



**MEETING MINUTES**

**LAND USE COMMISSION**

Wednesday, October 12, 2022

7:00 PM

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

Members Present: George Halik, John Hewko, Brian Johnson, Jeanne Lindwall, Kiril Mirintchev, Matt Rodgers

Members Absent: Myrna Arevalo, Violetta Cullen, Max Puchtel, Kristine Westerberg

Staff Present: Katie Ashbaugh, Planner; Alex Ruggie, Assistant City Attorney; Melissa Klotz, Zoning Administrator; Elizabeth Williams, Planning Manager

Presiding Member: Matt Rodgers

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**Call to Order**

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

**Approval of September 14, 2022 Meeting Minutes**

Commissioner Lindwall then made a motion to approve the Land Use Commission meeting minutes from September 14, 2022. Seconded by Commissioner Halik. Staff was requested to correct any misspellings of Chair Rodgers name. A voice vote was taken, and the motion passed, 6-0.

**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, October 12, 2022 Land Use Commission Meeting Agenda Page 2 of 3 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 per Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

The Chair noted that the item has been put on hold and may be noticed at a later date.

**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 these cases per Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

Chair Rodgers asked staff why it is also a Planned Development versus a special use. Ms. Klotz responded that the property is in the oRD Redevelopment Overlay District which requires a planned development for new construction.

Applicant Presentation

Shane Cary, Architect and Project Manager, Evanston Public Works Department described the partnership project between the City of Evanston, the Evanston Animal Shelter Association, and the Cook County Department of Animal and Rabies Control. He overviewed the project team and the site history. The historical industrial use of the

properties requires environmental remediation, foundation structural remediation due to poor soils, and the removal of nuisance trees and storage.

Mr. Cary reviewed that the Evanston Animal Shelter Association is a not-for-profit that was created in response to an Evanston Request for Proposal to provide animal sheltering for residents' pets. Four full-time employees and approximately 175 volunteers work to shelter about 300 dogs and 275 cats each year.

The Oakton Street Corridor Study provided information that indicated the number of curb cuts on Oakton Street needs to be reduced and identified specific curb cuts for removal, including the parking area curb cut for 2310 Oakton Street and removing the easternmost curb cut at 2222 Oakton Street. The study also indicates that the traffic signal for the shopping center across the street should be used for access. The Oakton Street Corridor Improvement project, informed by the Study, involves the installation of a multi-use path on the north edge of the properties and an allowance needs to be made for connection to that path. Mr. Cary reviewed a proposed site plan for a new single-story animal shelter that meets the goals of a new animal shelter facility and the curb cut consolidation.

Mr. Cary summarized the landscape plan. All nuisance trees will be removed and nursery stock species will be replanted, primarily on the south and west sides of the property. The main entry will have a hardscape plaza with bike racks, benches, and a clear connection to the multi-use path. The dog runs are located on the south and west edge of the building. One will be treated with pea gravel. The "get acquainted" dog run directly connected to the community room will be treated with artificial turf. The publicly visible areas will be fenced using materials such as an ornamental metal fence with a gate, an ornamental metal fence with wood panels, and a trash enclosure. The dog runs are proposed to have chain-link fencing.

Mr. Cary then reviewed the proposed floor plan including the public areas, the private space for animals and staff, and the separation for dogs and cats. He then reviewed the building elevations. Both the north and south elevations are stepped and there are canopies at the main entrance and the intake area. There is a clerestory above the public lobby which provides a natural screening for some of the roof mechanical equipment. The façade is primarily brick masonry with faux wood siding at the entry. There are some sections on the west and south elevations that are concrete masonry units. The Evanston Animal Shelter signage will be in raised aluminum letters on the east elevation.

Mr. Cary then summarized the two requested site development allowances. The first is for a shortened 29-foot loading berth instead of the required 35-foot deep berth. The intake yard has been specifically designed for Evanston Police and Cook County Animal Control vehicles. The facility will be serviced with one large weekly delivery. The second requested allowance is for 16 parking spaces instead of the 25 required. Required parking was based on a retail building. Two additional parking count analyses were presented. The first was based on separating the retail and commercial building

uses resulting in 16 required parking spaces. The second removes animal holding and related storage and considers the balance as retail space resulting in 16 required parking spaces.

#### Commissioner Questions

Commissioner Halik asked what the property and use was to the south. Mr. Cary responded that it is a community garden operated by the Parks and Recreation Department.

Commissioner Johnson asked about the exact location of the multi-use path. Mr. Cary noted that it will be in the public right-of-way to the north of the property lines. It may need to slightly encroach on the property to accommodate ADA requirements for a bus depot.

Chair Rodgers asked what the hours of operation are for adoption. Mr. Cary noted that current adoption hours are two hours on Friday, Saturday, and Sunday. Chair Rodgers asked about the single gate at the intake area. Mr. Cary responded that it is based on a scheduled appointment. The animals are brought in a vehicle with the gate closed behind the vehicle upon entry. Chair Rodgers asked about the wildlife room. Mr. Cary responded that it is a place for the public and Cook County Animal Control to bring in injured animals.

Commissioner Lindwall asked about how the food pantry is used. Mr. Cary responded that it is by appointment and there is sidewalk access to the building. Appointments are not scheduled during adoption periods. She also asked if the weekly food delivery would have sufficient vertical clearance at the intake area. Mr. Cary confirmed that there would be a curb stop for the vehicle to prevent contact with the canopy.

Commissioner Mirintchev asked if the property would be developed in phases. Mr. Cary responded that a contractor with a logistics plan was not yet secured. However, he expects that the west curb cut will be used at the beginning for demolition, to begin construction of the new facility, and to work on the east side. At some point during construction, the staging will shift to the east side property. Additionally, access to the recycling center as a temporary dog animal shelter will need to be maintained during the construction. This will be accomplished by using the easternmost curb as long as possible. Commissioner Mirintchev also asked about the timing of the synchronization of the traffic signal. Mr. Cary responded that the Oakton Street Corridor Improvement Project will be constructing the curb cut and traffic signal work during 2023 which aligns with the intended construction schedule for the new animal shelter.

#### Public Comment

There was none.

The record was then closed.

Deliberations

Commissioner Lindwall noted that the traffic signal alignment with the entrance was a good idea and that parking should not be a problem.

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

- A. Met zoning compliance as a kennel is permitted as a special use in the I2 district.
- B. Met Zoning Ordinance and Comprehensive General Plan in terms of rehabilitating facilities.
- C. Met as retail, industrial, and community garden uses are in the immediate neighborhood. Oakton Street is also enhanced with the consolidation of the curb cuts.
- D. Meets the character of the existing neighborhood and does not affect adjacent property values.
- E. Met as Evanston Public Works is managing the project and will coordinate facilities and services.
- F. Met as traffic will be improved in the area with the traffic signal coordination and reduction of curb cuts.
- G. Met as there were no significant historical or architectural resources at the site.
- H. Met as the landscaping will be improved.
- I. Met as no ordinances are violated.

The Commission then reviewed the standards for approval of Planned Development in Industrial Districts (6-3-6-9 and 6-14-1-10):

- A. The requested allowances do not change the operation of the site.
- B. Met as the project is compatible with uses in the area.
- C. Met as traffic is improved with the removal of curb cuts and safety is increased for vehicles to turn at a signalized intersection and pedestrians to use the new multi-use path.
- D. Limited testimony was heard on the alignment with sustainability goals however the landscape treatments and the energy efficiency of a new building support meeting this standard.
- E. Public benefit is met due to providing the service for Evanston residents.

The Commission then reviewed the public benefits intended to address the impacts of the development on the community.

- A. Enhancement of the site met as the redevelopment will clean up the former industrial site and maintain open space with dog runs.
- B. Development conditions met as undesirable trees will be removed and open space maintained.
- C. There are no historical conditions or natural resources present that need to be maintained on the site.
- D. The architecture of the new building fits within the site and surrounding buildings.
- E. Animal shelters are not addressed within the city's housing goals.
- F. A building that is several decades old will be removed and modern efficient new construction aligns with the city's Climate Action and Resiliency Plan.

- G. The animal shelter is a not-for-profit. There is a secondary enhancement to the local tax base for animal-related services.
- H. The redevelopment aligns with the Oakton Street Corridor Improvement Plan.
- I. LEED certification will be applied for which meets the objectives of the city's Climate Action and Resiliency Plan.

The following conditions were added to the proposed development:

- 1. That the trash/recycle enclosure be of a more durable, non-porous material that matches the building's primary materials. It should also be rat-proof/infestation-proof and regularly inspected.
- 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.

**Commissioner Lindwall made a motion to recommend approval of the Planned Development at 2222 - 2310 Oakton Street, 22PLND-0025, with the additional conditions, to the City Council. Second by Commissioner Johnson. A roll call vote was taken, and the motion carried, 6-0.**

### **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 per Section 6-3-5-8 of the Evanston Zoning Code and Ordinance 92-O-21.**

Chair Rodgers confirmed that the applicant was not present.

**Commissioner Lindwall made a motion to continue the Special Use Permit, 321 Howard Street, 22ZMJV-0073 to the Wednesday, November 9, 2022 Land Use Commission meeting. Second by Commissioner Mirintchev. A voice vote was taken, and the motion carried, 6-0.**

**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 per Section 6-3-8-8 of the Evanston Zoning Code and Ordinance 92-O-21.**

Chair Rodgers asked staff to clarify what was determined as the front and side yards. Ms. Melissa Klotz responded that Crawford Street was the front yard and Dartmouth Place was the side yard.

Mr. Jacek Wlodek reviewed pictures of the 6-foot fence built thus far and an erected example of a four-foot 70 percent opacity fence that meets the city Zoning Ordinance. He expressed concerns about safety and privacy with only the four-foot, opaque fence.

#### Commissioner Questions

Commissioner Halik noted there was no sidewalk to create potential pedestrian-to-vehicle conflicts.

Commissioner Lindwall asked staff to describe the sight triangle. Ms. Klotz reviewed the two-foot property line setback for the fence as proposed compared to the 8-foot by 8-foot sight triangle required. Ms. Klotz reviewed the original options provided to the applicant to either build to the Zoning Ordinance regulations and locate the fencing at the regular 2-foot setback and not within any part of the sight triangle or locate the fence at a 4-foot setback to substantially reduce the need for any sight triangle.

Mr. Wlodek had no further comment.

The record was then closed.

#### Deliberations

Chair Rodgers noted that since it is an appeal it is heard de novo and commissioners can review the information that was not considered in the original decision.

Discussion ensued regarding neighbor input and Ms. Klotz noted that staff did not receive any letters in support of or against the fence variation.

The Commission then reviewed the Standards for Variations (Section 6-3-8-12-B).

1. The public welfare standard has not been met as the sight triangle is to prevent pedestrians from coming behind a fence into a driveway. However, since there currently is no sidewalk, there may be a reasonable alternative location for the fence.
2. The variation meets the standard to increase the safety of the owners.
3. The intersection standard is not applicable.

Commissioner Johnson agreed with the standards and agreed with Commissioner Lindwall's concern for pedestrian safety.

Commissioner Hewko asked if there was a priority for this sidewalk. Ms. Williams noted that staff is working on a sidewalk improvement plan and a particular schedule for this segment has not yet been determined. Ms. Ashbaugh also noted that it would be difficult for staff to administer and enforce a scenario where a fence reduction condition was placed on the property if the sidewalk was built.

Commissioner Lindwall proposed applying the standard of an alley. Chair Rodgers noted that alley standards are less because you are driving forward versus backing up. Chair Rodgers proposed a 4-foot sight triangle. Ms. Klotz noted that this is similar to the original variation determination that required a four-foot street-side yard setback. Commissioner Lindwall confirmed that this would allow the 6-foot fence along the site triangle hypotenuse. Chair Rodgers also confirmed that it would have no opacity. Discussion ensued as to whether the setback from the driveway should be two or four feet.

Assistant City Attorney Ruggie reminded commissioners that since they are the final determining body, they need six concurrent votes to wrap up the case.

**Commissioner Johnson made a motion to grant the appellant at 3331 Dartmouth Place, 22ZMJV-0065, the right to build a six-foot solid fence with the sight triangle being a four-foot setback from the point that the property line meets the driveway. Second by Commissioner Lindwall. A roll call vote was taken, and the motion carried, 6-0.**

### **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.**

Ms. Klotz reviewed that the text amendment came about due to a referral from the Land Use Commission. The code lists specific Minor Adjustments and all others not mentioned qualify as Major Adjustments. Staff proposes that any change in a Development Plan that creates a new Site Development Allowance or any change that increases the degree of an approved Site Development Allowance would all qualify as Major Adjustments and include a public hearing before the Land Use Commission and final determination by the City Council. Changes that do not affect a Site Development Allowance as well as changes proposed that are not within the purview of the Land Use Commission (such as public benefits) would qualify as Minor Adjustments and are



reviewed by Planning & Development Committee with a final determination by the City Council.

Commissioner Halik asked how to create a process to address design changes during construction. Ms. Williams responded that it could be a process administered through inspection and not codified.

Commissioner Lindwall asked if there would be any anticipated notices for Minor Adjustments. Ms. Klotz noted that there are no additional notices proposed at this time.

Chair Rodgers noted that changes should be noted in terms of increased or decreased impact.

Commissioner Mirintchev asked if there was anything in the permit that could trigger enforcement. Chair Rodgers noted that it would be appropriate to add it to the Planned Development Special Use approving ordinance.

Commissioner Lindwall asked if some adjustments are suitable for staff approval. Ms. Klotz noted that staff has approval for project adjustments that are in substantial compliance with what was originally approved.

The Commissioners reviewed the text amendment standards for approval (Section 6-3-4-5).

1. The proposed amendment complies with and is consistent with the goals, objectives, and policies of the Comprehensive General Plan so the standard is met.
2. The proposed amendment complies with and establishes improved processes for Major and Minor Adjustments to Planned Developments, so the standard is met.
3. The proposed amendment makes the process clearer and thus helps adjacent properties.
4. The public facilities standard does not apply to this proposed amendment.

**Commissioner Lindwall made a motion to recommend approval of Text Amendments, Adjustments to Planned Developments, 22PLND-0071, with the final text using language in terms of increased or decreased impact, to the City Council. Second by Commissioner Halik. A roll call vote was taken, and the motion carried, 6-0.**

### **Communications**

Ms. Williams noted that there is a quorum for a special meeting on November 30, 2022 for the Margarita Inn special use permit application. She also noted that staff will be releasing a new RFP for the Comprehensive Plan.

### **Adjournment**

Commissioner Halik motioned to adjourn, Commissioner Johnson seconded, and the motion carried, 6-0.

Adjourned 9:13 pm

Respectfully submitted,  
Amy Ahner, Planning Consultant

Reviewed by,  
Katie Ashbaugh, AICP, Planner