



**MEETING MINUTES**

**LAND USE COMMISSION**

Wednesday, February 23, 2022

7:00 PM

Via Virtual Meeting

Members Present: Myrna Arevalo, Violetta Cullen, George Halik, John Hewko, Brian Johnson, Jeanne Lindwall, Max Puchtel, Matt Rodgers, Kristine Westerberg

Members Absent: Kiril Mirintchev, Jill Zordan

Staff Present: Melissa Klotz, Meagan Jones, Katie Ashbaugh, Brian George

Presiding Member: Matt Rodgers

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**Call to Order**

Ms. Jones opened the meeting at 7:00pm. A roll call was done and a quorum was present.

**Approval of February 9, 2022 Meeting Minutes**

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from February 23, 2022. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed, 5-0, with 4 abstentions.

**Old Business**

**A. Public Hearing: 1414 Church Street | 22ZMJV-0002**

**Daniel Tornheim, architect and applicant, requests the following: a Major Variation from Section 6-8-2-8(A)(4) of the Evanston Zoning Code to allow a rear yard of 3 feet where 30 feet is required; a Minor Variation from Section 6-8-2-7 of the Evanston Zoning Code to allow a building lot coverage of approximately 38.1% or 1,783 square-feet where no more than 30% or 1,404 square-feet is permitted; and a Minor Variation from Section 6-8-2-10(A) of the Evanston Zoning Code to allow an impervious surface lot coverage of approximately 49% or 2,291 square-feet where no more than 45% or 2,106 square-feet is permitted, all for the construction of an addition to the existing principal structure in the R1 Single-Family Residential District. The Land Use Commission is the determining body in accordance with Section 6-3-8-9 of the Evanston Zoning Code and Ordinance 92-O-21.**

Chair Rodgers explained that 6 concurrent votes are needed for items in which the Land Use Commission is the final determining body. Commissioners Arevalo, Cullen, Hewko and Johnson then confirmed that they had reviewed the meeting minutes from the February 9, 2022 meeting.

**A roll call vote of these Commissioners was taken and they voted, 2-2, on the previous motion to approve this request, bringing the total vote count to 4-7. The motion, therefore, failed and the request was denied.**

**New Business**

**A. Public Hearing:1224 Washington Street | 21ZMJV-0100**

**James Tullio, property owner, requests various zoning variations from the Evanston Zoning Ordinance to allow for the subdivision of one 9,226 square-foot, 100-foot wide, residential corner lot into two residential lots in the R3 Two-Family Residential District. The zoning relief requested is as follows: to allow both the proposed corner and interior lots to be 4,613 square feet where a minimum of 5,000 square feet is required for a single family residence (Section 6-8-4-4); to allow the proposed corner lot a building lot coverage of 2,090 square feet or 45.3% where a maximum of 2,076 square feet is permitted (Section 6-8-4-6); to allow the proposed corner lot an impervious surface lot coverage of approximately 3,600 square-feet or 78.04% where the maximum permitted is 2,767.8 square-feet or 60% is permitted (Section 6-8-4-9), and a 2.8' interior side yard setback for an accessory structure (existing patio) where 5' is required [Section 6-8-4-7(C)(3)]. The subject property is currently improved with one two-story building, a driveway, and patio. The Land Use Commission makes a final determination on these requests per Section 6-3-8-10 of the Evanston Zoning Ordinance and Ordinance 92-O-21. The City Council shall consider the draft plat of subdivision per Section 4-11-1 of the Evanston Building Code, should the Land Use Commission approve the aforementioned variations from the Evanston Zoning Ordinance.**

Ms. Ashbaugh provided an overview of the proposed subdivision, clarifying the changes between the current proposal and that which before the Commission at the January 12, 2022 meeting.

Mr. Tullio then made a brief statement regarding the proposal.

The hearing was open to questions from Commissioners.

Commissioner Lindwall inquired about the existing easement on the property that provides access to the proposed new lot.

Commissioner Halik asked how much impervious surface would exist if the existing patio were removed. Ms. Ashabugh responded that she would need to make that calculation and provide the number once complete.

The record was then closed and the Commission began deliberations.

Commissioner Lindwall expressed concern about having an easement for a viable second lot if there is no access provided off of WASHINGTON Street. The cross access

would have to be hard surface and 8.5 ft. seems narrow; a front loaded garage could be considered.

Ms. Ashbaugh interjected and stated that the impervious surface percentage would be reduced to approximately 68% if the existing patio were to be removed. Chair Rodgers asked for confirmation on the maximum surface coverage allowed and Ms. Ashbaugh confirmed that there is a maximum of 45% building lot coverage and 65% impervious surface coverage allowed in the R3 zoning district. Commissioner Halik commented that this would bring the lot very close to compliance.

Ms. Ashbaugh noted that she noticed for the public hearing assuming a hardscaped driveway in compliance with the Zoning Code. A front loading garage was not considered internally.

Commissioner Lindwall stated that easement seems to yield the equivalent amount of impervious surface on the proposed lot as having a front loading garage and that the lot may be less valuable if the only way to have parking is through the easement and reiterated that is one of her concerns regarding this lot. Ms. Ashbaugh mentioned that there is a proposed reduction in the impervious area and the applicant could also provide permeable pavers.

Commissioner Westerberg inquired if there were other front loaded garages in the vicinity off of Washington Street. Ms. Klotz responded that there are a few curb cuts on the block but not many.

Chair Rodgers asked what the process would be to obtain a curb cut and who was most concerned about a new curb cut at this site. Ms. Ashbaugh responded that this would be something Community Development approves but Public Works would also need to sign-off in order to approve; both departments raised concerns of allowing a new curb cut..

Commissioner Puchtel stated that it is part of the Comprehensive Plan to reduce the amount of curb cuts.

The hearing record was then closed.

The Commission then reviewed the Standards for Approval. There was discussion and disagreement on several standards.

1. Standard met.
2. Chair Rodgers stated that each newly created lot would be 8% below the requirement but still enable a smaller home to be constructed. Commissioner Lindwall expressed that it is not good to not meet minimum standards for subdivisions and this could set a precedent that is problematic.
3. Standard met.
4. Standard met.

5. Chair Rodgers reiterated that there had been a previous discussion for this project and the applicant does intend to sell the lot, however, there is a benefit for allowing another single family home to be built and over recent years there has been effort to promote smaller homes through efficiency home regulations.

6. Standard met.

7. Standard met.

The Commission then discussed the proposed conditions of approval for the request. The 3rd condition to not allow a curb cut off of Washington yielded additional discussion. Commissioner Rodgers expressed a preference for traffic to be off of a side street instead of a major arterial street. Commissioners Arevalo and Lindwall agreed. Commissioner Lindwall and Chair Rodgers expressed issues with the cross access easement. Commissioner Halik expressed that this should be kept.

Commissioner Puchtel asked if a new curb cut for a driveway would have to go through a new review. Chair Rodgers clarified that a new curb cut would need approval from Community Development and Public Works. Ms. Ashbaugh added that since both properties do not have alley access that they would qualify for front loading garages, however, the Comprehensive Plan generally does not support creation of new curb cuts. If the Condition is kept then the project would need to come back to the Land Use Commission.

Commissioner Lindwall suggested adding a condition to require recording the subdivision within one year of approval and removing condition 3 that was proposed by staff.

**Chair Lindwall made a motion to approve the variations with the following conditions: 1) that the new interior lot not be granted any building lot coverage or impervious surface lot coverage variations; 2) that if the existing structure on the corner lot is ever removed, any new structure comply with the current Zoning Code; 3) that the existing concrete patio on the corner lot is replaced with permeable pavers; 4) that the execution of subdivision is recorded within 12 months of Land Use Commission approval; and 5) that the development be in substantial compliance with documents and testimony herein. Seconded by Commissioner Cullen. A roll call vote was taken and the motion was approved, 7-2.**

**B. Public Hearing: 1706-10 Sherman Avenue | 21ZMJV-0095**

**Steven Rogin, The Varsity LLC, and Chris Dillion, Campbell Coyle, request a Major Variation from the Evanston Zoning Ordinance to allow two on-site parking stalls where 26 are required (Section 6-16-3-5, Table 16-B) for the addition of 35 upper floor apartments within the existing 4-story building, formerly known as The Varsity Theater, in the D2 Downtown Retail Core District. The co-applicants also propose to maintain +/- 9,850 square feet of ground floor commercial space within the existing building. No changes to building height or footprint are proposed. The Land Use Commission makes a recommendation to the City**

**Council, the determining body for this case per Section 6-3-8-10 of the Evanston Zoning Ordinance and Ordinance 92-O-21.**

Ms. Ashbaugh read the case into the record and clarified the scrivener's error of 26 required parking spaces being listed instead of 28. Chair Rodgers asked for confirmation that this would not cause an issue with noticing for the meeting. Mr. George confirmed this to be the case.

Mr. Steven Rogin provided background of the project and efforts to preserve the shell of the building while introducing residential units into the space. He then explained the site location near public transit and goal of changing behaviors relating to vehicle use..

Mr. Chris Dillion then introduced the development team for the proposal, the site plan and provided additional project details, including some future intentions for Bookman's Alley, a breakdown of unit square footage and a review of floor plans and building materials. He then provided an explanation of the proposed parking and compared it against other developments which he stated range from .1 to .3 parking spaces per unit.

Chair Rodgers opened the hearing to questions from Commissioners.

Chair Rodgers asked for clarification on the current use of the theater space. Mr. Rogin clarified that the theater had been abandoned since 1984 and that a fire occurred in the building that led to the space being stripped of seating and consumer use. Chair Rodgers then asked if there was any space that would not need additional parking spaces. Ms. Ashbaugh confirmed this to be the case and that the building is considered to be nonconforming and the two spaces in the rear of the building are not currently stripped and may not be able to fit any additional spaces beyond the 2 proposed.

Chair Rodgers then stated that the alley is currently active and asked how the applicant would address other buildings still needing to utilize the alley. Mr. Rogin responded that converting the alley access would occur on an as needed basis since there are also utilities in the alley. He then explained the existing easement that is for loading and unloading only and that use will continue. He then stated that there are continued discussions regarding changing the flow of traffic with Public Works staff.

Chair RODgers then stated that he is a member of Design Evanston, which provided a review of this project, but he has no contact with anyone in that group regarding this project. Commissioner Lindwall stated similarly, clarifying she has not worked with the group in some time but is listed on the Design Evanston website.

Chair Rodgers then asked if there are any historic protections for the building. Mr. Rogin stated that this is not a landmarked building and not historic but the project is an adaptive use that accents what the building is and keeps the character of the building. Mr. Dillion added that the project was approached utilizing best practices and provided an example project in Logan Square that has won several awards.

Commissioner Halik inquired about parking emphasizing that he hopes that staff is tracking parking usage and requests for leasing spaces. He then inquired about the unit breakdown and if there is any chance of changing the affordable unit mix. Mr. Dillion stated that the team had discussions with Sarah Flax and is receptive to continuing those discussions. He then added that there are no viable public incentives that they could find and other precedents in adaptive reuse tend to use those incentives so there is some constraint. There is financial difficulty in providing the larger unit as an affordable unit but is open to further discussion.

Commissioner Halik then mentioned the building elevations, noting the 10 ft separation between the buildings and if that is sufficient for light and venting as he thought the requirement was 12 ft. It would affect the view from those units and fire rating. Mr. Dillion responded that he does not recall the exact requirement but there are parts of that facade still being explored with options including possibly pulling in windows.

Commissioner Halik then inquired if one elevator would be sufficient for a building with this many units. Mr. Dillion responded that he believes one elevator would be sufficient, pointing out that the recently approved building at 1101 Church St. has one elevator for 30 units. The elevator being provided for the proposed building would be larger.

Commissioner Westerberg asked where the 16 parking stalls would be leased. Mr. Rogin responded that there are ongoing conversations with the City regarding availability in nearby parking garages and other properties within 1,000 ft. Commissioner Westerberg then stated that parking is a perennial problem and she would like to see parking at the site due to traffic and some kind of plan of where additional parking spaces will be. She then inquired about buildings in Chicago that utilize the alley and how that works out. Mr. Rogin responded that he has seen several active alleys in Chicago, Toronto and Denver that are well done.

Commissioner Westerberg then inquired how pedestrian safety would be addressed within the alley. Mr. Rogin responded that removable bollards would be installed in the alley off of Sherman. He then added that he found having 18 wheeler trucks pull onto Sherman Ave does not make walking a comfortable experience.

Commissioner Westerberg asked what architectural elements within the building would be saved. Mr. Rogin responded that there is not a lot within the building but there have been conversations with the architect to determine what could be used.

Commissioner Puchtel inquired how the building plans to comply with the Green Building Ordinance. Mr. Dillion responded that the building is intended to be all electric for the residential portion but this may be more difficult to include the residential portion. There is a focus on decarbonization and the building will comply with the Green Building Ordinance.

The hearing was then opened to questions and testimony from the public.



Ibrahim Shihadi expressed concerns about vacating the alley and the traffic concerns that could result for the existing uses along the alley. He then stated that the proposed use of the alley looks nice but the same things proposed to be done in the alley could also be done within the building. Mr. Rogin stated that garbage trucks go north/south and west and will likely continue to do so. He added that at the end of the day everyone is going to have to work together and expressed that there are solutions to possible concerns.

He also expressed concerns with Fire Department access since stairs are in the rear of the building for the Galleria building to the south. Due to that he stated that the alley should remain open for full access.

Chair Rodgers reiterated that the hearing is regarding the requested parking variation for the proposed project so discussion should be focused around that request. IF the alley is intended to be vacated at a future time, Public Works and City Council will be involved but that is not an item under consideration at this time.

Mr. Chris Green stated that he is the board president of the Galleria condominium building adjacent to the Varsity building and expressed concern about the impact of loading for 35 residential units and possible new retail. The amount of suggested parking exceeds what is being provided. Mr. Dillion responded that the Varsity building has existed in its conditions for some time with some recent commercial use and that there was traffic from the building when the Varsity Theater was in operation. He then mentioned that it may be possible to upscale the rear parking to 5 spaces. He added he is willing to work with the City to create acceptable loading hours and encouraged people to look at how the team operates its other properties.

The hearing record was then closed

Chair Rodgers restated that the zoning relief sought is for 2 on-site parking spaces where 28 are required.

The Commission then began deliberations and reviewed the standards for approval. The Commission found that each of the standards had been met.

**Commissioner Lindwall then made a motion to recommend approval of the major variation to allow 2 on-site parking spaces where 28 are required with the condition that the applicant lease 16 additional parking spaces off-site for a total of 18 parking spaces. A roll call vote was taken and the motion passed, 9-0.**

**C. Public Hearing: 2356 Colfax Terrace | 22ZMJV-0005**

**Sarah and Patrick Hillman, property owners, submit for major zoning relief from the Evanston Zoning Ordinance for additions to a single family residence in the R1 Single Family Residential District. The applicant requests zoning relief for 32.7% building lot coverage where a maximum 30% is allowed (Section 6-8-2-7),**

**54.5% impervious surface coverage where a maximum 45% is allowed (Section 6-8-2-10), a 1.5' north interior side yard setback where 5' is required (Section 6-8-2-8), a 3.3' north interior side yard setback where 4.5' is required for a yard obstruction (roof overhang) (Section 6-4-1-9), a 17.4' west rear yard setback where 30' is required (Section 6-8-2-8), a 10.5' west rear yard setback where 27' is required for a yard obstruction (roofed walk) (Section 6-4-1-9), detached accessory structures in the front yard where detached accessory structures are only permitted in side and rear yards (Section 6-4-6-2-D, 6-4-6-3-A), a 2' north yard setback where 3' is required to any property line for detached accessory structures (Section 6-4-6-2-E), a 1' north interior side yard setback where 2.5' is required for a yard obstruction on a detached accessory structure (roof overhang) (Section 6-4-1-9), 35' height for a detached accessory structure where a maximum 20' height is allowed for accessory structures that are not garages or ADUs (Section 6-4-6-2-G), a fence in the front yard where fencing is not permitted within the front yard or within 3' of the front facade of the house (Section 6-4-6-7-F), and 7.3' fence height where a maximum fence height of 6' is allowed (Section 6-4-6-7-F). The Land Use Commission is the final determining body for this case per Section 6-3-8-9 of the Evanston Zoning Ordinance and Ordinance 92-O-21.**

Ms. Klotz read the case into the record and noted that revised documents had been submitted to staff that reduce the impervious surface coverage, removed the request for building lot coverage and the request to allow a 35 ft. tall accessory structure.

Chair Rodgers inquired why a neutral recommendation had been provided by DAPR and what that means. Ms. Klotz explained that staff was not recommending approval and not recommending denial. Chair Rodgers requested some insight from the Community Development Director into why this occurred as he would prefer to have a vote even if it is an even split.

Mr. Patrick Hillman provided an overview of the project and reasoning behind the requests. Mr. Joe Lambke, architect, provided an overview of the requested variations and reiterated that three of those variations were removed.

The hearing was then open to questions from the Commission.

Chair Rodgers inquired about the determination of the yards. Ms. Klotz provided clarification on how the yards were determined with the front yard facing Colfax Terrace, the rear yard facing Poplar Street and the side yards being adjacent to the alley and the neighboring home to the south. Chair Rodgers then asked for clarification on the setback line and front yard. Ms. Klotz explained how each was determined, noting the private street cutting into the property.

Mr. Lambke explained that the yard configuration staff used was based on matching that of the neighbors to the south, not taking the properties along the alley to the north into account. The neighbor to the immediate north has similar adjacency to an alley and a street-side yard along Poplar Street.



Commissioner Lindwall asked if the applicant intended to replace the existing fence. Mr. Lambke replied that it depends on what can be done architecturally. Ms. Klotz then clarified the fence variation needed.

The hearing record was then closed.

The Commission began deliberations.

Commissioner Halik inquired why so many variations were being requested and stated that if you go to the site you understand the need for them. He then stated that he believes the proposal is a clever scheme and he would approve the variations.

Commissioner Cullen stated that she also visited the site and is in agreement with the proposal.

Commissioner Westerberg stated that she does not understand the necessity of the front fence. Commissioner Halik responded that there is no yard space and the proposal is creating some open, accessible space. Commissioner Westerberg expressed that the proposal is creating an outdoor room and that some aspects are difficult to tell from the plans provided.

Commissioner Rodgers explained that he also visited the site and disagreed, stating that there are different ways to achieve what the applicant is seeking. He explained that the number of variations creates a problem and the site could be developed based off of the house to the south. This proposal is pushing the boundaries of what he sees as appropriate based on the zoning. He finished by stating he does not support the project.

Commissioner Puchtel expressed that he is not in support of the project. He would like to see the site redeveloped but what is proposed is not the minimum change necessary. He expressed surprise that there were no slanted lines and not energy efficiency that can come with a more compact development. He then stated that the proposed bike room appears to be partially affected by the trees and the site seems to be pushing the boundaries for a variety of goals that seem unnecessary.

Commissioner Lindwall stated that she can see that some of the variations are acceptable but is troubled by the 3rd and 8th variations being requested. She stated that a landscape screening would be more appropriate than the fence and is opposed to a fence. She suggested that perhaps each variation could be reviewed. Commissioner Rodgers stated that he is looking at the total project; if some variations are ok and others are not, then that changes the plan. He suggested that it would make sense to provide suggestions to the applicant to revise the proposal.

Commissioner Johnson stated that he is with the nays for the project because there are so many exceptions being requested. He then stated he is interested to hear from other Commissioners.

Commissioner Hewko stated that he is swayed by the Commissioners who visited the site and looked at the site carefully and thoughtfully. While he does have concern about the number of variations, he is inclined to support the project.

Commissioner Arevalo stated she is not in support and the proposal needs to be thought through a little bit more and see if the amount of variations could be minimized.

The Commission then reviewed the standards for approval and several Commissioners found that some standards were not met.

1. Standard met.

2. Some discussion occurred regarding the various items proposed in the front yards that do not follow the intent of the zoning code. Commissioner Halik stated that the site is so unique that the fact that there are so many variations speaks to that. Commissioner Westerberg stated that this relates to the 3rd standard in that there are so many needed variations related to the uniqueness of the property.

3. Standard met.

4. Chair Rodgers stated that while the property is peculiar it is an overdevelopment of the lot. Commissioner Lindwall stated that the lot is also larger than the typical R1 lot. Commissioner Halik pointed out that a portion of the lot is taken up by the private street.

5. Standard met.

6. Standard met.

7. Chair Rodgers stated that he believes some of the requested variations are above and beyond what should be granted and not the minimum deviation from the code.

**Commissioner Halik made a motion to approve the project with the 10 variations proposed and in substantial compliance with the documents and testimony provided herein. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion failed, 3-6; therefore the project was not approved.**

**D. Text Amendment: Text Amendment | Office and Medical Office Uses | 22PLND-0007 City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to modify the parking requirement for Medical Office Uses in existing structures, and to change ground-floor permitted Office Uses in non-residential and non-university districts to Administrative Review Uses. The Land Use Commission makes a recommendation to the City Council, the determining body for this case per Section 6-3-4-6 of the Evanston Zoning Ordinance and Ordinance 92-O-21.**

Ms. Klotz provided an overview of the proposed text amendment, explaining what triggers additional parking requirements for certain uses, including medical offices in nearly all zoning districts (with the exception of downtown and industrial districts). She then explained that determining parking requirements for a change in use can take a fair

amount of time and applicants may have to go searching for additional parking within 1,000 feet of the site.

Ms. Klotz then clarified that the proposed text amendment would remove the requirement for additional parking and just enable use of the existing parking, something which is done for most other uses. The second part of the text amendment is to make ground floor offices, which are currently permitted, into Administrative Review uses. This would still provide a provision for the Land Use Commission to review through the regular Special Use process should the Zoning Administrator deem it necessary.

The hearing was open to questions from the Commission.

Commissioner Lindwall expressed that she is glad to hear the Administrative Review process is working well and inquired if there have been any issues. Ms. Klotz responded that there have not been any issues so far and the process is working well. There have been no outright denials, however, there have been some interested parties told she was not comfortable approving the use at a particular location and those parties have found better sites. Commissioner Lindwall then added that with changes to how medical offices are operating it makes sense to make this change.

Chair Rodgers stated he is fine giving a little more discretion to staff for these types of issues and that staff is wise enough to determine when to direct items to the Land Use Commission as a Special Use or provide additional guidance on finding a different location.

Being that there were no members of the public wishing to speak on this item, the record was then closed.

The Commission then reviewed the standards for approval and found that they had each been met.

**Commissioner Lindwall made a motion to approve the proposed text amendment. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion was approved unanimously.**

### **Discussion**

Ms. Jones explained that with the various mandates being lifted and the possibility of the Governor's emergency order not being extended have necessitated the discussion of meeting in-person starting in April. The next meeting in March had been noticed to be held virtually so that is how staff intends to operate that meeting. A brief discussion amongst Commissioners occurred with a general agreement that meeting in-person in April makes sense to do.

### **Public Comment**

There was no public comment.

**Adjournment**

Commissioner Puchtel motioned to adjourn, Commissioner Johnson seconded, and the motion carried.

Adjourned 10:40 pm

Respectfully submitted,  
Meagan Jones, Neighborhood & Land Use Planner