



MEETING MINUTES

LAND USE COMMISSION

Wednesday, November 9, 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, Kristine Westerberg, Matt Rodgers

Members Absent: Myrna Arevalo, John Hewko and Violetta Cullen

Staff Present: Planner Katie Ashbaugh, Planning Manager Liz Williams, Zoning Administrator Melissa Klotz, Planner Cade Sterling

Presiding Member: Matt Rodgers

Call to Order

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

Approval of October 26, 2022 Meeting Minutes

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from October 26, 2022 with a minor correction on page 8 creating two sentences for item A starting the second sentence with “Therefore” for emphasis. Seconded by Commissioner Westerberg. A voice vote was taken, and the motion passed, 7-0.

Old Business

A. Public Hearing (Con’t from 10/12/2022): 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.

Attorney Tom Lucas, 303 Root Street, Park Ridge Illinois presented the case noting that the tobacco products will not comprise more than 50 percent of the total sales of the store and will be stored behind glass and behind the counter. Staff will be trained to not allow for underage sales, the applicant will not allow loitering in front of the store and will have an employee routinely collect garbage from in front of the store.

Chair Rogers noted that a new floor plan had been distributed prior to the meeting and asked for a summary of the changes. Mr. Lucas stated that where the plan says “glass shelves” is where the tobacco will be located.

Commissioner Questions

Commissioner Halik asked if the applicant was willing to comply with the eight conditions identified by DAPR in the staff report. Mr. Lucas agreed.

Commissioner Westerberg asked how staff monitors the percent of sales for tobacco products. Ms. Klotz responded that it is primarily based on complaints.

Chair Rogers asked the applicant to confirm the proposed store hours, number of employees and where they will park. Mr. Lucas responded that store hours will be 7:00 am to 10:00 pm., seven days per week. There would be at most three employees in the store at a time, most of whom will take public transportation.

Commissioner Mirintchev asked about the anticipated customer base. Mr. Lucas responded that pedestrian activity was the primary anticipated customer.

Chair Rogers read the following eight DAPR conditions into the record:

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;
7. That the hours of operation be limited to 7:00 am to 10:00 pm daily; and
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.

The record was then closed.

Deliberations

The Chair reviewed the nine Standards for a Special Use (Section 6-3-5-10).

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 proposed use is compliant with the Zoning Ordinance and Comprehensive General Plan promoting economic growth and development of a business and commercial area increasing pedestrian traffic.
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: This standard is not applicable.
8. Preserves significant natural and environmental resources: This standard is not applicable.
9. Complies with all other applicable regulations: The proposal complies with all other applicable regulations.

Commissioner Lindwall made a motion to recommend approval to the City Council for the Special Use Permit at 321 Howard Street, 22ZMJV-0073, subject to the eight DAPR conditions. Second by Commissioner Puchtel. A voice vote was taken, and the motion carried, 7-0.

New Business

A. Major Variations | 1453 Maple Avenue | 22ZMJV-0067

Myefski Architects, applicant, requests the following Major Variations from the Evanston Zoning Ordinance to allow adaptive use to multi-family residential in the R6 General Residential District: 1) 24 dwelling units where 14 are permitted (Section 6-8-8-4); 2) a rear-yard setback of 0' where 25' is required and 7.5' is the existing legally non-conforming condition (Section 6-8-8-7); and, 3) 10 leased off-street parking spaces or a parking ratio of .275 per bed where 19 spaces or a parking ratio of .55 per bed is required (Section 6-16-3-5, Table 16-B). The Land Use Commission makes a recommendation to City Council, the determining body for this case in accordance with Section 6-3-8-13 and Ordinance 92-O-21.

Mr. Adam Breaux, Myefski Architects, 400 North Michigan Avenue Chicago, Illinois 60611, introduced the project as an adaptive reuse of the local landmark Masonic Template to multi-family residential. He stated that a trash room and a wheelchair lift would be added to the building and new HVAC condensers will be located on a new rooftop platform. All existing windows are to be replaced in kind and new windows are to be added on three of the four facades. He then reviewed the three requested code variations. There is a proposed mix of 24 units (studio, one-bedroom, two-bedroom and a three-bedroom unit as well as three affordable units) where 14 are permitted. Parking for ten off-street spaces is proposed to be leased off-site at the Holiday Inn due to the unfeasibility of modifying the building basement for parking. Nineteen off-street parking

spaces are required. The last variation that the applicant requests is for a 0' rear-yard setback where 25' is required which will then allow for refuse storage and access.

Commissioner Questions

Commissioner Halik asked staff what is landmarked for this building. Staff responded that it is only the exterior of the building. Commissioner Halik asked about the financing status of the project. Mr. Gary Stoltz, R2 Lodge, LLC 1200 N. North Branch Chicago, Illinois 606042 responded that they have not yet secured financing however they do own the building. Commissioner Halik, the applicant and the architect discussed ideas to relocate the proposed handicapped accessible ramp from the front facade.

Commissioner Westerberg asked about the materials for the HVAC screening platform. Mr. Mike Karkowski, also from Myefski Architects, responded that the vision is to have a metal that is complementary to the color of the building with acoustic properties to help mitigate sound transmission. Commissioner Westerberg asked there are units around 200 to 300 square feet. Mr. Breaux responded that there are two studios, and the one-bedroom units range from 500 to 750 square foot. Commissioner Westerberg about the neighborhood parking impact and how the nearby parking lots are utilized. Mr. Sterling responded that the lot to the West is YMCA and the lot to the south is used by Evanston Police and Fire and both are unavailable. Mr. Klotz noted that they are open to closer parking options. Commissioner Westerberg asked who would monitor the construction as it relates to the building's landmark status. Mr. Sterling responded that it is a local landmark status and so it would be monitored by the city.

Commissioner Lindwall asked about screening for window wells and the south facade. Mr. Karkowski responded that a guard rail is shown for fall protection, and landscaping is anticipated. Commissioner Lindwall asked if parking was charged to the tenant. Mr. Stoltz noted that parking fees are part of operations. Discussion ensued on addressing the potential future demand for parking.

Commissioner Puchtel asked about the design and layout of the units. Mr. Karkowski responded that the placement of the windows and preserving the façade dictated the layout.

Commissioner Lindwall asked about preservation of the building interior. Mr. Karkowski responded that the building has been laser scanned and the intent is to save as much as possible particularly noting mill work, a steel staircase and a fireplace.

Commissioner Mirintchev asked about the trash enclosure. Mr. Breaux noted that the height is to accommodate wheelchair access and the egress meets building code.

Chair Rodgers asked where the affordable units are located. Mr. Breaux noted that they are mixed all over the building.

Commissioner Johnson asked if the Holiday Inn would be willing to lease more parking spaces. Mr. Stoltz noted that they requested and have received a draft lease for eleven.

Chair Rodgers called for public comment.

Jack Weiss, 400 Main Street, Evanston commented on the aesthetic integrity of preserving as much of the building's interior spaces with minimum alteration.

Jennifer Grandy, 1507 Maple Avenue, Evanston spoke on behalf of The Lafayette condo building in support of the addition of housing in the area and the proposed parking plan. She also thought not enforcing parking minimums supports alternative modes of transportation.

Karen Sconzert, 1507 Maple Avenue, Evanston spoke in support of additional rental units in the neighborhood and their contribution to a vibrant downtown.

Sari Kadison-shapiro, 1432 Elmwood Avenue, Evanston questioned the density of the proposed project, the need for additional housing units and encouraged zoning compliance.

Joyce Wierzbicki, 900 Greenwood Street, Evanston expressed concern regarding the density of the proposed project and its impact on the neighborhood and parking. She expressed support for a special event space. She also questioned the adequacy of building egress for fire safety.

Mr. Breaux summarized that the density of the project matches what is being built in the market and is within the R6 zoning. Mr. Stoltz noted that they will inquire if Maple Grove parking is an option. He also noted that they brought in special event professionals who gave feedback that the space did not work for their back of the house and parking needs. Mr. Karkowski noted that there is egress on the front and rear of the building and that a sprinkler system is being added.

Commissioner Lindwall asked if reducing the number of units would preserve more of the interior. Mr. Karkowski responded that it would not because you would still have the same number of beds and walls.

The record was then closed.

Deliberations

Chair Rodgers asked about the building square footage. Mr. Sterling responded that the lot is about 11,000 square feet so the building is approximately 10,000 square feet.

Commissioner Westerberg commented that the building can accommodate the number of units and the proposed new trash enclosure. She recommends that the owner lease more parking spaces and reinvestigate moving the wheelchair lift from the west façade.

Commissioner Halik commented that the loft units will be unique and are an appropriate adaptive reuse of the building. He also suggested pursuing an option to lease more parking spaces. He would like to add a condition to screen the mechanicals. He would also like to revisit the location of the wheelchair lift. Commissioner Mirintchev also would like to request the architect investigate a better solution for the wheelchair lift.

Commissioner Lindwall supports the project and would like to add conditions to increase the parking spaces based on the building owner's report of parking use and that unit renters are not allowed to apply for residential parking permits.

Chair Rodgers commented that the density is supported on the site and the rear yard variation request is reasonable. He also said that if parking demand increases and the owner cannot meet it, the potential tenant would seek other accommodations.

The Chair then reviewed the Standards for Major Variations (Section 6-3-8-12-E).

1. Will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties: The proposed use increases density and reuses a building that has been vacant for a number of years which will positively impact neighborhood property values.
2. Is in keeping with the intent of the zoning ordinance: The proposed adaptive use provides residential development and preserves the historic resource which both promote the objectives of the Comprehensive General Plan.
3. Has a hardship or practical difficulty that is peculiar to the property: The issues before the commission are parking and density. The temple was built years ago and there is no on-site parking. The need to maintain load bearing interior walls to support the building drives the unit design. For these reasons, the standard is met.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience: Providing no parking would be a hardship so permitting off-site leasing is acceptable. The rear yard provides suitable access for trash. For these reasons, the standard is met.
5. Is not based exclusively upon a desire to extract additional income from the property or public benefit to the whole will be derived: The applicant has not provided any indication thereof.
6. Does not have a hardship or practical difficulty that was created by any person having an interest in the property: The applicant has recently purchased the property and the building condition existing prior to that so none of the requested variations were created by the current landowner.
7. Is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty: The unit size meets market demand, the loft style preserves the building and the leased parking all meet this standard.

Ms. Asbaugh summarized that a recent residential adaptive reuse project (Varsity Theater at 1706-10 Sherman Avenue) parking ratio was ½ stall per dwelling unit.

Mr. Sterling noted his disagreement with a proposed condition under discussion to increase the number of off-street parking spaces as it would induce a demand for parking which the sites location and market conditions did not support.

Chair Rogers disagreed with Mr. Sterling's position.

Commissioner Halik stated that he understood Mr. Sterling's position but wanted to ensure that the degree of relief being provided was similar to recent proposals before the Commission.

Commissioner Halik made a motion to recommend approval to the City Council to allow the three requested major variations on the property located at 1453 Maple Avenue, 22ZMJV-0067 with the following conditions:

- 1. That no on-street parking permits be issued to residents of the subject building;**
- 2. That screening be provided around the rooftop mechanical units;**
- 3. That they lease parking for at least 15 stalls for review by staff in 2 years; and**
- 4. That they look into alternative solutions for the ADA-required lift with the Preservation Commission Sub-Committee.**

Commissioner Lindwall seconded. A voice vote was taken, and the motion carried, 7-0.

Chair Rodgers called for a five-minute recess from 9:06pm to 9:11pm.

B. Major Variations for Signs | 1603 Orrington Avenue | 22ZMJV-0084
Golub Realty Services LLC, applicant on behalf of GRE GOCO Orrington Owner LLC, requests zoning relief from Chapter 6-19, Sign Regulations, of the Evanston Zoning Ordinance, to allow three new permanent signs on the property located at 1603 Orrington Avenue in the D3 Downtown Core Development District. The Major Variations requested are as follows: 1) to allow two Tall Building Identification Signs for an occupant not occupying the second through top floors of an existing building six stories or taller [Section 6-19-9(A)(6)] 2) to allow two Tall Building Identification Signs, each with a sign surface area of 200 square feet, where no more than 100 square feet per sign is permitted [Section 6-19-9(A)(6)] 3) to allow one Tall Building Identification Sign on a facade not parallel to a public thoroughfare [Section 6-19-9(A)(6)] 4) to allow external illumination of two Tall Building Identification Signs where only internal illumination through the lettering and graphic elements of the sign is permitted [Section 6-19-7(M)(4)] 5) to allow two Freestanding Signs along the Orrington Avenue frontage of the subject property where only one is permitted [Section 6-19-9(B)(1)] 6) to allow a total combined surface area of all signs on the subject property of approximately 795 square feet where no more than 500 square feet is permitted 7) to allow an occupant of approximately 17 percent of the floor area of the existing building on the subject property to use approximately 56.5 percent of the total surface area of

all signs where occupants are limited to a sign surface area proportional to the floor area ratio which they occupy [Section 6-19-8(D)(2)] and 8) any other zoning relief as necessary to allow the proposed signs as depicted on the plans presented at the public hearing or at a public meeting of the City Council. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-8-10 of the Evanston Zoning Ordinance.

Staff member Klotz summarized that 27 letters have been received in favor of the application and 10 in opposition.

Two commissioners noted that they know one of the applicant's representatives but there is not a recent employment connection or a conflict of interest.

Donna Pugh, a partner at the law firm Foley & Lardner, LLP 321 North Clark Street, Chicago, is representing the two tenant entities UL Standards & Engagement ("ULSE") and UL Research Institutes ("ULRI"), together as "UL". She introduced Terry Brady President and CEO of UL Research Institutes and Board Chair of UL Standards & Engagement, Charlotte Farmer Senior VP/COO of UL Research Institutes, Kevin Mehaffey Director of Facilities and Expansion at UL Standards & Engagement, George Kisiel Principal of Okrent Kisiel Associates, Inc., and Emily Klingensmith from Schuler Shook. She lastly introduced Golub Realty Services LLC as the applicant/owner/landlord represented by Steve Degodny, Vice President of Leasing.

Mr. Degodny, 1603 Orrington Avenue, Evanston, summarized the Evanston office market as a competitive 1.4 million square feet with a vacancy rate of 6 percent in 2019 and a more recent vacancy rate of 17 percent. 1603 Orrington Avenue is currently the tallest office building between downtown Chicago and Milwaukee and is 33 percent vacant.

Commissioner Questions

Commissioner Halik asked Mr. Degodny to confirm the tenants and building square footage. He confirmed that the lease was for 53,000 of the buildings 307,000 square feet. Commissioner Halik asked if it was likely that another large tenant would come forward with a similar signage request for the building. Mr. Degodny noted that it would be highly unusual due to the floor plate design of the building however they are offering this tenant a non-exclusive right to signage. Commissioner Lindwall asked for the term of the lease. Mr. Degodny responded that it is a long-term commitment.

Mr. Brady spoke about the company history and described their safety mission. The company prefers a location that is more accessible for its workforce. He spoke of UL's research collaboration with universities. He briefly discussed the sign requests for ULSE and ULRI. Ms. Farmer spoke about the UL goal of quality design and lighting for the signs and corporate practice of community integration and partnership.

Commissioner Halik asked what the purpose for a sign at the top of the building was. Mr. Brady responded that it is a signaling effect for the brand to the region saying that a leader of safety sciences is here in the city.

Commissioner Puchtel asked staff if the request was a first for the city. Ms. Klotz responded that there are other buildings in Evanston with signs at the top that have a single tenant. The Carlson Building was noted as a multi-tenant building with a sign at the top.

Mr. Mehaffey summarized the design goals for the top floors and the new monument sign (there is no room for UL on the current monument signs which will remain).

Mr. Kisiel, 141 West Jackson Blvd., Chicago, reviewed the illuminated north and south facade building identification signs which will be at a height of 260 feet with a 200 square foot diameter and the new 48 square foot (6' x 8') illuminated freestanding sign at the Orrington Avenue frontage. DAPR review added three conditions: 1) the signs include dimmer switches to allow adjustment; 2) the signs must be turned off at 11:00 PM daily; and 3) the applicant must use a third-party service to certify mounting and installation.

Commissioner Mirintchev asked if one sign on the west façade was considered instead of the two at the south and north? Mr. Brady responded that the two are separate nonprofits each with a unique brand.

Ms. Klingensmith, 363 W Erie Street, presented the brightness, glare, and flashing components of the proposed signage and their compliance with zoning. The illuminated building signs brightness does not approach the 75-foot candle limit, they do not produce glare, nor do they have a flashing element. Chair Rodgers asked how much light is given off from the building signs. Ms. Klingensmith responded that there are number of physical elements that contribute to light spread primarily it being the distance of the sign from the building. Mr. Kisiel responded that the distance between the backing plate and the building is 3-5 inches. Commissioner Westerberg ask if the dimmer was stepped. Ms. Klingensmith responded that there are smooth LED dimmers on the market. Commissioner Puchtel asked if they had analyzed the lighting and its compliance with the city's bird friendly ordinance. Mr. Kisiel responded that the DAPR review of turning the lights off met that requirement. Commissioner Puchtel mentioned soliciting input from local bird experts. Commissioner Johnson asked if the two logos of two different colors at the top also contain the words and the applicant responded no, only the full names are proposed on the monument sign.

Mr. Kisiel presented the requested variations for larger tall building signs and location and surface area for the monument sign and how they meet the standards for approval.

Chair Rodgers called for public comment.

Jack Weiss, 400 Main Street, Evanston spoke of his experience with the local sign regulations and his opposition to all the variation requests.

Mr. Kisiel summarized that the variations requested are within the state of the art for office leasing and are intended to match the spirit of the ordinance.

The record was then closed.

Deliberations

Commissioner Halik remarked that UL brings prestige to Evanston, the variations are reasonable due to the size of the property and building, and the logo is appealing. He supports the conditions that the sign would come down if the tenant leaves and no other signs would be permitted on the building (while UL is the tenant and wants the signs).

Commissioner Westerberg noted that the size and illumination of the proposed signs is a substantial variation from the spirit of community aesthetics framed in the comprehensive plan. She suggested dimming the lights at 10:00pm. She expressed more concern over the monument signs as opposed to the building signs.

Commissioner Puchtel is in favor of recommending approval and recognizes that the variation request is significant, but the logo is professional and enhances the image of Evanston. He recommends that a condition be put on the approval to have the local bird-friendly group review and comment on the plan.

Commissioner Mirintchev prefers one tall building sign but since it is only the logo, he is willing to recommend approval. He wondered if the monument signs would be better if they were somewhat shorter.

Commissioner Lindwall thought that the variations were reasonable. She was concerned about setting precedent and concurred with the recommendation to add the condition of sign removal if the tenant leaves.

Commissioner Johnson concurred that it is a reasonable request and concurs with adding the two previously mentioned conditions.

Chair Rodgers addressed the idea of precedence noting that the building is unique at its 280-foot height for Evanston.

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

1. The requested variations are far from the neighbors, the building lights are being dimmed, the foot candle is below the maximum, and the building signs are backlit so it is determined that the variation will not have an adverse impact on adjoining properties.
2. Signs should be scaled to fit a property and the variations do so it keeps within the intent of the zoning ordinance.

3. The requested variation is unique to the property considering the height of the building and the increasing number of smaller tenants on a site.
4. The applicant's tenant is two separate entities which merits acknowledgement and the north façade of the building does not face an alley or a building and thus the standard is met.
5. The applicant seeks to make income on unleased space and the variations are to seek branding for the tenant's corporate headquarters and thus the standard is met.
6. The property is ~60 years old and the condition is not caused by the property owner and thus the standard is met.
7. The variation request for the building signs is likely smaller than the requested 200 square feet because they are circles. The new monument sign, not necessarily a least deviation from the regulation, avoids changing all tenants' signs.

Chair Rodgers asked the commissioner's input on his findings and Commissioner Westerberg stated that she did not agree with the seventh finding.

Commissioner Lindwall made a motion to recommend approval to the City Council to allow three new permanent signs on the property located at 1603 Orrington Avenue in the D3 Downtown Core Development District, 22ZMJV-0084, with the following conditions:

1. The tall building identification signs should include dimmer switches to allow the illumination to be adjusted.
2. The tall building identification signs must be turned off at 11:00 PM daily.
3. The applicant must use a third-party service to certify mounting and installation is consistent with the approved plans.
4. That all signage for the tenant shall be removed upon termination of the lease for said tenant.
5. That no additional tall building signage shall be approved at the subject property.
6. That signage shall be reviewed by Bird-Friendly Evanston to provide recommendations on timing of the tall building signage lighting prior to issuance of the building permit; and
7. That the signs installed be in substantial compliance with the documents and testimony on record.

Second by Commissioner Halik. A voice vote was taken, and the motion carried, 6-1.

Communications

Ms. Klotz asked the commissioners if there were any sign code change recommendations. Chair Rodgers prefers to hear additional cases prior to making any recommendations.

Commissioner Halik asked about the timing for considering the Margarita Inn Special Use. Ms. Klotz noted that since it is an active application, it must move through the

process. She also noted that a good neighbor agreement is not a requirement, but it could be made a condition of the Special Use approval recommendation.

It was noted that the regular meeting scheduled for November 23, 2022 has been moved to November 30, 2022 due to the Thanksgiving holiday.

Adjournment

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

Adjourned 11:13 pm

Respectfully submitted,
Amy Ahner, Planning Consultant

Reviewed by,
Katie Ashbaugh, AICP, Planner