



MEETING MINUTES

LAND USE COMMISSION

Wednesday, January 11, 2023

7:00 PM

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

Members Present: Myrna Arevalo, George Halik, Jeanne Lindwall, Kristine Westerberg, and Matt Rodgers

Members Absent: Brian Johnson, John Hewko, Kiril Mirintchev, and Max Puchtel

Staff Present: Neighborhood and Land Use Planner, Meagan Jones, Assistant City Attorney, Alex Ruggie, Planning Manager Liz Williams, Zoning Administrator Melissa Klotz, Michael Griffith, Planner, and Sarah Flax, Interim Director of Community Development

Presiding Member: Matt Rodgers

Call to Order

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

Commissioner Halik made a motion to move Agenda Items III, Election of Officers and IV, Approval of 2023 Meeting Schedule to after New Business and before Communications. Seconded by Commissioner Lindwall. A voice vote was taken, and the motion passed, 5-0.

Approval of November 30, 2022 Meeting Minutes

Commissioner Westerberg made a motion to approve the Land Use Commission meeting minutes from November 30, 2022, with the following amendments:

1. Page 8, third full paragraph, replace “increased” with “ceased”; and
2. Page 2, paragraph starting with Sue Loellbach, Connections Manager of Advocacy, should add that it was discussed that the Good Neighbor Agreement is not going to be done until after the permit was granted.

Seconded by Commissioner Lindwall. A voice vote was taken, and the motion passed, 5-0.

New Business

**A. Public Hearing: Special Use Permit | 1555 Oak Avenue | 22ZMJV-0085
Cameel Halim, property owner, requests a Special Use Permit for an Apartment Hotel at 1555 Oak Avenue, commonly known as the Museum Residences on Oak**

or the King Home, in the R6 General Residential District (Section 6-8-8-3). 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 and Ordinance 92-O-21.

Alan M. Didesch, General Counsel to BCH 1555 LLC, introduced William Ng of William NG Architects and presented an overview of the proposed Apartment Hotel and his interpretation of how it complies with City Standards for Approval.

Commissioner Questions

Commissioner Halik asked staff if there was a maximum number of transient units since there is a minimum of twenty-five percent. Ms. Klotz responded that the Zoning Code definition does not include a maximum. Commissioner Westerberg asked whether it would be a Hotel or an Apartment Hotel if there were 100% transient guests. Ms. Klotz noted that it could be either. Discussion ensued regarding the zoning ordinance definition and the primary use of the property.

Commissioner Lindwall asked how the accessory property facilities (restaurant, barbershop, massage spa, etc.) would be used and who was going to operate them. Mr. Didesch responded that BCH 1555 LLC would hire for the positions and the implementation phasing has not yet been determined.

Commissioner Westerberg asked whether they could use permeable pavers for the parking lot. Mr. Didesch responded that BCH 1555 LLC may consider it.

Chair Rodgers called for public comment. There was none.

The record was then closed.

Deliberations

Commissioner Lindwall remarked that transient hotel guests could provide additional city revenue that a permanent apartment building would not.

Commissioner Halik said that he thinks the proposal meets the Zoning Code definition. Commissioner Westerberg noted that it may enhance and differentiate the Apartment Hotel Zoning Code definition by adding a maximum number of transient guests. Chair Rodgers stated that he also thinks it is a good project, but the Zoning Code definitions should be improved.

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

1. Is one of the listed special uses for the zoning district in which the property lies: The Apartment Hotel definition is listed as an eligible special use in the R6

General Residential District and this project could also be interpreted as a Hotel implying that the Zoning Code Apartment Hotel definition should be clarified.

2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance: The property has been vacant for a period and the adaptive reuse preserves the building meeting the standard.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: The proposed building reuse will bring downtown activity and so the standard is met.
4. Does not interfere with or diminish the value of property in the neighborhood: The property is now vacant property so the reuse will increase value and therefore, the standard is met.
5. Is adequately served by public facilities and services: The building is near public transportation and is already served by public facilities, so the standard is met.
6. Does not cause undue traffic congestion: With parking provided, the incremental traffic would not have a negative effect downtown and so the standard is met.
7. Preserves significant historical and architectural resources: The property preserves a mid-century non-historic building, and thus the standard is met.
8. Preserves significant natural and environmental resources: The lot has open space which is being preserved and so the standard is met.
9. Complies with all other applicable regulations: The applicant had proved to be familiar with Evanston regulations and so the standard is met.

Chair Rodgers asked for Commissioner comments on the standards. Commissioner Westerberg recommended adding a permeable paver condition. It was also clarified that there would be no percentage applied to the number of transient guests.

Commissioner Lindwall made a motion to recommend approval to the City Council to approve the Special Use Permit on the property located at 1555 Oak Avenue, 22ZMJV-0085, with the following conditions:

1. The applicant paves the unimproved parking lot with permeable pavers within one year of approval of the Special Use Permit.
2. The Special Use Permit is in general compliance with the application and testimony provided.

Second by Commissioner Halik. A voice vote was taken, and the motion carried, 3-2.

B. Public Hearing: Appeal | 1733 Oakton Street | 22ZMJV-0088

Cheryl & Robert Muno, property owners of 1729 Oakton Street, appeal the Zoning Administrator's decision to grant minor zoning relief (case number 22ZMNV-0074) to construct a second story addition with a proposed east interior side yard setback of 3.9' and an existing first story of 3.9' (Section 6-8-3-7) in the R2 Single Family Residential District. The appellant appeals the approval of the 3.9' east interior side yard setback variation, and also appeals the overhang amount (eave; yard obstruction) approved without variation. 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.

Robert Muno, 1729 Oakton Street, presented his opposition to the variances being requested at 1733 Oakton Street. The primary reasons for opposition include loss of light, increased noise, and the potential for stormwater runoff to negatively impact his property at 1729 Oakton Street.

Commissioner Questions

Commissioner Lindwall asked if the distance from the west side of the property to the house was about five feet. Mr. Muno stated that he did not know the exact distance.

Ms. Klotz summarized that the variance was granted due to finding that it met the standards for a minor variation. Relocating the addition created construction issues and potential triggers for additional variance requests. The permitted bulk in the zoning district was not maximized and other houses on the block were at a similar height to the proposed addition. Commissioner Westerberg asked staff if an offset of the second story was considered, and Ms. Klotz replied that it was not. Ms. Klotz noted that a stormwater drainage plan will have to be approved prior to issuing the building permit.

The record was then closed.

Deliberations

Commissioner Halik noted residents cannot own natural light or views and the setback was not an issue created by the homeowner. He also stated that the property owner has the right to build, and they were not proposing to maximize what they could have been allowed. Commissioner Westerberg noted that stormwater is a substantive issue and should be reviewed prior to permit issuance and Chair Rodgers concurred.

The Commission then reviewed the Standards for a Minor Variation (Section 6-3-8-12-A).

1. The practical difficulty is not self-created: The legally nonconforming interior side yard setback is not self-created by the minor variation applicant and so the standard is met.
2. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties: The second story height is not maximized thus not creating a substantial adverse impact and so the standard is met.
3. The requested variation is in keeping with the comprehensive general plan and the zoning ordinance: Adding on to existing house stock aligns with the plan meeting the standard.
4. The requested variation is consistent with the preservation policies set forth in the comprehensive general plan: The minor variation allows a second story addition rather than an increased building footprint which would have created a larger negative effect and so the standard is met.

5. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Zoning Administrator issues his/her decision regarding said variation: Alternative locations were considered that did not take advantage of the existing structure and so the standard is met.

Commissioner Lindwall made a motion to affirm the Zoning Administrator's decision on the property located at 1733 Oakton Street, 22ZMJV-0088, with the instruction that as the project moves forward through the permitting process that staff pay particular attention to the stormwater management system. Second by Commissioner Halik. A voice vote was taken, and the motion carried, 5-0.

Commissioner Halik made a motion to accept the Zoning Administrator's interpretation on the property located at 1733 Oakton Street, 22ZMJV-0088, that the proposed 4" eave is compliant. Second by Commissioner Westerberg. A voice vote was taken, and the motion carried, 5-0.

C. Public Hearing: Special Use & Major Variation | 1801-1805 Church Street and 1708-1710 Darrow Avenue | 22ZMJV-0089

Pastor Clifford Wilson, Mt. Pisgah Ministry, Inc., applicant, submits for a Special Use for a use (religious institution) in the oWE West Evanston Overlay District exceeding 10,000 square feet but less than 40,000 square feet (Sections 6-15-15-XVII-B.4 and 6-15-15-XVII-B.6), and submits for the following Major Variations from the Evanston Zoning Code: 1) Reduce required front yard build to zone from 5'-25' to 0' at upper floors (Section 6-15-15-XVII-A.2), 2) Reduce required west interior side yard setback from 5' to 0' (Section 6-15-15-XVII-A-6), 3) Increase impervious surface coverage from 60% + 20% semi-pervious surface material to 90.3% (Sections 6-15-15-XVII-A.8 and 6-15-15-XVII-A.9), 4) Increase building height from 2 stories or 30' to 3 stories at 44.0' to parapet (Section 6-15-15-XVII-B.1), 5) Eliminate the required building stoop base type and provide a storefront base type instead (Section 6-15-15-IV, Table IV.A, and 6-15-15-V-C.4), 6) Provide occupied space behind building parapet cap type where occupied space is not permitted (Section 6-15-15-IV, Table IV.A, and 6-15-15—VI-A.3), 7) Eliminate the required one short loading berth (Section 6-16-5, Table 16-E), 8) Increase yard obstruction from 10% to 40% into corner side setback for exterior building fins and vertical trellis (Section 6-4-1-9-B.1), 9) Eliminate the required 3'-4' tall steel or PVC picket fence around the parking area (6-15-15-XVIII.B.5), in order to construct a 3-story building for a religious institution with both on-site and leased offsite parking in the B2 Business and oWE West Evanston Overlay Districts. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Zoning Code Section 6-3-5-9, and Ordinance 92-O-21.

Senior Pastor Clifford Wilson, Mt. Pisgah Ministry, Inc., 1813 Church Street, stated their goal is to build a new non-denominational religious institution with a soup kitchen to help those in need. Mr. Richard Koenig, Executive Director of Koenig Housing Opportunity

Development Corporation (“HODC”), a non-profit organization building affordable housing, provided an overview of the sites and the projects which revitalize the block with a new church, 44 new affordable residential apartments, and a retail space.

Chair Rodgers asked staff to read Item IV. D. into the record due to the interrelationship of the projects. Ms. Ruggie confirmed that both projects will move together to the City Council for approval.

Commissioner Questions

Commissioner Halik inquired what the impact would be if the HODC project was reduced from five to four stories. Mr. Koenig replied that it would not be financially feasible.

Commissioner Lindwall questioned the impact of eliminating the zero front yard setback and front loading for the buildings without a designated loading berth. Mr. Koenig responded that it would make the units smaller and challenge the number of parking spaces able to be built. Mr. Griffith added that Evanston Public Works indicated their approval of a shared on-street loading zone for the entire block. Mr. Koenig also mentioned that the church currently does not often use the loading space and does not expect a lot of HODC move-in and out traffic.

Commissioner Lindwall asked about the planter locations and Mr. Koenig responded that they extend two feet from the east wall. Commissioner Lindwall asked why there is a separate location for the garbage chute and recyclables. Mr. Koenig replied that they have found this practice to promote less mixing of trash.

Commissioner Halik said that the Special Overlay District triggers several variations and questioned staff about the future of overlay districts. Ms. Klotz answered that the Planning & Development Committee discussed the overlay district challenges due to the strict structure and age of the form-based Zoning Code with no further action.

Commissioner Westerberg inquired about the stormwater and soil remediation plans. Mr. Griffith answered that the applicant is proposing a stormwater vault to hold and slowly release the water into the alley stormwater system and that any further soil remediation would be addressed during building permit review.

Chair Rodgers called for public comment.

Carlis Sutton, 1821 Darrow Avenue, commented that the overlay district is problematic and that the proposed design is not characteristic of the neighborhood.

Tina Paden, 1122 Emerson Street, inquired about confirmation of the environmental cleanliness of the site. She asked about the value of the property that the church is being built on and future ownership of the two properties. She asked if HODC would be building the church and where was its parking. She asked what the public notice

distance was for an overlay district. She asked if there would be a priority for minority hiring and how preference to Evanston residents could be managed. She questioned whether there was a lack of public meetings and if this use was the best for public property which should serve the greater community.

Priscilla Giles, 1829 Ashland Avenue, objects to the size of the building as it relates to the neighborhood.

Nambi Chambers, 1816 Darrow Avenue, expressed concern about traffic, parking and building height. Xiomara Chambers, 1816 Darrow Avenue, also expressed concern about parking especially during street and snow cleaning. She added that there tends to be standstill traffic in front of the storefronts.

Katie Nawrocki, Crosby Theodore, LLC, 1817 Church Street, asked for a three-month continuance to discuss the documents and variations submitted by the applicant. Their concerns include stormwater, impact on a local landmark structure, the building's height and bulk, and that the least deviation standard was not provided. Erin Jackson, also 1817 Church Street, acknowledged that 1817 has stormwater issues and would like to understand how the proposed project would impact parking for her business. She also concurs with the spirit of providing affordable housing to individuals in the area.

Vanessa Johnson McCoy, 1710 Central Street, noted that affordable housing is a need that she has seen in Evanston through her real estate experience and the church provides great service to the community.

Sidney Reed, 1151 Ashland Avenue, expressed support of the affordable housing development and getting some of the property back in a taxable status.

Keith Banks, 737 Reba Place Development Corporation, Suite B, spoke in support of the affordable housing development and the height of the building.

Mr. Koenig summarized that the public meetings began in July 2019 with a community meeting regarding the site, followed by 5th Ward meetings in October. The city issued a Request for Qualifications (RFQ) in January of 2020 and in June, the Economic Development Committee met to discuss the responses and voted to recommend the Mt. Pisgah Ministry and HODC partnership ("Partnership") to the City Council in December. The City Council authorized negotiations with the Partnership in January 2021 and adopted an ordinance in February 2021 to negotiate a purchase and sale agreement with the Partnership. 5th Ward project presentations were made in August and December of 2021. Flyers were distributed to neighborhood homes and businesses in September 2022 prior to another community meeting held later that month.

Mr. Koenig confirmed that the city has property environmental clearance in the form of an Illinois Environmental Protection Agency (IEPA) No Further Remediation Required (NFR) Letter that was communicated by issuing it with the 2020 RFQ and including it with these public hearing packets. Pastor Wilson has testified regarding personally

observing removal of the tanks. Any further clean-up objectives are local, based on land use and handled through the permitting process.

Mr. Koenig responded that the donated portion of the property is appraised at approximately \$1M and eligible for a state donation tax credit. The church will only own the east section of the property and HODC will own the west and pay property taxes. He further clarified that the five parcels will be combined and subdivided into two with two different parcel identification numbers (PINs). The two projects will be built independently.

Pastor Wilson stated that they currently have 7 church parking spaces. Evanston Township High School has granted permission to let the church park on Sunday in the southeast parking lot if necessary (typically for weddings and funerals). He has reached out to adjacent churches for Saturdays or other days when they are not using spaces for additional parking if necessary.

Mr. Koenig restated that Federal Fair Housing law does not allow a local waitlist. HODC has requested consideration to allow it but if it is not approved, they will comply with the law. He confirmed that they will comply with Evanston's minority hiring program.

Mr. Koenig summarized that there are 13 1-bedrooms, 20 2-bedrooms, and 11 3-bedrooms. The 1-bedrooms range from 640 to 670 square feet; the 2-bedrooms are 782 to 908 square feet, and the 3-bedrooms are 1,053 to 1,150 square feet.

Mr. Griffith noted that public mail notice was sent within a radius of 500 feet, the requirement for variations.

Commissioner Westerberg asked staff when plans were posted, and Mr. Griffith noted that the packet was posted the Friday prior to the Land Use Committee meeting and public mail notices were sent in mid-December. Mr. Koenig added that plans, elevations, and story boards have been part of earlier presentations over the last 18 months for both projects.

Chair Rodgers asked for commissioners' input on continuing the hearings and staff input on the Land Use Commission case schedule. Chair Rodgers set the expectation that the developer and church hold an additional community meeting to review the plans. He also noted that continuing to February 8, 2023, will not include another mailed public notice. Commissioner Lindwall suggested that stormwater drainage, lot coverage and alley function be discussed with the neighbors.

Commissioner Lindwall made a motion to continue the hearing to the February 8, 2023 meeting on the property located at 1801-1805 Church Street and 1708-1710 Darrow Avenue, 22ZMJV-0089. Second by Commissioner Westerberg. A voice vote was taken, and the motion carried, 5-0.

D. Public Hearing: Major Variation | 1811-1815 Church Street and 1708-1710

Darrow Avenue | 22ZMJV-0092

Richard Koenig, Housing Opportunity Development Corporation, applicant, submits for the following Major Variations from the Evanston Zoning Code:

1) Reduce the required front yard build to zone from 5'-10' to 0' (Section 6-15-15-IX-A.3), 2) Reduce the required west and east interior side yard setbacks from 5' to 0' (Section 6-15-15-IX-A.5), 3) Reduce the required rear yard setback from 5' to 0' (Section 6-15-15-IX-A.6), 4) Increase the maximum permitted impervious surface coverage from 90% + 5% semi-pervious surface area to 99.7% of lot area (Sections 6-15-15-IX-A.7 and 6-15-15-IX-A.8), 5) Increase the maximum permitted building height from 3 stories and 47' to 5 stories and 57.7' (Section 6-15-15-IX-B.1), 6) Eliminate the required 8' ziggurat setback at the 3rd story (Section 6-15-15-IX-B.1), 7) Eliminate the required one short loading berth (Section 6-16-5, Table 16-E), in order to construct a 5-story mixed-use building with ground floor retail, 44 dwellings, and on-site parking in the B2 Business and oWE West Evanston Overlay Districts. The Land Use Commission is the determining body for this case in accordance with Zoning Code Section 6-3-8-2, and Ordinance 92-O-21.

Commissioner Lindwall made a motion to continue the hearing to the February 8, 2023 meeting on the property located at 1801-1805 Church Street and 1708-1710 Darrow Avenue, 22ZMJV-0089. Second by Commissioner Westerberg. A voice vote was taken, and the motion carried, 5-0.

Election of Officers

A. Election of Land Use Commission Chair and Vice-Chair

Commissioner Halik made a motion to elect Commissioner Matt Rodgers Chair, seconded by Commissioner Lindwall, and Chair Rodgers accepted the nomination. The motion carried 5-0. Commissioner Rogers made a motion to elect Commissioner Max Puchtel Vice-Chair, seconded by Commissioner Lindwall. The motion carried 5-0.

B. Election of Zoning Committee Members

The Election was deferred until the next Commission meeting.

C. Election of Comprehensive Plan Committee Members

The Election was deferred until the next Commission meeting.

D. Election of Comprehensive Plan Steering Committee Chair

Commissioner Rogers made a motion to elect Commissioner Jeanne Lindwall as the Comprehensive Plan Steering Committee Chair, seconded by Commissioner Westerberg. The motion carried 5-0.

Adoption of 2023 Meeting Schedule

Commissioner Westerberg made a motion to adopt the 2023 calendar, seconded by Commissioner Lindwall. The motion carried 5-0.

Communications

Ms. Williams provided a Comprehensive Plan Update. Staff has identified key elements to bring before those committees that have purview over the plan and will schedule

these in the coming months prior to finalizing the RFP. Discussion ensued regarding communicating commission and staff recommendations to City Council. Chair Rodgers made a referral to staff to review the Zoning Code definition for an Apartment Hotel.

Adjournment

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 5-0.

Adjourned 10:03 pm.

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, January 25, 2023, at 7:00 pm, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,
Amy Ahner, AICP, Planning Consultant

Reviewed by,
Meagan Jones, Neighborhood and Land Use Planner