



MEETING MINUTES

LAND USE COMMISSION

Wednesday, January 10, 2024

7:00 PM

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

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

Members Absent: Myrna Arevalo, John Hewko, Brian Johnson,

Staff Present: Assistant City Attorney Brian George, Neighborhood and Land Use Planner Meagan Jones, and Zoning Administrator Melissa Klotz

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 December 13, 2023 Meeting Minutes

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from December 13, 2023. Seconded by Commissioner Westerberg. A voice vote was taken, and the motion passed 4-0-2 with members Mirintchev and Puchtel abstaining.

Old Business

A. Public Hearing: Major Variation | 2505 McCormick Blvd. | 23ZMJV-0064

Lisa Gendel, applicant and property owner, submits for a Major Variation to store a recreational vehicle (camper trailer) within the front yard at a single-family residence in the R1 Single Family Residential District. The applicant requests to store the recreational vehicle (camper trailer) in the required front yard on the existing driveway where storage of recreational vehicles is only permitted within a building or in a rear yard and not in a front or side yard or in any court area that opens toward a public street (Section 6-4-6-3 Table 4-A-28). The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-10 of the Evanston Zoning Code. PIN: 10-14-205-031-0000. ***Due to a vote of 4-3 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 5 concurrent votes to render a majority of the 9 seated members.***

Chair Rodgers asked Commissioner Mirintchev if they had reviewed the materials and were prepared to vote. Commissioner Mirintchev responded that he had reviewed the materials and was prepared to vote. His vote was nay. Chair Rodgers asked Commissioner Puchtel if he had reviewed the materials and were prepared to vote. Commissioner Puchtel responded that he had reviewed the materials and was prepared to vote. His vote was aye.

The final tally of votes being 5-4, the motion to approve the requested zoning relief carried with the following conditions:

- 1. The variation runs with the current property owner only.**
- 2. The recreational vehicle is on the property no more than 6 months out of the year, May 1 through October 31.**
- 3. Temporary parking of the recreational vehicle in the front yard is limited to 2 consecutive days at a time, for purposes of loading and unloading, between November 1 through April 30.**

Ayes: Hewko, Arevalo, Lindwall, Puchtel and Rodgers

Nays: Halik, Johnson, Mirintchev, Westerberg

New Business

Commissioner Westerberg made a motion to move agenda item IV.B 2649 Crawford Avenue to the first item of New Business. Seconded by Commissioner Lindwall. A voice vote was taken and the motion passed, 6-0.

A. Public Hearing: Appeal | 2649 Crawford Avenue | 23ZMJV-0070

Michele Walker, property owner, appeals the determination of Minor Variation 23ZMNV-0057 at 2649 Crawford Avenue. The Applicant originally requested, and was subsequently denied, zoning relief to construct a 20' x 20' detached garage within the front yard, where detached garages are only allowed in rear yards (Section 6-4-6-3) in the R2 Single Family Residential District. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-8 of the Evanston Zoning Code. PINs: 05-33-311-015-0000, 05-33-311-016-0000.

Michele Walker and Dan Nelson introduced themselves and provided an overview of the project they are trying to complete and why an appeal of the determination of the minor variation was filed, emphasizing the unique shape of the lot, location of the utilities and construction of house on slab foundation.

Commissioner Questions

Commissioner Rodgers asked if consideration was given to moving the garage back, closer to the house. Ms. Walker responded that balance was sought with required setbacks and the garage location but that they are not married to the current proposed location. Mr. Nelson added that there are utilities located further back on the property.

Commissioner Halik sought clarification on which site plan is the most accurate for what is proposed and if the width of the driveway is an issue. Ms. Walker stated the most recent, accurate version was completed by an architect and incorporates staff suggestions and turning radii. Ms. Klotz clarified that the width of the driveway on private property is ok but the width driveway at the public right-of-way would need to be slightly reduced.

Commissioners Mirintchev and Halik inquired about the orientation of the garage and how it is accessed from the street. Discussion followed on possible alternatives to provide easier vehicle access while still allowing clearance for utilities and clarification was provided on the required distance between buildings and setbacks.

Commissioner Westerberg asked if a carport was considered to help relieve the burden of setbacks. Ms. Walker responded that a carport would still need to be placed such that it encroaches into the front yard so that it avoids some utilities. Additionally, having a garage for additional storage was appealing. She added that the house was abandoned when it was purchased a year ago and significant work has been done on the house since then. Ms. Klotz stated that the neighbor to the east has a detached garage that is in that property's side yard.

Ms. Klotz stated that the house originally had a one car attached garage that was allowed to be converted to habitable space with the condition that a new garage was built, which never occurred.

Commissioner Halik asked if the proposed size of the garage would be large enough for additional storage. A brief discussion followed regarding typical garage sizes and building lot and impervious surface coverage.

Discussion then followed regarding the applicant's ability to provide revised plans that incorporate the suggestions provided and best process to review revisions. It was agreed that the plans be revised and come back to the Land Use Commission for review at the next scheduled meeting.

Commissioner Westerberg made a motion to continue this item to the January 24, 2024 meeting to allow for the applicant to revise their plans. Second by Commissioner Lindwall. A roll call vote was taken, and the motion carried, 5-1.

Ayes: Halik, Lindwall, Mirintchev, Westerberg, and Rodgers

Nays: Puchtel

Absent: Arevalo, Hewko, and Johnson

A. Public Hearing: Special Use | 1630 Orrington Avenue | 23ZMJV-0069

Luz Garcia, business operator, requests a special use for a Resale Establishment, JBS Thrift Co., in the D3 Downtown Core Development District (Section 6-11-4-3). The Land Use Commission makes a recommendation to the

City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Code. PIN: 11-18-305-005-0000.

Ms. Luz Garcia introduced herself and gave a brief statement about her business.

Commissioner Questions

Commissioner Rodgers confirmed that the applicant would solicit customers to bring in second-hand clothes and items to be resold. Ms. Luz confirmed. Chair Rodgers then inquired about proposed hours for the business. Ms. Garcia confirmed that the hours would be noon to 8:00 PM daily, closed on Tuesdays. She will be the sole employee and deliveries will occur in the rear of the building.

Commissioner Puchtel asked if another thrift shop was at that address. It was confirmed that there was an existing one on the same block.

Public Comment

Chair Rodgers called for public comment. There was none.

Chair Rodgers closed public testimony.

Deliberations

Commissioner Lindwall confirmed that there are existing resale shops on Sherman Ave and on the same block as the proposed shop and has not seen any issues with either one. The proposed business will fill a vacant storefront.

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

1. Is one of the listed special uses for the zoning district in which the property lies: Chair Rodgers stated that a resale shop is listed as a Special Use in D3 Downtown Core District so the standard is met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance as amended from time to time: Chair Rodgers said that the City is looking to fill vacant storefronts and the applicant is someone wishing to start a small business, so the standard is met.
3. Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole: Chair Rodgers stated that there has been testimony that there is an existing resale shop in the area but due to the nature of the businesses not selling the same items there is no direct competition and the proposed business will be filling a currently vacant storefront, so the standard is met.
4. Does not interfere with or diminish the value of property in the neighborhood: Chair Rodgers stated that again going to the point that the proposed resale shop will be going into a vacant space, the standard is met.

5. Is adequately served by public facilities and services: Chair Rodgers stated that the resale shop will be going into an existing building, there is no reason to believe that it would not be, so the standard is met.
6. Does not cause undue traffic congestion: Chair Rodgers mentioned that there was some discussion regarding clothing drop-off being in the rear and asked that a condition be added to keep an eye on that to ensure that no drop-offs occur in the front of the business and outside of business hours, so the standard would be met.
7. Preserves significant historical and architectural resources: Chair Rodgers stated he does not believe there are any applicable to the project.
8. Preserves significant natural and environmental resources: Chair Rodgers said that no changes are being proposed to the site plan, so the standard is met.
9. Complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation: Chair Rodgers stated that the project complies and anticipates that the business will comply with other regulations such as business licensing, so this standard will be met.

Chair Rodgers asked for Commissioner comments on the standards. There were none. Commissioner Halik asked for clarification on where there is access to the rear of the building. Commissioner Lindwall confirmed that there is alley access and that typically these stores are similar to a consignment store.

Commissioner Westerberg made a motion to recommend approval of the Special Use for a resale establishment located at 1630 Orrington Avenue, zoning case number 23ZMJV-0069, with the following conditions:

1. Hours of operation shall not exceed 8am - 9pm, 7 days a week.
2. Employees shall not utilize street parking while working.
3. Deliveries shall occur via the rear entrance outside of rush hour traffic times.
4. Substantial compliance with the documents and testimony on record.
5. Recordation of the special use ordinance with the Cook County Recorder of Deeds is required.
6. The applicant monitors the front entrance to make sure materials are not dumped overnight at that location.

Second by Commissioner Lindwall. A roll call vote was taken, and the motion carried, 6-0.

Ayes: Halik, Lindwall, Mirintchev, Puchtel, Westerberg, and Rodgers

Nays: None

Absent: Arevalo, Hewko, Johnson

B. Public Hearing: Text Amendment | Cannabis Dispensary Hours | 23PLND-0071

A City-initiated Text Amendment to the Zoning Ordinance to amend the permitted hours of operation for Cannabis Dispensaries (Section 6-4-11-3) in the RP Research Park, D1 Downtown Fringe, D2 Downtown Retail Core, D3 Downtown Core Development, D4 Downtown Transition, C1a Commercial Mixed-Use, C1 Commercial, C2 Commercial, B1a Business, B2 Business, B3 Business, O1 Office, oDM Dempster-Main Overlay, oCSC Central Street Corridor Overlay, and oH Hospital Overlay Districts where Cannabis Dispensaries are eligible Special Uses. The Land Use Commission makes a recommendation to the City Council for this case in accordance with Section 6-3-4-6 of the Evanston Zoning Code.

Commissioner Questions

Commissioner Puchtel asked for clarification on the list of districts stated in the case description. Ms. Klotz confirmed that there are no proposed changes to what districts cannabis dispensaries are allowed in.

Commissioner Halik confirmed that the current permitted hours of operation are 10:00 AM to 8:00 PM. Ms. Klotz confirmed and added that the only change proposed in the amendment would be to change hours of operation to the state standard of 6:00 AM to 10:00 PM. She added that each dispensary would need to come back to amend their previously approved special uses to include the updated hours of operation. Further discussion occurred around possible changes to hours of individual special uses and that being dependent on the location and zoning district of each dispensary.

Following questions from Commissioners Westerberg and Halik, Ms. Klotz added that most dispensaries in the surrounding area operate on a 12 hour time frame, typically 9:00 AM to 9:00 PM, which lead to the aldermanic referral for the text amendment, so that local dispensaries could at least operate at similar hours to other businesses.

Chair Rodgers expressed not having an issue with earlier operating hours but some concern with operating too much later. He expressed that he would like the Commission to get as close as possible to acceptable hours as possible so that individual dispensaries do not feel like there is a bait and switch on acceptable hours. Additional discussion occurred around the acceptable amount of operating hours.

Public Comment

Chair Rodgers called for public comment. There was none.

Chair Rodgers closed public testimony.

Deliberations

The Chair reviewed the 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: Chair Rodgers reviewed that we want businesses to thrive and be competitive and also generate tax revenue for the City. Expanding hours does meet that goal, so the standard is met.

2. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property: Chair Rodgers cited that presently we are talking about two existing dispensaries with approved Special Uses that have not posed issues with fitting into the character of the immediate vicinity. If during the Special Use process for the existing or new dispensaries the Commission or City Council were to find potential issues, they could be addressed during that time, so the standard is met.
3. Whether the proposed amendment will have an adverse effect on the value of adjacent properties: Chair Rodgers said this can also be addressed in the Special Use process for each dispensary and mitigate potential effects on the value of adjacent properties, so the standard is met.
4. The adequacy of public facilities and services: Chair Rodgers again noted that this would be reviewed during the Special Use process, however, the extension of hours does not necessarily impact the adequacy of public facilities and services, so the standard is met.

Chair Rodgers asked for Commissioner comments on the standards. A short discussion followed regarding what hours of operation to recommend with Commissioner Westerberg clarifying that the request is not necessarily coming from the existing dispensaries that staff was aware of. There was some agreement that 10:00 PM is not desirable but an earlier start time could be beneficial. Having hours similar to those in surrounding communities would provide consistency and an adequate period of time to operate.

Commissioner Lindwall made a motion to recommend amending the zoning code so that cannabis dispensaries shall only be permitted to operate between the hours of 9:00 AM and 9:00 PM unless further regulated as a condition of a special use permit seven days out of the week. Second by Commissioner Westerberg. A roll call vote was taken, and the motion carried, 6-0.

Ayes: Puchtel, Halik, Lindwall, Mirintchev, Westerberg, and Rodgers

Nays: None

Absent: Arevalo, Johnson, Hewko

Other Business

A. Adoption of 2024 Meeting Calendar

Chair Rodgers suggested holding a single April meeting on April 17, 2024 so as not to conflict with holidays that may be observed as well as adding additional meetings in November and December in anticipation of the Commission reviewing the new Comprehensive Plan and Zoning Code, specifically on November 20, 2024 and December 18, 2024.

Commissioner Rodgers made a motion to adopt the 2024 calendar as amended. Second by Commissioner Lindwall. A voice vote was taken, and the motion passed, 6-0.

Ayes: Puchtel, Halik, Lindwall, Mirintchev, Westerberg, and Rodgers

Nays: None

Absent: Arevalo, Johnson, Hewko

Communications

There was none.

Adjournment

Commissioner Lindwall motioned to adjourn, Commissioner Westerberg seconded, and the motion carried, 6-0.

Adjourned 8:13 PM.

The next meeting of the Evanston Land Use Commission is to be held on **Wednesday, January 24, 2024, at 7:00 PM, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,
Meagan Jones, Neighborhood and Land Use Planner