



AGENDA

Planning & Development Committee

Monday, March 27, 2023

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800
6:00 PM

Join Zoom Meeting:

<https://us06web.zoom.us/j/84104138646?pwd=Ym9LOE80RVJGaE85ZmRtQ2UzbUU5dz09>

Meeting ID: 841 0413 8646

Passcode: 588498

Those wishing to make public comments at the Administrative & Public Works Committee, Planning & Development Committee or City Council meetings may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at www.cityofevanston.org/government/city-clerk/public-comment-sign-up or by calling/texting 847-448-4311.

Community members may watch the City Council meeting online at www.cityofevanston.org/channel16 or on Cable Channel 16.

Page

(I) CALL TO ORDER - COUNCILMEMBER KELLY

(II) APPROVAL OF MINUTES

M1. Approval of the Minutes of the Planning & Development Committee Meeting of March 13, 2023

4 - 10

Staff recommends the approval of the Minutes of the Planning & Development Committee meeting of March 13, 2023.

For Action

[Approval of the Minutes of the Planning & Development Committee meeting of March 13, 2023](#)

(III) PUBLIC COMMENT

(IV) ITEMS FOR CONSIDERATION

- P1. **Ordinance 33-O-23, Special Use for an Apartment Hotel in the R6 District at 1555 Oak Avenue, the Museum Residences on Oak (formerly King Home)** 11 - 30

The Land Use Commission recommends the adoption of Ordinance 33-O-23, a Special Use for an Apartment Hotel in the R6 General Residential District at 1555 Oak Avenue, commonly known as the Museum Residences on Oak (formerly King Home). The proposed special use meets the Standards for Approval for special uses.

For Introduction

[Ordinance 33-O-23, Special Use for an Apartment Hotel in the R6 District at 1555 Oak Avenue, the Museum Residences on Oak \(formerly King Home\)](#)

- P2. **Ordinance 38-O-23, Amending Section 6-9-2-3 of the City Code Adding Performance Event Venues As A Special Use in the B1 Business District** 31 - 38

The Land Use Commission recommends the adoption of Ordinance 38-O-23, amending Section 6-9-2-3 of the City Code, and adding Performance Event Venues as a Special Use in the B1 Business District.

For Introduction

[Ordinance 38-O-23, Amending Section 6-9-2-3 of the City Code Adding Performance Event Venues As A Special Use in the B1 Business District](#)

- P3. **Ordinance 39-O-23, Granting a Special Use Permit to Allow for A Performance Entertainment Venue Pursuant to City Code 6-9-2-3 and Approving A Major Variation Pursuant to City Code 6-16-5, Table 16-E on the Property Located At 1243-45 Chicago Avenue, in the B1 Business District** 39 - 63

The Land Use Commission recommends the adoption of Ordinance 39-O-23 granting a Special Use Permit to allow for a Performance Entertainment Venue pursuant to City Code 6-9-2-3 and approving a Major Variation pursuant to City Code 6-16-5, Table 16-E on the property located at 1243-45 Chicago Avenue, in the B1 Business District.

For Introduction

[Ordinance 39-O-23, Granting a Special Use Permit to Allow for A Performance Entertainment Venue Pursuant to City Code 6-9-2-3 and Approving A Major Variation](#)

(V) ADJOURNMENT



Memorandum

To: Members of the Planning and Development Committee
From: Elizabeth Williams, Planning Manager
CC: Sarah Flax, Interim Community Development Director
Subject: Approval of the Minutes of the Planning & Development Committee Meeting of March 13, 2023
Date: March 27, 2023

Recommended Action:

Staff recommends the approval of the Minutes of the Planning & Development Committee meeting of March 13, 2023.

CARP:

N/A

Committee Action:

For Action

Summary:

The draft minutes of the Planning & Development Committee meeting of March 13, 2023, are attached for the Committee's consideration.

Attachments:

[DRAFT Planning & Development Committee Meeting Minutes for 3.13.2023](#)



Planning & Development Committee

Monday, March 13, 2023 @ 6:00 PM

Virtual and Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers,
Room 2800

COMMITTEE MEMBER PRESENT:

Juan Geracaris, Councilmember, Eleanor Revelle, Councilmember, Melissa Wynne, Councilmember, Johnathan Nieuwsma, Councilmember, Clare Kelly, Chair, Bobby Burns, Councilmember

COMMITTEE MEMBER ABSENT:

Devon Reid, Councilmember

STAFF PRESENT:

Sarah Flax, Interim Director of Community Development, Elizabeth Williams, Planning and Zoning Manager, Alexandra Ruggie, Deputy City Attorney

(I) CALL TO ORDER - COUNCILMEMBER REID

A quorum being present Councilmember Kelly called the meeting to order at 6:03 PM.

(II) APPROVAL OF MINUTES

PM1. **Approval of the Minutes of the Regular Planning & Development Committee meeting of February 27, 2023**

Staff recommends approval of the Minutes of the Regular Planning & Development Committee meeting of February 27, 2023.

Moved by Councilmember Melissa Wynne

Seconded by Councilmember Juan Geracaris

Ayes:

Councilmember Johnathan Nieuwsma, Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor Revelle, Councilmember Bobby Burns, and Councilmember Clare Kelly

Carried 6-0 on a recorded vote

(III) PUBLIC COMMENT

Roberta Hudson, 1941 Dewey Avenue, spoke about the Foster Park Neighborhood Association attempts to improve their neighborhood.

Tina Paden, 1122 Emerson Street, spoke against locating the 1811-1815 Church Street project in the 5th Ward.

Xiomara Chambers requested Councilmembers Burns and Reid recuse themselves from voting on the 1811-1815 Church Street project.

Anna Wooden, 1721 Darrow Avenue, questioned siting the 1811-1815 Church Street project at this location mentioning environmental and other concerns.

Haley Guion, Crosby Theodore LLC, representing Jackson, LLP, 1817 Church Street, requested items P2 and P3 be referred to the Preservation Commission.

Nambi Chambers stated his concern regarding siting the 1811-1815 Church Street project at this location due to its adjacency to the high school.

Priscilla Giles objected to a five-story building at Church Street and Darrow Avenue.

Suvankar Dasgupta does not agree with the location of the 1811-1815 Church Street project due to its adjacency to the high school and traffic.

Kenia Reza, 1722 Darrell Avenue, spoke about the need for a neighborhood school, easy access to transportation, and a grocery in the 5th Ward over the 1811-1815 Church Street proposed development.

Todd Smith voiced his concern about local landlords' inability to compete with the proposed rents for the 1811-1815 Church Street project and supports a path toward ownership versus rental.

Radica Sutz, 1810 Darrell Avenue, stated her experience renting to the working poor and how rental values in the area compare with the proposed 1811-1815 Church Street project.

Carlis Sutton, 1821 Darrow Avenue, said that the variances do not comply with several the standards.

Andrew Fetterman, 1738 Darrow Avenue, asked about locating affordable housing on an environmental cleanup site and the combined impact of other local air pollution contributors.

Darlene Cannon supported the comments from residents of the 5th Ward.

Cesar Flores asked how HODC can manage the number of people in each unit and stated his concern that the proposed 1811-1815 Church Street project is near the transfer station.

(IV) ITEMS FOR CONSIDERATION

- P1. Ordinance 26-O-23, Granting a Special Use Permit to Allow for Outdoor Storage and Open Sales and Approving Major Variations Pursuant to City Code 6-3-8-4(D), on the Property

Located at 2201 Oakton Street, in the I1 Industrial/Office District and the oRD Redevelopment Overlay District

Moved by Councilmember Juan Geracaris
Seconded by Councilmember Melissa Wynne

Councilmember Geracaris commented that he has spoken with residents and did not hear any concerns about Home Depot proposed plans for the outdoor area.

Ayes: Councilmember Johnathan Nieuwsma, Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor Revelle, Councilmember Clare Kelly, Councilmember Bobby Burns

Carried 6-0 on a recorded vote

- P2. Ordinance 34-O-23, approving a Special Use and Major Variations for a religious institution at 1801-1805 Church Street

Moved by Councilmember Johnathan Nieuwsma
Seconded by Councilmember Bobby Burns

Councilmember Kelly asked staff to address the environmental concerns raised by the public. Ms. Flax summarized the IEPA cleanup process. Matt Kidd, Suzuki + Kidd, noted that the engineered barrier in place and contaminated soil will be removed to put in the church foundations and will be replaced with a new barrier. Councilmember Burns noted that there is an EPA process to address construction under these conditions. Mr. Kidd noted that the community will benefit by the removal of the contaminated soils.

Councilmember Nieuwsma inquired about adjacent property drainage. Mr. Kidd responded that an underground storage is proposed and will have to be permitted by MWRD. Drainage to the alley or Darrow Avenue has not yet been finalized.

A discussion to table item P2 to discuss P3 followed.

Moved by Councilmember Johnathan Nieuwsma
Seconded by Councilmember Melissa Wynne

Ayes: Councilmember Johnathan Nieuwsma, Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor Revelle, Councilmember Clare Kelly, Councilmember Bobby Burns

Carried 6-0 on a recorded vote

After a discussion and vote on P3, P2 was untabled.

Moved by Councilmember Johnathan Nieuwsma
Seconded by Councilmember Melissa Wynne

Ayes: Councilmember Johnathan Nieuwsma, Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor

Revelle, Councilmember Clare Kelly, Councilmember Bobby Burns

Carried 6-0 on a recorded vote

Councilmember Nieuwsma asked the architect if the church building height could be reduced. Mr. Kidd responded that the parapet is 44 feet, and 45 feet is permitted. Renderings were reviewed noting that the revised HODC building is at 47 feet.

Ayes: Councilmember Johnathan Nieuwsma, Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor Revelle, Councilmember Bobby Burns

Nayes: Councilmember Clare Kelly

Carried 5-1 on a recorded vote

- P3. Ordinance 35-O-23, approving Major Variations for the construction of a new 5-story mixed-use building at 1811-1815 Church Street

Moved by Councilmember Johnathan Nieuwsma
Seconded by Councilmember Bobby Burns

Ayes: Councilmember Johnathan Nieuwsma, Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor Revelle, Councilmember Clare Kelly, Councilmember Bobby Burns

Carried 6-0 on a recorded vote

Councilmember Revelle asked how the traffic study addresses resident concerns. Mr. Richard Koenig, Executive Director of Koenig Housing Opportunity Development Corporation (“HODC”), summarized that the study was conducted by Kimley Horn in January of 2022 and noted the alley improvements and lack of impact on overall traffic flow. Commissioner Burns noted that the issues with the bump outs and the turning problems on Church Street are being addressed with the Mason Park redevelopment project.

Councilmember Revelle inquired about staff presence and Mr. Koenig responded that one of the units is being proposed as a management unit for on-site living and another person is present in an office as a property manager during regular business hours. Councilmember Revelle asked about financing. Mr. Koenig responded that financing is site specific with annual reporting and inspection requirements as well as a building reserve that is added to annually.

Ms. Ruggie addressed the request for council member recusal and reviewed that it is up to a member to recuse his or herself but she did not see a conflict with the ethics ordinance.

Councilmember Burns suggested reducing the height of the building to 47-feet and reducing the unit count from 44 to 33 rental apartments (new program of 12 one-bedrooms, 10 two-bedrooms, and 11 three-bedrooms), with parking and retail remaining the same. Ms. Williams summarized the West Evanston Overlay District allowances of three stories and 47

feet and the resulting variance when requesting four stories.

Councilmember Kelly stated the project affect will designated historic landmarks and would like to hear input from the Preservation Commission. Councilmembers Nieuwsma and Wynne noted that it is not a historic issue, but a structural issue and engineering review will address. Councilmember Burns suggested adding conditional construction language instead. Commissioner Revelle also suggested that the conditional language include drainage.

Councilmember Kelly would like to see a map of affordable housing and asked if HODC would rent to Section 8. Mr. Koenig responded that they do not discriminate based on source of income.

Councilmember Wynne commented that the reduction in height is not a substantial change requiring it to go back to the Land Use Commission.

Councilmembers Nieuwsma asked about retail. Mr. Koenig responded that specific tenants have not been identified.

Discussion on the Evanston preference followed. Mr. Koenig stated that this is the first time he has requested it and does not know when a response will be given by the state. Ms. Flax said that they have been able to get local preference for the scattered sites program, is not aware of one done with a tax credit, and highlighted a few other projects that were successful with an interested parties list.

Councilmember Kelly made a motion to table the ordinance to hear input from the Preservation Commission, see a map of affordable housing, and see revised plans. Motion failed due to lack of a second.

Councilmember Burns amends the motion specifying the plan revisions and Councilmember Wynne seconded the amendment. There was not a second to the motion to table. Roll call vote was taken on the amendment.

Ayes: Councilmember Johnathan Nieuwsma, Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor Revelle, Councilmember Bobby Burns

Nayes: Councilmember Clare Kelly

Carried 5-1 on a recorded vote

(V) ITEMS FOR DISCUSSION

(VI) ITEMS FOR COMMUNICATION

There were none.

(VII) ADJOURNMENT

Councilmember Kelly adjourned the meeting at 8:15 PM.

Planning & Development Committee
March 13, 2023

Respectfully submitted,
Amy Ahner, AICP, Planning Consultant
Meagan Jones, Neighborhood & Land Use Planner



Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Melissa Klotz, Zoning Administrator
CC: Elizabeth Williams, Planning Manager; Sarah Flax, Interim Community Development Director
Subject: Ordinance 33-O-23, Special Use for an Apartment Hotel in the R6 District at 1555 Oak Avenue, the Museum Residences on Oak (formerly King Home)
Date: March 27, 2023

Recommended Action:

The Land Use Commission recommends the adoption of Ordinance 33-O-23, a Special Use for an Apartment Hotel in the R6 General Residential District at 1555 Oak Avenue, commonly known as the Museum Residences on Oak (formerly King Home). The proposed special use meets the Standards for Approval for special uses.

CARP:

N/A

Council Action:

For Introduction

Summary:

Property History:

The property most recently operated as a retirement home/assisted living facility operated by Presbyterian Homes. The current owner purchased the property in 2017 and subsequently followed the substitution of the special use process to roll over and gain approval of the existing special use (Ordinance 59-O-91) for a Retirement Home, which included independent living, assisted living, and memory care. The owner obtained state licensing approval as well but then did not open to residents due to the pandemic, so the special use lapsed. In 2021, the property owner requested a special use for a Cultural Facility to add a small addition to the building and remodel a small portion of the interior to become a Museum Annex for the Museum of Time and Glass across the street at 1560 Oak Avenue under the same ownership. The special use was recommended for approval with conditions by the Zoning Board of Appeals, but the proposal did not move forward to City Council for a final determination at the request of the

Applicant. The building has sat vacant since 2017 while also incurring or generating nearly \$280,000 in property tax for the last tax year.

The property includes a substantially landscaped courtyard area, a paved and striped parking lot for 66 vehicles with spaces dedicated to the on-site structure/use, and an un-striped, unpaved gravel/dirt parking area for off-site parking for surrounding uses and businesses that are leased out by the property owner. The building currently features 67 units that contain bathrooms and kitchenettes without stoves or ovens, two fully equipped restaurants, two large meeting/conference rooms, an exercise facility, a beauty/barber shop, a massage spa, a library, bar area, and space for a sundry store.

Special Use Analysis:

The Applicant seeks special use approval for an Apartment Hotel with 67 dwelling units for up to 100% transient use in the R6 General Residential District. The Zoning Ordinance includes the following pertinent definitions:

Apartment Hotel - A hotel with dwelling units in which all accommodations are provided in dwelling units and in which at least twenty-five percent (25%) of the guestrooms are for occupancy by transient guests. An apartment hotel may have a dining room open to the public that is accessible only from an inner lobby or corridor.

Dwelling Unit – A room or group of contiguous rooms that include facilities used or intended to be used for living, sleeping, cooking, and eating and that are arranged, designed, or intended for use exclusively as living quarters.

Transient Guest - A guest who does not have a lease and occupies an apartment, lodging room, or other living quarters on a daily or weekly basis.

Permanent Guest - A person who occupies or has the right to occupy a residential accommodation for a period of thirty (30) days or more.

Hotel - A building in which lodging is offered with or without meals principally to transient guests and that provides a common entrance, lobby, halls, and stairways.

All 67 units will have stoves added to the kitchenettes that already feature a sink, refrigerator, and cabinets and will then be considered full dwelling units. The parking requirement, inclusionary housing requirement, hotel tax, and possibly zoning use hinge on the amount of transient vs. permanent guests at the upgraded 67-dwelling unit facility and policy interpretations on which regulations apply. At this time, the Applicant is negotiating with major hotel distributor Wyndham Hotels to operate the facility, so it is likely the entire facility will be subject to the hotel tax.

The definition of an Apartment Hotel includes a minimum of 25% of guestrooms for transient guests. The definition does not include a maximum allowed percentage of transient guests. However, if the principal use is for transient guests, the use may better fit the definition of Hotel (which is not an eligible use in the R6 District) and may not meet the first Standard in the special use Standards for Approval (see below). A condition to require specific percentages of transient

vs. permanent guests could be established in the special use to find the first Standard met for an Apartment Hotel use.

The Zoning Ordinance generally does not apply new parking requirements to existing buildings (only to additions or new buildings), but if the parking requirement did apply, the property does comply by utilizing the 46 paved and striped parking spaces (including 2 ADA spaces) for the Apartment Hotel. The 66 parking spaces that are located on the dirt/gravel lot are leased as follows: YMCA (47), Bennison's Bakery (6), Porter Law Firm (3), Flowers & Flowers (3), Other (2). While the dirt/gravel lot is legally nonconforming for its surface material, it is in need of improvement and is not an appropriate material for a surface parking lot. Upgrading the parking surface to a hard material will trigger stormwater detention, so the cost may be significant. The Land Use Commission recommended a condition that the unpaved parking area is paved with permeable pavers within one year of the special use approval. The Applicant understands this condition and the likely-triggered stormwater detention.

The property is not achieving its highest and best use while sitting vacant. Different housing types are greatly needed throughout Evanston. Although the Apartment Hotel use is not a common housing type today, it may be appropriate at 1555 Oak Avenue as a special use with conditions. An Apartment Hotel is subject to the Shared Housing Provider license and Operations Agreement that was recently updated by the City Council.

Legislative History:

November 15, 2022, DAPR - Staff reviewed the application and noted the following:

- Additional dumpsters may be needed
- A snow plowing plan should be established for the parking lot
- Ideally, the dirt/gravel portion of the parking lot should be improved and paved

January 11, 2023, LUC - The Land Use Commission discussed whether the proposed operations fit the definition of Apartment Hotel or another zoning use. Commissioners generally agreed that the use as proposed is appropriate for the location. Commissioners recommended 3-2 for approval with conditions with dissenting votes finding the proposed use is not an Apartment Hotel.

Conditions (recommended by LUC):

1. The applicant paves the unimproved parking lot with permeable pavers within one year of approval of the Special Use Permit.
2. The Special Use Permit is in general compliance with the application and testimony provided.

Additional conditions listed within Ordinance 33-O-23:

1. The Applicant must record the Special Use Permit with the Cook County Recorder of Deeds.
2. A Shared Housing License must be obtained pursuant to Evanston City Code 5-2-3.

[Land Use Commission Packet](#) (p.18)

Attachments:

[Ordinance 33-O-23 Granting a Special Use to 1555 Oak Avenue for an Apartment Hotel](#)
[Land Use Commission Approved Meeting Minutes - January 11, 2023](#)

33-O-23

AN ORDINANCE

**Granting a Special Use Permit for an Apartment Hotel located at 1555
Oak Avenue, in the R6 Residential District**

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution of 1970, states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule unit be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and,

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and,

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”); and

WHEREAS, Cameel Halim, property owner of the Museum Residences on Oak and/or the King Home, “the Applicant”, requests approval of a Special Use Permit

for an Apartment Hotel in the R6 Residential District, located at the property commonly known as 1555 Oak Avenue, legally described and attached by reference herein as Exhibit A, and located in the R6 Residential District; and,

WHEREAS, pursuant to Subsection 6-8-8-3, an Apartment Hotel is an allowed Special Use in the R6 Residential District; and

WHEREAS, following due and proper publication of notice in Pioneer North, a suburban publication of the Evanston Review, not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 500 feet of the Subject Property, and following the placement of signs on the Subject Property not less than ten (10) days prior thereto, the Evanston Land Use Commission conducted a public hearing on January 11, 2023, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCs 120/1 *et seq.*) on the application for a Special Use Permit for a rooming house, filed as zoning case no. 22ZMJV-0085; and

WHEREAS, the Land Use Commission received extensive testimony, heard public comment, and made findings pursuant to Subsection 6-3-5-10, of the Zoning Ordinance, and by a vote of three (3) “yays” and two (2) “nays” with four (4) Commissioners absent, recommended City Council approval with conditions of the application for Special Use Permit for a rooming house with the below findings incorporated into the record:

1. Is one of the listed special uses for the zoning district in which the property Lies: The Apartment Hotel definition is listed as an eligible special use in the R6 General Residential District so this standard is met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance: The property has been vacant for a period of time and the adaptive reuse preserves the building meeting the standard.

3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: The proposed building reuse will bring downtown activity and so the standard is met.
4. Does not interfere with or diminish the value of the property in the Neighborhood: The property is now vacant property so the reuse will increase value and therefore the standard is met.
5. Is adequately served by public facilities and services: The building is near public transportation and is already served by public facilities, so the standard is met.
6. Does not cause undue traffic congestion: With the parking provided, the incremental traffic would not have a negative effect downtown and so the standard is met.
7. Preserves significant historical and architectural resources: The property preserves a mid-century non-historic building, and thus the standard is met.
8. Preserves significant natural and environmental resources: The lot has open space which is being preserved and so the standard is met.
9. Complies with all other applicable regulations: The applicant had proved to be familiar with Evanston regulations and so the standard is met.

WHEREAS, on March 27, 2023, the Planning and Development (“P&D”) Committee of the City Council held a meeting, in compliance with the provision of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered the findings and recommendation for approval with conditions of the Land use Commission, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings on March 27, 2023 and April 10, 2023, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, received additional public comment, made certain findings, and adopted said recommendation; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill. App.3d 747) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass’n v. City of Chicago*, 45 F.3d 1124).

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

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit, as applied for in zoning case no. 22ZMJV-0085, to allow the operation of one (1) Apartment Hotel.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the aforementioned zoning relief granted hereby, being a Special Use Permit for an Apartment Hotel as requested under zoning case no. 22ZMJV-0085, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

1. The Applicant paves the unimproved parking lot with permeable pavers within one year of approval of the Special Use Permit.
2. The Applicant shall substantially comply with the documents and testimony given by the Applicant on the Record.
3. The Applicant must record the Special Use Permit with the Cook County Recorder of Deeds.
4. A Shared Housing License must be obtained pursuant to Evanston City Code 5-2-3.

SECTION 4: When necessary to effectuate the terms, conditions, and purposes of this ordinance, “Applicant” shall be read as “Applicant’s tenants, agents, assignees, and successors in interest.”

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is ruled 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 8: 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: _____, 2023

Approved:

Adopted: _____, 2023

_____, 2023

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

LOTS 7, 8, AND 9 IN BLOCK 62 IN EVANSTON SUBDIVISION IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 2:

ALL OF THE SUBDIVIDED LOTS 1, 2 AND 5, TOGETHER WITH THE WEST 15 FEET OF SUBLot 3 IN A.J. BROWN'S SUBDIVISION OF LOTS 10, 11, AND 12 IN BLOCK 62 IN VILLAGE (NOW CITY) OF EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN. ACCORDING TO THE PLAT THEREOF RECORDED JUNE 18, 1885 AS DOCUMENT 633441 IN BOCK 20, PAGE 33.

PARCEL 3:

LOT 1 OF DIAMANTES' CONSOLIDATION OF LOT 4 AND EAST 100 FEET OF LOT 3 IN A.J. BROWN'S SUBDIVISION OF LOTS 10, 11, AND 12 IN BLOCK 62 IN VILLAGE (NOW CITY) OF EVANSTON, IN WEST ½ OF SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE PRICIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINS:

11-18-309-018-0000
11-18-309-019-0000
11-18-309-020-0000
11-18-309-024-0000
11-18-309-029-0000



MEETING MINUTES
LAND USE COMMISSION
Wednesday, January 11, 2023
7:00 PM

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

Members Present: Myrna Arevalo, George Halik, Jeanne Lindwall, Kristine Westerberg, and Matt Rodgers

Members Absent: Brian Johnson, John Hewko, Kiril Mirintchev, and Max Puchtel

Staff Present: Neighborhood and Land Use Planner, Meagan Jones, Assistant City Attorney, Alex Ruggie, Planning Manager Liz Williams, Zoning Administrator Melissa Klotz, Michael Griffith, Planner, and Sarah Flax, Interim Director of Community Development

Presiding Member: Matt Rodgers

Call to Order

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

Commissioner Halik made a motion to move Agenda Items III, Election of Officers and IV, Approval of 2023 Meeting Schedule to after New Business and before Communications. Seconded by Commissioner Lindwall. A voice vote was taken, and the motion passed, 5-0.

Approval of November 30, 2022 Meeting Minutes

Commissioner Westerberg made a motion to approve the Land Use Commission meeting minutes from November 30, 2022, with the following amendments:

1. Page 8, third full paragraph, replace "increased" with "ceased"; and
2. Page 2, paragraph starting with Sue Loellbach, Connections Manager of Advocacy, should add that it was discussed that the Good Neighbor Agreement is not going to be done until after the permit was granted.

Seconded by Commissioner Lindwall. A voice vote was taken, and the motion passed, 5-0.

New Business

A. Public Hearing: Special Use Permit | 1555 Oak Avenue | 22ZMJV-0085
Cameel Halim, property owner, requests a Special Use Permit for an Apartment Hotel at 1555 Oak Avenue, commonly known as the Museum Residences on Oak

or the King Home, in the R6 General Residential District (Section 6-8-8-3). 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 and Ordinance 92-O-21.

Alan M. Didesch, General Counsel to BCH 1555 LLC, introduced William Ng of William NG Architects and presented an overview of the proposed Apartment Hotel and his interpretation of how it complies with City Standards for Approval.

Commissioner Questions

Commissioner Halik asked staff if there was a maximum number of transient units since there is a minimum of twenty-five percent. Ms. Klotz responded that the Zoning Code definition does not include a maximum. Commissioner Westerberg asked whether it would be a Hotel or an Apartment Hotel if there were 100% transient guests. Ms. Klotz noted that it could be either. Discussion ensued regarding the zoning ordinance definition and the primary use of the property.

Commissioner Lindwall asked how the accessory property facilities (restaurant, barbershop, massage spa, etc.) would be used and who was going to operate them. Mr. Didesch responded that BCH 1555 LLC would hire for the positions and the implementation phasing has not yet been determined.

Commissioner Westerberg asked whether they could use permeable pavers for the parking lot. Mr. Didesch responded that BCH 1555 LLC may consider it.

Chair Rodgers called for public comment. There was none.

The record was then closed.

Deliberations

Commissioner Lindwall remarked that transient hotel guests could provide additional city revenue that a permanent apartment building would not.

Commissioner Halik said that he thinks the proposal meets the Zoning Code definition. Commissioner Westerberg noted that it may enhance and differentiate the Apartment Hotel Zoning Code definition by adding a maximum number of transient guests. Chair Rodgers stated that he also thinks it is a good project, but the Zoning Code definitions should be improved.

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

1. Is one of the listed special uses for the zoning district in which the property lies:
The Apartment Hotel definition is listed as an eligible special use in the R6

General Residential District and this project could also be interpreted as a Hotel implying that the Zoning Code Apartment Hotel definition should be clarified.

2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance: The property has been vacant for a period and the adaptive reuse preserves the building meeting the standard.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: The proposed building reuse will bring downtown activity and so the standard is met.
4. Does not interfere with or diminish the value of property in the neighborhood: The property is now vacant property so the reuse will increase value and therefore, the standard is met.
5. Is adequately served by public facilities and services: The building is near public transportation and is already served by public facilities, so the standard is met.
6. Does not cause undue traffic congestion: With parking provided, the incremental traffic would not have a negative effect downtown and so the standard is met.
7. Preserves significant historical and architectural resources: The property preserves a mid-century non-historic building, and thus the standard is met.
8. Preserves significant natural and environmental resources: The lot has open space which is being preserved and so the standard is met.
9. Complies with all other applicable regulations: The applicant had proved to be familiar with Evanston regulations and so the standard is met.

Chair Rodgers asked for Commissioner comments on the standards. Commissioner Westerberg recommended adding a permeable paver condition. It was also clarified that there would be no percentage applied to the number of transient guests.

Commissioner Lindwall made a motion to recommend approval to the City Council to approve the Special Use Permit on the property located at 1555 Oak Avenue, 22ZMJV-0085, with the following conditions:

1. The applicant paves the unimproved parking lot with permeable pavers within one year of approval of the Special Use Permit.
2. The Special Use Permit is in general compliance with the application and testimony provided.

Second by Commissioner Halik. A voice vote was taken, and the motion carried, 3-2.

B. Public Hearing: Appeal | 1733 Oakton Street | 22ZMJV-0088

Cheryl & Robert Muno, property owners of 1729 Oakton Street, appeal the Zoning Administrator's decision to grant minor zoning relief (case number 22ZMNV-0074) to construct a second story addition with a proposed east interior side yard setback of 3.9' and an existing first story of 3.9' (Section 6-8-3-7) in the R2 Single Family Residential District. The appellant appeals the approval of the 3.9' east interior side yard setback variation, and also appeals the overhang amount (eave; yard obstruction) approved without variation. The Land Use Commission is the determining body for this case in accordance with Section 6-3-8-8 of the Evanston Zoning Code and Ordinance 92-O-21.

Robert Muno, 1729 Oakton Street, presented his opposition to the variances being requested at 1733 Oakton Street. The primary reasons for opposition include loss of light, increased noise, and the potential for stormwater runoff to negatively impact his property at 1729 Oakton Street.

Commissioner Questions

Commissioner Lindwall asked if the distance from the west side of the property to the house was about five feet. Mr. Muno stated that he did not know the exact distance.

Ms. Klotz summarized that the variance was granted due to finding that it met the standards for a minor variation. Relocating the addition created construction issues and potential triggers for additional variance requests. The permitted bulk in the zoning district was not maximized and other houses on the block were at a similar height to the proposed addition. Commissioner Westerberg asked staff if an offset of the second story was considered, and Ms. Klotz replied that it was not. Ms. Klotz noted that a stormwater drainage plan will have to be approved prior to issuing the building permit.

The record was then closed.

Deliberations

Commissioner Halik noted residents cannot own natural light or views and the setback was not an issue created by the homeowner. He also stated that the property owner has the right to build, and they were not proposing to maximize what they could have been allowed. Commissioner Westerberg noted that stormwater is a substantive issue and should be reviewed prior to permit issuance and Chair Rodgers concurred.

The Commission then reviewed the Standards for a Minor Variation (Section 6-3-8-12-A).

1. The practical difficulty is not self-created: The legally nonconforming interior side yard setback is not self-created by the minor variation applicant and so the standard is met.
2. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties: The second story height is not maximized thus not creating a substantial adverse impact and so the standard is met.
3. The requested variation is in keeping with the comprehensive general plan and the zoning ordinance: Adding on to existing house stock aligns with the plan meeting the standard.
4. The requested variation is consistent with the preservation policies set forth in the comprehensive general plan: The minor variation allows a second story addition rather than an increased building footprint which would have created a larger negative effect and so the standard is met.

5. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Zoning Administrator issues his/her decision regarding said variation: Alternative locations were considered that did not take advantage of the existing structure and so the standard is met.

Commissioner Lindwall made a motion to affirm the Zoning Administrator's decision on the property located at 1733 Oakton Street, 22ZMJV-0088, with the instruction that as the project moves forward through the permitting process that staff pay particular attention to the stormwater management system. Second by Commissioner Halik. A voice vote was taken, and the motion carried, 5-0.

Commissioner Halik made a motion to accept the Zoning Administrator's interpretation on the property located at 1733 Oakton Street, 22ZMJV-0088, that the proposed 4" eave is compliant. Second by Commissioner Westerberg. A voice vote was taken, and the motion carried, 5-0.

C. Public Hearing: Special Use & Major Variation | 1801-1805 Church Street and 1708-1710 Darrow Avenue | 22ZMJV-0089

Pastor Clifford Wilson, Mt. Pisgah Ministry, Inc., applicant, submits for a Special Use for a use (religious institution) in the oWE West Evanston Overlay District exceeding 10,000 square feet but less than 40,000 square feet (Sections 6-15-15-XVII-B.4 and 6-15-15-XVII-B.6), and submits for the following Major Variations from the Evanston Zoning Code: 1) Reduce required front yard build to zone from 5'-25' to 0' at upper floors (Section 6-15-15-XVII-A.2), 2) Reduce required west interior side yard setback from 5' to 0' (Section 6-15-15-XVII-A.6), 3) Increase impervious surface coverage from 60% + 20% semi-pervious surface material to 90.3% (Sections 6-15-15-XVII-A.8 and 6-15-15-XVII-A.9), 4) Increase building height from 2 stories or 30' to 3 stories at 44.0' to parapet (Section 6-15-15-XVII-B.1), 5) Eliminate the required building stoop base type and provide a storefront base type instead (Section 6-15-15-IV, Table IV.A, and 6-15-15-V-C.4), 6) Provide occupied space behind building parapet cap type where occupied space is not permitted (Section 6-15-15-IV, Table IV.A, and 6-15-15—VI-A.3), 7) Eliminate the required one short loading berth (Section 6-16-5, Table 16-E), 8) Increase yard obstruction from 10% to 40% into corner side setback for exterior building fins and vertical trellis (Section 6-4-1-9-B.1), 9) Eliminate the required 3'-4' tall steel or PVC picket fence around the parking area (6-15-15-XVIII.B.5), in order to construct a 3-story building for a religious institution with both on-site and leased offsite parking in the B2 Business and oWE West Evanston Overlay Districts. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Zoning Code Section 6-3-5-9, and Ordinance 92-O-21.

Senior Pastor Clifford Wilson, Mt. Pisgah Ministry, Inc., 1813 Church Street, stated their goal is to build a new non-denominational religious institution with a soup kitchen to help those in need. Mr. Richard Koenig, Executive Director of Koenig Housing Opportunity

Development Corporation (“HODC”), a non-profit organization building affordable housing, provided an overview of the sites and the projects which revitalize the block with a new church, 44 new affordable residential apartments, and a retail space.

Chair Rodgers asked staff to read Item IV. D. into the record due to the interrelationship of the projects. Ms. Ruggie confirmed that both projects will move together to the City Council for approval.

Commissioner Questions

Commissioner Halik inquired what the impact would be if the HODC project was reduced from five to four stories. Mr. Koenig replied that it would not be financially feasible.

Commissioner Lindwall questioned the impact of eliminating the zero front yard setback and front loading for the buildings without a designated loading berth. Mr. Koenig responded that it would make the units smaller and challenge the number of parking spaces able to be built. Mr. Griffith added that Evanston Public Works indicated their approval of a shared on-street loading zone for the entire block. Mr. Koenig also mentioned that the church currently does not often use the loading space and does not expect a lot of HODC move-in and out traffic.

Commissioner Lindwall asked about the planter locations and Mr. Koenig responded that they extend two feet from the east wall. Commissioner Lindwall asked why there is a separate location for the garbage chute and recyclables. Mr. Koenig replied that they have found this practice to promote less mixing of trash.

Commissioner Halik said that the Special Overlay District triggers several variations and questioned staff about the future of overlay districts. Ms. Klotz answered that the Planning & Development Committee discussed the overlay district challenges due to the strict structure and age of the form-based Zoning Code with no further action.

Commissioner Westerberg inquired about the stormwater and soil remediation plans. Mr. Griffith answered that the applicant is proposing a stormwater vault to hold and slowly release the water into the alley stormwater system and that any further soil remediation would be addressed during building permit review.

Chair Rodgers called for public comment.

Carlis Sutton, 1821 Darrow Avenue, commented that the overlay district is problematic and that the proposed design is not characteristic of the neighborhood.

Tina Paden, 1122 Emerson Street, inquired about confirmation of the environmental cleanliness of the site. She asked about the value of the property that the church is being built on and future ownership of the two properties. She asked if HODC would be building the church and where was its parking. She asked what the public notice

distance was for an overlay district. She asked if there would be a priority for minority hiring and how preference to Evanston residents could be managed. She questioned whether there was a lack of public meetings and if this use was the best for public property which should serve the greater community.

Priscilla Giles, 1829 Ashland Avenue, objects to the size of the building as it relates to the neighborhood.

Nambi Chambers, 1816 Darrow Avenue, expressed concern about traffic, parking and building height. Xiomara Chambers, 1816 Darrow Avenue, also expressed concern about parking especially during street and snow cleaning. She added that there tends to be standstill traffic in front of the storefronts.

Katie Nawrocki, Crosby Theodore, LLC, 1817 Church Street, asked for a three-month continuance to discuss the documents and variations submitted by the applicant. Their concerns include stormwater, impact on a local landmark structure, the building's height and bulk, and that the least deviation standard was not provided. Erin Jackson, also 1817 Church Street, acknowledged that 1817 has stormwater issues and would like to understand how the proposed project would impact parking for her business. She also concurs with the spirit of providing affordable housing to individuals in the area.

Vanessa Johnson McCoy, 1710 Central Street, noted that affordable housing is a need that she has seen in Evanston through her real estate experience and the church provides great service to the community.

Sidney Reed, 1151 Ashland Avenue, expressed support of the affordable housing development and getting some of the property back in a taxable status.

Keith Banks, 737 Reba Place Development Corporation, Suite B, spoke in support of the affordable housing development and the height of the building.

Mr. Koenig summarized that the public meetings began in July 2019 with a community meeting regarding the site, followed by 5th Ward meetings in October. The city issued a Request for Qualifications (RFQ) in January of 2020 and in June, the Economic Development Committee met to discuss the responses and voted to recommend the Mt. Pisgah Ministry and HODC partnership ("Partnership") to the City Council in December. The City Council authorized negotiations with the Partnership in January 2021 and adopted an ordinance in February 2021 to negotiate a purchase and sale agreement with the Partnership. 5th Ward project presentations were made in August and December of 2021. Flyers were distributed to neighborhood homes and businesses in September 2022 prior to another community meeting held later that month.

Mr. Koenig confirmed that the city has property environmental clearance in the form of an Illinois Environmental Protection Agency (IEPA) No Further Remediation Required (NFR) Letter that was communicated by issuing it with the 2020 RFQ and including it with these public hearing packets. Pastor Wilson has testified regarding personally

observing removal of the tanks. Any further clean-up objectives are local, based on land use and handled through the permitting process.

Mr. Koenig responded that the donated portion of the property is appraised at approximately \$1M and eligible for a state donation tax credit. The church will only own the east section of the property and HODC will own the west and pay property taxes. He further clarified that the five parcels will be combined and subdivided into two with two different parcel identification numbers (PINs). The two projects will be built independently.

Pastor Wilson stated that they currently have 7 church parking spaces. Evanston Township High School has granted permission to let the church park on Sunday in the southeast parking lot if necessary (typically for weddings and funerals). He has reached out to adjacent churches for Saturdays or other days when they are not using spaces for additional parking if necessary.

Mr. Koenig restated that Federal Fair Housing law does not allow a local waitlist. HODC has requested consideration to allow it but if it is not approved, they will comply with the law. He confirmed that they will comply with Evanston's minority hiring program.

Mr. Koenig summarized that there are 13 1-bedrooms, 20 2-bedrooms, and 11 3-bedrooms. The 1-bedrooms range from 640 to 670 square feet; the 2-bedrooms are 782 to 908 square feet, and the 3-bedrooms are 1,053 to 1,150 square feet.

Mr. Griffith noted that public mail notice was sent within a radius of 500 feet, the requirement for variations.

Commissioner Westerberg asked staff when plans were posted, and Mr. Griffith noted that the packet was posted the Friday prior to the Land Use Committee meeting and public mail notices were sent in mid-December. Mr. Koenig added that plans, elevations, and story boards have been part of earlier presentations over the last 18 months for both projects.

Chair Rodgers asked for commissioners' input on continuing the hearings and staff input on the Land Use Commission case schedule. Chair Rodgers set the expectation that the developer and church hold an additional community meeting to review the plans. He also noted that continuing to February 8, 2023, will not include another mailed public notice. Commissioner Lindwall suggested that stormwater drainage, lot coverage and alley function be discussed with the neighbors.

Commissioner Lindwall made a motion to continue the hearing to the February 8, 2023 meeting on the property located at 1801-1805 Church Street and 1708-1710 Darrow Avenue, 22ZMJV-0089. Second by Commissioner Westerberg. A voice vote was taken, and the motion carried, 5-0.

D. Public Hearing: Major Variation | 1811-1815 Church Street and 1708-1710

Darrow Avenue | 22ZMJV-0092

Richard Koenig, Housing Opportunity Development Corporation, applicant, submits for the following Major Variations from the Evanston Zoning Code:

1) Reduce the required front yard build to zone from 5'-10' to 0' (Section 6-15-15-IX-A.3), 2) Reduce the required west and east interior side yard setbacks from 5' to 0' (Section 6-15-15-IX-A.5), 3) Reduce the required rear yard setback from 5' to 0' (Section 6-15-15-IX-A.6), 4) Increase the maximum permitted impervious surface coverage from 90% + 5% semi-pervious surface area to 99.7% of lot area (Sections 6-15-15-IX-A.7 and 6-15-15-IX-A.8), 5) Increase the maximum permitted building height from 3 stories and 47' to 5 stories and 57.7' (Section 6-15-15-IX-B.1), 6) Eliminate the required 8' ziggurat setback at the 3rd story (Section 6-15-15-IX-B.1), 7) Eliminate the required one short loading berth (Section 6-16-5, Table 16-E), in order to construct a 5-story mixed-use building with ground floor retail, 44 dwellings, and on-site parking in the B2 Business and oWE West Evanston Overlay Districts. The Land Use Commission is the determining body for this case in accordance with Zoning Code Section 6-3-8-2, and Ordinance 92-O-21.

Commissioner Lindwall made a motion to continue the hearing to the February 8, 2023 meeting on the property located at 1801-1805 Church Street and 1708-1710 Darrow Avenue, 22ZMJV-0089. Second by Commissioner Westerberg. A voice vote was taken, and the motion carried, 5-0.

Election of Officers

A. Election of Land Use Commission Chair and Vice-Chair

Commissioner Halik made a motion to elect Commissioner Matt Rodgers Chair, seconded by Commissioner Lindwall, and Chair Rodgers accepted the nomination. The motion carried 5-0. Commissioner Rogers made a motion to elect Commissioner Max Puchtel Vice-Chair, seconded by Commissioner Lindwall. The motion carried 5-0.

B. Election of Zoning Committee Members

The Election was deferred until the next Commission meeting.

C. Election of Comprehensive Plan Committee Members

The Election was deferred until the next Commission meeting.

D. Election of Comprehensive Plan Steering Committee Chair

Commissioner Rogers made a motion to elect Commissioner Jeanne Lindwall as the Comprehensive Plan Steering Committee Chair, seconded by Commissioner Westerberg. The motion carried 5-0.

Adoption of 2023 Meeting Schedule

Commissioner Westerberg made a motion to adopt the 2023 calendar, seconded by Commissioner Lindwall. The motion carried 5-0.

Communications

Ms. Williams provided a Comprehensive Plan Update. Staff has identified key elements to bring before those committees that have purview over the plan and will schedule

APPROVED

these in the coming months prior to finalizing the RFP. Discussion ensued regarding communicating commission and staff recommendations to City Council. Chair Rodgers made a referral to staff to review the Zoning Code definition for an Apartment Hotel.

Adjournment

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 5-0.

Adjourned 10:03 pm.

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, January 25, 2023, at 7:00 pm, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,
Amy Ahner, AICP, Planning Consultant

Reviewed by,
Meagan Jones, Neighborhood and Land Use Planner



Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Katie Ashbaugh, Planner
CC: Sarah Flax, Interim Community Development Director
Liz Williams, Planning Manager
Subject: Ordinance 38-O-23, Amending Section 6-9-2-3 of the City Code Adding Performance Event Venues As A Special Use in the B1 Business District
Date: March 27, 2023

Recommended Action:

The Land Use Commission recommends the adoption of Ordinance 38-O-23, amending Section 6-9-2-3 of the City Code, and adding Performance Event Venues as a Special Use in the B1 Business District.

CARP:

N/A

Council Action:

For Introduction

Summary:

The applicant, Hana Samuels of Blue Star Properties, requests an amendment to Section 6-9-2-3 of the City Code to add 'performance entertainment venues' to the list of special uses in the B1 Business District.

This amendment request is related to proposed improvements to Union Pizzeria and SPACE, located at 1245 Chicago Avenue. Union Pizzeria is considered a type 1 restaurant and is allowed 'by right' in the B1 Business District. SPACE, which operates in the rear of the existing Union Pizzeria building, has historically been considered an accessory use to the type 1 restaurant by the past and the current Zoning Administrator. Union Pizzeria is considered a "type 1 restaurant" as defined by Section 6-18-3, Definitions of the Zoning Code. Type 1 restaurants are a permitted use ("by right") in the B1 district. SPACE, a "performance entertainment venue" as defined in Section 6-18-3, has historically operated and been considered by the past and the current Zoning Administrator to be an accessory use to the type 1 restaurant. It has evolved from the larger back room of Union Pizzeria into its own destination.

However, performance entertainment venues are not listed in Sections 6-9-2-2 (Permitted Uses), 6-9-2-2.5 (Administrative Review Uses), or 6-9-2-3 (Special Uses) of the B1 district. The applicant, therefore, requests an amendment to the Zoning Code to add the use of "performance entertainment venues" to the list of Special Uses in the B1 district. This use is in keeping with the opening statement, "to promote and preserve small scale, limited shopping and business uses." The use itself as it exists in the marketplace is no longer limited to only large format venues intended for a higher profile, celebrity status performers as many artists begin their careers at smaller, local venues. Further, given SPACE has evolved and operated as a local venue for many years and is a part of the Evanston performing arts ecosystem, adding the use to the B1 district also is in keeping with the district's purpose. Considering the district purpose also includes a limitation in floor area of 7,500 square feet, and performance entertainment venues that may request a Special Use in the B1 district in the future would be limited to this size.

In terms of the overall impact on Title VI (The Zoning Code), this would bring the total number of zoning districts in which "he "performance entertainment venue" use is a Special Use to five. Performance entertainment venues are allowed, upon approval of a Special Use Permit by the City Council, in the RP Research Park District, D2 Downtown Retail Core District, D3 Downtown Core Development District, D4 Downtown Transition District, and the oCSC Central Street Corridor Overlay District. Specifically, in the oCSC district, they are listed as a Special Use in Subareas 3-7 under the "Additional uses" table. They also are listed as Active Ground Floor uses in the overlay, again as a Special Use. They are not a Permitted Use ("by right") in any zoning district.

Attachments

1. Draft Ordinance 38-O-23, Amending Section 6-9-2-3 of the City Code Adding Performance Event Venues As A Special Use in the B1 Business District
2. [February 22, 2023, Approved Land Use Commission Meeting Minutes](#) (pg. 11-15)

Legislative History:

February 22, 2023 - The Land Use Commission unanimously recommended approval of the requested amendment to add 'performance entertainment venues' to the list of special uses in the B1 Business District.

Attachments:

[38-O-23 Amending 6-9-2-3 to Allow Performance Entertainment Venues as Special Use in the B1 Business District](#)

38-O-23

AN ORDINANCE

Amending Section 6-9-2-3 of the City Code Adding Performance Event Venues As A Special Use in the B1 Business District

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution of 1970, states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule unit be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and,

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and,

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”); and

WHEREAS, Hana Samuels of Blue Star Properties and applicant on behalf of the property located at 1243-45 Chicago Avenue in the B1 Business District,

has petitioned the City Council of the City of Evanston, for approval of an amendment to Section 6-9-2-3 of the Zoning Ordinance (“Code Amendments”) per Section 6-3-4-6 of the City Code and in relation to their application for a Special Use Permit to allow for a performance entertainment venue on the property and one Major Variation to not provide one (1) loading stall where one (1) is required by City Code Section 6-16-5, Table 16-E for an addition to an existing Type 1 Restaurant (Union Pizzeria) in the B1 Business District; and

WHEREAS, following due and proper publication of notice in Evanston Review, a suburban publication of the Chicago Tribune, not less than fifteen (15) nor more than thirty (30) days prior thereto, on February 22, 2023, the Evanston Land Use Commission (“LUC”) held a public hearing, regarding case no. 23PLND-0007 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), to consider the proposed Code Amendment at which evidence, testimony, and exhibits in support of the Code Amendment were presented, and at which interested parties were provided the opportunity to provide public comment; and

WHEREAS, the LUC 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 by a vote of eight (8) “yays” and zero (0) “nays” recommended City Council approval thereof with the below findings incorporated into the record:

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: The current use is in existence and meets the plan goals.

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2. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property: SPACE has been successfully operating for years and is compatible with the character of the neighborhood.
3. Whether the proposed amendment will have an adverse effect on the value of adjacent properties: No serious issues have been provided as testimony having an adverse effect.
4. The adequacy of public facilities and services: Yes, facilities are adequate.

WHEREAS, at its meeting of March 27, 2023, the Planning and Development Committee of the City Council ("P & D Committee") considered and adopted the findings and recommendation of the LUC in case no. 23PLND-0007 and recommended City Council approval thereof; and

WHEREAS, at its meetings of March 27, 2023 and April 10, 2023, the City Council considered and adopted the respective records, findings, and recommendations of the LUC and the P & D 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: Section 6-9-2-3 of the Zoning Ordinance, "Special Uses" of the Evanston City Code of 2012, as amended, is hereby amended as follows:

6-9-2-3. - SPECIAL USES.

The following uses may be allowed in the B1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Administrative review uses, pursuant to Section 6-3-5-16(B) "Applicable Uses."

Animal hospital.

Aquaponics.

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Banquet hall.

Bed and breakfast establishments.

Boarding house.

Business or vocational school.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult.

Daycare center—Child.

Daycare center—Domestic animal.

Dwelling—Multiple-family.

Dwelling—Single-family detached.

Food store establishment.

Funeral services excluding on-site cremation.

Government institutions.

Kennel.

Membership organization.

Micro-Distillery.

Open sales lot.

Performance Entertainment Venue.

Planned development.

Public utility.

Religious institution.

Resale establishment.

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Residential care home—Category II.

Urban farm, rooftop.

Uses permitted pursuant to Section 6-9-2-2 of this Chapter and this Section exceeding seven thousand five hundred (7,500) square feet.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: 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 5: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 6: 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: _____, 2023

Approved:

Adopted: _____, 2023

_____, 2023

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation

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Counsel

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Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Katie Ashbaugh, Planner
CC: Sarah Flax, Interim Community Development Director
Liz Williams, Planning Manager
Subject: Ordinance 39-O-23, Granting a Special Use Permit to Allow for A Performance Entertainment Venue Pursuant to City Code 6-9-2-3 and Approving A Major Variation Pursuant to City Code 6-16-5, Table 16-E on the Property Located At 1243-45 Chicago Avenue, in the B1 Business District
Date: March 27, 2023

Recommended Action:

The Land Use Commission recommends the adoption of Ordinance 39-O-23 granting a Special Use Permit to allow for a Performance Entertainment Venue pursuant to City Code 6-9-2-3 and approving a Major Variation pursuant to City Code 6-16-5, Table 16-E on the property located at 1243-45 Chicago Avenue, in the B1 Business District.

CARP:

N/A

Council Action:

For Introduction

Summary:

The applicant, Hana Samuels of Blue Star Properties, on behalf of 1243 Chicago (Evanston) LLC and Chicago Roadhouse, owners of properties located at 1243 Chicago Avenue and 1245 Chicago Avenue, respectively, requests a Special Use Permit to allow a performance entertainment venue (City Code §6-9-2-3) and a Major Variation to not provide one (1) loading stall where one (1) is required (City Code §6-16-5, Table 16-E) for an addition to an existing type 1 restaurant (Union Pizzeria) in the B1 Business District. This request is in conjunction with case no. 23PLND-0007, contemplated in draft Ordinance 38-O-23, requesting an amendment to Section 6-9-2-3 of the City Code to add Performance Event Venues as a Special Use in the B1 Business District.

Union Pizzeria, located at 1245 Chicago Avenue, is considered a type 1 restaurant and is allowed 'by right' in the B1 Business District. SPACE, which operates in the rear of the existing Union Pizzeria building, has historically been considered an accessory use to the type 1 restaurant by the past and the current Zoning Administrator. With the success of SPACE separate and apart from Union Pizzeria, ownership of the two businesses purchased the property to the south, 1243 Chicago Avenue, with the intent to construct an addition to the existing one-story commercial building specifically to enhance the operations of SPACE. In doing so, the proportion of the proposed overall floor area will be increased such that SPACE can no longer be considered an accessory to the type 1 restaurant and must become compliant with current zoning regulations.

On February 22, 2023, the Land Use Commission conducted a public hearing and considered the requested Special Use and Major Variation for the proposed addition to the existing building. The Commission discussed the current operations of SPACE at length and the proposed changes to operations in relation to the addition. The applicant confirmed that the addition does not add additional capacity for Union Pizzeria or SPACE and is intended to improve operations for SPACE specifically. The addition gives SPACES its own entrance and supporting functions, separate and apart from Union Pizzeria. The applicant stated the addition includes a ticket booth, coat check, bathrooms, and bar for SPACE guests. The applicant is also proposing an outdoor dining patio in front of the proposed addition, immediately to the south of the existing Union Pizzeria building. The outdoor patio does not require any zoning relief as it is for a type 1 restaurant, which is an allowed use in the B1 district. Discussion regarding volume controls for the open area in between the proposed building addition and the existing detached garage and also for the outdoor dining patio ensued, and conditions of approval were added to address the LUC's concerns.

One owner of the property located to the east of 1243-45 Chicago Avenue was present and spoke during public comment. They cited concerns with the existing operations of SPACE, specifically the use of the alley before and after performances. This concern was taken into consideration during the LUC's deliberations, and condition #8 below was added to address this concern.

No additional zoning relief is required. Any exterior changes to the existing building will be subject to administrative review as part of the building permit application. No comments were received in favor or against the request since the public hearing. The applicant is in agreement with all proposed conditions of approval.

Legislative History:

February 22, 2023 - The Land Use Commission unanimously recommended approval of the Special Use and the Major Variation with the following conditions:

1. The hours of operation for both the Type 1 restaurant, Union Pizzeria, and performance entertainment venue, SPACE, shall be 11:00 a.m. to 11:00 p.m. Sunday through Thursday and 11:00 a.m. to midnight (12:00 a.m.) Friday and Saturday, plus New Year's Eve;
2. The facility will operate within the requirements of Evanston's Noise Zoning Ordinance;
3. No performance occurring inside the building will be allowed to occur in the outdoor space. There will be no live performances outdoors where the primary purpose of the event is to listen to music. Any outdoor performances shall be accessory in nature and

will be held on an infrequent basis, such as when string music or a jazz combo may be proposed for a wedding;

4. Any speakers installed to project sound outside of the building shall be used only for ambient background music during the approved hours of operation;
5. Parking fees shall be paid as required for the use of the on-street parking stalls for the purposes of loading and delivery;
6. Any change in ownership of the property located at 1307 Chicago Avenue, where the off-street parking is provided for the performance entertainment venue, shall require an amendment to this Special Use;
7. Composting of any food waste or other compostable materials shall be added to the waste management plans of the property; and
8. Two of the three on-site parking spaces will be made available for performers and their equipment.

Attachments

1. Plans dated January 20, 2023
2. [February 22, 2023, Land Use Commission Meeting Materials](#)
3. [February 22, 2023, Approved Land Use Commission Meeting Minutes](#) (pgs. 11-15)
4. Draft Ordinance 39-O-23, Granting a Special Use Permit to Allow for A Performance Entertainment Venue Pursuant to City Code 6-9-2-3 and Approving A Major Variation Pursuant to City Code 6-16-5, Table 16-E on the Property Located At 1243-45 Chicago Avenue, in the B1 Business District

Attachments:

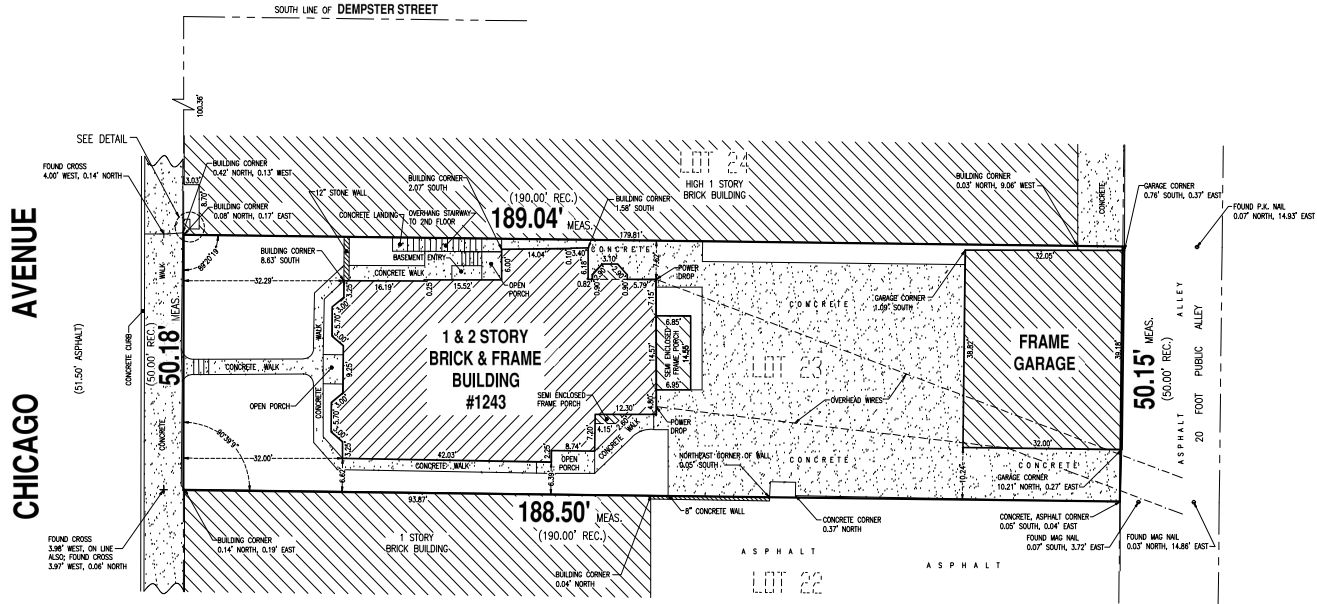
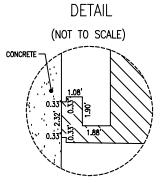
[Plans dated January 20, 2023](#)

[39-O-23 Approving a Special Use Permit for Performance Venue and Major Variation for 1243-45 Chicago Avenue \(Union Pizzeria\)](#)

PLAT of SURVEY

LEGAL DESCRIPTION:
LOT 23 IN BLOCK 76 IN EVANSTON IN THE NORTH HALF OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1243 CHICAGO AVENUE, EVANSTON, ILLINOIS.



SITE NOTES:
Area of surveyed property = 9,469 sq. ft.

GENERAL NOTES:
All information provided to the surveyor is shown or noted hereon.

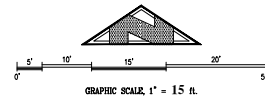
The legal description on this plat was provided to us by the client or obtained from public records and should be compared to your Deed, Abstract or Certificate of Title.
This plat and the legal description shown hereon does not determine, imply or guarantee ownership.

Prior to excavation call
J.U.L.I.E. at 811 or 800-892-0123

All building restrictions, building lines and easements may or may not be shown. Check your Deed, Abstract, Title Report, and local ordinances. No responsibility is assumed by the surveyor.

Compare all points before building by same and report any discrepancy at once.

Dimensions are shown in feet and decimal parts thereof. No dimension is to be assumed by scaling.



B.H. SUHR & COMPANY, INC.	
SURVEYORS ESTABLISHED 1911	
450 SKOKIE BLVD. SUITE 105, NORTHBROOK, ILLINOIS, 60062	
TEL. (847) 864-6315 / FAX (847) 864-9341	
E-MAIL: SURVEYOR@BHSUHR.COM	
Professional Design Firm License No. 184.008027-0008	
LOCATION 1243 CHICAGO AVENUE	SURVEY DATE, NOVEMBER 18, 20 21
ORDER No. 21-212	ORDERED BY: HANA SAMUELS
AA/PC ©2021 B. H. Suhr & Company, Inc. All rights reserved.	

FIELD MEASUREMENTS COMPLETED NOVEMBER 18, 20 21

STATE OF ILLINOIS
COUNTY OF COOK
This professional service conforms to the current Illinois Minimum Standards for a boundary survey.

By *Raymond R. Hansen* Dated NOVEMBER 22, 20 21

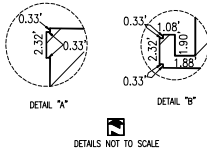
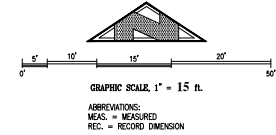
Raymond R. Hansen
Illinois Professional Land Surveyor No. 035-002542
License Expiration Date 11/30/22



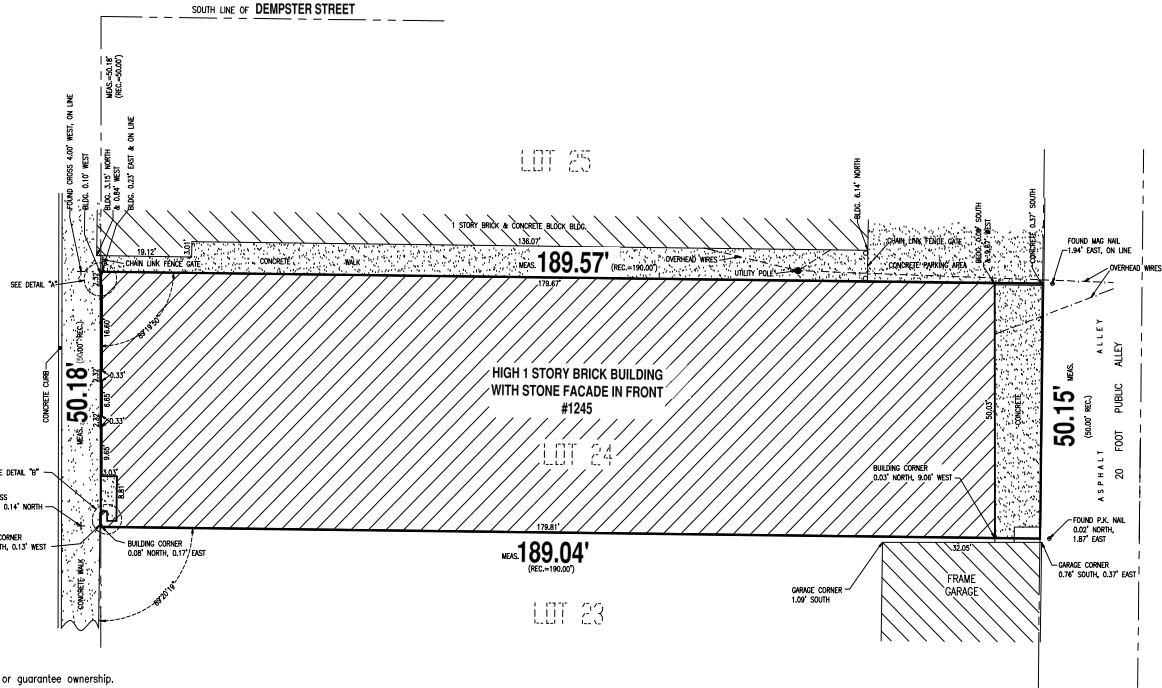
PLAT of SURVEY

LEGAL DESCRIPTION:
LOT 24 IN BLOCK 76 IN THE NORTHWESTERN UNIVERSITY SUBDIVISION OF THE NORTHEAST HALF OF THE NORTH HALF, EAST OF THE CHICAGO AVENUE, OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THIRD PRINCIPAL MERIDIAN, EXCEPT THE 15 1/2 ACRES IN THE NORTHEAST CORNER OF SAID TRACT, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1245 CHICAGO AVENUE, EVANSTON, ILLINOIS.



CHICAGO AVENUE



SITE NOTES:
Area of surveyed property = 9,496 sq. ft., more or less.

GENERAL NOTES:
All information provided to the surveyor is shown or noted hereon.
No Title Report was supplied for this survey.

The legal description on this plat was provided to us by the client and should be compared to your Deed, Abstract or Certificate of Title.
This plat and the legal description shown hereon does not determine, imply or guarantee ownership.

Underground utilities are NOT shown hereon.

Prior to excavation call
J.U.L.I.E. at 811 or 800-892-0123

All building restrictions, building lines and easements may or may not be shown. Check your Deed, Abstract, Title Report, and local ordinances. No responsibility is assumed by the surveyor.

Compare all points before building by same and report any discrepancy at once.

Dimensions are shown in feet and decimal parts thereof. No dimension is to be assumed by scaling.

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SURVEYORS ESTABLISHED 1911 450 SKOKIE BLVD, SUITE 105, NORTHBROOK, ILLINOIS, 60062 TEL. (847) 864-6315 / FAX (847) 864-9341 E-MAIL: SURVEYOR@BHSUHR.COM	
Professional Design Firm License No. 184.008627-0008	
LOCATION 1245 CHICAGO AVENUE	SURVEY DATE, DECEMBER 16 20 22
ORDER No. 22-171	ORDERED BY: HANA SAMUELS
REVISED: JANUARY 11, 2023	
PC/RB ©2023 B. H. Suhr & Company, Inc. All rights reserved.	

FIELD MEASUREMENTS COMPLETED DECEMBER 16 20 22

STATE OF ILLINOIS
COUNTY OF COOK

This professional service conforms to the current Illinois Minimum Standards for a boundary survey.

By *Raymond R. Hansen* Dated DECEMBER 21 20 22

Raymond R. Hansen
Illinois Professional Land Surveyor No. 035-002542
License Expiration Date 11/30/24



ENTRANCE PAVILION

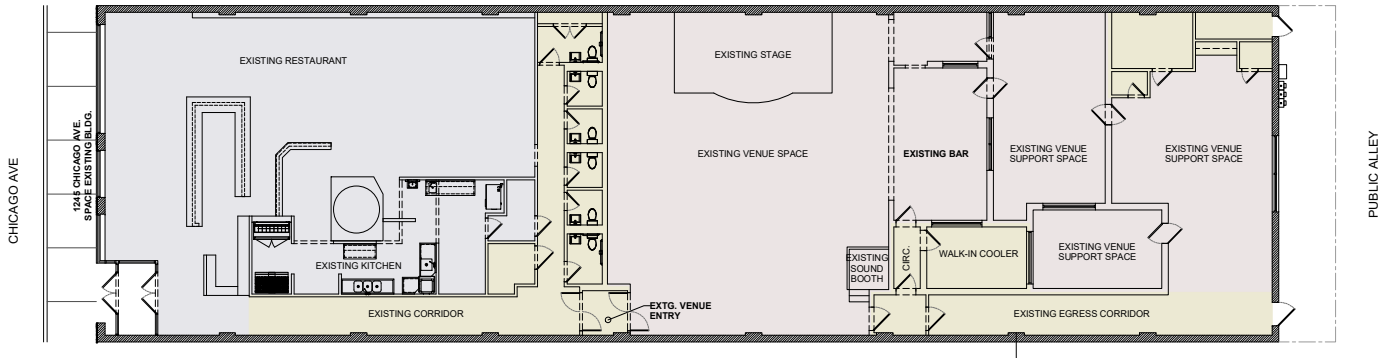
SPACE EXPANSION
1243 CHICAGO AVE. EVANSTON, IL 60202



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- 01 COVER
- 02 PLAT OF SURVEY (PREVIOUS CONDITION)
- 03 PLAT OF SURVEY (EXISTING CONDITION)
- 04 EXISTING FLOOR PLAN
- 05 BEW EXPANSION FLOOR PLAN
- 06 ENLARGED REAR YARD FLOOR PLAN
- 07 NEW ELEVATIONS
- 08 NEW ELEVATIONS
- 09 8-A5; 96
- 10 9LD5BG-CB G4H9 D5F7-B; 75#71 #6H-CBG
- 11 B9K C.; G4H9 D5F7-B; D#6B #8 \$+ 7<-75; C 5J9L
- 12 B9K C.; G4H9 D5F7-B; 75#71 #8 \$+ 7<-75; C 5J9L
- 13. D5F7-B; HF5J9#8-GH5B79 8-5; F5A

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EXISTING AREAS: NO CHANGE

TOTAL BLDG. AREA:	8,962 S.F.
RESTAURANT:	2,746 S.F.
VENUE:	2,377 S.F.
VENUE SUPPORT:	1,624 S.F.
VENUE:	1,467 S.F.

PARKING CALCULATIONS:
 AREAS TOWARD PARKING: (RESTAURANT AREA + VENUE AREAS)
 (2,746 S.F. + 2,377 S.F. + 1,624 S.F.) = 6,747 S.F.
 6,747 S.F. / 2000 S.F. = 4,747 S.F.

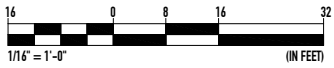
*NOTE: FIRST 2,000 SQ. FT. REDUCTION FOR NON-RESIDENTIAL USES IN BUSINESS DISTRICTS

PARKING: 250 S.F. PER VEHICLE
 4,747 S.F. / 250 S.F. = 18.9 = 19 PARKING SPACES

- (19) PARKING SPACES REQUIRED PER CALCULATIONS.
- (0) PARKING SPACES PROVIDED PER LEGAL NON-CONFORMING USE

AREA COLOR KEY:

[Light Blue Box]	EXTG. RESTAURANT OCCUPANCY SPACE(S) TOWARDS PARKING
[Light Purple Box]	EXTG. VENUE OCCUPANCY SPACE(S) TOWARDS PARKING
[Light Green Box]	EXTG. CIRCULATION AND SUPPORT SPACE(S) NOT TOWARDS PARKING

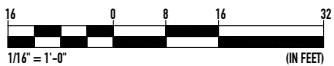
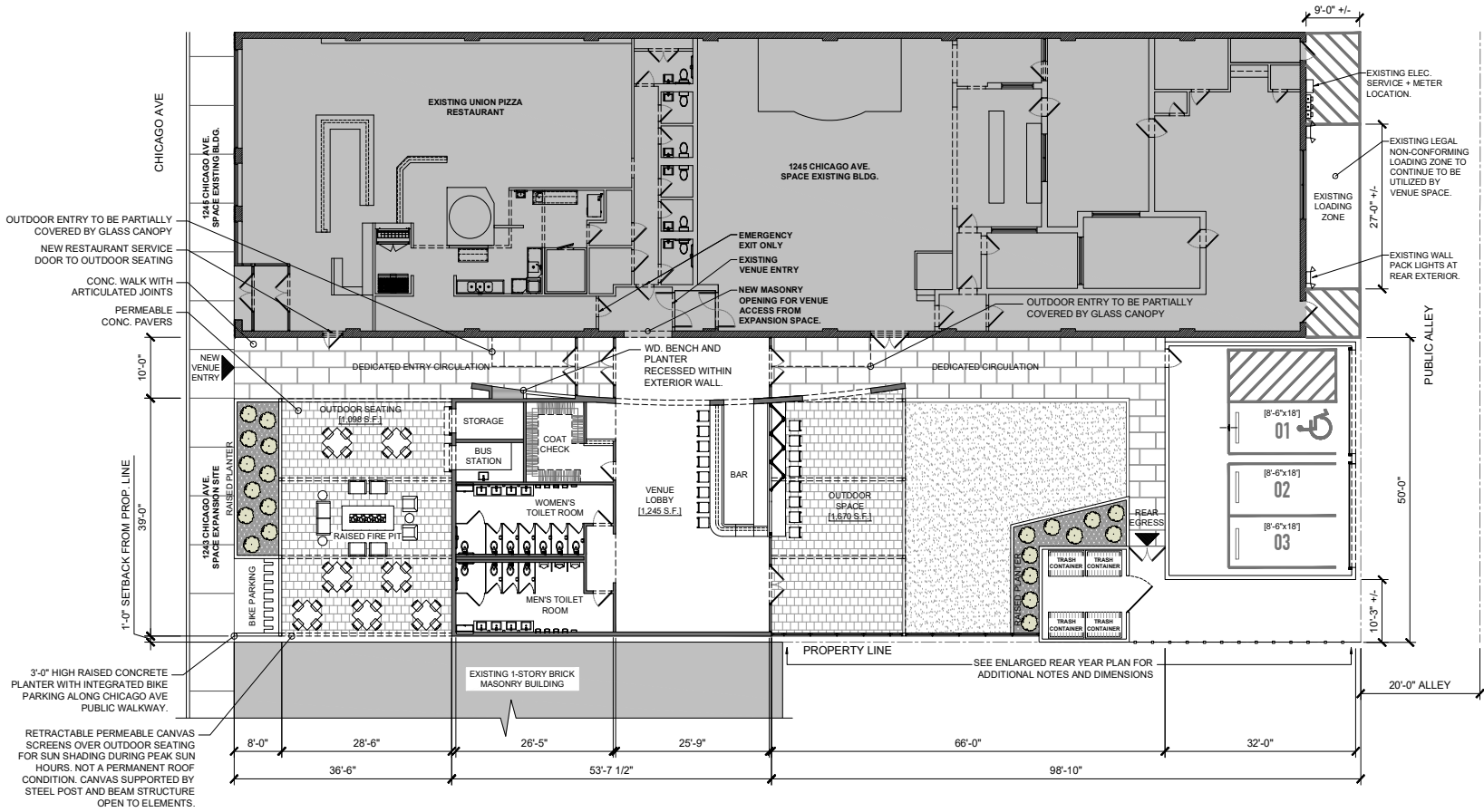


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SPACE (EXISTING)
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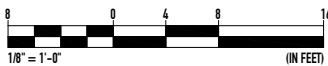
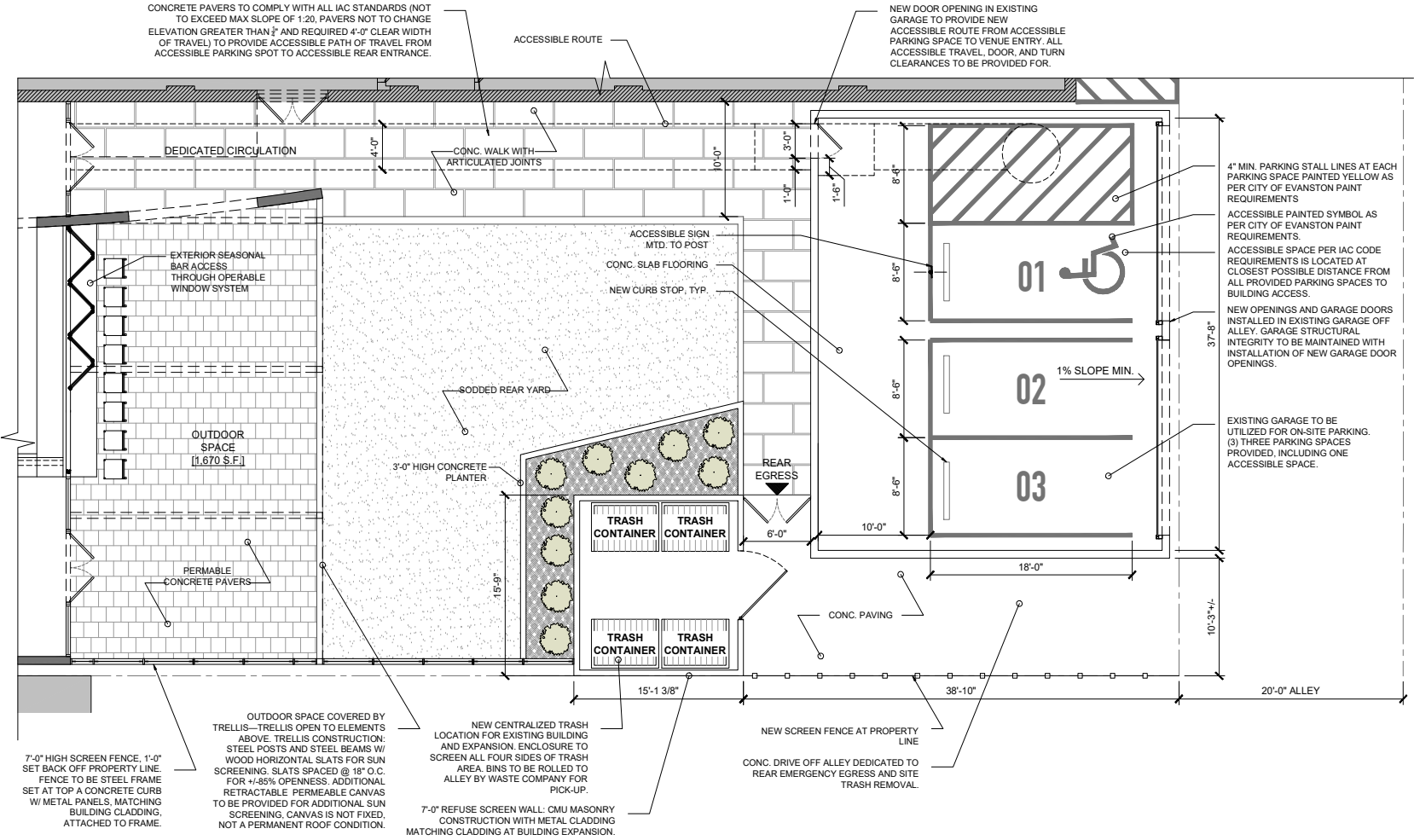


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1 NEW FLOOR PLAN
SCALE: 1/16" = 1'-0"

SPACE EXPANSION
1243 CHICAGO AVE
EVANSTON, IL

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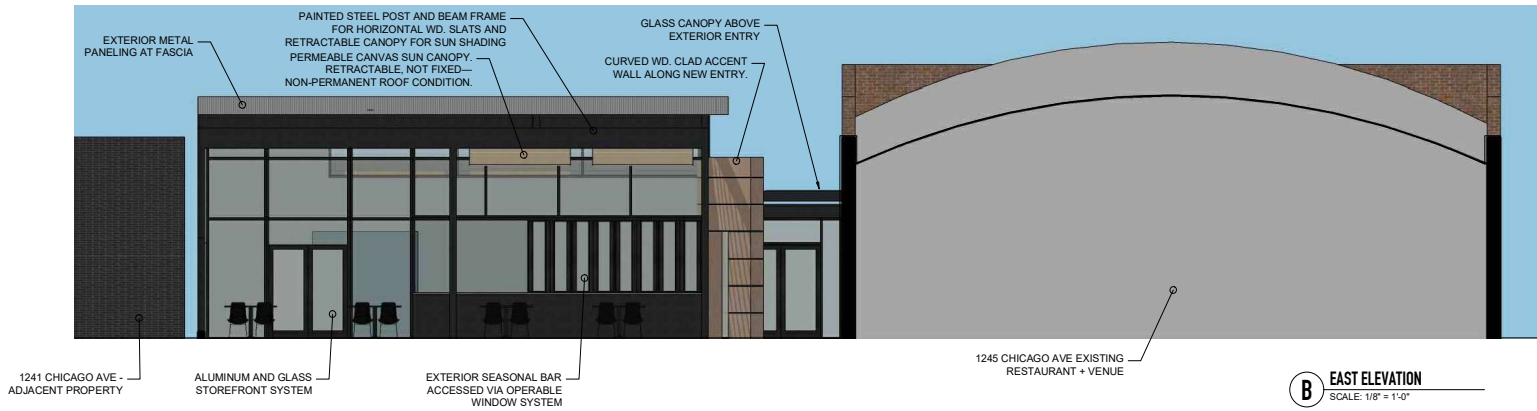
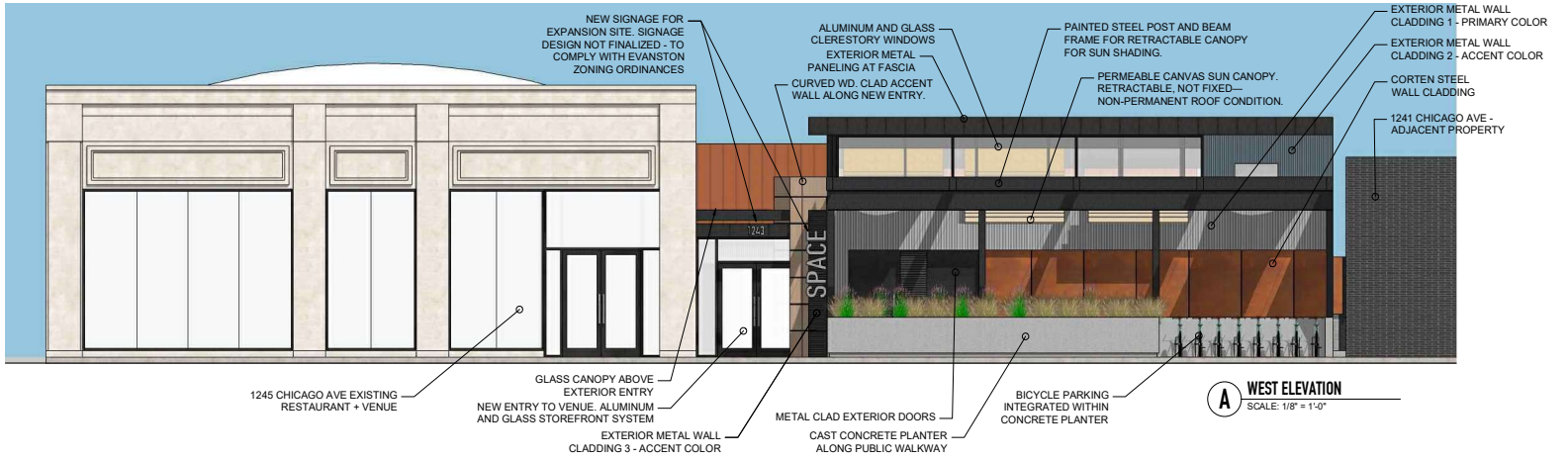


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1 ENLARGED REAR YARD PLAN
SCALE: 1/8" = 1'-0"

SPACE EXPANSION
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EVANSTON, IL

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C NORTH ELEVATION
SCALE: 1/8" = 1'-0"



D AXONOMETRIC VIEW
SCALE: NTS

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H REAR YARD VIEW
SCALE: NTS



G REAR YARD VIEW
SCALE: NTS

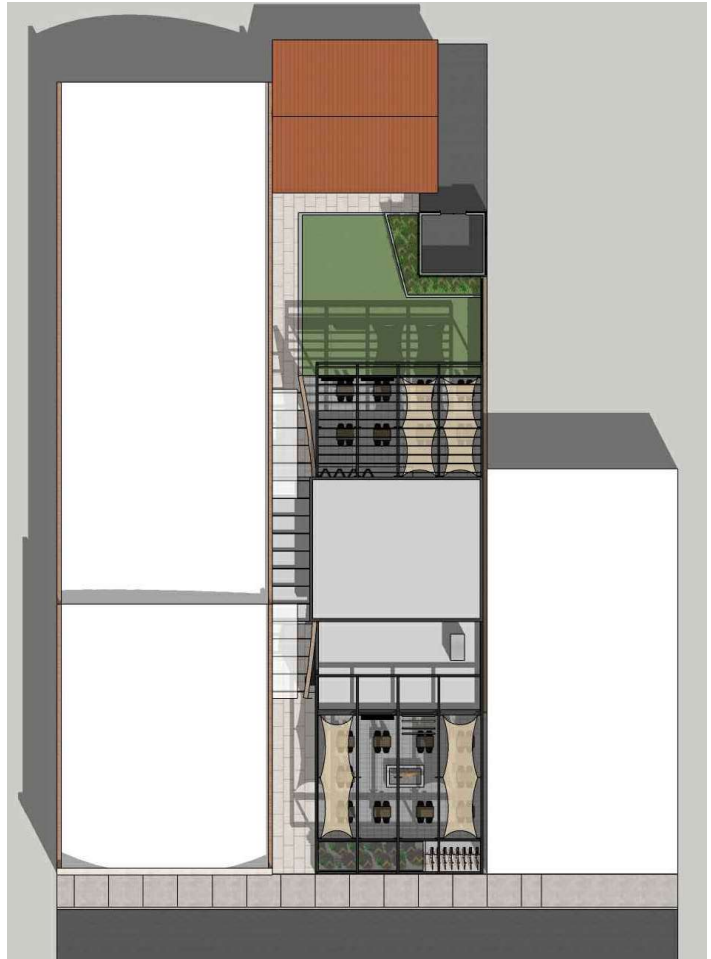


STEEL FRAME AND
CORTEN STEEL PANEL
SCREEN WALL

CMU MASONRY WITH
CORTEN STEEL PANELS AT
TRASH ENCLOSURE

F REAR YARD VIEW
SCALE: NTS

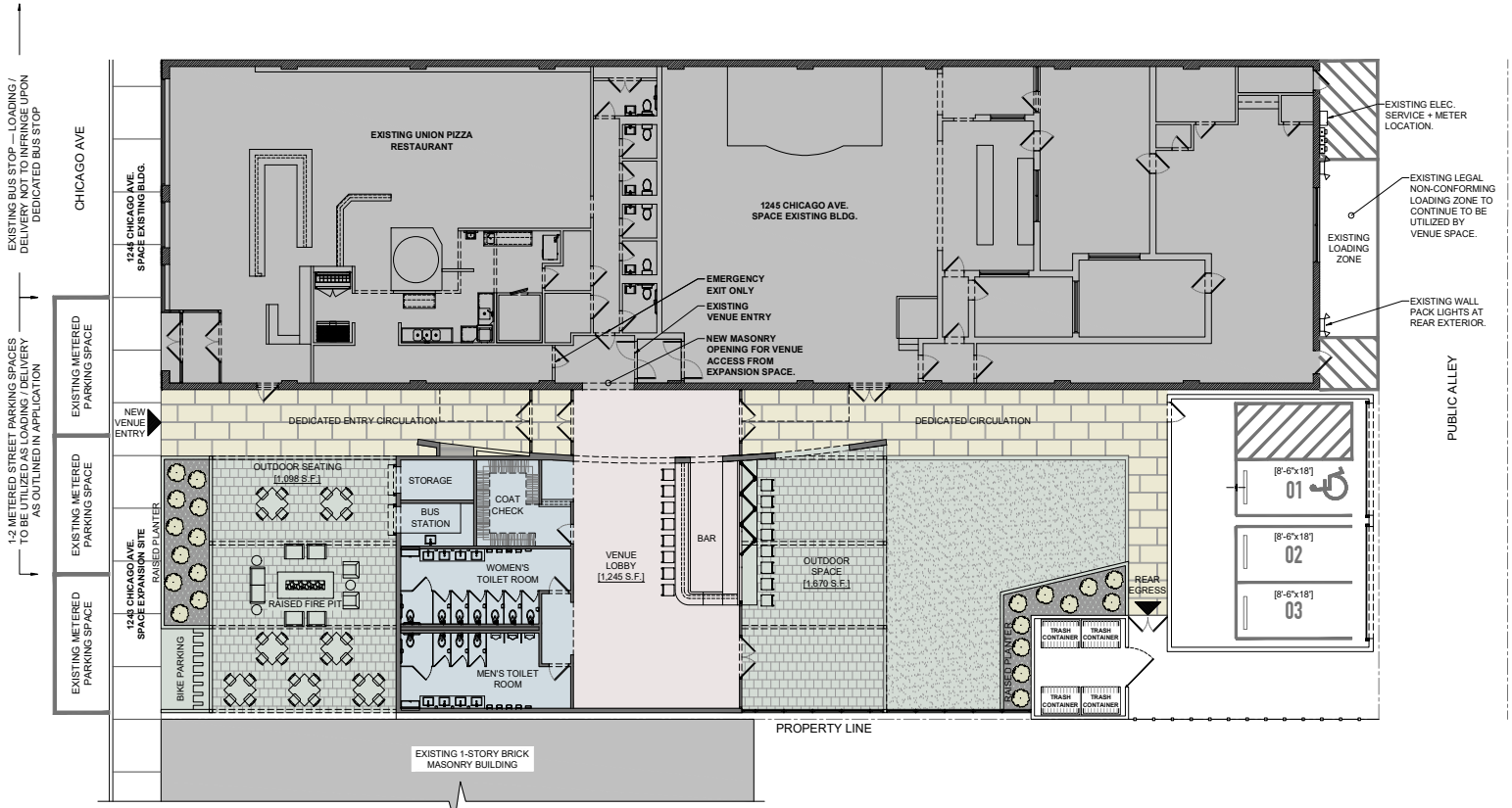
01 20 2023



E SITE PLAN
SCALE: NTS

NEW METAL WALL
CLADDING AND STANDING
SEAM ROOF AT EXISTING
GARAGE

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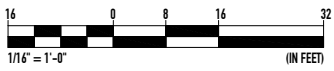


SPACE	TOTAL AREA (SQ. FT.)	AREA TO CONTRIBUTE TO PARKING (SQ. FT.)
FRONT OUTDOOR PATIO + ENTRY	2095	N/A
VENUE LOBBY, COAT CHECK, TOILET RMS	2421	1,245
REAR OUTDOOR AREA	2975	N/A
TRASH / LOADING	588	N/A
TOTALS	8002	1,245

NOTE: ONLY GROSS FLOOR AREAS DEVOTED TO NON-SEATED ASSEMBLY SPACES SHALL CONTRIBUTE TO PARKING CALCULATIONS (1,245 S.F.)

PARKING CALCULATIONS:	
NEW 1245 CHICAGO AREA:	1,245 S.F.
EXIST. 1243 CHICAGO AREA:	4,737 S.F.
COMBINED AREA:	5,992 S.F.
PARKING:	250 S.F. PER VEHICLE
5,992 S.F. / 250 S.F. =	24 PARKING SPACES
	(19 GRAND FATHERED SPACES)
	= 5 NEW PARKING SPACES REQ'D
3 GARAGE PARKING SPACES (INC. 1 ACCESSIBLE)	
+ 2 OFF SITE PARKING SPACES	
= 5 SPACES PROVIDED ≥ 5 SPACES REQUIRED	

AREA COLOR KEY:	
[Light Gray Box]	INDOOR OCCUPANCY SPACE - TOWARDS PARKING
[Light Blue Box]	INDOOR INFRASTRUCTURE SUPPORT AREAS - NOT TOWARDS PARKING
[Light Green Box]	OUTDOOR OCCUPANCY SPACE - NOT TOWARDS PARKING
[Yellow Box]	DEDICATED CIRCULATION PATH - NOT TOWARDS PARKING

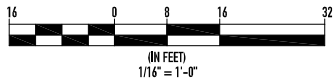
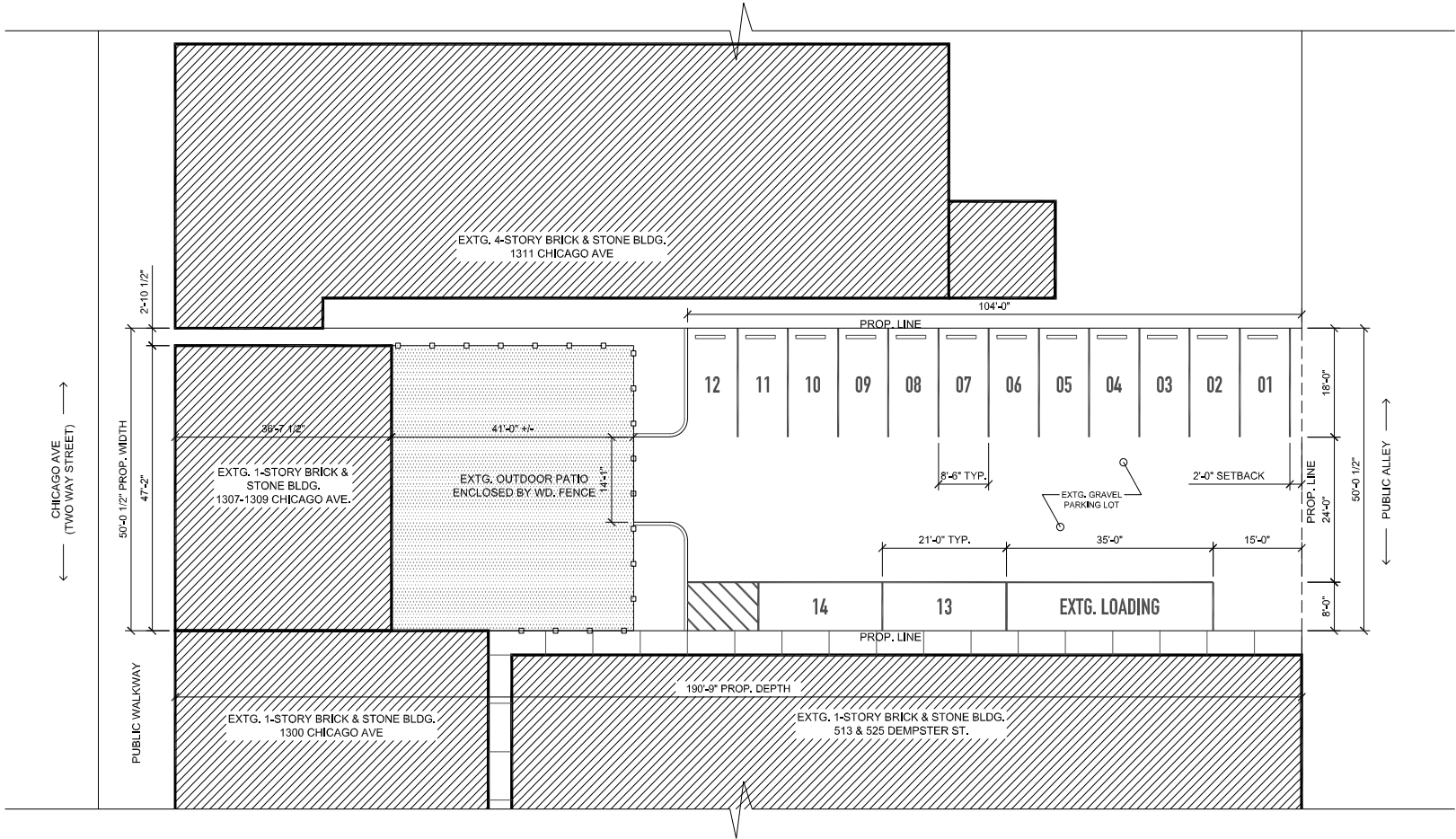


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SPACE EXPANSION
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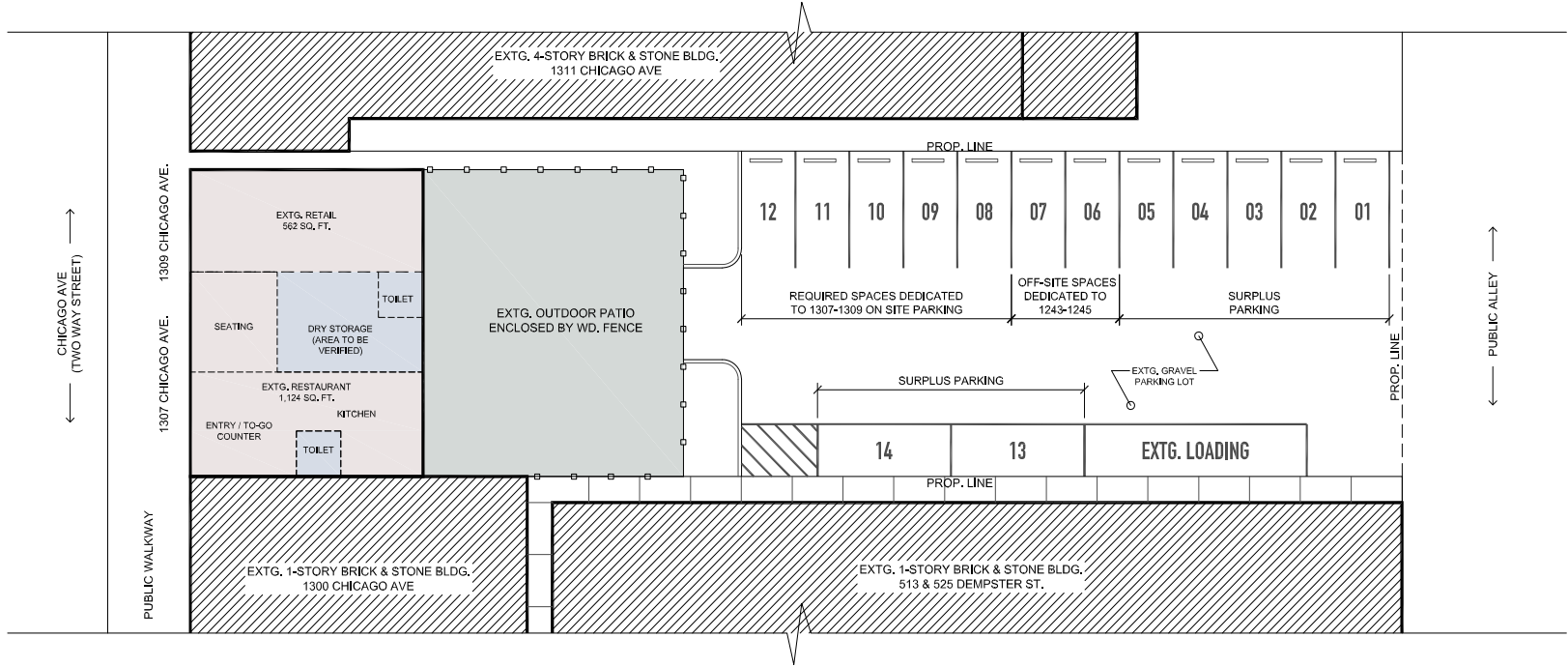


1307 CHICAGO AVE
NEW PARKING PLAN
SCALE: 1/16" = 1'-0"

OFF SITE PARKING PLAN FOR:
1243 CHICAGO AVE
EVANSTON, IL

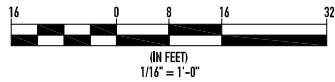


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SPACE	TOTAL AREA (SQ. FT.)	AREA TO CONTRIBUTE TO PARKING (SQ. FT.)	PARKING CALCULATIONS:	AREA COLOR KEY:
1307 CHICAGO AVE (RESTAURANT)	1,124	740	EXTG. 1307 AREA: 740 S.F. PARKING: 1 VEHICLE PER 250 S.F., 990 S.F. / 250 S.F. = 3 PARKING SPACES	<p>INDOOR OCCUPANCY SPACE TOWARDS PARKING</p> <p>INDOOR INFRASTRUCTURE SUPPORT AREAS - NOT TOWARDS PARKING</p> <p>OUTDOOR OCCUPANCY SPACE TOWARDS PARKING</p>
1309 CHICAGO AVE (RETAIL)	562	562	EXTG. 1309 AREA: 562 S.F. PARKING: 1 VEHICLE PER 350 S.F., 562 S.F. / 350 S.F. = 2 PARKING SPACES	
OUTDOOR PATIO	1,934	N/A	5 TOTAL SPACES PROVIDED ≥ 5 SPACES REQUIRED	
TOTALS	3,620	1,302		
<p>NOTE: PARKING CALCULATIONS SHOWN WITHOUT THE 2,000 SQ. FT. REDUCTION PER EVANSTON ZONING CODE 6-16-1-4 (TO BE CONFIRMED DURING ZONING REVIEW). A 2,000 SQ. FT. REDUCTION FROM THE CALCULATIONS WOULD REDUCE REQUIRED PARKING FROM (5) FIVE TO (0) ZERO REQUIRED PARKING SPACES—TO WHICH ALL PROVIDED PARKING SPACES BEYOND THE REQUIRED (2) TWO OFF SITE SPACES FOR 1243-1245 CHICAGO AVE WOULD BE USED AS SURPLUS PARKING TO SERVE BOTH 1307-1309 AND 1243-1245 CHICAGO AVE.</p>				

- (14) PARKING SPACES PROVIDED AT 1307 CHICAGO AVE
 - (5) PARKING PROVIDED SPACES FOR 1307-1309 CHICAGO AVE
 - (9) PARKING PROVIDED SPACES FOR OFF SITE PARKING AT 1243-45 CHICAGO AVE
- NOTE: (2) OFFSITE PARKING SPACES REQUIRED FOR 1243-45 CHICAGO AVE



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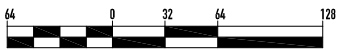
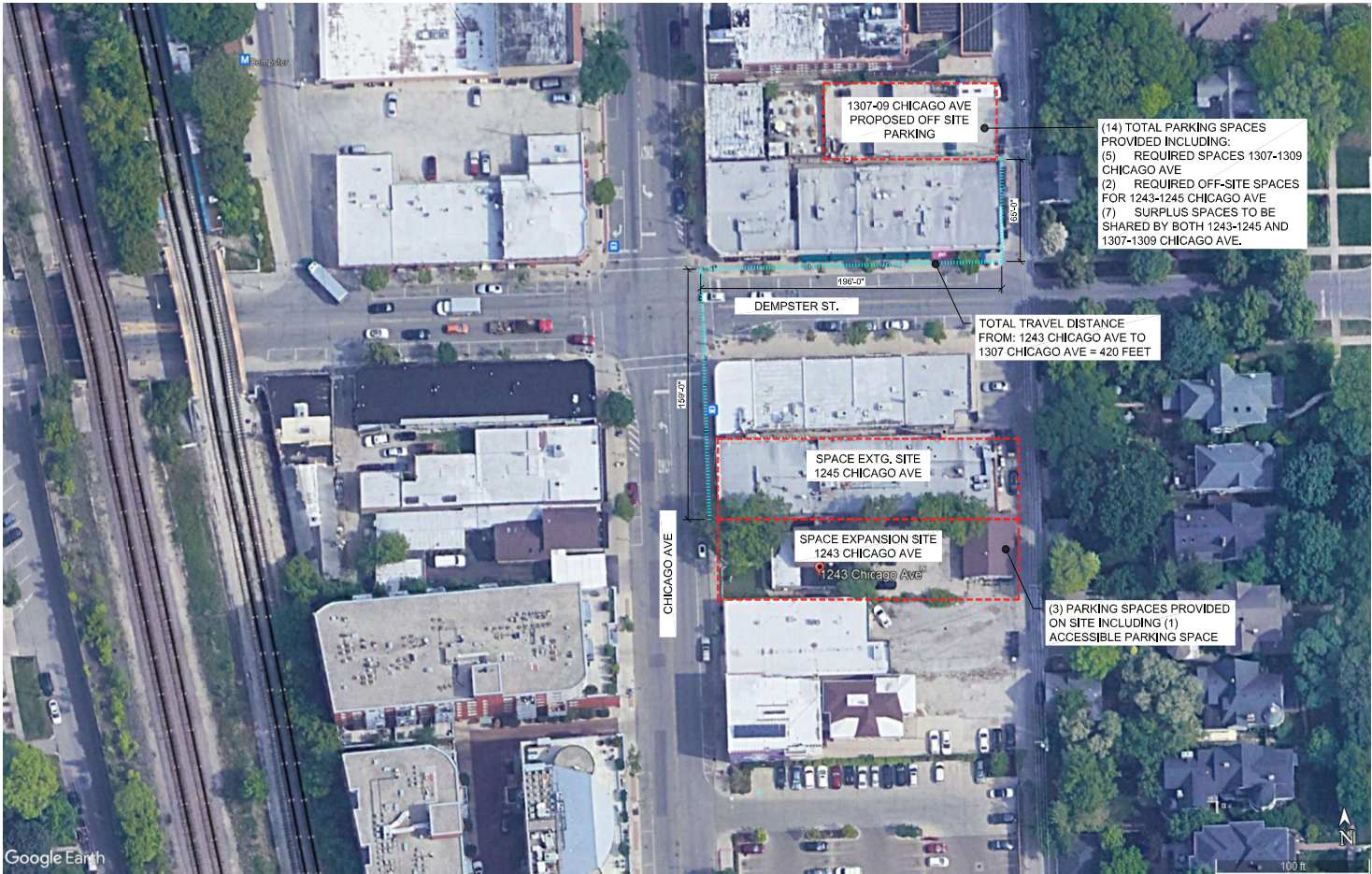


1307 CHICAGO AVE
NEW PARKING PLAN
SCALE: 1/16" = 1'-0"

OFF SITE PARKING PLAN FOR:
1243 CHICAGO AVE
EVANSTON, IL



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(IN FEET)
1/64" = 1'-0"

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1 PARKING TRAVEL DISTANCES
SCALE: 1/64" = 1'-0"

OFF SITE PARKING
TRAVEL DISTANCES FOR:
1243 CHICAGO AVE
EVANSTON, IL



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39-O-23

AN ORDINANCE

Granting a Special Use Permit to Allow for A Performance Entertainment Venue Pursuant to City Code 6-9-2-3 and Approving A Major Variation Pursuant to City Code 6-16-5, Table 16-E on the Property Located At 1243-45 Chicago Avenue, in the B1 Business District

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution of 1970, states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule unit be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and,

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and,

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”); and

WHEREAS, Hana Samuels of Blue Star Properties, is the owner representative (“Applicant”) on behalf of the property located at 1243-45 Chicago Avenue, legally described herein (“Subject Property”), attached hereto and incorporated by reference as Exhibit “A”; and

WHEREAS, Hana Samuels has petitioned the City Council of the City of Evanston, for approval of a Special Use Permit for a performance entertainment venue on the Subject Property (“Special Use”) and for approval of a Major Variation to not provide one (1) loading stall where one (1) is required by City Code Section 6-16-5, Table 16-E for both the performance entertainment venue and an addition to an existing Type 1 Restaurant (Union Pizzeria) located on the Subject Property in the B1 Business District; and

WHEREAS, following due and proper publication in the Evanston Review not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notices to all properties owners within 500 feet of the Subject Property, and following the placement of signs on the Subject Property not less than ten (10) days prior thereto, the Evanston Land Use Commission (“LUC”) conducted a public hearing on February 22, 2023 regarding case no. 23ZMJV-0008 to consider the requested Special Use and Major Variation, at which the Applicant presented evidence, testimony, and exhibits in support of the Special Use and Major Variation, and at which interested parties were provided the opportunity to provide public comment,; and

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WHEREAS, after having considered the evidence presented, including the exhibits and materials submitted, and public testimony provided, the LUC found that the Special Use::

1. Is one of the listed special uses for the zoning district in which the property lies: The requested performance entertainment venue will be listed under Section 6-9-2-3 upon the approval of Ordinance 38-O-23, amending the list of special uses in the B1 Business District.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: The requested performance entertainment venue will be listed under Section 6-9-2-3 upon the approval of Ordinance 38-O-23, amending the list of special uses in the B1 Business District assuming approval of the Item B text amendment.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: No finding of a cumulative effect was concluded.
4. Does not interfere with or diminish the value of property in the neighborhood: The proposed project is an expansion of a valuable community resource.
5. Is adequately served by public facilities and services: Met by public transportation on Chicago Avenue.
6. Does not cause undue traffic congestion: Only the accessory use is proposed to be expanded which does not cause undue traffic congestion.
7. Preserves significant historical and architectural resources: There are none associated with the project.
8. Preserves significant natural and environmental resources: There are none associated with the project.
9. Complies with all other applicable regulations: All have been or will be complied with.

WHEREAS, after having considered the evidence presented, including the exhibits and materials submitted, and public testimony provided, the LUC found that the Major Variation:

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: The loading dock will not have a substantial adverse impact.
2. The requested variation is in keeping with the intent of the zoning ordinance: The variation request is modest and keeps the intent of the zoning ordinance.
3. The alleged hardship or practical difficulty is peculiar to the property: The standard has been met because there are means by which it has been operating in the alley.

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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: Construction of a loading dock turning radius is not possible, so the standard is met.
5. a. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or
 - b. While the granting of a 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, 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 - Public Benefits: The applicant has demonstrated that the variation is not for additional income, but a practical request.
0. The alleged difficulty or hardship has not been created by any person having an interest in the property: The property owner did not create the difficulty.
0. 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: It being a single variation, and a modest one, it is believed to be the least deviation.

WHEREAS, after making its findings as set forth herein, the LUC recommended approval of the Special Use and Major Variation as requested under case no. 23ZMJV-0008, pursuant to Sections 6-3-4-8, 6-3-5-10, and 6-3-8-12 of the Zoning Ordinance by a vote of eight (8) “yes” votes and zero (0) “no” votes with one (1) absent to the Planning and Development Committee (“P&D Committee”) of the City Council; and

WHEREAS, on March 27, 2023, P&D Committee of the City Council held a meeting, in compliance with the provision of the Open Meetings Act, received input from the public, carefully considered the findings and recommendation for approval with conditions of the LUC and recommended approval of the requested Special Use and Major Variation to the City Council; and

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WHEREAS, at its meetings on March 27, 2023 and April 10, 2023, held in compliance with the Open Meetings Act, the City Council considered the aforementioned findings of fact, as amended and outlined herein, and finds it appropriate to grant the Special Use and Major Variation as recommended by the LUC and the P&D Committee; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill. App.3d 747) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124).

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

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit, as applied for in zoning case no. 23ZMJV-0008, for a performance entertainment venue.

SECTION 3: Pursuant to the terms and conditions of this ordinance, the City Council hereby approves the Major Variation, as applied for in zoning case no. 23ZMJV-0008 as follows:

1. To not provide one (1) loading stall where one (1) is required.

SECTION 4: Pursuant to Subsection 6-3-5-12 and 6-3-8-14 of the Zoning Ordinance, the City Council imposes the following conditions on the aforementioned zoning relief granted hereby, being a Special Use Permit for a performance

entertainment venue and Major Variation to not provide one (1) loading stall as requested under zoning case no. 23ZMJV-0008, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit and Major Variation pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

1. The hours of operation for both the Type 1 restaurant, Union Pizzeria, and performance entertainment venue, SPACE, shall be 11:00 a.m. to 11:00 p.m. Sunday through Thursday and 11:00 a.m. to midnight (12:00 a.m.) Friday and Saturday plus New Year's Eve;
2. The facility will operate within the requirements of Evanston's Noise Zoning Ordinance;
3. No performance occurring inside the building will be allowed to occur in the outdoor space. There will be no live performances outdoors where the primary purpose of the event is to listen to music. Any outdoor performances shall be accessory in nature and will be held on an infrequent basis, such as when string music or a jazz combo may be proposed for a wedding;
4. Any speakers installed to project sound outside of the building shall be used only for ambient background music during the approved hours of operation;
5. Parking fees shall be paid as required for use of the on-street parking stalls for the purposes of loading and delivery;
6. Any change in ownership of the property located at 1307 Chicago Avenue, where the off-street parking is provided for the performance entertainment venue, shall require an amendment to this Special Use;
7. Composting of any food waste or other compostable materials shall be added to the waste management plans of the property; and
8. Two of the three on-site parking spaces will be made available for performers and their equipment
9. The Applicant shall construct the associated improvements to the Subject Property as described herein, as authorized by the terms of this ordinance in substantial compliance with all applicable City Code requirements and the Applicant's testimony and representations to the City staff attending Design and Project Review, the Land Use Commission, the P&D Committee, and the City Council.
10. The Applicant shall, at their cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Clerk, and provide proof of such recordation to the City prior to issuance of a final Certificate of Occupancy.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, “Applicant” shall be read as “Applicant’s tenants, agents, assignees, and successors in interest.”

SECTION 6: The City Council may, for good cause shown, waive or modify any conditions set forth in this Ordinance without requiring that the matter return for public hearing.

SECTION 7: The Building Official is hereby authorized and directed to issue building permits for the subject property, consistent with the approvals granted herein, provided that all conditions set forth hereinabove have been met and that the proposed construction is in compliance with all other applicable laws and ordinances. This grant of the approvals shall expire and become null and void twenty-four (24) months from the date of passage of this Ordinance unless a building permit to begin construction in accordance with this Ordinance is applied for within said twenty-four (24)-month time period and construction is continuously and vigorously pursued provided, however, the City Council, by motion, may extend the period during which permit application, construction, and completion shall take place.

SECTION 8: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 9: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: If any provision of this ordinance or application thereof to any person or circumstance is ruled 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 11: 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: _____, 2023

Approved:

Adopted: _____, 2023

_____, 2023

Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza, City Clerk

Nicholas E. Cummings, Corporation Counsel

EXHIBIT A
LEGAL DESCRIPTION

LOT 23 OF BLOCK 76 IN THE NORTH HALF OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS 1243 Chicago Avenue, EVANSTON, ILLINOIS.

PIN: 11-19-200-003-0000

LOT 24 IN BLOCK 76 IN THE NORTHWESTERN UNIVERSITY SUBDIVISION OF THE NORTHEAST HALF OF THE NORTH HALF, EAST OF CHICAGO AVENUE, OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE 15 ½ ACRES IN THE NORTHEAST CORNER OF SAID TRACT, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS 1245 Chicago Avenue, EVANSTON, ILLINOIS.

PIN: 11-19-200-002-0000