



MEETING MINUTES

LAND USE COMMISSION

Wednesday, April 12, 2023

7:00 PM

Lorraine H. Morton Civic Center

2100 Ridge Avenue

James C. Lytle City Council Chambers

Members Present: George Halik, Brian Johnson, Jeanne Lindwall, Kristine Westerberg, and Matt Rodgers

Members Absent: Myrna Arevalo, John Hewko, Kiril Mirintchev, and Max Puchtel

Staff Present: Assistant City Attorney Brian George, Planner Katie Ashbaugh, Zoning Administrator Melissa Klotz, and Planning Manager Liz Williams

Presiding Member: Matt Rodgers

Call to Order

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

Approval of March 22, 2023 Meeting Minutes

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from March 22, 2023. Seconded by Commissioner Westerberg. Commissioner Halik added under Commissioner Comments that the north window elevation light and vent requirements question was because of their proximity to the property line. A voice vote was taken, and the motion passed 5-0.

New Business

A. Public Hearing: Special Use | 100 Chicago Avenue | 23ZMJV-0020 CESAM LLC, potential lessee, represented by Ashley Brandt, attorney, requests Special Use Permits to establish two independent businesses, a Cannabis Dispensary, OKAY Cannabis, and a Type 2 Restaurant, West Town Bakery, in the B3 Business District (Sections 6-9-4-3, 6-4-11-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Code. PINs: 11-30-212-008-0000, 11-30-212-007-0000, 11-30-212-006-0000, 11-30-212-005-0000, 11-30-212-004-0000

Ashley Brandt, attorney for the applicant, 2762 Woodbine Avenue, introduced the project team: Jamie Magaliff, East Lake Studio, project architect; Ameya Pawar, owner

of CESAM LLC; Jose Carbajal, Director of Security; Mark Braver, Director of Operations and Maura McCabe, Director of Cannabis Operations for both the West Town Bakery and the dispensary.

Ameya Pawar, 4440 North Campbell Avenue, Chicago, presented an overview of CESAM, which is a social equity dispensary both in terms of its ownership and mission, and the first to combine food, beverage, and hospitality all under one roof. He provided details regarding the owner, security, and images of the Wheeling bakery and dispensary.

Commissioner Questions

Commissioner Rodgers asked the applicant to describe the relationship between the two businesses. Mr. Brandt clarified that the bakery is not permitted nor licensed to sell cannabis-infused products. They operate as two different businesses which is why there are two different special use requests. Entry to the dispensary is through an age-controlled vestibule in the bakery specifically designed to create an experience. Restrooms are only in the bakery. The doors on Chicago Avenue exit only from the dispensary.

Commissioner Halik asked the applicant to address bakery deliveries and food preparation. Mr. Brandt responded that cannabis deliveries are made through a designated door during regular business hours during the week and bakery deliveries are through the front door. Bakery deliveries would be daily and cannabis deliveries may build up to one time per week. Both types of deliveries are made with transit vans and use the parking lot loading zone. Commissioner Lindwall asked how the tenants coordinate with the bakery and cannabis deliveries as well as trash pickup. Mr. Brandt described the separate accesses and separate dumpsters (and providers) for the businesses and tenants.

Commissioner Westerberg inquired about building ownership. Mr. Pawar responded that there is a separate real estate vehicle that he has put together to purchase the property from Gateway which will then be leased to CESAM. She further asked about the operating hours and number of security people on the premises. Mr. Brandt answered that there would be three full-time security personnel from their security contractor on premise along with the Illinois State Police required monitoring which can also be offered to Evanston City Police. He added that the operating hours are 10:00 AM to 8:00 PM. Chair Rogers followed up with the question of how many employees outside of security would be on site at any one time and where they would park. Mr. Pawar responded that it would be 15 to 20 individuals, many of which rely on public transportation. Employees who drive will not park in the customer parking lot but will park in the paved CTA lot.

Commissioner Lindwall asked where the on-site security vehicle will park, and Mr. Brandt responded that it would take one of the six commercial parking places when it is not in the loading zone or driving around. The loading zone will be coordinated with property management for residential moves.

Commissioner Westerberg asked staff about the process for the applicant to seek a limited liquor license in the future. Ms. Klotz replied that it is not a zoning requirement, but it will go through the liquor license process which is handled by the law department.

Commissioner Johnson questioned the number and location of bike racks on the site plan. Ms. Magaliff clarified that the bike rack on Chicago Avenue will be relocated to the north end of the parking lot.

Public Comment

Chair Rodgers called for public comment.

Ann Rainey spoke in support of the building and the proposed first-floor tenants. She suggested looking at the Cannabis Ordinance to allow the bakery to open earlier. She also clarified that the revenue is not based on a reparations tax, but the municipal tax.

Chair Rogers added that he lives within the notification district of the property but has no relationship to the applicant.

Commissioner Halik asked whether there would be any operational problem with having the bakery open early and the dispensary open later. Mr. Brandt responded that they would welcome an earlier opening such as 7:00 AM for the bakery.

Deliberations

Chair Rogers asked staff to clarify if the Commission is to view these as two special uses separately. Ms. Klotz responded that they would go in one ordinance since they are related businesses. Only one review of the seven standards is needed to clarify any difference between the businesses if it is present.

Commissioner Westerburg wondered if one of the businesses had a commercial or revenue problem, what would happen to the other since they are connected from a floor point of view. She would like to add under the permit conditions that remote access to cameras be offered to the Evanston police.

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

1. Is one of the listed special uses for the zoning district in which the property lies: Both of the businesses can locate within the B3 Business District meeting the standard.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: The commercial uses will be on the first floor of a new building at the property that has been vacant for many years. The proposed use also keeps with the ordinance that there must be businesses on the first floor of this business district and so the standard is met.

3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: Bringing a continuous streetscape from the train station further west meets the standard.
4. Does not interfere with or diminish the value of property in the neighborhood: No negative testimony has been provided. Cannabis dispensaries are regulated through the State of Illinois and based on the Maple Avenue experience, blend in with the rest of the commercial real estate. No harm to property values is anticipated, so the standard is met.
5. Is adequately served by public facilities and services: It is a new building, and the standard is believed to be met.
6. Does not cause undue traffic congestion: The traffic for the new building was looked at to enter far enough on Chicago Avenue to not cause traffic congestion near the intersection. Deliveries will be made in the parking lot area through the load loading zone. Therefore, there is no concern about traffic congestion and the standard is met.
7. Preserves significant historical and architectural resources: There are none present to be concerned with.
8. Preserves significant natural and environmental resources: It is a new green building, so the standard is met.
9. Complies with all other applicable regulations: Cannabis dispensaries are highly regulated businesses in Illinois. The applicant has been operating similar operations through the City of Chicago without any incident that is known so there is no reason to believe they would not follow regulations, so the standard is met.

Chair Rodgers asked for the Commissioners' comments on the standards. There were none.

Commissioner Lindwall made a motion to recommend approval of the Special Uses at 100 Chicago Avenue, 23ZMJV-0020, for the special uses with the following conditions:

- 1. Additional bicycle racks shall be installed on-site prior to business operation.**
- 2. A Waste Management Plan is required prior to permit issuance.**
- 3. Hours of operation for the dispensary shall not exceed 10 am – 8 pm, 7 days a week.**
- 4. Hours of operation for the bakery shall not exceed 7 am – 8pm, 7 days a week.**
- 5. Sustainability measures including but not limited to recycling, recyclable or compostable to-go bakery containers, and litter collection within 250' of the subject property are required.**
- 6. Employees shall not park on-site or in metered on-street parking spaces or in the adjoining neighborhood.**
- 7. If in the future, the operator of the dispensary changes, a new Special Use Permit is required.**

8. Shall offer access to security cameras and systems for EPD.

Second by Commissioner Westerberg. A roll call vote was taken, and the motion carried, 5-0.

Communications

Ms. Williams advised the commissioners that the RFP for the Comprehensive Plan and Zoning Code update was distributed on Thursday, April 6th, 2023. It will be open for 45 days for firms to submit proposals.

Chair Rogers added that Sarah Flax, who has been serving as the Interim Community Development Director, has been promoted to the position of Community Development Director for the City of Evanston.

Ms. Williams summarized that at the Special Meeting next Wednesday, April 19th, the Commission will consider the proposed new 5th Ward school. On April 26th, the Commission will revisit the special use permit for a rooming house at the Margarita Inn and consider an update to the Land Use Commission rules and procedures. Looking forward to May, the Commission will be returning to the planned development for Kensington School at 3434 Central State Street and potentially a continuance of the school project if necessary. For the meeting on May 24th, staff is working on an omnibus text amendment associated with the referrals from the Land Use Commission.

Adjournment

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

Adjourned 7:56 PM.

The next meeting of the Evanston Land Use Commission is a Special Meeting to be held on **Wednesday, April 19, 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,
Katie Ashbaugh, AICP, Planner