set back means we are losing 90 square feet of usable land to keep it outside the fence. We are still required to maintain practical use.

The setback also makes it impossible to built enclosure on south east corner for A/C unit, which needs 3-4 feet breathing space around per manufacturers recommendation (narrow passage by the fence).

8x8" Site triangle - max 4' tall, 70% opacity - to permit 6' tall solid fence

We were offered very costly compromise in order to remove requirement for 8x8 site triangle - we can avoid it by setting the fence back 4 feet from property line outside the fence, with no use to us, but cost to maintain and pay real estate taxes. Side yard would become very narrow, and basically with no practical use due to

Disadvantages and expense of being corner lot owner

I have to mention that as the owner of corner lot there are specific requirements that are making my ownership much more expensive and less comfortable than if I had back fences dividing them from their neighbors by 2'. I am responsible for maintaining of 1,610 square foot of the lawn that is not my property. My side yard is see-through fences. Variances are possible, but process is costly, time consuming and as my example shows not always successful.

Permit

At this point, due to time constraints, we have decided to go with construction of fence with 2 feet set back and including required site triangle (up to 4 feet away from property line). I am prepared to contest site triangle part of this decision to Land Use Committee. In case of positive decision we will simply swap two corner sections of the fence

I am hoping that we can resolve this issue without taking that step - it would save time for me and all city and Committee officials involved along with financial cost (I remind the whole cost of project is \$2,000). Let me lay out all relevant facts that in my opinion show that site triangle has little practical use, and as a matter of fact, for protection we were expecting while building fence :

- The length of the driveway is 28 feet. The fence, even if placed at property line would be 15 feet long, leaving remaining 13 feet of driveway with unobs
- site triangle leaves open window to everyone to peer at our back yard, it contents and our activities
- low height of site triangle allows anyone to scale it very easily and grab what they want
- No part of the fence falls into 20' triangle required at alley and street as set per city code
- Most importantly I have noticed that there are several households in my neighborhood, that seem to be in same situation as mine and they were grante
 - 2128 Lincolnwood - no site triangle at driveway, no set back from property line
 - 2131 Lincolnwood - no site triangle at driveway
 - 2726 Payne - no site triangle at driveway
 - 2320 Prospect - no site triangle at driveway and street (driveway backing out directly to Dartmouth)

See attached pictures of my yard with picket fence permitted to install at its location per current plan to better visualize circumstances we are faci along the south elevation of the house are 6' tall solid fence. All placed at 2' setback.

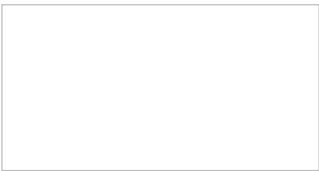
Summary of expenses and time involved:

- \$2,000 - total cost of fence
- \$700 - cost of fence variance application and appeal along with additional mailings.
- 1 month - Time to process variance application
- 2 months - Time to appeal denial
- application was submitted on 6/30/2022
- permit was issued on 8/19/2022 (with site triangle required)

In summary administrative expenses increased the cost of fence by 30%. Process to obtain permit took 50 days. another 60 days are needed to e Committee. In the meantime, prices of material, labor are sharply going up and winter is coming very quickly, making chances of finalizing the proj

thank you for attention to this email and prompt response

Jacek Wlodek
773-865-8137



Ring #AlwaysHome

Check out this video! I just captured it with my Ring Camera!

ring.com

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Friday, August 19, 2022 10:48 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Jacek,

The picket fence detail you emailed is acceptable for the site triangle. I've signed off on the subject with the last site plan and fence details as the approved plan. The permitdesk w

Concerning the Zoning Administrator's decision on the fence variation application, please contact:

Melissa Klotz, Zoning Administrator, mklotz@cityofevanston.org

Respectfully,

Michael Griffith
Planner

Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-8155 | 847-448-4311

| mgriffith@cityofevanston.org
| cityofevanston.org



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On Thu, Aug 18, 2022 at 10:02 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Michael,
apologies but i have updated the print I have sent in the morning. Previously, location of A/C unit was not disclosed. See at the southeast corner of the build property (easy to steal, people climbing to peer through window). It projects far into the yard and obstructs the yard. Another reason we petitioned to have that will affect the site triangle requirement?

From: Jacek Wlodek <jwlodek2002@hotmail.com>
Sent: Thursday, August 18, 2022 7:08 AM
To: Michael Griffith <mgriffith@cityofevanston.org>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Michael,
thank you for the phone call yesterday. Revised fence plan is attached along with picture of the fence to be used for site triangle. Please issue permit.

As discusses yesterday, you have not convinced me as to rationale of having site triangle at driveway, in the light of safety and privacy issues I have presentec part of decision with Land Use Committee. I will forward filled out application within next few days.

Jacek Wlodek
773-865-8137

From: Jacek Wlodek <jwlodek2002@hotmail.com>
Sent: Wednesday, August 17, 2022 8:36 AM
To: Michael Griffith <mgriffith@cityofevanston.org>
Subject: Fw: 3331 Dartmouth Pl: fence variation application

Michael,
due to time constraints, I am willing to accept proposed compromise:

- south side fence will be placed with two feet set back off the south property line
- the fence will be 6 feet tall, solid - except as noted below
- site triangle at the driveway and the alley (8'x8', fence height not to exceed 4' and maximum 70% opacity/solid) will be installed. Sample attached.

Please issue the permit at your earliest convenience.

Please note that I am going to appeal the decision regarding the site triangle. If Land Use Commission approves my appeal, that section of the fence will be replace

Also, with this email I have to express my disappointment with the appeal process. I thought the process is designed to allow homeowners for a changes in their pro fact that there are no negative comments from neighbors, is indicative of positive decision. However, it appears that in the end it is administrative decision by Zoning

Most importantly I still dont understand on what ground requested variations were denied. Clearly there must be some higher public interest, city interest tf

Site triangle at the driveway and property line (see atached)

The length of the driveway is 28 feet. The fence, if extended to property line would be 15 feet long, leaving remaining 13 feet of driveway with unobstructed me that we are required to have it at cost of our privacy and safety? What are the benefits to the public and neighbors? it seems also that our privacy and sa footage showing people trespassing at night and climbing to the windows.

Fence placed at property line

I understand general code requirement of 2 feet set back of property line, which makes sense if fence would sit right on sidewalk or the street limiting visibil property line and street, leaving plenty of space for city projects and needs. All the utility lines are burried in the middle of that space. Why am still required tax bill be reduced because I am forced to giveaway use of part of my land?

Thank you for your help in the process

Jacek
773-865-8137

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Tuesday, August 16, 2022 11:19 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Jacek,

The determination on the application has been made.

Respectfully,
Michael Griffith
Planner
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-8155 | 847-448-4311

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mgriffith@cityofevanston.org
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On Tue, Aug 16, 2022 at 10:15 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Michael,
thank you for prompt response. In the morning I have sent you another email with detailed drawing of my driveway, questioning rationality of having site triangle Administrator if in this situation (very long driveway) site triangle is necessary. I am willing to settle for solid fence two feet of property line without site triangle.

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Tuesday, August 16, 2022 9:47 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Cc: Agnieszka Skwarek <askwarek@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Jacek,

The determination notice noting the Zoning Administrator's decision was emailed to you noting the fence variation was approved with conditions.

We did not receive comments regarding the fence variation application.

At the northwest corner of the residence, the requested variation was approved. The fence is not required to be setback 3' from the west street facing facade given the location.

Along the street side property line, there is nothing to prevent installing a 6' tall privacy fence meeting the minimum 2' setback off the property line and locating it outside of the property line allows a 6' tall privacy fence to be installed without a site triangle as long as the fence is setback 4' from the property line, half the distance of an 8' site triangle.

You may appeal the Zoning Administrator's decision to the Land Use Commission. The Land Use Commission may reverse or affirm, wholly or partly, or may modify the Zoning Administrator's decision. It is also possible the Land Use Commission may find that the areas of the fence are to meet zoning code requirements.

To appeal:

- Complete an appeal application and email it back to me by August 31, 2022. Ignore the application where it says to return the application to the Zoning Office, email the application to me.
- Application fee: \$275. The application fee is not refundable. A follow-up email will be sent with a link to pay the fee online.
- Once the appeal application is submitted the case will be scheduled for the next available Land Use Commission public hearing date.
- Public notice is mailed to all property owners within 500'. We use The Blueprint Shoppe to mail public notices, they bill applicants directly.
- The process may take approximately 2 months depending on the next available public hearing date.

Respectfully,
Michael Griffith
Planner
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

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On Mon, Aug 15, 2022 at 9:47 AM Jacek Wlodek <jwlodek2002@hotmail.com> wrote:

Michael,
thank you for your response. Before we carry on I have couple of questions:

- What is the basis for the decision?
- Are we going to receive formal response explaining why our petition was rejected?
- Were there any negative comments from the neighbors that affected decision?

- What are our options in terms of appealing south side fence decision?
- What is the timeline if we decide to appeal?
- What are the chances of succeeding in the appeal?
- Was the video from security camera added to the application file?

I am looking forward to get rid of requirement to have triangle at 4' tall. And of course to push the fence as far as possible toward the property line.

- would the fence style affect the decision?
- are the styles attached considered 70% opacity?

If you think it would be easier to discuss I am available at my cell.

Sincerely
773-865-8137

From: Michael Griffith <mgriffith@cityofevanston.org>
Sent: Monday, August 15, 2022 9:09 AM
To: Jacek Wlodek <jwlodek2002@hotmail.com>
Subject: Re: 3331 Dartmouth Pl: fence variation application

Jacek,

The fence variation has been approved subject to conditions:

- The fence is permitted to be placed at the northwest corner of the residence, a setback is not required.
- A site triangle is not required at the driveway and property line intersection with the 6' tall solid fence setback at least 4' from the south street side property line.

If you want to place the fence closer to the south property line, then it must comply with the zoning code, minimum 2' setback off the south property line and provide the req 70% opacity/solid).

Approval notice is attached.

Please email me a revised site plan for the fence permit based on the above conditions and then I can sign off on the fence permit.

Respectfully,
Michael Griffith
Planner
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

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 Memo-2022 Sidewalk Improvement Recommendations - 2022 09 27.pdf
1285K



Memorandum

To: Honorable Mayor and Members of the City Council
From: Lara Biggs, Bureau Chief - Capital Planning/City Engineer
CC: David Stoneback, Public Works Agency Director
Subject: Recommendations for the 2022 Sidewalk Improvement Program
Date: September 27, 2021

Recommended Action:

Staff is providing recommendations for a new sidewalk program to begin implementation in 2022.

Funding Source:

Detailed funding information included is included in the attached memo.

Council Action:

For Action: Accept and Place on File

Summary:

On 6/28/21, staff made a presentation to the Administration and Public Works Committee that included an analysis showing how the existing sidewalk improvement program did not comply with the Climate Action and Resilience Plan (CARP), equity and City Council goals. Six potential options for program improvement were presented in the memorandum to the Committee (this memo is attached for reference).

Based on feedback received, proposed changes for the sidewalk improvement program are detailed below. The budget request for 2022 is as follows:

Project	Funding Request	Funding Source	Notes
Sidewalk Improvement Program	\$350,000	2022 G.O. Bonds	Replace deteriorated sidewalk squares in high hazard or high priority locations
	\$200,000	Community Development Block Grant (CDBG)	Replace deteriorated sidewalk squares in CDBG areas. Staff will submit applications for CDBG funding during the funding request cycle.
	\$300,000	West Evanston TIF	Replace deteriorated sidewalk squares in the West Evanston TIF area
	\$250,000	West Evanston TIF	Create a workforce development program related to sidewalk construction
Sidewalk Gap Infill Program	\$150,000	CDBG Funds	Design & construct 2 sidewalk gap infills on Foster Street between Jackson and Dewey (by the Fleetwood Jourdain Center). Staff will submit applications for CDBG funding during the funding request cycle.
	\$200,000	West Evanston TIF	Design sidewalk gap infills/ streetlight improvements on Greenleaf, Grey to Pitner, and Hartrey, Greenwood to Greenleaf, that would be constructed in 2023

The recommended changes are detailed below.

Recommendation 1 - Remove the 50/50 Cost Share Requirement - Because of the inequity of the existing sidewalk program, staff is recommending that, beginning in 2022, the City of Evanston will pay the full cost of sidewalk repairs. No cost share by the adjacent property owners will be requested. High hazard and high priority locations will be prioritized. If a property owner wants to have their location prioritized, it can be included in the City's sidewalk improvement contract, but the property owner will need to pay 100% of the cost.

Recommendation 2 - Prioritize Sidewalk Repair Locations Based on Equity/Need - Locations for improvement will be determined based on known sidewalk locations with temporary repairs. Staff will prioritize repair locations based on criteria such as severity of repair and location in a high-priority area (e.g. adjacent to schools). In 2022, staff proposes to primarily repair sidewalks located on the identified Safe Routes to School and adjacent to senior living facilities.

Recommendation 3 - Increase Annual Funding - There is a large backlog of sidewalk repairs, and a clear need for addressing the backlog. Staff is recommending that annual funding for sidewalk maintenance and repair be increased from \$180,000 annually to \$350,000 annually.

If the sidewalk on the identified Safe Routes to School and adjacent to senior living facilities is the highest priority, it will take at least 2-4 years at the increased funding level to repair all of the sidewalk in these categories. The additional annual funding will come from general obligation debt unless another source of revenue, such as ARPA funds, can be identified.

Recommendation 4 - Sidewalk Gap Infill/Streetlight Modernization Pilot Program - Staff is recommending a pilot project in a Community Development Block Grant (CDBG) - eligible area to complete a combined sidewalk/streetlight modernization project. Since the City staff does not include electrical engineers, a consultant would be hired to prepare the contract documents over the winter, with construction occurring in Summer 2022. Staff will apply for CDBG funding for this project. It will be limited to 2 locations, so that staff can work out any procedures or complications from doing this type of project, including a robust community engagement program for adjacent property owners. For 2022, staff is recommending sidewalk gap infill for 2 locations on Foster Street, Jackson to Grey, as this area is near to Fleetwood-Jourdain Community Center and Family Focus.

In 2018, the City Council adopted the Streetlight Master Plan, a set of standards for streetlight improvements. It was identified that there are many locations throughout the City where streetlight locations are spaced too far apart to adequately provide light continuously along the sidewalk. Revising streetlight locations to be closer together typically has sidewalk impacts as the streetlight foundations are relocated. Therefore, where gap infill projects are planned, staff recommends replacing the streetlights in conjunction with sidewalk installation to conform to the adopted standard of lighting, whenever it is practical. These locations are almost entirely in residential locations with Tallmadge lights, and any new streetlights will be Tallmadge lights with LED fixtures. Combining these two types of construction will improve compliance with equity and Climate Action and Resiliency Program (CARP) plan goals.

Recommendation 5 - Sidewalk Gap Infill/Streetlight Modernization Program - Similar to Recommendation 4, staff is recommending moving forward with a combined sidewalk gap infill and streetlight modernization program. The initial program will be funded through CDBG and the West Evanston TIF. In winter 2021-2022, target locations for improvement will be identified. In 2022, a consultant will be hired to provide design services for the target locations. Construction will be scheduled for 2023. Eventually, this program will spread beyond CDBG and TIF areas, and a source of funding will need to be provided for those areas. If alternate funding sources are identified sooner, areas outside of CDBG/TIF eligible can be addressed more quickly.

Recommendation 6 - Identify Alternate Funding Sources - Currently the sidewalk improvement program is paid entirely by general obligation bonds issued annually, which results in \$150,000 - \$180,000 of annual debt. Staff has identified potential funding sources as follows for both short and long-term program implementation:

Sidewalk Maintenance and Repair			
Funding Source	One-Time¹ or Annual	Proposed Amount	Notes
General Obligation Debt	Annual	\$350,000	Increase from existing \$180,000
General Obligation Debt	One-time	\$2,000,000	Begin construction in 2023
CDBG	One-time	\$500,000 ³	Geographically limited
TIF	One-time	\$500,000 ³	Geographically limited
American Rescue Plan Act (ARPA) ²	One-Time	\$2,000,000	Funding use priority not yet determined; would substitute for general obligation debt

Notes:

1. "One-time" fees may actually be applied over multiple years based on the needs of the backlog of repair locations, but will end within a few years as the backlog is addressed.
2. Sidewalk improvements are not an allowable infrastructure expense under the ARPA rules, but funding recouped as revenue loss can be redirected into infrastructure such as sidewalk improvements.
3. Costs are estimated and will be refined as staff completes a more detailed analysis.

Sidewalk Gap Infill Projects			
Funding Source	One-Time¹ or Annual	Proposed Amount	Notes
General Obligation Debt	Annual	\$300,000	Increase from existing \$0
General Obligation Debt	One-time	\$2,000,000	Begin construction in 2024
CDBG	One-time	\$1,000,000 ³	Geographically limited
TIF	One-time	\$2,000,000 ³	Geographically limited
American Rescue Plan Act (ARPA) ²	One-Time	\$2,000,000	Funding use priority not yet determined; would substitute for general obligation debt

Notes:

1. "One-time" fees may actually be applied over multiple years based on the needs of the backlog of repair locations, but will end within a few years as the backlog is addressed.
2. Sidewalk improvements are not an allowable infrastructure expense under the ARPA rules, but funding recouped as revenue loss can be redirected into infrastructure such as sidewalk improvements.
3. In CDGB and TIF areas, the proposed funding includes costs to modernize streetlights in affected areas.

Attachments:

[City Council Memo on Sidewalk Issues, dated June 28 2021](#)



Memorandum

To: Members of the Administration and Public Works Committee
From: David Stoneback, Public Works Agency Director
CC: Lara Biggs, City Engineer
Subject: Discussion on Sidewalk Improvement Program Changes
Date: June 28, 2021

Recommended Action:

Staff seeks direction on recommendations set forth below on modification and funding of the City of Evanston's sidewalk improvement program to incorporate improvements to livability, equity and the Climate Action Resilience Plan ("CARP") in Evanston.

Council Action:

For Discussion

Summary:

How are Sidewalks in Evanston Created in the First Place?

Historically, new sidewalks have been constructed by the City of Evanston (or by the developer of the property), while the maintenance (repair or replacement) is the responsibility of the adjacent property owner. This is supported by the City of Evanston code section 7-3-9.

What is the 50/50 Program?

The 50/50 sidewalk program is a voluntary program for replacing damaged sidewalk squares. Although maintenance and repair of sidewalks is the responsibility of the adjacent property owner, a policy decision has been made that the City will contract for replacement of individual deteriorated sidewalk squares and share the cost with the property owner, who is responsible for half of the cost. This program has been substantially unchanged for at least 40 years. For the last several years, the cost to the property owner has been approximately \$100 per typical sidewalk square (most squares are 5'-3" wide by 5'). Only small repairs are eligible. The typical repair at a single property is for 1-3 deteriorated squares. Areas where entire sections of sidewalk have settled causing flooding and winter icing are not addressed by this program, partly because it would require multiple property owners to agree to participate and partly because of lack of funding. Sidewalk gaps are not addressed. This program only replaces existing sidewalks and does not install new sidewalks where there is a sidewalk gap. The City

does not currently have a program for closing sidewalk gaps except under major reconstruction projects, which typically do not occur on residential streets.

How Much Does the 50/50 Program Cost and What Fund(s) Does the City Use to Repair / Create Sidewalks when a Community Member Agrees to Participate in the 50/50 Program?

The City issues approximately \$150,000/year of general obligation bond debt to cover the City's share of the contract cost, but often spends more, usually pulling additional funds from the Neighborhood Traffic Calming program, which is also funded by general obligation bond debt. Repairs cost on average \$250,000 per year. The City funds approximately \$180,000 of this amount and the remaining \$70,000 is paid by the community members who agreed to participate in the program. The majority of needed sidewalk repairs are because of damage caused by parkway tree roots. These are typically repaired at no cost to the property owner, but the program is so underfunded that the City does not make permanent repairs at such locations unless requested by the property owner or other community members.

The cost to replace an existing deteriorated sidewalk is \$11.50/ square foot based upon 2021 bid prices. On a 60-year life span for a sidewalk, without community member participation, the City would need to spend approximately \$1,600,000 annually to maintain the sidewalks. Currently, staff estimates that approximately 19 miles (7%) of all of the City's existing sidewalks (280 miles) are in need of replacement. The cost estimate to address the backlog of currently deteriorated sidewalks is \$6,000,000.

The cost to install a sidewalk where one does not exist (sidewalk gap) is estimated at \$23/square foot. This price includes additional work such as driveway repairs, tree removal, correcting grading issues and landscaping restoration. The 2009 Multi Modal Transportation Plan indicated that there are approximately 15 miles of sidewalk gaps. Therefore, staff estimates costs to infill all of these gaps (without community member participation) at approximately \$9,700,000. The City does not currently have a plan or program for filling in sidewalk gaps.

*Once a Sidewalk Issue Develops, What is the Process For the Sidewalk to Be Permanently Repaired?*The City of Evanston does not have a program for the regular inspection of the condition of the City's sidewalk. Instead, staff rely on community members to file 311 requests when the sidewalk has deviated enough to form a trip hazard or has fallen into a general state of disrepair. Once a community member is aware of the sidewalk issue, the following process is followed:

1. The City is made aware of sidewalk concerns primarily by way of a request filed in the 311 system, which gets assigned to the Streets Division of the Public Works Agency
2. The Streets Division assesses the site and completes a temporary patch. In most cases, the temporary patch is completed within 2-3 days. The request is then transferred to the Capital Planning & Engineering Bureau for inclusion in the sidewalk replacement program.
3. The adjacent property owner is sent information by Capital Planning staff explaining the 50/50 sidewalk program and inviting them to participate. The community members sign up for the program in mid-May and the sidewalks are replaced by the end of August.
4. If interested, the property owner marks the square(s) to be addressed and notifies the City of their interest

5. Once the sidewalk replacement contract is awarded by City Council and the cost per square is calculated, the property owner is sent an invoice for their share of the replacement cost
 6. If the property owner does not respond, City staff follows up to verify if they are still interested in participating in the program
 7. The property owner pays the invoice, verifying their participation
- This seven step process requires significant resources and time commitment for both community members and City staff. Property owners can also participate in the 50/50 program by calling 311 and making the request without first filing a complaint about damaged sidewalk.

How Many Calls/Claims Does 311 Receive Related to Damaged Sidewalks?

The City's 311 division receives two types of service requests for sidewalks: (1) individuals calling for maintenance due to poor condition; and (2) individuals requesting an evaluation to participate in the 50/50 sidewalk program. Calls for service from 2017 to 2020 include the following:

Year	No. of 311 Service Requests		
	Maintenance Request (Temp Repair)	Evaluation for 50/50 Sidewalk Participation	Total
2017	160	248	408
2018	124	179	303
2019	179	203	382
2020	161	103	264
Annual Average	156	183	339

Over the last four years, the City has paid approximately \$2,000 in legal claims for broken and unrepaired sidewalks causing injuries to individuals.

Compliance with City of Evanston's Climate Action and Resilience Plan and Equity Goals

The City of Evanston has public sidewalks on the majority of city parkways. The sidewalk is a community asset, and is just as important, if not more so, than the roadway itself. It allows all members of the community regardless of economic status or physical ability to safely travel between different locations. By providing safe pathways to pedestrians from the roadway itself, not only is their safety improved, but those operating motor vehicles have fewer obstacles to navigate through and are less likely to have an accident. Overall, the City of Evanston has approximately 280 miles of installed public sidewalk. Recognizing that not every community member will favor one solution over another, staff requests that the City Council weigh in on this important issue to assist staff in creating the most equitable solution given financial barriers and community concerns.

Does the Current 50/50 Program Meet the Requirements of the Climate Action and Resilience Plan?:

The City Council adopted the Climate Action and Resilience Plan (CARP) in 2018. Goal Action 1.a of the Transportation and Mobility section of the CARP plan is to:

“Expand safe, convenient and complete networks in Evanston for pedestrians, bicycles and transit; facilitate the expansion of strong bicycle and transit connections between Evanston and neighboring communities”

The current sidewalk improvement program does not meet this goal. Instead of expanding pedestrian networks, the City falls further behind each year in maintaining the existing sidewalk network without adding any new sidewalk. In addition, the beginning and final leg of most mass transit trips often involve walking to/from a location to access a specific transit stop. Maintaining and expanding the transit network is of limited effectiveness unless the sidewalk network is adequate to allow the appropriate access.

Is the Current 50/50 Sidewalk Program Equitable?

Simply put, the current Program is inequitable. Staff's evaluation of the Program notes the following:

- Not all property owners can afford to participate in the program. If a property owner is declining to participate in the program for financial reasons, the City does not currently have a way of paying the private cost-share to fix the deteriorated sidewalk. Therefore, in areas where sidewalk repair is needed the most, they are not repaired due to financial barriers. Attached is a map indicating where sidewalk repairs have been completed by the 50/50 program over the past three years.
- The program is not equitable to pedestrians. While almost every community member is a pedestrian at some point, there are some particularly vulnerable populations that are disproportionately impacted by deteriorating sidewalks and/or sidewalk gaps. The City is not meeting the transportation needs of these populations. Some examples of vulnerable populations include:
 - Children walking to and from school
 - Users of mass transit (students, seniors, disabled, lower-income community members)
 - Mobility limited community members who are more impacted by uneven walking surfaces
- The program is not equitably implemented throughout the City. According to an initial analysis conducted by City staff, the majority of missing sidewalk gaps are located in locations with higher percentages of residents who identify as Black or of Latin American origins. While additional analysis of the equity of the 50/50 program is pending, the early results of the review indicate that a higher percentage of sidewalks may be replaced in locations with predominantly white residents. Relying on residents to report on areas where the sidewalk needs to be repaired, assumes all residents have equal access to time and resources, as well as trust and comfort in government to make such requests. A map indicating where the sidewalk gaps are located is attached for reference.

Does the Current 50/50 Sidewalk Program Meet the City Council Goal of Investing In City Infrastructure and Facilities?

Because the program is voluntary, underfunded and only addresses some types of needed repairs, the City falls further behind each year in keeping up with sidewalk repairs. The overall quality of sidewalk in the City is decreasing over time. The current program does not meet this goal.

Barriers to Modification of the 50/50 Sidewalk Program

Historically, there have been two significant barriers to revamping the 50/50 sidewalk program. These are:

1. Lack of City and property owner funding;
2. Resistance from property owners to create sidewalks where they do not exist. At many locations where there is a sidewalk gap, the property owner has incorporated the City right-of-way into their front yard. Fences, shrubs and trees are frequently located in the path where the sidewalk should be installed. Installation of the sidewalk and creating a parkway area creates the undesirable feeling of a large front yard being cut in half.

In addition, the adjacent properties have yards with landscaping and mature trees that extend uninterrupted to the street curb, and property owners are often unwilling to have this area disrupted by the installation of a public sidewalk, even if the sidewalk would be installed in the right-of-way owned by the City. However, sidewalk gaps are often located in high pedestrian areas - on arterial streets (such as the north side of Oakton west of Dodge), or adjacent to businesses and schools. It is not uncommon to see children walking in the street, particularly in heavy snow conditions when yards are not easily traversed. When the public parkway cannot be used for a public sidewalk, a significant equity issue is often the result.

How Can the City Remove the Barriers and Create a More Progressive Program?

How Do Other Communities Approach Sidewalk Maintenance and Infill Projects?

In researching potential changes, staff reviewed sidewalk management programs in various Chicago suburbs. The majority of suburbs surveyed have a program to replace sidewalks, with the local government funding 100% of the cost. However, some nearby suburbs do require the resident to pay 50% of the cost, including Morton Grove, Park Ridge and Skokie. In Skokie and Park Ridge, participation in the sidewalk replacement program and payment of the property owner's cost share is mandatory, unlike Evanston's program, which is voluntary.

Many suburbs do not have a program for completing sidewalk gaps. In those that do, sidewalks installed on arterial and/or collector streets are installed at the recommendation of staff and are funded by the municipality. On residential streets, the process is often initiated by resident request and is completed by special assessment requiring a supermajority of approval by impacted property owners, with property owners paying all of the cost.

What Are Potential Changes That Can Be Considered?

Staff is proposing several changes that could be considered for how sidewalks are repaired, replaced and created. Some or all of these changes could be adopted as a one-year pilot program, with an assessment for goals achieved and financial sufficiency after the first year.

Temporary and/or permanent changes should also be contemplated in the City's Strategic and Comprehensive Plans. Possible program modifications could include:

- Make sidewalk repairs mandatory. When sidewalk replacement is voluntary, there will always be areas that are not repaired, regardless of the cost to the property owner.
- Provide financial support for residents that are income qualified. The City has limited funds in CDBG and the Capital Improvement Program Fund ("CIP"). Funding is a necessary component to create equity, but it is unrealistic and a poor use of both City and property owner resources to manage an income qualification program to replace a single square of sidewalk.
- Fill in sidewalk gaps. This is a key component of an equity-based sidewalk network, but it is the most complicated to complete. New installations are significantly more expensive than the cost of replacing existing sidewalks, often requiring substantial grading and removal/relocation of barriers, such as trees, fencing and private landscaping. The City does not currently budget for this.

Staff Seeks City Council's Direction on Potential Next Steps

Staff is recommending the following next steps to be implemented beginning in 2022, and is requesting that City Council give guidance to move forward with one or more of these recommendations:

1. Provide initial short-term funding infusion and increase long-term annual funding. Staff is recommending that City Council approve a short-term funding infusion of \$6,000,000 (\$2,000,000/year for 3 years) and increase the annual budget from \$150,000/year to \$350,000/year. Of the \$6,000,000, staff is proposing that it be allocated as follows:
 - Sidewalk gap infill projects - \$4,000,000 (approx. 6.2 miles of new sidewalk, depending on locations selected)
 - Sidewalk repair backlog - \$2,000,000 (approx. 6.2 miles of replacement sidewalk)
2. Require sidewalk replacement to be mandatory, beginning in 2022 as a Pilot Program. This will allow the worst areas to be addressed, and will substantially improve the quality of the City's sidewalk network in the long-term. Mandatory sidewalk replacement would occur after a 311 request triggers the need for a temporary repair. Repairs to abate damage by parkway trees would continue to be funded entirely by the the City of Evanston. In other cases, the cost would be shared 50/50 with the adjacent property owner, similar to the existing program. Staff will re-evaluate this pilot in one year to determine whether or not key performance indicators (for equity and CARP goals) are achieved.
3. Determine a method of income-qualification. This is needed to address equity for those that would experience financial hardship through program participation. However, it is recommended that application and approval be very simple, such as based on being income-qualified for other City or community services. Ideally, there would be a single method of income qualification that would entitle community members to receive free services for all eligible City programs, but this has been difficult to achieve historically. Those who qualify, will not have to pay for sidewalk repairs / replacement. Any income-qualification will increase the City's cost of the program.

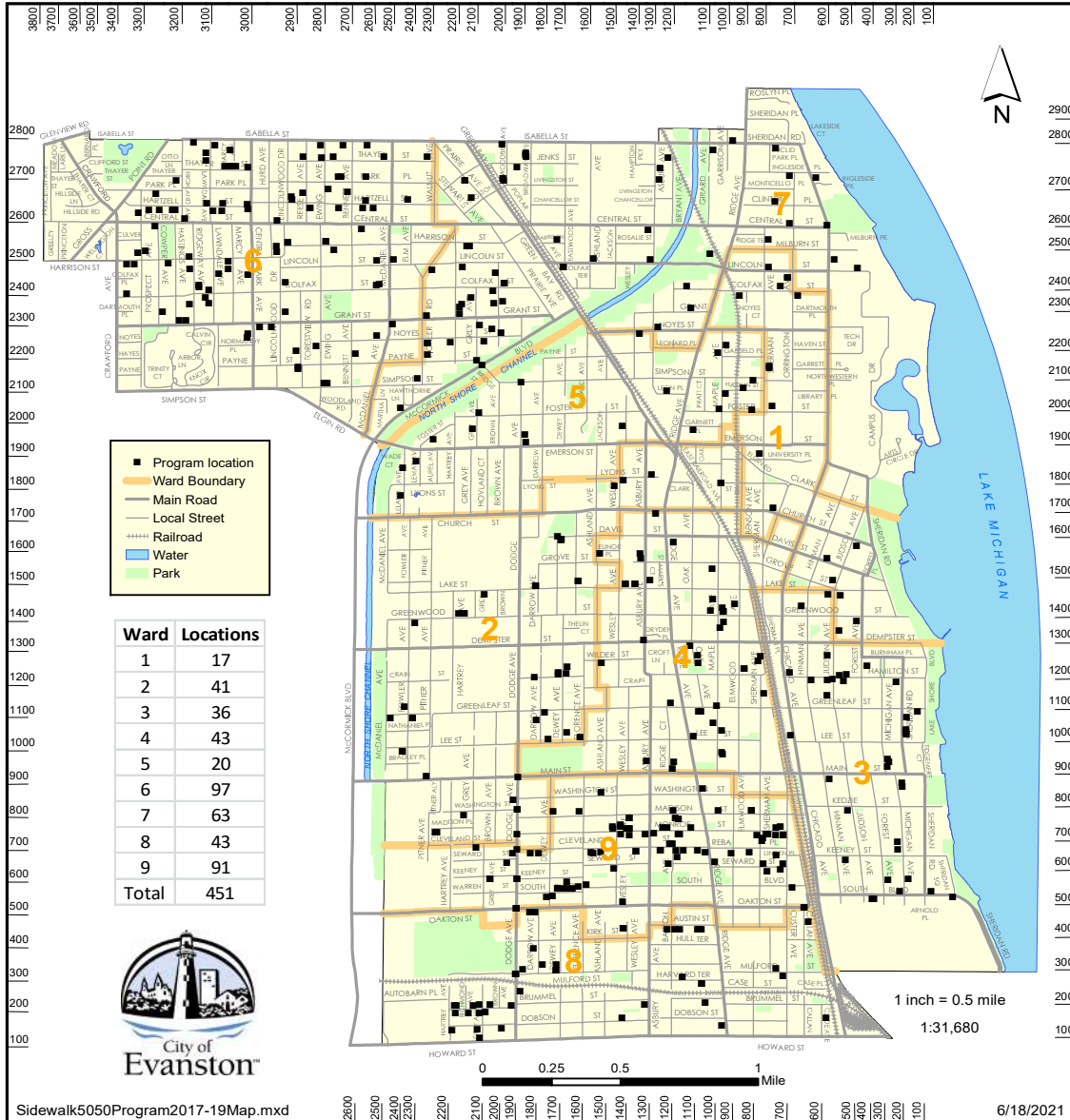
4. Implement sidewalk gap infill projects. These projects would be fully funded by the City at no cost to the property owner. In 2022, staff will identify project locations that can be funded through TIF and CDBG funding. A public engagement process will begin in Fall 2021 to notify adjacent property owners and work with them to alleviate concerns. Locations with the most significant equity components (near a school, business or mass transit) will be prioritized. After the initial 3 year cash infusion, this would be funded at \$200,000 - \$300,000 annually.
5. Incorporate an equitable approach to sidewalk maintenance and infill. All residents of Evanston should have sidewalks maintained and infilled. A scoring system which considers race, income, age, as well as access to public transit, grocery stores, schools, parks, and personal vehicles could be utilized to prioritize infill of sidewalks. This same method may also be applied to prioritizing maintenance of sidewalks on historically under-maintained streets, due to a lack of reporting or funds by residents.
6. Consider alternate funding sources. Other funding sources may be available, but they typically have limitations or have to be charged back to community members through taxes and fees. Some potential options include:
 - o CDBG - geographically limited
 - o TIF - geographically limited
 - o CIP Fund - reserve balance
 - o Easement fees (this is minimal but could be directed for this purpose)
 - o Debt Service Obligation increase
 - o American Rescue Plan Act (it is unlikely ARPA funds can be directly used for sidewalk, but they may be used to offset other budgetary obligations to make additional funding available for sidewalks)

Attachments:

[50/50 Sidewalk Replacement Map](#)

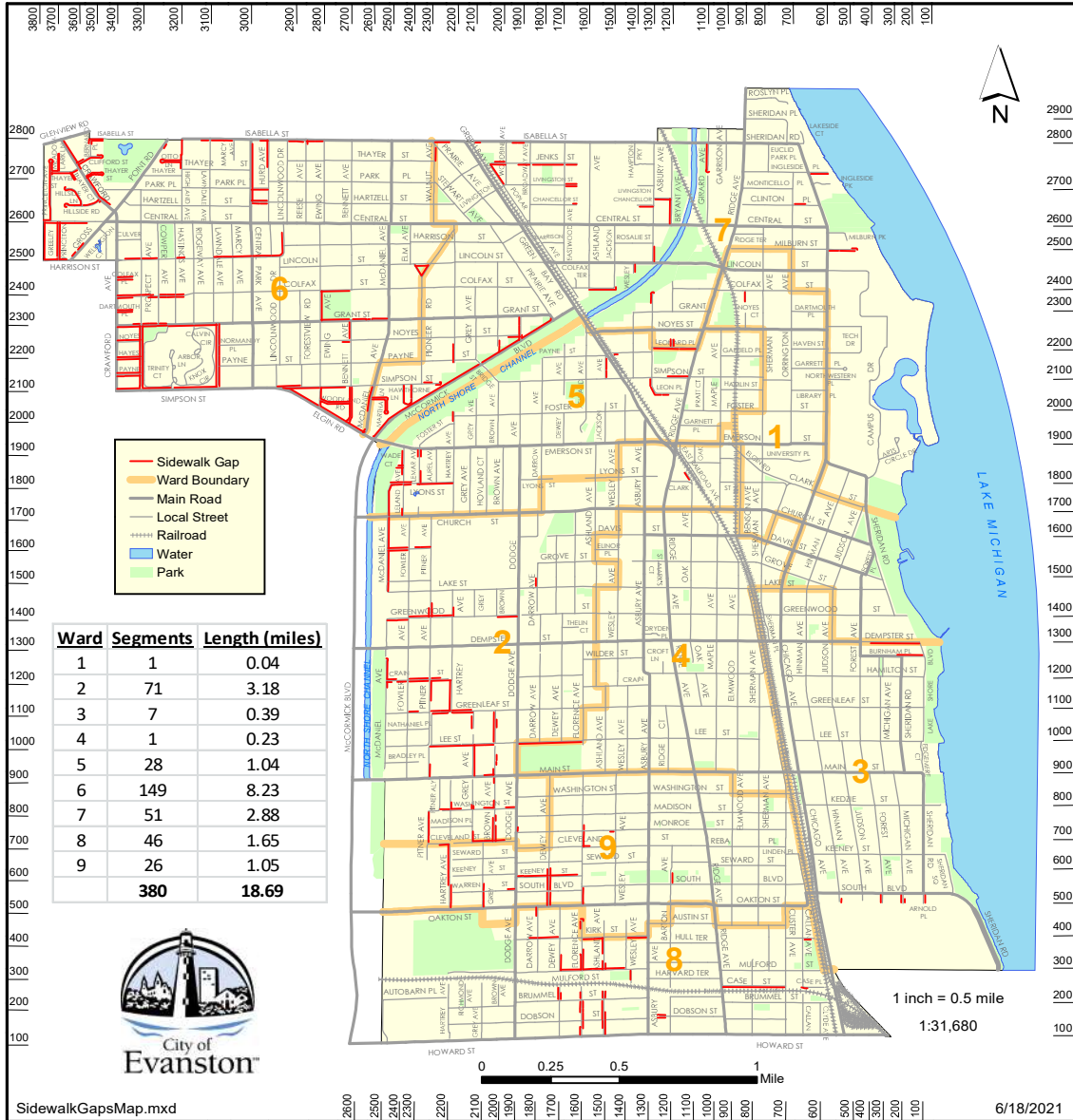
[Sidewalk Gaps Map](#)

Sidewalk 50/50 Program 2017-2019



This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapsdisclaimers.html for more information.

Sidewalk Gaps



This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapsdisclaimers.html for more information.

5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form
- Plat of Survey Date of Survey: _____
- Site Plan Date of Drawing: _____
- Proof of Ownership Document Submitted: _____
- Application Fee Amount \$_____ plus postage for two public notice mailings

Notes:

- **Incomplete applications will not be accepted.** Applications lacking any required documents or materials will not be accepted. Incomplete applications cannot be “held” at the zoning office.
- **Documents, drawings, or other materials submitted as part of other applications** (for example, building permit applications, or applications for Certificates of Appropriateness [Preservation Commission]) cannot be copied by the Zoning Office for submission with this application. You must provide separate copies.
- **Plats of survey** must accurately and completely reflect the current conditions of the property, must be dated and legible, and must be stamped by a licensed surveyor. Surveys must include dimensions of the property boundaries, the exteriors of all existing improvements, dimensions between structures and from structures to property boundaries.
- **Site Plan** should indicate the location of the proposed fence with “x”s. The site plan may be a notated copy of the plat of survey. The height of the proposed fence must be noted, as well as the linear dimensions of the segments. Dimensions must be legible when reproduced on letter-size paper. A drawing of the type of fence proposed would be helpful.
- **Proof of Ownership** - Accepted documents for proof of ownership include: deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents). **A tax bill cannot be accepted as proof of ownership.**
- **Application Fees** may be paid by cash, check, or credit card.
- **Public Notice Mailings** - A third party is used to mail notices of the application and of the determination, a total of two mailings. The applicant will be billed for these mailings by the third party.
- **Return this form and all required additional materials in person to:**

City of Evanston, Zoning Office
2100 Ridge Avenue, Room 3202
Evanston, IL 60201

Hours of Operation:
Monday – Friday, 8:30am – 5:00 pm
Excluding holidays

6. PROPOSED FENCE

A. Briefly describe the location and type of the proposed fence:

Fence yard to restrict access to random passeby's, increase privacy and safety of household members
protect personal protecty located outside and reduce traffic noise and pollution.

B. Have you applied for a Building Permit for this project?

NO YES (Date: 6/19/2022 Building Permit Application ID: 22FNCE-0203)

C. Is the property a corner lot? Yes No

D. Does the proposed fence replace an existing fence or one removed in the last 12 months? Yes No

8. 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.

(A) Section (e.g. 6-8-3-4, see Zoning Analysis)	(B) Requirement to be Varied (e.g., "requires a minimum front yard setback of 27 feet")	(C) Requested Variation (e.g., "a front yard setback of 25.25 feet")
1		
<u>6-4-6-7.F.2.c</u>	Fence is required to be setback at least 3' from the front/street facing façade	To reduce the required setback to 0'. Setback will put the fence into window limiting visibility and splitting window in two parts, one outside the fence, one inside
2		
<u>6-4-6-7.F.2.b</u>	Fence is required to be setback at least 2' from the south street side property line	To reduce the required setback to 0'

6. PROPOSED FENCE

A. Briefly describe the location and type of the proposed fence:

NO YES (Date: _____ Building Permit Application ID: _____)

C. Is the property a corner lot? Yes No

D. Does the proposed fence replace an existing fence or one removed in the last 12 months? Yes No

8. 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.

(A) Section (e.g. 6-8-3-4, see Zoning Analysis)	(B) Requirement to be Varied (e.g., "requires a minimum front yard setback of 27 feet")	(C) Requested Variation (e.g., "a front yard setback of 25.25 feet")
1		
6-4-6-7.E.	An 8' x 8' site triangle required at the driveway and property line intersection, max. 4' tall fence and 70% opacity within site triangle _____	To permit a 6' tall solid fence within the site triangle.
2		
_____		_____ _____ _____

9. PRACTICAL DIFFICULTY

What characteristic(s) of the property prevent compliance with the requirements of the Zoning Ordinance?

~~property is corner lot located at intersection of Crawford Ave (busy two lane street) and Dartmouth. Back yard is wide open and visible from street and alley in both directions, exposed to high levels of traffic and related noise and pollution. Additionally we have people walking or parking by our street and cutting across the yard not understanding it is private property. We are hoping to achieve high level of privacy and quietness. Additional concern is safety. There are suspicious activities around, random cars parked by home with people inside, scavenger/construction trucks traveling slowly and observing yard contents. Flower pots and pillows from yard set disappeared in thin air. We have A/C unit on street side, which we were told is very easy to be disconnected and stolen (happening now in Chicago)~~

10. ALTERNATIVES

A. If you are requesting a variation for fence height above what is permitted, please explain why a fence of the permitted height is not adequate.

~~We want to keep our yard and property there located private and safe from random passerbys and acts of theft. 4 feet fence does not protect from unwanted looks and doesnt stop people from jumping over to grab something they want to steal.~~

B. If you are requesting a variation for fence location, please describe the characteristics of your property that necessitate a fence in the requested location.

C. In your opinion, why do you believe that your fence will not have an adverse impact on your neighbor's property values, and enjoyment of their property?

~~Fence will blend in with building, garage and trees on the side. It will actually improve curb appeal replacing views of unimproved alley, garbage cans, crumbling garage and driveway, and scattered garden furniture and toys with pleasant and stylish fencing. Fence will be covered with shrubs as time goes by.~~



FENCE VARIATION INFORMATION

A. GENERAL INFORMATION

1. Who can submit an application?

In order to submit an application for zoning relief, an applicant must either own, lease, or have legal or equitable interest in the subject property, or must be the representative of such a person (§6-3-8-4).

All persons or parties which have an ownership interest in the affected properties must be identified and must sign the application. The Property Owner(s) may, at his/their discretion, designate another person as Applicant to act on their behalf in processing this application. In that case, the designated Applicant will be considered the primary contact, until the application is closed or the Property Owner changes the designated Applicant by contacting the Zoning Office in writing.

2. How do I submit an application?

Applications must be submitted in person Monday through Friday (excl. holidays) from 8:30am until 5:00pm at the Zoning Office of the City of Evanston Civic Center, 2100 Ridge Avenue, Room 3202.

Applications must be complete, including all required documentation and fee. Applications are not accepted by mail or e-mail. Application materials cannot be returned.

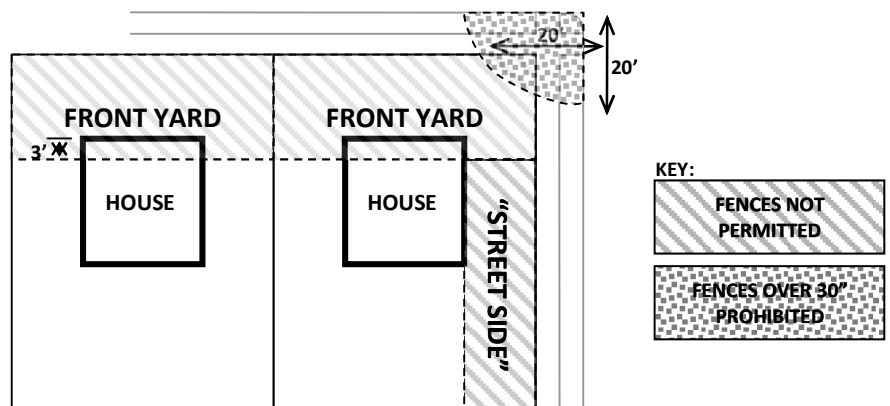
3. What forms of payment are accepted? Cash, Credit Card, Check.

B. INFORMATION ABOUT FENCE VARIATIONS IN RESIDENTIAL DISTRICTS

Where Can I Put a Fence? Per Section 6-4-6-7(F) of the Zoning Ordinance, **fences are not permitted in the front yardⁱ or the “street side” yardⁱⁱ** of any lot in a residential zoning district.ⁱⁱⁱ Fences of up to 6 feet in height are permitted in the rear and interior side yards. Fences in existence prior to April 1, 1999 that do not meet the current fence regulations, and that have not been removed since that date may be repaired or replaced “in kind” (same height, same material, same opacity) (Section 6-4-6-7(D)).

Are there Exceptions? You may apply for a **Fence Variation** (“variance”) to put a fence in the front or street side yard if you believe that you have exceptional circumstances with regard to:

- noise or safety,
- to visually screen an adjacent “incompatible use” (industrial, commercial, etc.), or
- to provide a degree of privacy for the rear part of a corner lot (see “Corner Lots” below).



Corner Lots – Variances to place a fence in the front or street side yard of a corner lot **are not given for fences over 4 feet tall or having an “opacity”¹ of more than 70%** (for example, solid stockade fences, board-on-board fences, etc.), unless the applicant can demonstrate truly exceptional need or circumstances with regard to safety, noise, or screening.

Under no circumstances are fences higher than 30 inches allowed within 20 feet of an intersection (see diagram).

What is the Process?

- Once the application is complete, the Zoning Office sends notification of the application to property owners within 250 feet.
- Property owners have 10 working days to submit public comments in writing to the Zoning Office.
- Following the review period, the Zoning Administrator denies, approves, or approves with conditions the application;
- A notice of the determination is mailed to the applicant and property owners within 250 feet.

What is the timeframe? The approximate time from when the Zoning Office receives a completed application for a fence variation to when the applicant can reasonably expect a decision on that application is 30 days.

What standards are used to decide? Per §6-3-8-12(A), a fence variance may be granted if:

- It will not be materially detrimental to the public welfare or injurious to the use, enjoyment or property values of adjoining neighbors.
- It will assist in reducing noise, screening incompatible adjacent uses, or it will increase safety to the owners of the subject property or abutting properties, and
- It will not be located within the 20’ sight triangle of an intersection.

Can I Appeal? (§6-3-8-6(E)): The applicant or an adjacent property owner may appeal the decision to the Zoning Board of Appeals within 10 working days of the date of mailing of the notification.

Community Development Department – Planning and Zoning Division

2100 Ridge Avenue, Room 3202, Evanston, Illinois 60201
P. 847.448.4311 F. 847.448.8126 E. zoning@cityofevanston.org
www.cityofevanston.org/zoning

ⁱ From three feet behind the front façade of the house to the front property line.
ⁱⁱ The “street side” yard extends from the front yard to the rear property line.
ⁱⁱⁱ There is a general exception for properties that front on “Type 1” streets. As of the date of this notice, Type 1 streets are: **Dewey** (Simpson to Twiggs Park), **Asbury** (Green Bay to Davis), **Dempster** (Oak to McCormick), **Elgin** (McDaniel to Lincolnwood), and **Emerson** (Green Bay to McCormick).

¹ “Opacity” refers to the “solidness” or “non-transparency” of the fence. For instance, a picket fence with 2” wide pickets spaced 1” apart has an opacity of roughly $(2 / 2+1) = 2/3 = 67\%$.



PUBLIC NOTICE OF AN ADMINISTRATIVE VARIATION APPROVAL

You are receiving this notice because, according to our records, you own property within 250 feet of the subject property:

3331 Dartmouth Pl., Case 22ZMNV-0049

Notice Date: August 17, 2022

Fence Variation

Applicant: Jacek Wlodek

Zoning District: R2

Preservation/Landmark: NA

The fence variation application sought relief from Section 6-4-6-7.F.2.c, that states a fence is required to be setback at least 3' from the front/street facing façade, Section 6-4-6-7.F.2.b, that states a fence is required to be setback at least 2' from the street side property line, and Section 6-4-6-7.E, that states an 8'x8' site triangle is required at the driveway and property line intersection, a maximum 4' tall and 70% opacity fence is permitted within the site triangle.

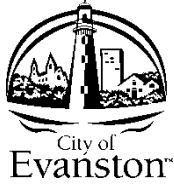
The fence variation from the zoning ordinance requirement has been APPROVED subject to conditions: A zero foot setback behind the front/street facing façade at the northwest corner of the façade has been approved, an 8'x8' site triangle is not required with the 6' tall solid fence setback at least 4' from the south street side property line, finding that the standards for fence variation from the zoning ordinance have been met.

The applicant or an adjacent property owner may appeal a decision of the Zoning Administrator to the Zoning Board of Appeals by submitting an Appeal Application within 10 working days of the date of this notification. Due to COVID-19, the Zoning Office are closed to the public. To view the full application, submit questions or comments, please send comments/questions to Michael Griffith, Zoning Office, via e-mail at mgriffith@cityofevanston.org or at (847) 448-4311.

Land Use Commission

Zoning Ordinance Text Amendment
Adjustments to Planned
Developments
22PLND-0071

Recommending Body



Memorandum

To: Chair and Members of the Land Use Commission

From: Melissa Klotz, Zoning Administrator

CC: Sarah Flax, Interim Director of Community Development
Elizabeth Williams, Planning Manager

Subject: Zoning Ordinance Text Amendment
Adjustments to Planned Developments,
22PLND-0071

Date: October 3, 2022

Request

City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to clarify and modify the process for Adjustments to Development Plans for Planned Developments (Section 6-3-6-12). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per Section 6-3-4-6 of the Evanston Zoning Code and Ordinance 92-O-21.

Notice

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on September 22, 2022.

Analysis

Background:

On August 24, 2022, the Land Use Commission considered an application for a Major Adjustment to a Planned Development, the Ann Rainey Apartments, at 999-1015 Howard St, to request facade changes to the now-constructed building. Some Land Use Commissioners noted the Major Adjustment requested did not align with the purview of the Commission or the Standards for Approval for Planned Developments. The Land Use Commission Chair then requested staff initiate a text amendment to the Zoning Ordinance to modify the procedure for Adjustments to Planned Developments, which is within the authority of the Land Use Commission per Ordinance 92-O-21.

Current Regulations:

Planned Developments must be constructed in “substantial compliance with the documents and testimony on record” as shown throughout the zoning entitlement

process and when approved by the City Council. Proposals sometimes require adjustment due to a variety of factors such as site engineering, construction costs, material availability, and changing market demands.

Major and Minor Adjustments to Planned Developments are currently regulated as follows:

	Major Adjustment	Minor Adjustment
Requested Change by Developer	<ul style="list-style-type: none"> Anything not listed as a qualifying Minor Adjustment 	<ul style="list-style-type: none"> Altering a structure by up to ¼ the distance previously approved; Altering any circulation element by up to ¼ the distance previously approved; Altering open space by not more than 20%; Altering the final grade by not more than 20%; Altering landscaping elements by not more than 20%; Altering utility equipment
Process	Full PD Process: <ol style="list-style-type: none"> Zoning Analysis (if needed) DAPR LUC public hearing P&D/City Council 	Administrative Process: <ol style="list-style-type: none"> Zoning Analysis (if needed) DAPR Determination by Zoning Administrator
Fees	\$1,000 (if needed) + \$2,200	\$1,000 (if needed) + \$1,000
Timing	90-120 days	15-30 days

The current codified process establishes arbitrary percentage cutoffs for changes to Planned Developments and whether those changes trigger Major or Minor Adjustments. This threshold does not take into account whether the changes proposed substantially alter the impact on adjacent properties or to the greater neighborhood. Additionally, the

threshold between Major and Minor Adjustments does not appropriately relate to changes in Site Development Allowances. The current codified process allows for certain changes to Site Development Allowances (building locations, site boundaries, circulation elements) as Minor Adjustments that do not require an updated Planned Development ordinance. This means the degree of zoning relief granted is changing, but the official document that notes the zoning relief granted (Planned Development ordinance) is not changing. Adjusting developments in this way is not best practice and makes recordkeeping and approvals/denials confusing over time. The current process also means Minor Adjustments that change Site Development Allowances are not given public notice or a public hearing at the Land Use Commission, or a final determination by the City Council.

Proposed Regulations:

Staff suggests altering the above regulations and processes so that significant changes to Planned Developments all qualify as Major Adjustments and include a public hearing before the Land Use Commission and final determination by the City Council. While small changes, as well as changes proposed that are not within the purview of the Land Use Commission (such as public benefits) qualify as Minor Adjustments and are reviewed by P&D with a final determination by the City Council.

Proposed changes result in the following updated processes (grey indicates change):

	Major Adjustment	Minor Adjustment
Requested Change by Developer	<ul style="list-style-type: none"> Any change in development plan that creates a new Site Development Allowance Any change that increases the degree of an approved Site Development Allowance 	All other changes that do not qualify as Major Adjustments, including: <ul style="list-style-type: none"> Any change in development plan that does not create a new Site Development Allowance Any decrease in the degree of an existing Site Development Allowance Change to facade and/or building materials Change to conditions and/or public benefits
Process	Full PD Process:	Shortened PD Process:

	<ol style="list-style-type: none"> 1. Zoning Analysis (if needed) 2. DAPR 3. LUC public hearing 4. P&D/City Council 	<ol style="list-style-type: none"> 1. Zoning Analysis (if needed) 2. DAPR 3. P&D/City Council
Fees	\$1,000 (if needed) + \$2,200	\$1,000 (if needed) + \$1,000
Timing	90-120 days	30-45 days

As proposed, Major Adjustments are significant development changes that include zoning relief (Site Development Allowances) and require the entire Planned Development process to ensure proper public input and transparency. Minor Adjustments are development changes that do not add additional impact (but may change the impact) and are therefore provided a fast-tracked public process that heads straight to P&D/City Council (rather than the current codified Minor Adjustment process that is too specific and rarely applies).

Department Recommendation

Staff recommends approval of the proposed modifications to the processes for Adjustments to existing Planned Developments. This proposed text amendment is based on a referral from the Land Use Commission Chair. The text amendment is intended to provide transparency, allow for appropriate public notice and public input, adhere to the Standards for Planned Developments (Section 6-3-6-9) when appropriate, as well as to streamline directly to P&D when not within the purview of the Land Use Commission.

Standards for Approval

The proposed text amendment must follow the Standards for Amendments (Section 6-3-4-5):

Standards for Text Amendments:

1. **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.** The proposed text amendment is consistent with the goals, objectives and policies of the Comprehensive General Plan since the intent of the change is to streamline the process while maintaining transparency. This aligns with the guiding principle of the Comprehensive Plan to encourage new development that improves the economy, convenience, and attractiveness of Evanston while simultaneously working to maintain a high quality of life within the community.
2. **Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.** The proposed text amendment establishes improved processes for Major and

Minor Adjustments to Planned Developments that include guidelines and Standards when appropriate to ensure the overall character of existing development is considered when reviewing a site-specific Adjustment.

3. **Whether the proposed amendment will have an adverse effect on the value of adjacent properties.** The proposed text amendment provides improved processes for Major and Minor Adjustments to Planned Developments for proper review of development changes and to ensure there will not be any adverse effect on the value of adjacent properties, including by mitigating any perceived effect through appropriate conditions.
4. **The adequacy of public facilities and services.** The proposed text amendment provides improved processes for Major and Minor Adjustments to Planned Developments so that site-specific projects may be reviewed for a variety of concerns, including the adequacy of public facilities and services.

Attachments

[Adjustments to Development Plans, Section 6-3-6-12 \(existing regulations\)](#)

[Land Use Commission Meeting Minutes - August 24, 2022 \(999-1015 Howard St. Major Adjustment & Referral for Text Amendment\)](#)