



MEETING MINUTES

LAND USE COMMISSION

Wednesday, February 28, 2024

7:02 PM

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

Members Present: Matt Rodgers, Max Puchtel, Jeanne Lindwall, Kiril Mirintchev, Kristine Westerberg, John Hewko, Myrna Arevalo

Members Absent: George Halik and Brian Johnson

Staff Present: Neighborhood Land Use Planner Meagan Jones and Zoning Administrator Melissa Klotz

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:02 PM. A roll call was then done and a quorum was determined to be present.

Approval of January 10, 2024 and January 24, 2024 Meeting Minutes

Commissioner Lindwall made a motion to approve the meeting minutes from January 10, 2024 as amended. Seconded by Commissioner Westerberg. A voice vote was taken, and the motion passed 5-0 with two abstentions.

Commissioner Lindwall made a motion to approve the meeting minutes from January 24, 2024 as amended. Seconded by Commissioner Westerberg. A voice vote was taken, and the motion passed 6-0 with one abstention.

Old Business

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. ***This item was sent back to the Land Use Commission by the Planning & Development Committee of the City Council for additional review.***

Commissioner Questions

Chairman Rodgers asked a question regarding the required noticing for the proposed special use, which was confirmed to have been appropriately noticed through mailed notices and posted signs at the property.

Chair Rodgers stated that Article 10 of the Commission Rules and Procedures state that the Chair, in consultation with the Secretary or his/her/their designee, may grant another hearing in any case in which the applicant desires to offer new material evidence and testimony that was not available at the time of the previous hearing and determination. The Chair determined that there was no new significant evidence to present by reopening public testimony and proposed to send the item back to the Planning & Development Committee with the same Commission vote.

It was clarified that although neighboring businesses were discussed, there was an oversight regarding the proximity of the proposed business to an existing one of the same nature. The Chair proposed to reopen public testimony to allow the neighboring business owner to make a statement for the record, which was agreed upon by the Commission

Commissioner Westerberg made a motion to reopen public testimony. Seconded by Commissioner Puchtel. A voice vote was taken and the motion passed, 7-0.

Public Comment

Public testimony was reopened. Vivian Killebrew, the neighboring business owner of Stepping Out on Faith, stated her lack of opposition to the new establishment and expressed her presence in the neighborhood. Following the statement, the Commission decided that no further discussion was needed and the neighboring business owner's statement would be attached to the recommendation for approval. Chair Rodgers closed public testimony, and no new vote was taken, maintaining the original 6-0 vote in favor of approval.

The recommendation for approval of the special use for a resale establishment at 1630 Orrington Avenue will be forwarded to the Planning and Development Committee with the attachment of the neighboring business owner's statement.

NEW BUSINESS

A. Public Hearing: Major Adjustment to a Planned Development & Unique Use | 1590 Elmwood Avenue/1571 Maple Avenue/910 Davis Street | 24PLND-0004 & 24ZMJV-0003

Scholar Evanston, LLC, property owner, submits for a Major Adjustment to a Planned Development and a Unique Use Special Use to convert vacant

ground-floor commercial space into two dwelling units in the D3 Downtown Core Development District. The applicant requests a Major Adjustment to increase the existing Site Development Allowance for density, previously approved in Ordinance 19-O-15, from 101 dwelling units to 103 dwelling units. The applicant also requests a Unique Use Special Use (Section 6-3-7-1) to allow dwelling units on the ground-floor where ground-floor dwelling units are not an eligible use in the D3 District. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Sections 6-3-6-12 and 6-3-7 of the Evanston Zoning Code. PINs: 11-18-310-006-0000, 11-18-310-007-0000, 11-18-310-008-0000, 11-18-310-020-0000, 11-18-310-030-0000, 11-18-310-031-0000. ***This application was withdrawn by the applicant.***

B. Public Hearing: Major Variation | 518 & 520 Barton Avenue | 24ZMJV-0002

Michael Willman, potential purchaser, submits for a Major Variation to eliminate unimproved required parking areas where 3 parking spaces are required for the existing 2 townhomes, for the intention of combining the area with the adjacent property at 1210 South Boulevard for future construction of a detached garage. The applicant requests zero parking spaces where 3 parking spaces are required for 2 townhomes (Section 6-16-3-5 Table 16-B) 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 of the Evanston Zoning Code. PINs: 11-19-325-024-0000, 11-19-325-025-0000.

Michael Wilman presented the request for a major variation to eliminate unimproved required parking areas for two townhomes. The intention is to combine the space with adjacent property for the future construction of a detached garage. Mr. Willman explained plans to build a two-story garage behind his property at 1210 South Boulevard, that will include a tutoring space above and will be accessed via a driveway easement.

Commissioner Questions

Commissioner Lindwall inquired about what the treatment will be with regards to the easement. The applicant replied that he and the neighbors would like the area to be closed off to prevent fly dumping that currently occurs. Ms. Klotz clarified that the existing easement is an ingress/egress easement that must be maintained unless all neighbors agree to close it off and one neighbor expressed they would not be open to that.

Commissioner Puchtel asked how long the applicant has been at the property and why the parking area has not been used. The applicant explained that his

family has been in their home since 2001 and that there is plenty of parking on the street.

Commissioner Westerberg confirmed that the townhomes were individually owned and asked if there was any concern about reducing off-street parking. The ownership was confirmed and staff expressed that there was no concern as the existing condition has been in place for roughly 75 years and no complaints have been filed to staff's notice.

Public Comment

Colette Cook, a nearby resident, expressed concerns about illegal parking obstructing access to her garage and the safety hazards posed by some parked cars in the area.

Mark Ryder, another neighbor, sought clarification on the orientation of the proposed garage and details on the existing easement.

Deliberations

The commission discussed the impact of the proposal on neighboring properties and the intent of the zoning ordinance agreeing that it makes sense to do and the addition of parking spaces makes the lot more confirming. It was also advised that the applicant incorporate safety features like pedestrian doors and architectural enhancements for aesthetic improvement.

Standards for Approval In order for the Land Use Commission to approve the requested variation, the proposed request must meet the Standards for Major Variation (Section 6-3-8-12-E):

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties. Based on the testimony received and visits to the property, it appears that the area is unimproved with brush growing. Improving the property will likely improve the property values and make the property more enjoyable for all parties so this standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance. The zoning ordinance intends to provide for off street parking, however, it seems like current neighbors have no intention to improve the property for this use and the applicant will add off-street parking to this space so this standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property. This is a strange area consisting of multiple easements; parking that exists is for

properties that face Barton but parking runs along the easement. Seeking to improve this condition in other ways would still likely present difficulty so this 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: This is a unique property that is changing hands for off-street parking purposes. The applicant's property does not have space for parking and is seeking to use adjacent property for this purpose so this standard is met.
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter: The proposed project will be single car garage with a coach house above and likely not generate much income so this standard is met.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The properties were subdivided some time ago and predate current owners so this 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: A small footprint is proposed for the single-car garage and it is not unnecessarily large so this standard is met.

Commissioner Lindwall made a motion to approve the Major Variation request to eliminate the unimproved required parking areas where three spaces are required for the existing two townhouses. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion carried, 7-0.

Ayes: Rodgers, Puchtel, Lindwall, Mirintchev, Westerberg, Hewko, Arevalo

Nays:

Communications

Ms. Jones provided a brief update on the Envision Evanston 2045 process, explaining the upcoming meetings and launch of Meetings-in-a-Box.

Adjournment

Commissioner Lindwall motioned to adjourn, Commissioner Westerberg seconded, and the motion carried, 7-0.

Adjourned 7:45 PM.

The next meeting of the Evanston Land Use Commission is to be held on **Wednesday, March 27, 2024, at 7:00 PM, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,
Justin Bock, Administrative Lead

Reviewed by,
Meagan Jones, AICP, Neighborhood and Land Use Planner