



MEETING MINUTES

LAND USE COMMISSION

Wednesday, March 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, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Kristine Westerberg, and Matt Rodgers

Members Absent: John Hewko

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 7:03 PM. A roll call was then done and a quorum was determined to be present.

Approval of March 8, 2023 Meeting Minutes

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from March 8, 2023. Seconded by Commissioner Westerberg. A voice vote was taken, and the motion passed 8-0.

New Business

A. Public Hearing: Major Variations | 2117 Dewey Avenue | 23ZMJV-0014
Andrew J. Spatz, property owner, requests Major Variations to construct a 2-unit, two-story live-work building with a 0' front yard setback where 10' is required (Section 6-13-4-6-A) and a 3' north interior side yard setback where 5' is required (Section 6-13-4-6-C) in the MXE Mixed Use Employment 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 and Ordinance 92-O-21

Mr. Spatz and Mr. Berry presented his proposal for a new two unit building to be used as a live workspace and reviewed the 3-D model and requested variations.

Commissioner Questions

Commissioner Halik inquired inquired about the windows on the north elevation met the light and vent requirements as they are close to the north property line. Mr. Spatz

described two windows on the second floor located above the adjacent building roof which will provide light. Mr. Berry noted the glazed windows that face the courtyard space.

Commissioner Lindwall asked the applicant to speak to the four foot projection that extends beyond the sidewalk. Mr. Spatz responded that the intent is to integrate the building with the design and projection of the existing Stamp Factory. The projection is a bump out with some glass and not a living space, and the projection is allowed by code. Ms. Klotz stated that it does fall into the right-of way however, it is governed by the building code and will go through a commercial plan reviewer for building code compliance.

Commissioner Westerberg asked if they could bring the projection into the five-foot setback. Mr. Spatz reviewed the surrounding zero lot line setbacks. Mr. Berry said they wanted to add parking at the rear which results in pushing the building towards the street. Commissioner Lindwall asked if there were other solutions to not have the projection and a general discussion of the challenges of parking in the neighborhood followed.

Chair Rodgers asked about the front yard setback. Ms. Klotz responded that it is ten feet for the MXE District and front yards are not averaged in this district.

Chair Rodgers asked what the plan for securing the courtyard was. Mr. Berry responded that it is a six-foot-high wall with an exterior entrance to a patio space.

Public Comment

Chair Rodgers called for public comment. There was none.

Deliberations

Commissioners Halik and Mirintchev noted the alignment with existing distinctive architecture should be consistent. Similarly, Commissioner Puchtel stated that the applicant's variation request is asking to be consistent with the block.

Commissioner Westerberg supports the projection within the lot line.

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: The proposed building fits within the existing structures and the proposed use fits within the mixed use area, so the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: The intent of the zoning ordinance is to rehabilitate properties to make them more

useful overtime. Making this property into two live workspaces aligns with the neighborhood and the standard is met.

3. The alleged hardship or practical difficulty is peculiar to the property: Moving the building back would look odd due to the adjacent property so it is peculiar to the property and 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: Parking would be impacted by moving the building and parking is at a premium in this neighborhood 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 grant 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 of the Zoning Code: The limited amount of extra square footage will not meaningfully increase income 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 adjacent building was built in the 1920's and the property was acquired later by applicant so the situation is not created by the applicant meeting the standard.
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 standard is met because it is a minor request considering the overall project.

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

Commissioner Puchtel made a motion to grant the Major Variations at 2117 Dewey Avenue, 23ZMJV-0014, for the zoning relief described in the packet. Second by Commissioner Arevalo. A roll call vote was taken, and the motion carried, 8-0.

B. Public Hearing: Zoning Text Amendment | Cannabis Consumption Lounges | 23 PLND-001

A City-initiated Text Amendment to the Zoning Ordinance, Title 6 of the Municipal Code, to establish a zoning definition for Cannabis Consumption Lounges (Section 6-18, Definitions), special regulations for Cannabis Consumption Lounges (Section 6-4-11, Special Regulations Pertaining to Cannabis Related Uses), and to establish Cannabis Consumption Lounges as eligible special uses in certain non-residential zoning districts (Sections 6-9 through 6-15). The Land Use Commission makes a recommendation to the City Council, the determining

body for this case in accordance with Section 6-3-4-6 of the Evanston Zoning Code and Ordinance 92-O-21.

Ms. Klotz summarized that this item originated from an aldermanic referral from Councilmember Burns and has been discussed from the health perspective at the Human Services Committee. This discussion item is the related zoning text amendment. No regulations have proceeded to the City Council for final determination. Cannabis regulations have been instituted within the Zoning Ordinance through text amendments over the last three years with on-site consumption excluded. The discussion is whether to add consumption lounges as an eligible use.

Ms. Klotz stated that the few communities that have legalized on-site consumption have done it in two ways: 1) They can be an accessory to a state licensed dispensary, so they must be within it or located adjacent to it; 2) Or they must be part of what the state calls a retail tobacco store. The Evanston Zoning Ordinance does not currently allow retail tobacco stores so the only current potential option would be through the dispensaries.

Ms. Klotz said to develop potential regulations, a definition and special regulations would need to be established and then what districts a lounge could be located in would need to be specified. Staff recommends that if this is an appropriate request for Evanston, zoning districts that are similar to the dispensaries be considered. Staff also suggest that an operations agreement to cover any additional specifics be required. Further, that it be a special use that is treated as an accessory use to add any additional regulations and conditions which then would go to the City Council for approval.

Commissioner Questions

Chair Rogers asked if there were any anticipated applications for a consumption lounge. Ms. Klotz responded that there is an active application now for a cannabis dispensary for 100 Chicago Avenue with no consumption lounge. There is also a potential applicant who would like to open a dispensary with a consumption lounge at 1633 Chicago Avenue but that has not been applied for to date.

Commissioner Halik asked how many dispensaries are in Evanston. Ms. Klotz said just the one at 1804 Maple Avenue.

Public Comment

Chair Rodgers called for public comment.

Donald Zeigler, 1430 Elmwood Avenue, Chair of the Evanston Health Advisory Council, advised that it would be unsafe to establish cannabis lounges due to public health concerns and legal liabilities such as current heating, ventilation and air conditioning systems alone do not control secondhand smoke exposure and the risk of driving after using marijuana.

Bruce Doblin, 5017 North Ravenswood, advisor to the Evanston Department of Health and Human Services, summarized some of the recent studies showing harmful results from the use of cannabis.

Health and Human Services Director, Ike Ogbo, stated that Evanston was the first community that increased the age in which you can sell or purchase tobacco as an example of the job of the public health official and cannabis consumption lounges would not ensure the public health of the entire community. Commissioner Lindwall asked about Evanston's five-year health plan specifically related to indoor air quality. Mr. Ogbo responded that the EPLAN is a local needs assessment where health priorities are identified and tracked over a five-year period. Advancing health equity, mental health and climate resiliency are the three topics being tracked. When it comes to indoor air quality, the City will not be able to make significant impacts on addressing health equities if indoor cannabis smoking is permitted. The EPLAN is prepared by staff, reviewed by the Human Services Committee, and then submitted to this state. It was approved by the state in August of 2022.

Commissioner Lindwall asked since the state requires a lounge to be a freestanding structure, do any of the current or proposed locations qualify as such. Ms. Klotz said that 1633 Chicago Avenue is considered a free standing building.

The record was then closed.

Deliberations

Chair Rogers polled the members to see if they wanted to discuss the item or wait until there was an actual application. Commissioners Halik and Puchtel would like to have the discussion to communicate intention. Commissioner Lindwall agreed to move forward with discussion of whether a cannabis consumption lounge was appropriate for Evanston and noted the community tobacco smoking limits. Commissioner Johnson concurred. Commissioner Mirintchev said he thought it would be better not to have it in the code.

Commissioner Lindwall summarized her thoughts on the objectives and policies of the Comprehensive General Plan. In the 1950's, the focus was on land use and by 1974 the environment became important. Evanston's 1986 and 2000 plans expanded that emphasis to include more policies on the environment, historic preservation, arts and civic design. The state of Illinois adopted guidelines for the contents of a comprehensive plan including telecommunications and internet connectivity. The next comprehensive plan for the City should encompass things that create healthy communities like workforce development, improving quality of life, mobility, climate action and hazard mitigation. She concluded that the comprehensive plan standards have not been met regarding the proposed consumption lounges because they are not consistent with these broad policies.

The Chair reviewed the four Standards for Amendments (Section 6-3-4-5).

1. 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 Comprehensive General Plan doesn't address many modern issues but considering its broader goals, as well as existing tobacco smoking prohibitions, the proposed amendment does not meet the standard.
2. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property: The problem is not the structure but the activity within, so the standard is met.
3. Whether the proposed amendment will have an adverse effect on the value of adjacent properties: There does not seem to be a decrease in property values due to the dispensaries. Discussion regarding ventilation from a lounge may affect adjacent properties so from that viewpoint the standard is not met.
4. The adequacy of public facilities and services: This standard is met because there are public services.

Commissioner Puchtel made a motion to recommend denial of the proposed Zoning Text Amendment, 23 PLND-001. Second by Commissioner Arevalo. A roll call vote was taken, and the motion was approved 8-0.

Communications

Ms. Williams updated the commission that at the March 27, 2023 City Council meeting staff will be giving a presentation on the request for proposals for the Comprehensive Plan and Zoning Code update.

Miss Williams also noted that there is a quorum for a Land Use Commission Special Meeting on April 19, 2023. There is not a meeting on April 5th and the regular meetings on April 12th and 26th remain.

Chair Rodgers made a referral to staff to coordinate and prioritize amendments on the following matters.

1. To establish a unified sign process for the Land Use Commission to be the determining body and that signage over 50 feet in height be referred to City Council as of recommendation.
2. Update sign variations and create separate standards that are simpler.
3. Explore radius expansion of the Transit-Oriented Development map to provide more consistent buffer distances without making changes to parking requirements.
4. Update continuance language to remove inconsistencies between the ordinance and rules.
5. Evaluate changing a unique use to unique adaptive use process and make it available to other areas in the City.
6. Update the wording for curb cuts, Section 6-8-3-11, and related code sections.

7. Establish an accessory structure setback in non-residential districts.
8. Clarify parking setbacks including loading berth setbacks.
9. Establish a mixed-use market as an eligible principal use in all non-residential districts for mixed use business concepts (ask business districts what would be helpful or needed).
10. Update the apartment hotel definition to clarify the maximum rental, when its primary use would change, and list the maximum rental amount allowed.
11. Review how voted and recommended major/minor development can be revived from the referral committee.

Commissioner Halik inquired about the role of Design and Project Review (DAPR). Ms. Williams answered that staff has received a referral that DAPR be removed from the city code and an urban design commission be established. Applicants are still receiving DAPR comments with no formal staff recommendations.

Adjournment

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

Adjourned 8:32 PM.

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, April 12, 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,
Katie Ashbaugh, AICP, Planner
Meagan Jones, Neighborhood and Land Use Planner