

Nothing Has Changed:

Northwestern's Applications to Amend the
Uses Permitted in U2 Fail to Meet Evanston
Zoning Standards

NU's Proposed Expanded Land Use Has Been Rejected Many Times

- ▶ Northwestern attempts to commercialize zoning of U2 District rejected in:
 - ▶ 1971
 - ▶ 1975
 - ▶ 1982
 - ▶ 1996
 - ▶ 2021

* see Appendix

Why has the City
consistently
rejected
Northwestern's
proposed
commercial
uses?

BECAUSE EVANSTON
HAS RECOGNIZED
TIME AND AGAIN....

COMMERCIAL USE OF
THE U2 DISTRICT IS
INCONSISTENT WITH
AND WOULD HARM
THE SURROUNDING
RESIDENTIAL
NEIGHBORHOOD

Evanston Zoning Standards Require Consistency with Policies of Comprehensive General Plan

- ▶ “...Is in keeping with purposes and policies of the adopted **comprehensive general plan** and the zoning ordinance as amended from time to time”
 - ▶ Standards for Special Uses, Section 6-3-5-10(B), Evanston Zoning Ordinance (see also Section 6-3-6-9, making applicable to Planned Developments)
- ▶ “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.”
 - ▶ Standards for Text Amendments, Section 6-3-4-5(A), Evanston Zoning Ordinance

The CGP Seeks to Protect “Surrounding Neighborhoods” from “Institutional” Development

- ▶ Chapter 6 (Institutions) provides:
 - ▶ “As a goal, Evanston should support the growth and evolution of institutions ***so long as the growth does not have an adverse impact upon the residentially-zoned adjacent neighborhoods.***”
 - ▶ In furtherance of that stated goal, the Plan states, “***enforcing the standards of the City’s Zoning Ordinance is essential if proposed changes would disrupt the residential character and environment of surrounding neighborhoods.***”
- ▶ The currently operative Plan and this language was adopted in 2000, notably for our purposes here, *after* Northwestern’s many attempts to change its zoning permissions to include commercial uses
- ▶ **This standard – common to both of Northwestern’s applications – is not met.**

The Zoning Ordinance Provisions for the U2 District Themselves Recognize the Need to Preserve the Residential Neighborhood

- ▶ “The U2 university athletic facilities district is intended to permit the utilization of university facilities within the district ***in a manner that is compatible with the surrounding development, which is predominately residential.***”
 - ▶ U2 District Purpose Statement, Section 6-15-7-1, Evanston Zoning Ordinance
- ▶ “This Subsection provides standards to ensure that temporary uses ***shall not impose an undue adverse effect on neighboring streets or property.*** *Community and cultural events of a nonprofit nature* intended primarily for residents of the City and amateur athletic events shall be permitted provided that the following conditions are met....”
 - ▶ U2 District Standards for Temporary Permitted Uses, Section 6-15-7-2, Evanston Zoning Ordinance

George Kisiel

Northwestern's Paid Zoning
Code Expert,

September 6, 2023



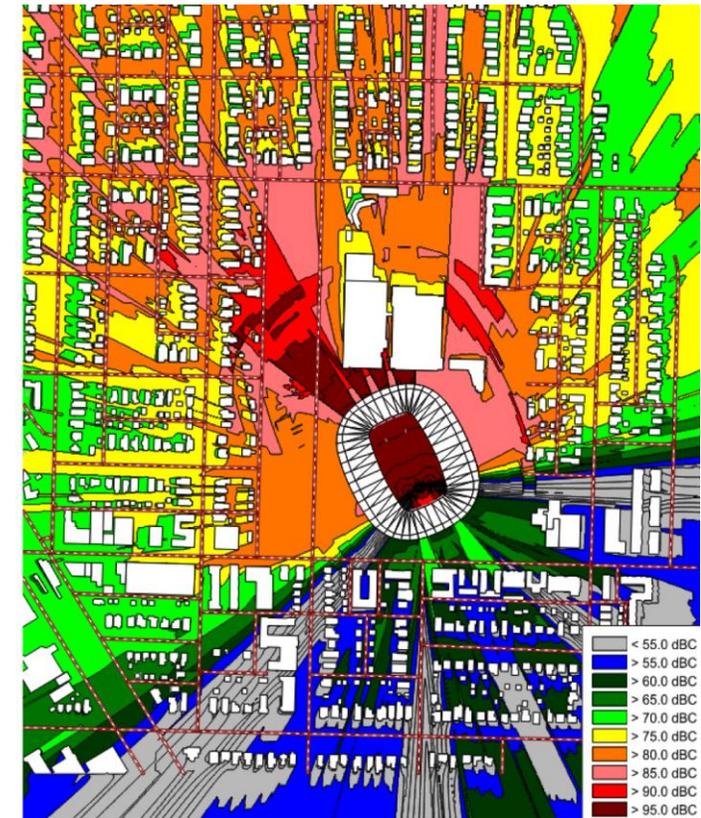
- ▶ **“the proposal does not represent a change in use”**
- ▶ **“no reason to believe that undue negative impacts would occur”**
- ▶ **“will cause some degree of inconvenience for the immediately adjacent resident neighbors”**
- ▶ **“no reason to believe they would rise to the level of significant impacts”**
- ▶ **”mere inconveniences”**

Significant Negative Impacts to Surrounding Neighborhood / Evanston: Parking, Public Transportation and Traffic Congestion

- ▶ **Insufficient parking:** almost all of the City's available garage and street spaces
- ▶ **Unrealistic shuttle bus plan:** 14,820 people will require 283 separate shuttle buses to take them to and from the game over at least 90 minutes
- ▶ **Insufficient public transportation infrastructure:** CTA and Metra do not have enough runs or enough cars to accommodate the 11,400 riders who would arrive for concerts essentially during rush hour. Even more parking demand will be required.
- ▶ **Significant traffic congestion:** Evanston's roads will be consumed in the 1-2 hours before concerts (rush hour) with ~1400 cars parking On-Site and ~4,500 cars searching for Off-Site parking; plus 283 shuttle buses; plus another estimated 1,995 people arriving by taxis, "TNCs" like Uber and Lyft, Limo / black car, and party bus / trolley.
- ▶ **Significant Post-Event Lines:** Approximately 25,000 people (all those not parking On-Site) will need to wait in lines on Central Street (for CTA / Metra), Ashland Avenue (for shuttles) and other nearby locations (for TNCs), in most cases for more than an hour

Significant Negative Impacts to Surrounding Neighborhood / Evanston: Invasive Noise

- ▶ WJHW model shows decibel levels above 80 dBC and even 90 dBC for some adjacent properties
- ▶ Evanston's noise ordinance (Evanston Code § 9-5-20) makes **"unlawful"** the making of any loud noise "which either annoys, disturbs, injures or endangers the comfort, repose, convenience, health, peace or safety of others, within the limits of the City."
 - ▶ Specifically, this Section prohibits music from a vehicle if audible from 75 feet
 - ▶ Compare 3-4 hours of continuous concert sound with 15 minutes of gas-powered leaf blowers, which also are completely banned



Nothing Has Changed: NU's Proposed Expanded Land Use Should Be Rejected Again

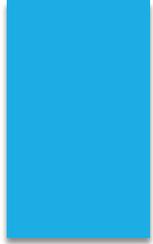
- ▶ In denying Northwestern's proposed change in use in 1977, City Council unanimously found:

b. We find that the proposed variations would not be in harmony with the general purpose and intent of the Ordinance and:

- (1) Would alter the essential character of the locality by increasing the intensity of the use so as to detract from the essential character of the surrounding residential neighborhood.**
- (2) Would be injurious to and depreciate the value of other property and improvements in the neighborhood in which it is located due to increased traffic congestion, pedestrian traffic, noise, and litter, all of which would be an unavoidable consequence of the proposed intensification of use of the property.**

Nothing Has Changed: NU's Proposed Expanded Land Use Should Be Rejected Again

- ▶ **Nothing has changed.**
- ▶ Commercial events including the 6 public-facing concerts still:
 - ▶ Out of character with the residential “surrounding neighborhood”
 - ▶ Undue negative impacts abound that will interrupt the quality of life in the neighborhood
 - ▶ No offsetting impacts are offered to the *neighborhood* related to the changed uses (must disaggregate from a new stadium and already-permitted uses)



APPENDIX

Nothing Has Changed: NU's Proposed Expanded Land Use Has Been Rejected Many Times

- ▶ 1971: City of Evanston enacts ordinance prohibiting professional sports and commercial business operations
 - ▶ Northwestern sues the City, asking that the ordinance be declared an unconstitutional restriction on its use of land. The courts disagreed, and in 1978, Illinois Supreme Court upheld the dismissal of the case. **Attempt rejected.**
- ▶ 1975: Northwestern applies for variation to amend permitted use of Dyche Stadium and McGaw Hall for commercial purposes.
 - ▶ Application was denied in 1977. City Council unanimously found the increased intensity of use would likely detract from the essential character of the surrounding residential neighborhood; and would be injurious to and depreciate the value of other property and improvements in the neighborhood due to increased traffic congestion, pedestrian traffic, noise, and litter, all of which would be an unavoidable consequence of the proposed intensification of use. **Attempt rejected.**

Nothing Has Changed: NU's Proposed Expanded Land Use Has Been Rejected Many Times

- ▶ 1982: Northwestern applies for special use permit to hold musical performance at Dyche Stadium
 - ▶ ZBA and City Council deny the application. **Attempt rejected.**
- ▶ 1996: IMG files application to amend Zoning Ordinance to allow new special use to hold professional tennis events in the U2 District
 - ▶ Asked whether NU is seeking to expand the uses of the Welsh-Ryan Arena to include professional events, NU's director of athletic facilities and operations says, "No. ... NU is not in the business of generating revenue with their buildings." City Council denies the application. **Attempt rejected.**
- ▶ **2019:** Northwestern applied "pilot program" change to the ordinance allowing them to hold indoor concerts at Welsh-Ryan arena (of up to 7,000 attendees).
 - ▶ The measure initially passed, but in June 2021 City Council voted against continuing that program and permission (by a 7-2 vote). **Attempt rejected.**