



MEETING MINUTES

LAND USE COMMISSION

Wednesday, January 25, 2023

7:00 PM

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

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

Members Absent: Myrna Arevalo

Staff Present: Neighborhood and Land Use Planner, Meagan Jones, Assistant City Attorney, Brian George, Planner, Katie Ashbaugh, and Planning Manager, Liz Williams

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:01pm. A roll call was then done and a quorum was determined to be present.

Approval of January 11, 2023 Meeting Minutes

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from January 11, 2023 with Commissioner Halik's correction on page 4 under deliberations, that "cannot own light or noise" be replaced with "cannot own natural light or views". Seconded by Commissioner Westerberg. A voice vote was taken, and the motion passed with 5 Ayes and 3 Abstentions.

New Business

A Public Hearing: Major Variation | 2311 Prospect Avenue | 22ZMJV-0098
David S. Howes and Ruth B. Rosenthal, property owners, request a Major Variation from Section 6-8-2-8(A)(3) of the Evanston Zoning Code to allow an interior side yard of 2 feet 9 inches where an interior side yard of 5 feet is required along the north interior side lot line to allow for an addition to an existing single-family home located on property commonly known as 2311 Prospect Avenue, Evanston, in the R1 Single-Family Residential District. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-10 of the Evanston Zoning Code.

The applicant, Ms. Rosenthal, presented the garage reconstruction variation request. She stated that her daughter and daughter's family live there and the renovation will

improve the current layout of the home to provide more direct access between the attached garage and the rest of the house. She said currently the stairs connecting the garage to the home require going down into the basement and then going back up into the home; the proposed layout corrects this. She also said the home was constructed when vehicles were smaller in size and the existing garage width is too narrow.

Commissioner Questions

Commissioner Westerberg asked about the history of the rear addition to the property. The applicant responded that she thought it was from the 1960's but it was done prior to their owning the property.

Chair Rodgers questioned if they had considered building a garage off the alley. Ms. Rosenthal responded that they preferred not to take up the rear yard with a garage and preferred a shorter walking distance from the home to the garage due to having a daughter with mobility and health issues. Commissioner Puchtel noted the Evanston Comprehensive Plan emphasizes curb cut reduction and noted most of the other properties on the street have their garage access from the alley.

Commissioner Halik inquired about the garage alignment with the house. Ms. Rosenthal explained that the garage entry comes into a staircase leading from the kitchen to the basement.

Chair Rodgers asked about the external garage material. Ms. Rosenthal answered that it is brick board.

Commissioner Westerberg noted that the adjacent neighbor has requested to not harm their tree or existing foundation. Ms. Rosenthal agreed with this request.

Chair Rodgers called for public comment. There was none.

The record was then closed.

Deliberations

Commissioner Mirintchev noted that the garage extension will not shadow the neighbor, the proposed masonry as it attaches to the house is an improvement and is in favor of the project.

The Chair reviewed the seven Standards for a Major Variation, (Section 6-3-8-12(E)).

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: The most impacted neighbor has had their tree and foundation concerns addressed, the project will not shadow the neighbor, and therefore the standard is met.

2. The requested variation is in keeping with the intent of the zoning ordinance: The zoning ordinance allows for the approval and changes to properties and the age of the existing garage does not align with modern vehicle standards, and so the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property. The garage was likely built prior to the current zoning ordinance which dictates setbacks and is being replaced by a garage that is more usable and peculiar to this property, therefore the standard is met.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out: The strict application of the regulations could create a larger hardship resulting in a smaller garage, so the standard is met.
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property: The applicant's testimony reflects the needs of a member of their family which meets the standard.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The testimony provided, and the evidence of the garage materials indicates that the current owners did not create the hardship and so the standard is met.
7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission: The request is to replace a garage nearly in kind yet to make it more usable meeting the standard.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

Commissioner Lindwall made a motion to grant a Major Variation at the property located at 2311 Prospect Avenue, 22ZMJV-0098. Second by Commissioner Halik. A voice vote was taken, and the motion carried, 8-0.

B. Public Hearing: Special Use & Major Variations | 2201 Oakton Street | 22ZMJV-0087

Daniel Grove, PLA, AICP, of Kimley Horn and applicant on behalf of the property owner, The Home Depot, requests a Special Use Permit to allow for outdoor storage and open sales on the property located at 2201 Oakton Street in the I1 Industrial/Office District and the oRD Redevelopment Overlay District. The applicant also requests two Major Variations from the Evanston Zoning Code to allow for the proposed outdoor storage to be located in the front yard where outdoor storage is prohibited [Section 6-14-1-8(A)] and to not screen the proposed outdoor storage where screening on all sides by an eight-foot-tall solid fence is required [Section 6-14-1-8(B)]. 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.

Daniel Grove of Kimley Horn, applicant, 4201 Winfield Road, Warrenville summarized the Home Depot outdoor storage proposal in the parking lot to bring it into compliance while maintaining required vehicle parking.

Commissioner Questions

Chair Rodgers asked for examples of a large rental vehicle. Mr. Grove described moving trucks and trailers, small backhoes, skid steers, etc. Chair Rodgers asked if a location over by the garden center was considered to put these items further back on the property. Mr. Grove responded that it was not considered but keeping the large rentals near the tool rentals is preferred.

Commissioner Puchtel asked staff about the purpose of the fence requirement in the code. Ms. Ashbaugh responded that the requirement was intended for industrial properties where manufacturing and outdoor storage are common so as to screen these uses from any non-industrial properties and any views from the public right-of-way. She said that the request to not require the screening as stated in the code makes sense for the property in question since it is actually used as a commercial retail property but happens to be in an industrial zoning district, and cross access is needed between the Home Depot property and the property to the east where Aldi and PetSmart are located (there is a shared parking lot). Chair Rodgers noted that it was also screening for adjacent properties to the west.

Commissioner Westerberg asked if aesthetics apply to screening the consolidated rental area. Ms. Ashbaugh stated that because of the large setback from Oakton Street, the situation of Steak and Shake between Oakton and the rental area, and some existing shrubbery, she did not observe a need for additional screening.

Commissioner Hewko inquired about the timing for the variations and special use permit request for these non-conforming activities. Ms. Ashbaugh responded that the scope and volume of activity of The Home Depot has increased gradually over time and staff recently began working with Home Depot to formalize their practices and bring them into compliance. Mr. Grove stated that they have worked with staff to define the areas large enough to work within to maintain compliance in perpetuity in response to Commissioner Westerberg.

Commissioner Lindwall asked how the large vehicle rental parking will be managed. She said she's observed the trucks being parked more scattered throughout the parking lot. Mr. Grove noted that store management is aware that it will need to be contained, monitored, and delineated.

Commissioner Puchtel expressed concern regarding pedestrian and vehicular circulation near the garden area during peak seasons and would like it re-evaluated, particularly to the north and east of the garden area.

Commissioner Mirintchev commented on internal parking circulation and the lack of stop signs at exit points, specifically the west full access drive to Oakton Street and the southbound drive along the west side of the property.

Ramsey Word, The Home Depot Assistant Manager, stated that the plan for the garden area is shown on the plans at its largest possible location and will decrease in size seasonally and then increase to no farther than shown on the plan. The corral is built out for garden use, trees, or salt and then is shortened to align with the remaining product.

Chair Rodgers called for public comment. There was none.

The record was then closed.

Deliberations

The Commission then reviewed the 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: Outdoor storage and open sales are both listed as special uses in the I1 district so the standard is met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance: It is an adaptive reuse of a large parking lot in front and so the standard is met.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: The site is surrounded by industrial and retail, there has not been any testimony of encroaching or negative effect upon neighbors and so the standard is met.
4. Does not interfere with or diminish the value of property in the neighborhood: It is a continuation of use in an industrial area, so the standard is met.
5. Is adequately served by public facilities and services: Does not apply for this application.
6. Does not cause undue traffic congestion: Oakton Street is a wide street with a large Home Depot parking lot so the standard is met.
7. Preserves significant historical and architectural resources: The building was built for commercial use in the 1980's so there are no significant historical or architectural resources to consider.
8. Preserves significant natural and environmental resources: The subject is a parking lot with no resources to preserve.
9. Complies with all other applicable regulations: The project will bring the applicant into compliance so the standard is met.

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

1. The requested variations will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: The site is surrounded by industrial and retail, there has not been any testimony of encroaching or negative effect upon neighbors and so the standard is met.
2. The requested variations is in keeping with the intent of the zoning ordinance: Adaptive reuse of properties and compliance are objectives, so the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property: Fence placement within parking lots is unique so the standard is met.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out: Rental and gardening services are typical for this type of business and complete screening of it would impact sales, so the standard is met.
5. Either the purpose of the variations is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variations will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter: The request does not affect the property value itself so the standard is met.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The building was built in the 1980s and no single person has created a hardship; therefore, the standard is met.
7. The requested variations requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission issues its decision or recommendation to the City Council regarding said variations: The location off to the side lessens the need for additional screening so the standard is met.

Chair Rodgers asked for the Commissioners' comments on the standards.

Commissioner Puchtel weighed in that the negative cumulative effect and traffic for the Special Use standards are met if Home Depot develops and maintains a pedestrian flow plan. Commissioner Mirintchev added a condition to improve ingress and egress from the west approach to the parking area especially during the garden season. Commissioner Hewko encouraged formalization of the number of permitted parking spaces for rentals as well as their demarcation.

Commissioner Lindwall made a motion to grant a Special Use and Major Variations at the property located at 2201 Oakton Street, 22ZMJV-0087, with the following conditions:

1. The garden area and equipment rental area are clearly marked within the parking lot;
2. The number of parking spaces devoted to each use, including the garden area to the west and equipment rental area to the east, are specified on plans; and
3. The applicant prepares a pedestrian plan and ingress and egress plan related to pedestrian and vehicular safety as part of materials provided to City Council.

Second by Commissioner Puchtel. A voice vote was taken, and the motion carried, 8-0.

Communications

Chair Rodgers updated members that he is meeting with Mayor Biss next week to discuss the overall functioning of the commission. He also noted that Community Development Director interviews are being held and there will be more information soon.

Adjournment

Commissioner Lindwall motioned to adjourn, Commissioner Westerberg seconded, and the motion carried, 8-0.

Adjourned 7:59 pm.

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, February 8, 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
Katie Ashbaugh, AICP, Planner