

90-O-22

AN ORDINANCE

Amending Title 6 of the City Code Modifying Restaurant Regulations in the MXE District

WHEREAS, on August 24, 2022, the Land Use Commission held a public hearing, pursuant to proper notice, regarding case no. 22PLND-0055 to consider various amendments to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), relating to the Use known as “Restaurant, Type 1” and “Restaurant, Type 2;” and

WHEREAS, the Land Use Commission received testimony and made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments met the Standards for Amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 26, 2022, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Land Use Commission in case no. 22PLND-0055 and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 26, 2022, the City Council considered and adopted the respective records, findings, and recommendations of the Land Use Commission and the Planning and Development Committee, as amended,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are hereby found as fact and

incorporated herein by reference.

SECTION 2: Subsection 6-13-4-2 of the Zoning Ordinance, “Permitted Uses” within the MXE district, is hereby amended to include “Restaurant, Type 1.”

SECTION 3: Subsection 6-13-4-2.5 of the Zoning Ordinance, “Administrative Review Uses” within the MXE district, is hereby amended to include “Restaurant – Type 2.”

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 7: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 26, 2022

Approved:

Adopted: October 10, 2022

October 17, 2022

Daniel Biss

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza

Nicholas E. Cummings

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel



MEETING MINUTES EXCERPT

LAND USE COMMISSION

Wednesday, August 24, 2022

7:00 PM

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

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

Members Absent: Violetta Cullen

Staff Present: Sarah Flax, Alexandra Ruggie, Elizabeth Williams, Melissa Klotz, Meagan Jones

Presiding Member: Matt Rodgers (and Max Puchtel for Item 3A)

Call to Order

Chair Rodgers opened the meeting at 7:10pm. A roll call was then done and a quorum was determined to be present.

C. Public Hearing: Text Amendment | Restaurants in MXE | 22PLND-0055 City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, to add Restaurant, Type 1, as a Permitted Use, and Restaurant, Type 2, as an Administrative Review Use in the MXE Mixed-Use Employment District. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-4 of the Evanston Zoning Code and Ordinance 92-O-21.

Ms. Klotz read the case into the record and provided an overview of the request. This text amendment is a referral from Councilmember Burns at the request of Soul and Smoke, a catering business which wants to expand to a full restaurant. Ms. Klotz explained that there is a craft brewery in this district that essentially acts as a restaurant so it makes sense to make the amendment. There are several MXE business districts that have transitioned to having a mixture of quasi- industrial, commercial and residential uses within them and now there is demand for restaurant uses. The full recommendation is that Type 1 restaurants be a permitted use and Type 2 restaurants (or quick serve restaurants) be an administrative review use, with the ability to approve, deny or defer to the special use process.

Ms. Klotz then stated that staff has become aware of another light manufacturing use that would like to transition into a likely Type 2 restaurant use in a different MXE area.

Commissioner Questions

Commissioner Westerberg asked if any comments or questions had been received from residents. Ms. Klotz responded that none had been received.

Commissioner Lindwall expressed that she thinks the amendment is a good idea. MXE and MUE districts came about because those areas were a hodge-podge of uses and people did not quite know what to do with those areas to allow them to evolve over time. She then stated that she is in support of the text amendment, adding that uses have been added to the district as it has evolved. Handling the evolution through text amendments provides safeguards and flexibility.

Commissioner Halik expressed agreement, stating that restaurants help to stabilize these types of areas.

Chair Rodgers stated that mixed use districts should be our catchalls that can include restaurants, retail, residential etc. and that heavy manufacturing districts should be heavily regulated. He then stated that the City does not have much space designated MXE so he does not have concerns.

Public Comment

None

Deliberations

The Commission reviewed the standards for approval of text amendments

- A. Met
- B. Met
- C. Met
- D. Met

Commissioner Lindwall made a motion to recommend approval of the text amendment to add Type 1 restaurants as a permitted use and Type 2 restaurants as an administrative review use in the MXE district. Seconded by Commissioner Puchtel. A voice vote was taken and the motion passed, 9-0.

Respectfully submitted,
Meagan Jones, Neighborhood & Land Use Planner