



MEETING MINUTES

LAND USE COMMISSION

Wednesday, February 22, 2023

7:00 PM

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

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

Members Absent: Matt Rodgers

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

Presiding Member: Max Puchtel

Call to Order

Chair Puchtel opened the meeting at 7:05 PM. A roll call was then done and a quorum was determined to be present.

Approval of February 8, 2023 Meeting Minutes

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from February 8, 2023, with a correction on page 12 from a “voice” to a “roll call” vote for the motion on 1811-1815 Church Street. Seconded by Commissioner Westerberg. A roll call vote was taken, and the motion passed 7-0-1 with Commissioner Hewko abstaining.

Old Business

A. Public Hearing: Major Variations | 1420 Leonard Place | 23ZMJV-0002

David Reid, property owner, requests four Major Variations from the Evanston Zoning Code to allow for the construction of a new single-family home in the R3 Two-Family Residential District. The variations are as follows: a front yard setback for the principal structure of 7.7 feet where a minimum front yard setback of 27 feet is required [Section 6-8-4-7(A)(1)]; a west interior side yard of 3 feet for the principal structure where a minimum of 5 feet is required [Section 6-8-4-7(A)(3)]; a west interior side yard of 2.5 feet for the eave (roof overhang) where a minimum of 4.5 feet is required [Section 6-4-1-9(B)(1)]; and a west interior side yard of 3 feet for the air conditioning equipment where a minimum of 6 feet is

required [Section 6-4-6-9]. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-10 of the Evanston Zoning Code and Ordinance 92-O-21. *Due to an initial vote of 4-4 on a motion to approve the requested zoning relief with conditions, the application for zoning relief was continued to this meeting in order to obtain a fifth vote to render a majority of the 9 seated members.*

Commissioner Hewko verified he had reviewed the video and read the meeting minutes and voted no, 1-0, on the previous motion to approve this request with conditions, bringing the total vote count to 4-5. The motion, therefore, failed and the request was denied.

Chair Puchtel reviewed what testimony would be heard regarding Old Business Items B and C and that each case would be heard separately to properly vote on each one.

B. 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 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.

Mr. Richard Koenig, Executive Director of Koenig Housing Opportunity Development Corporation ("HODC"), summarized the updated plans and major variation requests.

Commissioner Questions

Commissioner Lindwall inquired about what types of tenants are anticipated and what is their selection process. Mr. Koenig responded that they follow a formal tenant selection plan and a few units are set aside for people with disabilities as required under the Illinois Housing Development Authority. A waiting list and a lottery order of review is followed for the initial selection of tenants. The first selection process is for income qualifying applicants based on area median income and household size (income source is not a qualifier) followed by application process and credit and criminal background

checks. A felony criminal conviction within the past five years is a disqualifying standard. Each potential tenant is interviewed and once selected, every tenant is on the lease.

Commissioner Lindwall asked Mr. Koenig to describe the project's sustainability features. He answered that they will apply for national Green Building standard certification for extensive wall insulation, high efficiency furnaces, and others.

Commissioner Westerberg asked for clarification of ownership and taxes. Mr. Koenig explained that HODC will own the land underneath the building. It is a for profit corporation that owns the project, acting in a charitable way, and not allowed to be real estate tax exempt.

Public Comment

Chair Puchtel called for public comment.

Tina Paden, 1122 Emerson Street, asked why the cases were being heard separately at this meeting. Chair Puchtel clarified that the presentation and public comment were together at previous meetings, but the formal case votes must be individual.

Roberta Hudson, 1941 Dewey Avenue, reviewed that developer rental housing is not sustainable for her community.

Bonnie Wilson, 525 Grove Street, spoke about her real estate agent experience in the Evanston rental market as unaffordable for many workers and sees the proposed project as affordable.

Rom Muoka, 1813 Lyons, stated his concerns about traffic and affordability.

Radica Sutz, 1810 Darrow Avenue, talked about the need for affordable ownership in the 5th Ward, compared housing ownership versus rental costs and suggested alternative uses for public resources.

Kenia Rosa, 1722 Darrow Avenue, spoke of her experience in affordable housing, and opposition to the project based on safety and health concerns.

Anna Wooden, 1721 Darrow Avenue, addressed her concerns regarding the narrow alley width, traffic on Darrow, the number of variances being requested, and the sizes of both buildings' impact on the street.

Andrew Fetterman, 1738 Darrow Avenue, stated his reasoning that the site is inappropriate for the proposed use.

Xiomara Chambers, 1816 Darrow Avenue, stated her opposition to locating the project in the 5th Ward.

Carlis Sutton, 1821 Darrow Avenue, reviewed his thoughts on how the variations do not comply with the standards.

Sue Loellbach, Connections for the Homeless, Joining Forces Director of Advocacy, spoke of her experience with the need for investment in multiple types of affordable housing.

Keith Banks, 2125 Washington Street, spoke about the opportunity to convert a vacant lot and to have more affordable rents.

Haley Guion, Crosby Theodore LLC, representing Jackson, LLP, 1817 Church Street, clarified that they did not request the west step back but offered alternatives in their written testimony. She questioned whether there would be a budget designated to address the maintenance of the underground water holding tanks. She summarized that it is their position that the proposed building changes do not address 1817 Church Street's structural integrity, traffic, parking, and requests the commission to deny all variation requests.

The record was then closed.

Deliberations

Commissioner Halik recused himself from deliberations on this case.

Commissioner Lindwall asked staff to comment on final engineering and construction management plans. Ms. Klotz responded that projects of this size are required to have a construction management plan and detailed engineering plans that are not typically done at this preliminary stage but are required for permit. The engineering plans address stormwater management and are required to be reviewed and approved by the Metropolitan Water Reclamation District in regard to stormwater and drainage. A construction management plan for a project of this size would likely include details such as shoring along property lines and existing buildings, monitoring of vibrations throughout construction, construction, traffic, staging, and parking.

Commissioner Lindwall asked staff to speak about where else in Evanston affordable housing units are being built. Ms. Flax briefed that approximately 55 units of affordable rental have been added mostly through planned development by way of the Inclusionary Housing Ordinance, mostly in the downtown districts. She reviewed the 60 units of affordable development that were opened on Howard Street west of Ridge; the inclusionary units for the Masonic Temple, Varsity Theater redevelopment, and Vogue sites; and a few projects that have not yet been built.

Commissioner Westerberg asked how the projects would be managed if they were going to be constructed simultaneously. Mr. Griffith replied that both projects would have a construction management plan that would need to coordinate between

contractors and would be managed through the city building division. Ms. Williams noted the applicants intended to have different general contractors.

Commissioner Hewko asked staff about challenges faced in attracting affordable housing. Ms. Flax responded that much of it is due to available land and large lots. She also reviewed the Neighborhood Stabilization Program goals to develop ownership housing in the 5th Ward and the complexities regarding federal low-income housing tax credits.

Commissioner Lindwall stated her support for the project which is based on the additional economic contribution to the area and the redevelopment of the vacant lot along Church Street.

Commissioner Westerberg appreciated the work to date yet has concerns on the bulk of the proposed buildings. Her drop-off area concerns remain, and she would like to see the program could be revised to better align with the standards for variations and have the developer be more responsive to the needs of the community.

Commissioner Mirintchev supports developing the vacant lot, but the building floor-area ratio appears to be excessive and the commercial space inadequate for the lot and zoning district, both of which constrain his approval recommendation.

Commissioner Arevalo spoke of the need for affordable housing in the 5th Ward and her support of the project. Commissioner Johnson added his support noting his loading concerns and appreciates that Parking Services will work out the details.

Commissioner Hewko recognizes the project size and traffic issues and the challenge of site availability but is leading to support it to meet the affordable housing needs.

Commissioner Puchtel stated that the bulk of the project seems out of context with the street and he would prefer to have the vacant lot redeveloped with something more in alignment with the neighborhood.

The Chair reviewed the Standards for Major Variations (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 standard is met through a balance of community benefits.
2. The requested variation is in keeping with the intent of the zoning ordinance: The use is allowed in the zoning district and meets the Comprehensive Plan goal to develop empty lots, so the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property: A portion of the lot is owned by the city with redevelopment of an iconic building, or a mixed-use project stated as the goal. Testimony confirming the redevelopment goals and considering that the financing requires a larger lot for the proposed program deems it peculiar to the property, 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: The number of variances could be reduced if smaller units were proposed but then the family housing goals would not be met. However, no alternatives have been presented to the commission making it difficult to ascertain if this standard is met.
5. a. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or
b. While the granting of a 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 Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2, 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 - Public Benefits (see below): There are multiple goals with this project and therefore the standard is met.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The lot has been vacant for years 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 issues its decision or recommendation to the City Council regarding said variation: The proposal is not the least deviation. However, there have been agreed upon changes to the rear yard setback but not the front and side yard setbacks which impact the community resulting in challenges to meet the standard.

Commissioner Lindwall made a motion to grant the Major Variations at the property located at 1811-1815 Church Street, 22ZMJV-0092, for the requested variations as described in the meeting packet and in accordance with the updated plans dated February 10, 2023 as presented at the February 22, 2022 meeting with the following conditions:

- 1. Approval of a plat of subdivision establishing new property lines.**
- 2. Compliance with Green Building and Bird Friendly Ordinances.**
- 3. Compliance with rental registration requirements.**
- 4. Rooftop mechanical equipment to comply with the maximum permitted sound level at the property line. The applicant is encouraged to use equipment that does not need sound attenuation modifications.**
- 5. If exterior lighting is proposed, a photometric plan is required at the time of building permit submittal showing light levels at the property line. Exterior lighting is not to glare or spill over onto adjacent properties.**
- 6. Parking Services and Public Works Agency approval for the on-street loading zone.**
- 7. Replace any sidewalk displaced during construction.**

8. Provide Stop control and stop bar at the access drives for northbound site traffic exiting onto the alley along the north side of the development site.
9. Provide bike storage/racks for both residents and commercial uses in the HODC project.
10. Run an AutoTurn to examine turning operations at the new access drive.
11. Approval of a Construction Management Plan (CMP) to address potential impacts to 1817 Church Street and in coordination with adjacent properties. Neighboring properties should be kept informed and involved in the development of the CMP.

Second by Commissioner Arevalo. A roll call vote was taken, and the motion carried, 4-3, with one abstention.

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.

Commissioner Questions

Senior Pastor Clifford Wilson of Mt. Pisgah Ministry summarized their outreach ministry goals and the other organizations that they have contacted requesting joint parking on Sundays and other events. He introduced his architect Ben Suzuki and Matt Kidd, Suzuki + Kidd.

Commissioner Halik asked Pastor Wilson what would happen to his project if the HODC project was denied by city council. Pastor Wilson explained that the Memorandum of Understanding between the parties' states that if the HODC project is not approved, the church will not move forward with its project. Commissioner Halik asked about the church program and why the variations are required. Pastor Wilson said that a 200-seat facility meets their financial goals and the city's iconic building goals. Mr. Suzuki described various site design iterations all having the same community goals of the church. Commissioner Mirintchev asked why the building height was increased from 34 feet to 44 feet. Mr. Suzuki described adding a church steeple and stated that the mansard roof is 39 feet with an entrance canopy extension. Commissioner Mirintchev stated his appreciation of the building design but is concerned about the height.

Commissioner Westerberg asked if there was a way to accommodate a drop off and loading area in the rear. Pastor Wilson noted that it could be depending on the timing and the needs of the individual being dropped off.

Commissioner Halik inquired about the schedule. Pastor Wilson replied that some of the construction activities would be more cost effective if done concurrent with the HODC project, yet they are only at the early fund-raising stage.

Public Comment

Chair Puchtel called for public comment.

Andrew McArdle, 1721 Darrow Avenue, commented that the design was out of scale with the rest of the neighborhood. Ms. Wooden expressed similar thoughts on the design and added her concern for an effort to be made to make changes.

Ms. Paden, Ms. Hudson, Mr. Sutton, Ms. Chambers and Ms. Sutz all questioned parking and financing for the project.

Mr. Banks spoke about the vision process and community revitalization.

Ms. Guion added her client's concern regarding the project timeline and funding.

Commissioner Lindwall requested staff to comment on the zoning, overlay district and variations. Ms. Klotz summarized that the West Evanston Overlay District is a form-based code intended to pre-design building intention for a lot. The building height, impervious surface coverage, mezzanine space behind the parapet wall, building stoop base type, and front and side yard setbacks meet the underlying B-2 Zoning District regulations but not those of the West Evanston Overlay District.

The record was then closed.

Deliberations

Commissioner Halik expressed concerns regarding parking and the timing of fundraising for the project's financing since the housing cannot occur until the Church vacates its property. The two projects are tied together because nothing can happen until the church moves and they cannot move until they have raised funds. Commissioner Mirintchev communicated his concerns about building height and parking. Commissioner Westerberg agreed with the voiced parking concerns and large scale of the building.

The Chair reviewed the 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: It is so the standard is met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: Meets the standard because it develops an undeveloped lot.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: It is not cumulative in that it is replacing an existing church, so the standard is met.
4. Does not interfere with or diminish the value of property in the neighborhood: The architectural design will add to the corner, so the standard is met.
5. Is adequately served by public facilities and services: Public facilities are available, so the standard is met.
6. Does not cause undue traffic congestion: Testimony has been provided regarding the limited parking plan, the existing parking challenges and the proposed larger church. Therefore, the standard is not met.
7. Preserves significant historical and architectural resources: The standard is not applicable because it is a new building on an empty lot.
8. Preserves significant natural and environmental resources: The standard is not applicable because it is an empty lot.
9. Complies with all other applicable regulations: Met as vetted by staff throughout the process.

The Chair reviewed the Standards for Major Variations (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 church has value in the community, so the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: Meets the standard because it develops an empty lot and meets the zoning code use.
3. The alleged hardship or practical difficulty is peculiar to the property: The standard is met because the lot provides a particular difficulty due to its environmental restriction that does not allow for a basement which is compounded by the West Evanston Overlay District requirements.
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 standard is met because of the West Evanston Overlay District requirements.

5. a. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or
 - b. While the granting of a 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 Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2, 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 - Public Benefits (see below): The standard is met because it is a religious institution.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The standard is met as the lot has been empty for a long period with pre-existing environmental conditions.
7. The requested variation 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 variation: The overlay district is creating many of the variations standard however a smaller building footprint has not been presented making the standard difficult to meet.

Commissioner Lindwall made a motion to grant the Special Use & Major Variations at the property located at 1801-1805 Church Street and 1708-1710 Darrow Avenue, 22ZMJV-0089, with conditions as recommended by staff. Second by Commissioner Aravelo. A roll call vote was taken, and the motion failed, 3-5.

The case will move forward to the City Council with a negative recommendation from the commission.

Commissioner Halik motioned to begin new cases after 10:00 PM. Seconded by Commissioner Lindwall. A voice vote was taken, and the motion passed 8-0.

New Business

A. Public Hearing: Zoning Text Amendment | U2 University Athletic Facilities District | 23PLND-0010 Luke Figora, applicant on behalf of Northwestern University, requests a Text Amendment to the Zoning Ordinance, Section 6-15-7-2 Permitted Uses, to modify the list of permitted uses in the U2 District and conditions required for public facing concerts. The Land Use Commission is the recommending body for this case in accordance with Section 6-3-4-6 of the Evanston Zoning Code and Ordinance 92-O-21. *The applicant has requested to continue this case to a date uncertain. The case will not be discussed at this meeting and will be re-noticed for a future meeting date.*

B. Public Hearing: Zoning Text Amendment | List of Special Uses in B1 | 23PLND-0007 In conjunction with zoning case no. 23ZMJV-0008, Hana Samuels of Blue Star Properties, applicant on behalf of 1243 Chicago (Evanston) LLC and Chicago Roadhouse, owners of properties located at 1243 Chicago Avenue and 1245 Chicago Avenue, respectively, request an amendment to Evanston City Code §6-9-2-3 to add ‘performance entertainment venues’ to the list of Special Uses in the B1 Business District. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with City Code §6-3-4-6.

Chair Puchtel stated that Item B will be considered and deliberated with Item C but voted on separately.

The Chair reviewed the factors for recommendation, (Section 6-3-4-5).

- A. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council: The current use is in existence and meets the plan goals.
- B. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property: SPACE has been successfully operating for years and is compatible with the character of the neighborhood.
- C. Whether the proposed amendment will have an adverse effect on the value of adjacent properties: No serious issues have been provided as testimony having an adverse effect.
- D. The adequacy of public facilities and services: Yes, facilities are adequate.

Commissioner Lindwall made a motion to recommend approval to add performance entertainment venues to the list of Special Uses in the B1 Business District, 23PLND-0007. Second by Commissioner Arevalo. A voice vote was taken, and the motion carried, 8-0.

C. Public Hearing: Special Use Permit & Major Variation | 1243-45 Chicago Avenue | 23ZMJV-0008

In conjunction with zoning case no. 23PLND-0007, a request for an amendment to add ‘performance entertainment venues’ to the list of Special Uses in City Code §6-9-2-3 of the Evanston City Code, Hana Samuels of Blue Star Properties, applicant on behalf of 1243 Chicago (Evanston) LLC and Chicago Roadhouse, owners of properties located at 1243 Chicago Avenue and 1245 Chicago Avenue, respectively, requests a Special Use Permit to allow a performance entertainment venue (City Code §6-9-2-3) and a Major Variation to not provide one (1) loading stall where one (1) is required (City Code §6-16-5, Table 16-E) for an addition to an existing type 1 restaurant (Union Pizzeria) in the B1 Business District. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with City Code §6-3-5-9.

Bridget O’Keefe, Partner at Daspin & Aument, introduced Hana Samuels, Property Manager with Blue Star Properties, Matt Cooper, Principal at K2 Studio and architect, and Davis Inman, the SPACE General Manager. Ms. O’Keefe reviewed the proposed changes to the pizzeria and the performing arts center. She also reviewed her clients’ requested changes to the staff conditions regarding sound. Mr. Cooper presented the floor plans and elevations.

Commissioner Questions

Commissioner Halik inquired about the neighbors. Ms. O’Keefe stated that a neighborhood meeting was held. Ms. Ashbaugh summarized the written and verbal feedback from residents in the 1300 block of Chicago Avenue received by staff prior to the meeting. They had questions, all had received the mailing for the hearing, and none she had spoken to or received written questions from were present at this meeting. She further clarified that the applicant must comply with the provision of the noise ordinance that prohibits any sound hitting properties because they are within 150 feet of residentially zoned properties.

Chair Puchtel motioned that the meeting be continued past 11:00 PM. Seconded by Commissioner Lindwall. A voice vote was taken, and the motion passed 8-0.

Commissioner Westerberg asked about the loading dock and the garage. Ms. O’Keefe noted that deliveries are primarily between 10:00 AM and 2:00 PM along Chicago Avenue to minimize the impact on the residential properties along the alley. The garage cannot accommodate the turning radii of trucks and they did not want to impede alley emergency access. Commissioner Westerberg questioned staff on complaints on the use of Chicago Avenue for deliveries. Ms. Ashbaugh responded that there were not any complaints, Parking Services did not have concerns, and SPACE has routinely paid for the public parking spaces while in use.

Commissioner Lindwall inquired about the number of annual special events. Mr. Inman responded that it was currently only New Year’s Eve. Commissioner Arevalo asked staff what the hours of operation of the closest uses were. Ms. Klotz responded that special uses for Type 2 restaurants in the area are open until midnight on weekends. Further discussion on hours of operation resulted in 11:00 AM to 11:00 PM daily and midnight on weekends.

Commissioner Westerberg asked about the DAPR review regarding amplified music. Ms. Williams responded that the outdoor music must comply with the noise ordinance. Ms. O’Keefe clarified that they are seeking to replace DAPR conditions 2 and 3 with compliance with the noise ordinance, outdoor performance as an accessory use, and outdoor speakers used for ambient background music.

Commissioner Mirintchev asked about access to the outdoor space. Mr. Cooper reviewed that the existing hallway that connects the restaurant to the theater space will be closed and used for emergency egress. There is a new dedicated entrance to the

theater which also provides access to the outdoor space. Commissioner Mirintchev asked if it would all be ADA accessible, and Mr. Cooper confirmed that it would be. Ms. Ashbaugh added that staff review will also require it to be compliant with both the Illinois and the Evanston accessibility codes.

Public Comment

Chair Puchtel called for public comment.

John Greene, wondered if there was a way to improve alley loading and unloading and move some of that activity to the garage. He questioned the noise in the rear that faces the residences. He also asked if there is pedestrian egress into the alley.

Ms. O’Keefe responded that they intend to unload instruments in the garage. SPACE patrons are the only people who can go to the venue outside space/bar area. She reiterated the outdoor space use with ambient music or a small event perhaps with a trio. The alley is only for emergency egress.

The record was then closed.

Deliberations

Commissioner Lindwall supports the project and suggested two of the three rear parking spaces be used for equipment loading and unloading. Commissioner Halik added his support of the project noting appropriate signage for the rear emergency egress. Commissioner Westerberg requested that SPACE continue to reach out to neighbors.

The Chair reviewed the 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: It will be assuming approval of the Item B text amendment.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: It will be assuming approval of the Item B text amendment.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: No finding of a cumulative effect was concluded.
4. Does not interfere with or diminish the value of property in the neighborhood: The proposed project is an expansion of a valuable community resource.
5. Is adequately served by public facilities and services: Met by public transportation on Chicago Avenue.
6. Does not cause undue traffic congestion: Only the accessory use is proposed to be expanded which does not cause undue traffic congestion.
7. Preserves significant historical and architectural resources: There are none associated with the project.

8. Preserves significant natural and environmental resources: There are none associated with the project.
9. Complies with all other applicable regulations: All have been or will be complied with.

The Chair reviewed the seven Standards for Major Variations (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: Lack of a loading dock will not have a substantial adverse impact.
2. The requested variation is in keeping with the intent of the zoning ordinance: The variation request is modest and keeps the intent of the zoning ordinance.
3. The alleged hardship or practical difficulty is peculiar to the property: The standard has been met because there are means by which it has been operating in the alley.
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: Construction of a loading dock turning radius is not possible, so the standard is met.
5.
 - a. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or
 - b. While the granting of a 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 Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2, 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 - Public Benefits (see below): The applicant has demonstrated that the variation is not for additional income, but a practical request.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The property owner did not create the difficulty.
7. The requested variation 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 variation: It being a single variation, and a modest one, it is believed to be the least deviation.

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

Commissioner Lindwall made a motion to grant the Special Use Permit & Major Variation, 1243-45 Chicago Avenue, 23ZMJV-0008, to allow a performance entertainment venue and the requested variation to not provide one (1) loading stall where one (1) is required for an addition to an existing Type 1 restaurant with the following conditions:

1. That hours of operation for both the restaurant and SPACE be 11:00 AM to 11:00 PM Sunday through Thursday, and 11:00 AM to midnight (12:00 AM) Friday and Saturday plus New Year's Eve;
2. That the facility will operate within guidelines of Evanston's Zoning Ordinance;
3. No performance occurring inside the building will be allowed to perform in the outdoor space. There will be no live performances outdoors where the primary purpose of the event is to listen to music. Any outdoor performances shall be accessory in nature and will be held on an infrequent basis, such as when string music or a jazz combo may be proposed for a wedding;
4. Any speakers installed to project sound outside of the building shall be used only for ambient background music during the approved hours of operation;
5. That parking fees be paid as required for use of the on-street parking stalls for the purposes of loading and delivery;
6. That any change in ownership of the property located at 1307 Chicago Avenue, where off-site parking is provided for the performance entertainment venue, require an amendment to this Special Use;
7. That composting of any food waste or other compostable materials be added to the waste management plans of the property; and
8. Two of the three on-site parking spaces will be made available for performers and their equipment.

Second by Commissioner Arevalo. A roll call vote was taken, and the motion carried, 8-0.

Communications

There was none.

Adjournment

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

Adjourned 11:46 PM.

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, March 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