EVANSTON PLAN COMMISSION
Wednesday, March 13, 2013
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF DECEMBER 12, 2012 MEETING MINUTES

3. NEW BUSINESS – APPOINTMENT OF ASSOCIATE MEMBERS

4. ZONING MAP AMENDMENT 13PLND-0010
   Consideration of a map amendment, pursuant to City Code Title 6, Zoning, to rezone
   1715 Church Street, 1703 Darrow Avenue, and 1711 Darrow Avenue from the I2 General
   Industrial District to the MXE Mixed Use Employment District.

4. ZONING MAP AMENDMENT 13PLND-0011
   Consideration of a map amendment, pursuant to City Code Title 6, Zoning, to rezone
   2153, 2143 & 2145 Ashland Avenue, 1515 & 1523 Payne Street, and 2150 & 2156 Green
   Bay Road, from the C2 Commercial District to the MXE Mixed Use Employment District.

5. ZONING TEXT AMENDMENT 13PLND-0014
   Consideration of a text amendment, pursuant to City Code § 6-18-3, Definitions, to
discuss increasing the allowed production limit for Micro-Distilleries.

6. COMMITTEE REPORTS

7. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, APRIL 10,
2012 at 7:00PM in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items are subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission. Questions can be directed to Susan Guderley, Neighborhood Planner, at 847-448-8675 or by e-mail at sguderley@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community and Economic Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).
MEETING MINUTES
PLAN COMMISSION
Wednesday, December 12, 2012
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Seth Freeman, Patricia Ledesma, Scott Peters (Chair), David Galloway, Jim Ford, Kwesi Steele, Richard Shure

Members Absent: Barbara Putta, Lenny Asaro, Stuart Opdycke (Associate)

Staff Present: Melissa Klotz, Dennis Marino, Ken Cox

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Peters called the meeting to order at 7:08 P.M.

2. APPROVAL OF NOVEMBER 14, 2012 MEETING MINUTES

Commissioner Ledesma motioned for approval of the November 14, 2012 meeting minutes. Commissioner Freeman seconded the motion.

A voice vote was taken and the minutes were approved 7-0.

3. ZONING MAP AND TEXT AMENDMENT 12PLND-0069

Consideration of text and map amendments, pursuant to City Code Title 6, Zoning, for an Overlay District on Howard Street that follows the boundary of the Howard-Ridge TIF District, bounded on the west by Ridge Avenue, on the east by the City limits, and including 5 parcels on Chicago Avenue, to a northermost point of 132 Chicago Avenue.

Melissa Klotz, Zoning Planner, explained that the updated proposal does not contain amortization, so personal care service uses would be required to obtain special use approval for locations that did not previously have a similar personal care service use, or where such a previous use discontinued for twelve consecutive months.

Alderman Rainey explained that Chicago basically does not allow those types of uses on their side of the Howard Street corridor. Amortization of existing businesses is not a good thing. Instead, existing businesses should lose their legal nonconforming status when they go out of business, so that a new business looking to locate in the same space would be required to obtain a special use permit.

Ken Cox, Assistant City Attorney, explained that one problem with limiting the nonconforming status to current businesses rather than their sites, is that these
businesses are not required to obtain business licenses, so there is no connection between them and the City.

Commissioner Freeman asked if a 90 day rather than the typical 12 month discontinuation of use could be enacted specific to this area.

Commissioner Shure asked if everyone is in agreement that there are too many of these uses in this area that are detrimental to economic development, and Commissioner Ford said if they are nonfunctioning then yes.

Chairman Peters stated the problem is not that they are non-functioning; it is the effect of the accumulation of that type of use. Another example would be fast food restaurants.

Commissioner Putta arrived at 7:40 P.M.

Commissioner Ford motioned not to move the proposal forward to City Council, and then withdrew the motion. Commissioner Ford then motioned for denial of the proposed Howard-Ridge Overlay text and map amendments. The motion was seconded by Commissioner Ledesma. The motion for denial was approved 5-2, with Commissioner Putta abstaining.

4. **ZONING TEXT AMENDMENT**  12PLND-0071

Consideration of the proposed text amendment, pursuant to City Code §6-6 of the Zoning Ordinance to discuss the zoning regulations for increasing the bulk of structures with one to four-family residential nonconforming uses.

Ms. Klotz explained the problem certain nonconforming uses, such as residences, have when they are older homes that are located in non-residential zoning districts. Since such homes are considered to have nonconforming uses, they are not allowed to expand the use, i.e. put a small addition onto the home. The proposed process would allow such homeowners to apply for approval to move forward with an increase of nonconformity. The Zoning Administrator would decide whether or not to grant the approval, based on a set of Standards similar to the minor variance Standards and process. If approved, a homeowner could then apply for a building permit and/or variance.

Commissioner Freeman suggested “extraordinary” be removed from Standard A, and that the date of January 14, 2012 in the draft ordinance be changed to the correct year of 2013. The motion was seconded by Commissioner Shure, and approved unanimously.

Commissioner Ford motioned for approval of the text amendment, and was seconded by Commissioner Shure. The motion was approved unanimously.

5. **COMMITTEE REPORTS**

Commissioners Peters and Asaro will continue to co-chair the Comprehensive Plan Committee.

6. **ADJOURNMENT**
Commissioner Galloway motioned for adjournment. Commissioner Ford seconded the motion.

The meeting adjourned at 8:30 P.M.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department

The next regular Plan Commission meeting is scheduled for **WEDNESDAY, MARCH 13, 2013** at **7:00PM** in **COUNCIL CHAMBERS** of the Lorraine H. Morton Civic Center.
1715 Church Street, 1703 Darrow Avenue, 1711 Darrow Avenue

Map Amendment I2 to MXE

13PLND-0010
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Zoning and Planning Division
Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Map Amendment 36-O-13
1715 Church Street, 1703 Darrow Avenue, 1711 Darrow Avenue,
13PLND-0010

Date: March 6, 2013

Recommendation
Following the February 20, 2013 Zoning Committee meeting, the Zoning Committee of the Plan Commission and staff recommend approval of Ordinance 36-O-13, a map amendment to rezone the property commonly known as 1715 Church Street, 1703 Darrow Avenue, and 1711 Darrow Avenue, PINS 10-13-221-019 and 10-13-221-018 from the I2 General Industrial District to the MXE Mixed Use Employment District. The proposed rezoning is consistent with the Comprehensive General Plan and the current land use of the property. The proposed rezoning lessens three currently non-compliant zoning issues, and creates one new non-compliant setback.

Site/Proposal Background
This property is located at the northeast corner of Church Street and Darrow Avenue. The proposed rezoning is for one property that consists of two property index numbers (PINS), and is commonly known by the three addresses listed above. The property features a building with a footprint that comprises over 90% of the lot size that appears as a one-story warehouse-style building. The property is surrounded by the R4 General Residential (multifamily) District, and the B2 Business District. Applicant John Leineweber requests the property be rezoned to the MXE Mixed Use Employment District to better fit the uses the site attracts. The property is the only I2 parcel remaining in this area. Other former I2 parcels were rezoned in 2008 as a part of the West Evanston Master Plan rezoning. The applicant’s building is known as Strange Lofts and is currently utilized as live-work units for residents who prefer loft-style living with on-site business or office spaces.

Property History
Following a City-sponsored study of the surrounding area, many nearby properties were rezoned in a City-initiated rezoning in 2008. This rezoning shrunk the industrial corridor and expanded the R4 General Residential (multifamily) District. Following the 2008 rezoning, the property in question remained I2, but became surrounded to the north, east, and south by the R4 District, and the B2 District to the west following Church Street. By rezoning the surrounding properties, the City effectively made the property in question a
spot-zoned I2 District, without a continuous link to any other I2 properties (see attached zoning map).

In accordance with the goals and objectives of the Comprehensive General Plan, the property was redeveloped as live-work units known as Strange Lofts. The applicant redeveloped the property with the hope of attracting small businesses looking to utilize the unique property as a cost-savings, with both livable space and a professional work environment in one. Since the redevelopment, the applicant has experience a hardship in renting out the units because of the restrictive underlying industrial zoning.

**Proposed Rezoning**

The applicant proposes a map amendment to rezone the property to the MXE Mixed Use Employment District. The proposed zoning change is consistent with the goals and objectives of the Comprehensive General Plan, is a better fit for the neighborhood given the surrounding residential and business zoning districts and uses, and provides more flexibility for potential businesses to locate at the property. The permitted uses of the MXE District are typically less intense and have a smaller impact on neighboring properties than that of the current I2 District. Most notably, the MXE District allows retail goods establishments and retail services establishments, whereas the I2 District only allows such uses through the special use process. Rezoning to the MXE District will encourage a business environment more consistent with the adjacent commercial corridor, while maintaining certain light industrial aspects such as wholesale uses, trade contractors, and light manufacturing. The purpose of the MXE District, as stated in the Zoning Ordinance, is to address areas of the city where manufacturing and industrial uses can coexist with residential uses. This property already does so within its own lot. Rezoning to match the adjacent B2 District would be too restrictive given the warehouse-style of the property and some of the uses the property intends to attract.

**Zoning Compliance**

The proposed map amendment creates one new non-compliant zoning regulation at the front yard setback. However, other non-compliant setbacks are lessened, including the street side yard setback, interior side yard setback, and rear yard setback. As a comparison from the current I2 District to the proposed MXE District:

<table>
<thead>
<tr>
<th></th>
<th>I2</th>
<th>MXE</th>
<th>Current Site Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>0’</td>
<td>10’</td>
<td>0’</td>
</tr>
<tr>
<td>Street Side Yard Setback</td>
<td>15’</td>
<td>10’</td>
<td>0’</td>
</tr>
<tr>
<td>Interior Side Yard Setback</td>
<td>8’</td>
<td>5’</td>
<td>0’</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>20’</td>
<td>5’</td>
<td>1.8’</td>
</tr>
<tr>
<td>Height</td>
<td>45’</td>
<td>41’</td>
<td>28’</td>
</tr>
<tr>
<td>Parking</td>
<td>depends on use</td>
<td>0 spaces on-site</td>
<td></td>
</tr>
</tbody>
</table>
Comprehensive Plan and Other Specifications
Some goals and objectives from the 2000 Comprehensive Plan that apply to this application include:

- Promote the growth and redevelopment of business, commercial, and industrial areas.
- Recognize the benefits of mixing residential, commercial, and institutional uses in neighborhoods.
- Housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price.
- Maintain a diverse range of business and commercial areas, all of which will be viable locations for business activity.

The proposed map amendment will encourage the success of the redeveloped mixed use concept Strange Lofts is attempting to succeed at, while offering residents and potential business owners of Evanston a diverse choice of live-work options.

Amendment Standards:
For the Zoning Committee to recommend approval of a map amendment, the Zoning Committee must find:

a) 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.

b) Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.

c) Whether the proposed amendment will have an adverse impact on the value of adjacent properties.

d) The adequacy of public facilities and services.

Attachments
Draft Ordinance 36-O-13
Map Amendment Application – submitted October 17, 2012
Zoning Analysis
Plat of Survey
Images of Property
Aerial View of Property
Zoning Map of Property
Strange Lofts Interior Images
I2 General Industrial District Zoning Regulations
MXE Mixed Use Employment Zoning Regulations
Zoning Committee of the Plan Commission Draft Meeting Minutes – February 20, 2013
AN ORDINANCE

Amending the Zoning Map to Re-Zone Certain Properties
From the I2 District to the MXE 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 ordinances 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, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (Scadron v. City of Des Plaines, 153 Ill.2d 164); 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 1979, as amended, (“the Zoning Ordinance”); and
WHEREAS, on March 13, 2013, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0010, to consider amendments to the Zoning Map, cited in Section 6-7-2 of the Zoning Ordinance, to place certain properties within the MXE Mixed Use Employment District; and

WHEREAS, the Plan Commission received testimony and made findings pursuant to Subsection 6-3-4-6 of the Zoning Ordinance and recommended City Council deny approval thereof; and

WHEREAS, at its meeting of April 1, 2013, the Planning and Development Committee of the City Council considered and reversed the findings and recommendation of the Plan Commission in case no. 13PLND-0010 and recommended City Council approval thereof; and

WHEREAS, at its meetings of April 1 and April 22, 2013, the City Council considered and adopted the record and recommendation of the Planning and Development 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: The City Council hereby amends the Zoning Map to remove those properties with the addresses and PINs listed in Exhibit A and identified in Exhibit B, both attached hereto and incorporated herein by reference, from the I2 Industrial District and place them within the MXE Mixed Use Employment District.

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:_________________, 2013
Adopted:___________________, 2013

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest:

_______________________________
Rodney Greene, City Clerk

Approved as to form:

_______________________________
W. Grant Farrar, Corporation Counsel
EXHIBIT A

Addresses and PINs of Properties Removed from the I2 District and Placed Within the MXE Mixed Use Employment District

1715 Church Street       PIN 10-13-221-019-0000
1703-1711 Darrow Avenue  PIN 10-13-221-018-0000
EXHIBIT B

Map of Properties Removed from the I2 District and Placed Within the MXE Mixed Use Employment District
1. PROPOSAL DESCRIPTION:
   (A) Applicant's name: JOHN LEINWEBER AND MARY MCLAUGHLIN

   (B) I am filling this application in relationship to the property at this address or location (if no address):
       1715 CHURCH ST / 1703-1711 NARROW
       Zip: 60201

   (C) The current zoning designation of this property is: I-2

   (D) I am requesting that the City change the zoning designation of this property to:
       MXE

   Please, describe the development proposal or other reason that occasions this application for a map amendment.

       PLEASE SEE ATTACHED
2. **STANDARDS FOR AMENDMENTS:** The Zoning Ordinance states that the "amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy." (§6-3-4-1) The Ordinance establishes standards that "the City Council should ... consider, among other factors." (§6-3-4-5) Please, explain how your proposed amendment relates to or satisfies each of the following standards.

(A) Is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council? (Copies of the 2000 Plan are available from the Zoning Division or the Planning Division of the Community Development Department.)
(B) Is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property, if so, how so?

______________________________

PLEASE SEE ATTACHED

______________________________

(C) Will the proposed amendment have an adverse effect on the value of adjacent properties, if not, how not?

______________________________

PLEASE SEE ATTACHED

______________________________
(D) Are public facilities and services adequate to serve the effects the proposed amendment may have, if so how so?

PLEASE SEE ATTACHED

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.

Mary J. McAnulty  10/15/12
Applicant's signature  Date

Applicant's signature  Date

Applicant's signature  Date
City of Evanston,
Department of Community and Economic Development
Zoning and Planning

10/15/12

RE: Leineweber-McAuley Application for a Map Amendment

Page 1D

We are requesting a Map Amendment to have 1715 Church Street/ 1703-11 Darrow Avenue from I-2 to MXE for the following reasons:

1. When we bought the property in 2002 it had been vacated because it was obsolete for industrial use. Essentially a brick shell with antiquated mechanicals. We were engaged in a City sponsored study of the West side in which creative reuse development was encouraged. The subsequent study and rezoning that followed in ~2006-2008 recognized that most of the properties along Church Street in the I-2 zone were already non-conforming to the restrictions therein; most were used for office or retail. Furthermore, conforming to the Comprehensive Plan adopted in 2000, the zoning map was altered for future development. The industrial corridor to our east was rezoned R-4 or WE1. The B-2 zoning was maintained along Church Street to our west as far as Brown and the parcel at 1715 Church Street was surgically excised and maintained, singularly, in an I-2 zone. The only property in the immediate area that currently conforms to I-2 zoning is the Veolia Waste Transfer station, on which the zoning has been changed to R-4. Clearly, the City's long term plans do not envision industrial activity as desirable for Church Street. The current best use for 1715 Church Street does not conform to I-2 zoning; rather, by its design and to better integrate in The City's West Side plan, it would best operate under the uses described in MXE.

2. The property was redeveloped as creative loft space in the hopes of attracting artists and small businesses to the area. It has been difficult to lure businesses and creative professionals to the building with the burdens of I-2 restrictions. Having developed live/work properties in the Hill Arts District north of Simpson and west of Green Bay Road, we are familiar with the benefits of MXE zoning in terms of maximizing flexibility and creating a twenty four presence with live/work application. This location is exactly "transitional manufacturing"; where residential meets former industrial, it is appropriate to apply the hybrid of MXE.

Page 2A

Converting the zoning of this property to MXE is entirely consistent with the City's Comprehensive Plan adopted in 2000 because it encourages creative adaptive reuse, it preserves neighborhood character while increasing the area's desirability. A quick look at the 2009 zoning map shows this property as an inappropriate oasis of I-2 in the newly zoned R-4
district. As it transitions to Business, an MXE zoned building is consistent with the intent of that zoning, as well as the highest and best use for the building.

Page 3B:

The proposed amendment to MXE is not exactly consistent with other properties in the immediate area because the Veolia Waste Transfer Station maintains a decided industrial use. However, it is completely in keeping with the City’s latest form based zoning efforts and a good example of what MXE or “transitional manufacturing” was meant to address; namely the creative of adaptive reuse of building stock that has become obsolete for manufacturing or industrial use.

Page 3C:

The proposed amendment will not have any adverse effects on the value of adjacent properties. To the contrary, the properties in the immediate area have, heretofore, negatively affected the value of adjacent properties (see Veolia Waste Transfer Station). Our investing in the property to transform it from a dilapidated obsolete industrial property to a creative loft building has enhanced values. By giving it an appropriate zoning designation, we may be able to draw enough new businesses to address a persistent vacancy factor that hinders positive growth in the Church Dodge area.

Page 4D: The zoning change from I-2 to MXE will have no impact on public facilities and services. In fact, MXE generally has a smaller footprint with regard to public facilities and services than does I-2.
# Zoning Analysis

## Summary

**Case Number:** 12ZONA-0224  
**Case Status/Determination:** Non-Compliant

## Proposal:
- Proposed Map Amendment to designate I2 (Industrial) to MXE (Transitional Manufacturing).

## Site Information:

<table>
<thead>
<tr>
<th>Property Address</th>
<th>Zoning District</th>
<th>Overlay District</th>
<th>Preservation District</th>
</tr>
</thead>
<tbody>
<tr>
<td>1715 CHURCH ST</td>
<td>MXE</td>
<td>None</td>
<td>Not Within</td>
</tr>
</tbody>
</table>

**Applicant:** John Leinweber  
**Phone Number:** 84768024282

## Zoning Section

**Comments**

- **A MAP AMENDMENT APPROVED BY THE CITY COUNCIL TO DESIGNED THE SUBJECT PROPERTY FROM I2 (INDUSTRIAL) TO MXE (TRANSITIONAL MANUFACTURING) IS REQUIRED.**
- **6-13-4-6 (A)**  
  - A TEN FOOT (10') SETBACK IS REQUIRED FROM THE FRONT PROPERTY LINE. PROPOSED SETBACK = 0'
- **6-13-4-6 (B)**  
  - A TEN FOOT (10') SETBACK IS REQUIRED FROM THE STREET YARD (DARROW AVENUE) LOT LINE. PROPOSED SETBACK = 0'
- **6-13-4-6 (C)**  
  - A FIVE FOOT (5') BUILDING SETBACK IS REQUIRED FROM THE EAST PROPERTY LINE. PROPOSED SETBACK = 0'
- **6-13-4-6 (E)**  
  - A FIVE FOOT (5') SETBACK IS REQUIRED FROM THE REAR LOT LINE. PROPOSED SETBACK = 1.8'

**Signature**

[Signature]

**Date**

[Date]
# City of Evanston
## ZONING ANALYSIS REVIEW SHEET

**APPLICATION STATUS:** Closed/Non-compliant  
**November 15, 2012**  
**RESULTS OF ANALYSIS:** Non-Compliant

**Z.A. Number:** 12ZONA-0224  
**Address:** 1715 CHURCH ST  
**Applicant:** John Leinweber  
**Phone:** 8476024282  
**Purpose:** Zoning Analysis without Bld Permit App  
**District:** MXE  
**Overlay:** None  
**Preservation:** Not Within  
**Reviewer:** Martin Travis  
**District:**  

### THIS APPLICATION PROPOSES (select all that apply):  
- New Principal Structure  
- New Accessory Structure  
- Addition to Structure  
- Alteration to Structure  
- Retention of Structure  

- Change of Use  
- Retention of Use  
- Plat of Resubdiv./Consol.  
- Business License  
- Home Occupation  

- Sidewalk Cafe  
- Other

### ANALYSIS BASED ON:  
- Plans Dated: n/a  
- Prepared By: n/a  
- Survey Dated: not dated  
- Existing: office building  
- Improvements:

### Proposal Description:  
Proposed Map Amendment to designate I2 (Industrial) to MXE (Transitional Manufacturing).

## ZONING ANALYSIS

### PRINCIPAL USE AND STRUCTURE

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USE:</strong></td>
<td>Office</td>
<td>Office</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

**Comments:**

- Minimum Lot Width (LF)  
  - USE: Other  
  - 35  
  - 90.6  
  - same  
  - Compliant

**Comments:**

- Minimum Lot Area (SF)  
  - USE: Nonresidential  
  - 6,000 sqft  
  - 14541.7  
  - 14541.7  
  - No Change

**Comments:**

- Gross Floor Area (SF)  
  - Use:  
  - 1.5 or 21812.5 sqft  
  - 0.90  
  - 0.90  
  - Compliant

**Comments:**

- Height (FT)  
  - 3 stories, 41’  
  - 28  
  - same  
  - Compliant

**Comments:**

- Front Yard(1) (FT)  
  - Direction:  
  - Church St.  
  - 10  
  - 0.0  
  - 0.0  
  - Non-Compliant

**Comments:**

- Street Side Yard (FT)  
  - Direction:  
  - Darrow Ave.  
  - 10  
  - 0  
  - 0  
  - Non-Compliant

---

**LF:** Linear Feet  
**SF:** Square Feet  
**FT:** Feet  
**Page 1**
### Parking Requirements

<table>
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<tr>
<th>Use(1): Office (General)</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
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<tr>
<td></td>
<td>2 per 1,000 sqft gross floor area.</td>
<td>0 (NC)</td>
<td>0 (NC)</td>
<td>Legal Non-Conforming</td>
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**Comments:**

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<th>29 spaces req.</th>
<th>0 (NC)</th>
<th>0 (NC)</th>
<th>Legal Non-Conforming</th>
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</thead>
<tbody>
<tr>
<td>Standard</td>
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<td>Proposed</td>
<td>Determination</td>
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</table>

**Analysis Comments**

MAP AMENDMENT REQUIRED...VARIANCES FOR FRONT, STREET SIDE YARD, INTERIOR SIDE YARD, AND REAR YARD BUILDING SETBACKS REQUIRED

**RESULTS OF ANALYSIS**

Results of Analysis: This Application is **Non-Compliant**

Site Plan & Appearance Review Committee approval is: **Required**

See attached comments and/or notes.

[Signature]

11/15/2012
Address 1715 Church St
Evanston, IL 60201
View from Church Street.
Address **Church Street**

Address is approximate

View from intersection of Church and Darrow. Parked vehicles are on Darrow.
Strange Lofts: 1715 Church and 1703-11 Darrow

< Return to main Strange Lofts listings

NOW! Let us show you the stylish new live/work lofts at AMLI Evanston.
CALL 847-475-5120.
6-14-3. - I2 GENERAL INDUSTRIAL DISTRICT.

6-14-3-1. - PURPOSE STATEMENT.

The I2 general industrial district is intended to provide sites for light manufacturing and light industrial uses under controls that minimize any adverse effects on property in nearby residential, business, and commercial districts.

(Ord. 43-0-93)

6-14-3-2. - PERMITTED USES.

The following uses are permitted in the I2 district:

Automobile and recreational vehicle sales.
Automobile body repair establishment.
Automobile repair service establishment.
Automobile service station.
Commercial parking garage.
Commercial parking lot.
Funeral services excluding on site creation.
Government institution.
Industrial service establishment.
Light manufacturing.
Office.
Public transportation center.
Public utility.
Trade contractor.
Warehouse establishment.
Wholesale goods establishment.

(Ord. 87-0-03)

6-14-3-3. - SPECIAL USES.

The following uses may be allowed in the I2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Automobile storage lot.
Car wash.
Daycare Center—Domestic Animal.
Heavy cargo and freight terminal.
Heavy manufacturing.
Kennel.
Media broadcasting tower.
Open sales lot.

...

...
Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a
principal use).

Pharmaceutical manufacturing.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments,"
of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Recycling center.

Restaurant — type 1.

Restaurant — type 2.

Retail goods establishment.

Retail service establishment.

{Ord. 87-0-09; Ord. No. 67-0-11, § 12, 9-12-2011}

6-14-3-4. - LOT SIZE.

There is no minimum lot size requirement for the L2 district.

{Ord. 43-0-93}

6-14-3-5. - LOT WIDTH.

There is no minimum lot width requirements for the L2 district.

{Ord. 43-0-93}

6-14-3-6. - YARD REQUIREMENTS.

The minimum yard requirements for the L2 district are as follows:

(A) Front Yard: Building, none; parking permitted with appropriate landscaping, as determined by
the Site Plan and Appearance Review Committee.

(B) Side Yard Abutting A Street: Building, fifteen (15) feet; parking, permitted with appropriate
landscaping, as determined by the Site Plan and Appearance Review Committee.

(C) Interior Side Yard Abutting Nonresidential District: Building, eight (8) feet; parking, five (5) feet.

(D) Side And Rear Yard Abutting Residential District: Nonresidential land uses abutting or across a
street or alley from residential zoning districts shall be required to provide a minimum
transitional yard equal to ten percent (10%) of the average width of the lot (up to a maximum of
thirty (30) feet) or twenty (20) feet, whichever is greater. Such transitional buffer yards shall
extend the entire length of the abutting residential zoning district. Transitional buffer yard
widths may be reduced as provided for in Chapter 17, "Landscaping And Screening," of this
Title; parking, twenty (20) feet.

(E) Rear Yard Abutting Nonresidential District: Building, twenty (20) feet; parking, five (5) feet.

{Ord. 43-0-93}

6-14-3-7. - BUILDING HEIGHT:

The maximum building height in the L2 district is forty-five (45) feet or three (3) stories,
whichever is less.

{Ord. 43-0-93}
6-14-3-8. - FLOOR AREA RATIO.

The maximum floor area ratio in the I2 district is 1.0.

(Ord. 43-0-93)
6-13-4. - MXE MIXED USE EMPLOYMENT DISTRICT.

6-13-4-1. - PURPOSE STATEMENT.

The MXE mixed use employment district is intended to address those distinctive areas in Evanston where manufacturing and industrial uses have coexisted with residential uses in a manner in which neither have been affected adversely. The MXE district will incorporate uses currently located in the area while also permitting those uses normally associated with manufacturing and industrial operations.

The MXE district will also permit residential uses and shall provide for their continuance through the requirement of adequate, districtwide site controls designed to preserve the distinctive coexistence.
(Ord. 27-0-07)

6-13-4-2. - PERMITTED USES.

The following uses are permitted in the MXE district:

Artist studio.
Building materials establishment.
Caterer.
Dwelling — single-family attached.
Dwelling — single-family detached.
Dwelling — two-family.
Dwelling — multiple-family.
Educational institution — public.
Government institution.
Industrial service establishment.
Light manufacturing.
Office.
Public transportation center.
Public utility.
Residential care home — category I.
Residential care home — category II.
Retail goods establishment.
Retail services establishment.
Trade contractor.
Vehicle storage establishment.
Warehouse establishment.
Wholesale goods establishment.
(Ord. 27-0-07)

6-13-4-3. - SPECIAL USES.

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

Automobile repair service establishment.
Automobile service station.
Car wash.
Commercial indoor recreation.
Commercial outdoor recreation.
Commercial parking garage.
Commercial parking lot.
Community center.
Cultural facility.
Daycare center—Domestic animal.
Educational institution — private.
Funeral services excluding on site cremation.
Kennel.
Media broadcasting tower.
Planned development.
Recreation center.
Religious institution.
Resale establishment.
Transitional shelter.
Transitional treatment facility — category I.
Transitional treatment facility — category II.

(Ord. 27-0-07; amd. Ord. 122-0-08; Ord. No. 67-0-11, § 10, 9-12-2011)

6-13-4-4. - LOT SIZE.

The minimum lot size requirements for the MXE district are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Nonresidential</td>
<td>Six thousand (6,000) square feet</td>
</tr>
<tr>
<td>(B) Residential uses:</td>
<td></td>
</tr>
<tr>
<td>1. Single-family detached</td>
<td>Four thousand (4,000) square feet</td>
</tr>
<tr>
<td>2. Two-family and single-family attached</td>
<td>Two thousand (2,000) square feet per dwelling unit</td>
</tr>
<tr>
<td>3. Multiple-family</td>
<td>One thousand five hundred (1,500) square feet per dwelling unit</td>
</tr>
</tbody>
</table>

(Ord. 27-0-07)

6-13-4-5. - LOT WIDTH.

The minimum lot width requirement for the MXE district are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Nonresidential uses</td>
<td>Thirty-five (35) feet</td>
</tr>
</tbody>
</table>
(B) Residential uses:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-family detached</td>
<td>Thirty-five (35) feet</td>
</tr>
<tr>
<td>2. Single-family attached dwelling units; three (3) or more</td>
<td>Sixty (60) feet</td>
</tr>
<tr>
<td>3. Two-family</td>
<td>Thirty-five (35) feet</td>
</tr>
<tr>
<td>4. Multiple-family</td>
<td>Fifty (50) feet</td>
</tr>
</tbody>
</table>

(Ord. 95-0-09)

6-13-4-6. - YARD REQUIREMENTS.

The minimum yard requirements for the MXE district are as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Front yards</td>
<td>Ten (10) feet</td>
</tr>
<tr>
<td>(B) Side yard abutting a street</td>
<td>Ten (10) feet</td>
</tr>
<tr>
<td>(C) Interior side yard</td>
<td>Five (5) feet</td>
</tr>
<tr>
<td>(D) Rear yard when abutting or separated from a residential district by a street or alley</td>
<td>Fifteen (15) feet</td>
</tr>
<tr>
<td>(E) Rear yard when abutting or separated from a nonresidential district by a street or alley</td>
<td>Five (5) feet</td>
</tr>
</tbody>
</table>

(F) Parking location control:

1. Off street parking prohibited in any front or side yard abutting a street.
2. Off street parking allowed in interior side yard when set back a minimum of five (5) feet from the side property line.

(Ord. 27-0-07)

6-13-4-7. - BUILDING HEIGHT.

The maximum building height in the MXE district is forty-one (41) feet or three (3) stories, whichever is less.

(Ord. 27-0-07)

6-13-4-8. - FLOOR AREA RATIO.

The maximum floor area ratio permitted in the MXE district is 1.5.

(Ord. 27-0-07)
MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, February 20, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Jim Ford, Richard Shure, Patricia Ledesma, Stuart Opdycke, Seth Freeman, Dave Galloway

Members Absent: Kwesi Steele, Scott Peters

Staff Present: Melissa Klotz, Dennis Marino

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00pm.

2. MINUTES

Approval of November 28, 2012 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Opdycke motioned for approval of the November 28, 2012 meeting minutes. Commissioner Ford seconded the motion. A voice vote was taken and the minutes were approved.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A) MAP AMENDMENT TO THE ZONING ORDINANCE 13PLND-0010

John Leineweber, property owner, applies for consideration of the proposed map amendment, pursuant to City Code Title 6, Zoning, to rezone 1715 Church Street, 1703 Darrow Avenue, and 1711 Darrow Avenue, PIN 10-13-221-019 & 10-13-221-018 from the I2 General Industrial District to the MXE Mixed Use Employment District.

Zoning Planner Melissa Klotz presented the proposal and explained the implications of the proposed zoning change from I2 to MXE.

Commissioner Freeman asked if people can currently legally live at that property, and Ms. Klotz responded no, not according to the I2 District regulations.

Commissioner Freeman motioned for approval of the proposed map amendment. Commissioner Ford seconded the motion, which was approved 5-0.
B) MAP AMENDMENT TO THE ZONING ORDINANCE 13PLND-0011
John Leineweber, property owner, and the City of Evanston apply for consideration of the proposed map amendment, pursuant to City Code Title 6, Zoning, to rezone the following properties from the C2 Commercial District to the MXE Mixed Use Employment District:
- 2153 Ashland Avenue, PIN 10-12-416-006
- 2143 & 2145 Ashland Avenue, PIN 10-12-416-008
- 1523 Payne Street, PIN 10-12-416-009
- 1515 Payne Street, PIN 10-12-416-010
- 2150 Green Bay Road, PIN 10-12-416-016 & 10-12-416-017
- And 2156 Green Bay Road, PIN 10-12-416-011, 10-12-416-012, 10-12-416-018, 10-12-416-015

Ms. Klotz presented the proposal and explained the implications of the proposed zoning change from C2 to MXE.

Commissioner Freeman asked if all of the effected property owners have been notified, and Ms. Klotz explained that the two effected businesses were notified in person, but the two small vacant parcels’ owners had not yet been notified. All property owners effected as well as property owners within 500’ would receive mailed public notices prior to the Plan Commission public hearing, and public notice signs would be placed on each property.

Mr. Leineweber added that one of the property owners who currently owns one of the small vacant parcels previously submitted a building permit to the City for a live-work structure, but the plan was denied because residences are not allowed in the C2 District.

Commissioner Freeman asked what the drawbacks are to switching from the C2 District to the MXE District, and Ms. Klotz responded that more light industrial uses are allowed in the MXE District, but those light industrial uses are extremely compatible with commercial businesses and residences, so there really is no drawback.

Commissioner Opdycke motioned for approval of the map amendments. Commissioner Ford seconded the motion, which was approved 5-0.

Commissioner Galloway arrived.

5. DISCUSSION

6. ADJOURNMENT

Commissioner Opdycke motioned to adjourn. Commissioner Ford seconded the motion. The meeting adjourned at 7:25pm.
The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, March 6, 2013** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department
2153 Ashland Avenue, 2143 & 2145 Ashland Avenue, 1523 Payne Street, 1515 Payne Street, 2150 Green Bay Road, 2156 Green Bay Road

Map Amendment C2 to MXE

13PLND-0011
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Zoning and Planning Division
Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Map Amendment 37-O-13
2153 Ashland Avenue, 2143 & 2145 Ashland Avenue, 1523 Payne Street,
1515 Payne Street, 2150 Green Bay Road, 2156 Green Bay Road
13PLND-0011

Date: March 6, 2013

Recommendation
Following the February 20, 2013 Zoning Committee meeting, the Zoning Committee of the Plan Commission and staff recommend approval of Ordinance 37-O-13, a map amendment to rezone the properties commonly known as:

2153 Ashland Avenue, PIN 10-12-416-006
2143 & 2145 Ashland Avenue, PIN 10-12-416-008
1523 Payne Street, PIN 10-12-416-009
1515 Payne Street, PIN 10-12-416-010
2150 Green Bay Road, PIN 10-12-416-016 & 10-12-416-017
and 2156 Green Bay Road, PIN 10-12-416-011, 10-12-416-012, 10-12-416-018,
10-12-416-015

from the C2 Commercial District to the MXE Mixed Use Employment District. The proposed rezoning is consistent with the Comprehensive General Plan and the current land use of the property. Staff has discussed the proposed map amendment with the property owners that currently have business operations on the sites in question. One property owner expressed enthusiasm to the proposed zoning change, one was indifferent, and the last is applicant John Leineweber, who initiated the map amendment.

Site/Proposal Background
Property owner John Leineweber has applied for a map amendment to rezone 2153 Ashland Avenue from the C2 Commercial District to the MXE Mixed Use Employment District. John Leineweber’s property is located between Ashland Avenue and Green Bay Road, just north of the alley that parallels Payne Street. Following staff review of the requested rezoning, staff recommends a City-initiated map amendment to rezone the adjoining properties to the south, which are also currently zoned C2. The City-initiated properties are located between Ashland Avenue and Green Bay Road, just north of Payne Street up to the alley that parallels Payne Street. All of the proposed map amendment
properties are surrounded by the C2 Commercial District to the north, railroad tracks and then the R3 Two-Family Residential District to the east, and the MXE Mixed Use Employment District to the south and west. The proposed rezoning would link the aforementioned properties with the adjacent MXE District. The applicant requests 2153 Ashland Avenue be rezoned to the MXE Mixed Use Employment District to better fit the uses the site attracts, and City staff recommend the adjacent parcels’ rezoning to better fit the uses currently in place on the site and the general land use of the area. The applicant’s property features live-work units for residents who prefer loft-style living with on-site business or office spaces.

Property History
The properties in question were zoned commercial since at least the 1960s. Many of the properties, including the applicant’s, were never used as commercial properties and featured residences and light industrial uses. Eventually the properties to the west of Ashland Avenue were rezoned to MUE Transitional Manufacturing Employment District to better fit with the residential and industrial uses, however the properties in question east of Ashland Avenue were not rezoned and remained in the C2 Commercial District. At the time, some of the properties north of the alley featured commercial uses fronting Green Bay Road so the C2 zoning made sense for these properties.

The applicant renovated his property at 2153 Ashland Avenue in 2003, which was a legal non-conforming residence, and converted the property into live-work loft spaces. The live-work units feature residential areas on the west side of the property (the house structure) and commercial/office/light industrial spaces on the east side of the property (the warehouse-style structure). The residential portion of the property is currently considered legally nonconforming to the C2 District.

The City-initiated map amendment properties that are located between Payne Street and the alley all feature non-commercial uses – uses that are light industrial in nature and fit well with the intent of the MXE District.

Proposed Rezoning
The only property north of the alley that is proposed for the map amendment is the applicant’s property. All of the City-initiated properties to be rezoned are south of the alley. The other commercial and residential uses north of the alley will remain in the C2 District. The proposed zoning change is consistent with the goals and objectives of the Comprehensive General Plan, is a better fit for the neighborhood given the adjacent MXE uses, which include a mixture of light industrial, commercial, and residential. The MXE District provides more flexibility for potentially businesses to locate at the applicant’s property, and either continues or improves the use conformity for all of the City-initiated properties south of the alley. The current uses for each property in question are:

2153 Ashland Avenue – (owner John Leineweber) live-work lofts
2143 & 2145 Ashland Avenue, 1523 Payne Street – American Vintage Home, trade contractor and office uses (compliant in both the C2 and MXE Districts)
1515 Payne Street – vacant lot
2150 Green Bay Road – vacant lot
2156 Green Bay Road – All Fresh Food Products, food
Manufacturing and office uses (compliant in both the C2 and MXE Districts)

City staff has been in contact with representatives of American Vintage Home and All Fresh Food Products to explain the City-initiated map amendment, and both businesses have no objection to the zoning change. City staff has not been in contact with the owners of the vacant parcels at 1515 Payne Street and 2150 Green Bay Road. 1515 Payne Street, which has a lot width of 35’ and a total square footage of 5,000 square feet, is likely not large enough to support the economic feasibility of a commercial or industrial use. The vacant parcel may be more profitable with the proposed MXE zoning, which would allow a single family residence. 2150 Green Bay Road, which also has a lot width of 35’ but a total square footage of 2,762 square feet, is likely unbuildable in any zoning district. The property owners, as well as all property owners within 500’ of the parcels to be rezoned, were sent public notices of the proposed zoning changes. The properties in question have public notice signs posted on the properties as well.

Zoning Compliance
The proposed map amendment corrects one non-compliance – the FAR at 2153 Ashland Avenue. The amendment does create one new non-compliant setback – the rear yard setback for 2156 Green Bay Road, but the property owner has expressed support for the rezoning. The map amendment creates three non-compliant lot sizes, which is a negligible issue since the lots were platted long ago and will likely never need to change. As a comparison from the current C2 District to the proposed MXE District:

<table>
<thead>
<tr>
<th></th>
<th>C2</th>
<th>MXE</th>
<th>Current Site Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2153 Ashland Avenue</td>
<td>2143 &amp; 2145 Ashland, 1523 Payne</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>5’</td>
<td>10’</td>
<td>14.8’</td>
</tr>
<tr>
<td>Street Side Yard Setback</td>
<td>5’</td>
<td>10’</td>
<td>n/a</td>
</tr>
<tr>
<td>Interior Side Yard Setback</td>
<td>5’</td>
<td>5’</td>
<td>7’</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>0’</td>
<td>5’</td>
<td>5.1’</td>
</tr>
<tr>
<td>Height</td>
<td>45’</td>
<td>41’</td>
<td>&lt;41’ (2 stories)</td>
</tr>
<tr>
<td>Parking</td>
<td>depends on use</td>
<td>0 on-site</td>
<td>~ 16 spaces</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>1.0</td>
<td>1.5</td>
<td>1.2</td>
</tr>
<tr>
<td>Lot Size</td>
<td>None</td>
<td>6,000’</td>
<td>4,387.5’</td>
</tr>
</tbody>
</table>

*Current building locations/setbacks are approximated off of aerial views rather than current plats of survey for all properties other than 2153 Ashland Avenue. New non-compliances are shaded.*
Comprehensive Plan and Other Specifications
Some goals and objectives from the 2000 Comprehensive Plan that apply to this application include:

- Promote the growth and redevelopment of business, commercial, and industrial areas.
- Recognize the benefits of mixing residential, commercial, and institutional uses in neighborhoods.
- Housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price.
- Maintain a diverse range of business and commercial areas, all of which will be viable locations for business activity.

The proposed map amendment will encourage the success of the redeveloped mixed use concept of the live-work units, and should not have any impact on the existing trade contractor and food manufacturing uses.

Amendment Standards:
For the Zoning Committee to recommend approval of a map amendment, the Zoning Committee must find:

- 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.
- Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.
- Whether the proposed amendment will have an adverse impact on the value of adjacent properties.
- The adequacy of public facilities and services.

Attachments
Draft Ordinance 37-O-13
Map Amendment Application – submitted October 17, 2012
Zoning Analysis
Plat of Survey
Site Plans
Images of Properties
Aerial View of Property
Zoning Map of Property
I2 General Industrial District Zoning Regulations
MXE Mixed Use Employment Zoning Regulations
Zoning Committee of the Plan Commission Draft Meeting Minutes – February 20, 2013
3/6/2013

37-O-13

AN ORDINANCE

Amending the Zoning Map to Re-Zone Certain Properties
From the C2 District to the MXE 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 ordinances 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, which states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule units be given the broadest powers possible” (Scadron v. City of Des Plaines, 153 Ill.2d 164); 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 1979, as amended, (“the Zoning Ordinance”); and
WHEREAS, on March 13, 2013, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0011, to consider amendments to the Zoning Map, cited in Section 6-7-2 of the Zoning Ordinance, to place certain properties within the MXE Mixed Use Employment District; and

WHEREAS, the Plan Commission received testimony and made findings pursuant to Subsection 6-3-4-6 of the Zoning Ordinance and recommended City Council deny approval thereof; and

WHEREAS, at its meeting of April 1, 2013, the Planning and Development Committee of the City Council considered and reversed the findings and recommendation of the Plan Commission in case no. 13PLND-0011 and recommended City Council approval thereof; and

WHEREAS, at its meetings of April 1 and April 22, 2013, the City Council considered and adopted the record and recommendation of the Planning and Development 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: The City Council hereby amends the Zoning Map to remove those properties with the addresses and PINs listed in Exhibit A and identified in Exhibit B, both attached hereto and incorporated herein by reference, from the C2 Commercial District and place them within the MXE Mixed Use Employment District.

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:______________, 2013  Approved:__________________________, 2013
Adopted:______________, 2013 ________________________________

__________________________________________
Elizabeth B. Tisdahl, Mayor

Attest: ________________________________
Approved as to form:

__________________________________________
Rodney Greene, City Clerk  W. Grant Farrar, Corporation Counsel
## EXHIBIT A

**Addresses and PINs of Properties Removed from the C2 District and Placed Within the MXE Mixed Use Employment District**

<table>
<thead>
<tr>
<th>Address</th>
<th>PIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>2143-2145 Ashland Avenue</td>
<td>10-12-416-008-0000</td>
</tr>
<tr>
<td>2153 Ashland Avenue</td>
<td>10-12-416-006-0000</td>
</tr>
<tr>
<td>1515 Payne Street</td>
<td>10-12-416-010-0000</td>
</tr>
<tr>
<td>1523 Payne Street</td>
<td>10-12-416-009-0000</td>
</tr>
<tr>
<td>2150 Green Bay Road</td>
<td>10-12-416-016-0000</td>
</tr>
<tr>
<td>2156 Green Bay Road</td>
<td>10-12-416-011-0000</td>
</tr>
</tbody>
</table>
EXHIBIT B

Map of Properties Removed from the C2 District and Placed Within the MXE Mixed Use Employment District
Memorandum

To: Zoning Committee of the Plan Commission Members

From: Dennis Marino, Manager, Zoning and Planning Division
       Melissa Klotz, Zoning Planner

Subject: Map Amendment to the Zoning Ordinance
         2153 Ashland Avenue, 2143 & 2145 Ashland Avenue, 1523 Payne Street,
         1515 Payne Street, 2150 Green Bay Road, 2156 Green Bay Road
         13PLND-0011

Date: February 15, 2013

Recommendation
City staff recommends the Zoning Committee of the Plan Commission discuss and
recommend approval to the Plan Commission for a map amendment to rezone the
properties commonly known as:

2153 Ashland Avenue, PIN 10-12-416-006
2143 & 2145 Ashland Avenue, PIN 10-12-416-008
1523 Payne Street, PIN 10-12-416-009
1515 Payne Street, PIN 10-12-416-010
2150 Green Bay Road, PIN 10-12-416-016 & 10-12-416-017
and 2156 Green Bay Road, PIN 10-12-416-011, 10-12-416-012, 10-12-416-018,
      10-12-416-015

from the C2 Commercial District to the MXE Mixed Use Employment District. The
proposed rezoning is consistent with the Comprehensive General Plan and the current
land use of the property. Staff has discussed the proposed map amendment with the
property owners that currently have business operations on the sites in question. One
property owner expressed enthusiasm to the proposed zoning change, one was indifferent,
and the last is applicant John Leineweber, who initiated the map amendment.

Site/Proposal Background
Property owner John Leineweber has applied for a map amendment to rezone 2153
Ashland Avenue from the C2 Commercial District to the MXE Mixed Use Employment
District. John Leineweber’s property is located between Ashland Avenue and Green Bay
Road, just north of the alley that parallels Payne Street. Following staff review of the
requested rezoning, staff recommends a City-initiated map amendment to rezone the
adjoining properties to the south, which are also currently zoned C2. The City-initiated
properties are located between Ashland Avenue and Green Bay Road, just north of Payne
Street up to the alley that parallels Payne Street. All of the proposed map amendment
properties are surrounded by the C2 Commercial District to the north, railroad tracks and then the R3 Two-Family Residential District to the east, and the MXE Mixed Use Employment District to the south and west. The proposed rezoning would link the aforementioned properties with the adjacent MXE District. The applicant requests 2153 Ashland Avenue be rezoned to the MXE Mixed Use Employment District to better fit the uses the site attracts, and City staff recommend the adjacent parcels’ rezoning to better fit the uses currently in place on the site and the general land use of the area. The applicant’s property features live-work units for residents who prefer loft-style living with on-site business or office spaces.

**Property History**

The properties in question were zoned commercial since at least the 1960s. Many of the properties, including the applicant’s, were never used as commercial properties and featured residences and light industrial uses. Eventually the properties to the west of Ashland Avenue were rezoned to MUE Transitional Manufacturing Employment District to better fit with the residential and industrial uses, however the properties in question east of Ashland Avenue were not rezoned and remained in the C2 Commercial District. At the time, some of the properties north of the alley featured commercial uses fronting Green Bay Road so the C2 zoning made sense for these properties.

The applicant renovated his property at 2153 Ashland Avenue in 2003, which was a legal non-conforming residence, and converted the property into live-work loft spaces. The live-work units feature residential areas on the west side of the property (the house structure) and commercial/office/light industrial spaces on the east side of the property (the warehouse-style structure). The residential portion of the property is currently considered legally nonconforming to the C2 District.

The City-initiated map amendment properties that are located between Payne Street and the alley all feature non-commercial uses – uses that are light industrial in nature and fit well with the intent of the MXE District.

**Proposed Rezoning**

The only property north of the alley that is proposed for the map amendment is the applicant’s property. All of the City-initiated properties to be rezoned are south of the alley. The other commercial and residential uses north of the alley will remain in the C2 District. The proposed zoning change is consistent with the goals and objectives of the Comprehensive General Plan, is a better fit for the neighborhood given the adjacent MXE uses, which include a mixture of light industrial, commercial, and residential. The MXE District provides more flexibility for potentially businesses to locate at the applicant’s property, and either continues or improves the use conformity for all of the City-initiated properties south of the alley. The current uses for each property in question are:

2153 Ashland Avenue – (owner John Leineweber) live-work lofts
2143 & 2145 Ashland Avenue, 1523 Payne Street – American Vintage Home, trade contractor and office uses (compliant in both the C2 and MXE Districts)
1515 Payne Street – vacant lot
2150 Green Bay Road – vacant lot
2156 Green Bay Road – *All Fresh Food Products*, food
Manufacturing and office uses (compliant in both the C2 and MXE Districts)

City staff has been in contact with representatives of *American Vintage Home* and *All Fresh Food Products* to explain the City-initiated map amendment, and both businesses have no objection to the zoning change. City staff has not been in contact with the owners of the vacant parcels at 1515 Payne Street and 2150 Green Bay Road. 1515 Payne Street, which has a lot width of 35' and a total square footage of 5,000 square feet, is likely not large enough to support the economic feasibility of a commercial or industrial use. The vacant parcel may be more profitable with the proposed MXE zoning, which would allow a single family residence. 2150 Green Bay Road, which also has a lot width of 35' but a total square footage of 2,762 square feet, is likely unbuildable in any zoning district. All property owners, as well as all property owners within 500' of the parcels to be rezoned, will receive proper public notice of the proposed zoning changes prior to the public hearing with the Plan Commission and will have public notice signs posted on the properties.

**Zoning Compliance**

The proposed map amendment corrects one non-compliance – the FAR at 2153 Ashland Avenue. The amendment does create one new non-compliant setback – the rear yard setback for 2156 Green Bay Road, but the property owner has expressed support for the rezoning. The map amendment creates three non-compliant lot sizes, which is a negligible issue since the lots were platted long ago and will likely never need to change. As a comparison from the current C2 District to the proposed MXE District:

<table>
<thead>
<tr>
<th></th>
<th>C2</th>
<th>MXE</th>
<th>2153 Ashland Avenue</th>
<th>2143 &amp; 2145 Ashland, 1523 Payne</th>
<th>1515 Payne Street</th>
<th>2156 Green Bay Road</th>
<th>2150 Green Bay Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>5'</td>
<td>10'</td>
<td>14.8'</td>
<td>0'</td>
<td>-</td>
<td>0'</td>
<td>-</td>
</tr>
<tr>
<td>Street Side Yard Setback</td>
<td>5'</td>
<td>10'</td>
<td>n/a</td>
<td>0'</td>
<td>-</td>
<td>0'</td>
<td>-</td>
</tr>
<tr>
<td>Interior Side Yard Setback</td>
<td>5'</td>
<td>5'</td>
<td>7'</td>
<td>2'</td>
<td>-</td>
<td>6'</td>
<td>-</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>0'</td>
<td>5'</td>
<td>5.1'</td>
<td>45'</td>
<td>-</td>
<td>3'</td>
<td>-</td>
</tr>
<tr>
<td>Height</td>
<td>45'</td>
<td>41'</td>
<td>&lt;41' (2 stories)</td>
<td>&lt;41' (1 story)</td>
<td>-</td>
<td>&lt;41' (2 stories)</td>
<td>-</td>
</tr>
<tr>
<td>Parking</td>
<td>depends on use</td>
<td>0 on-site</td>
<td>~ 16 spaces</td>
<td>-</td>
<td>~ 8 spaces</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>1.0</td>
<td>1.5</td>
<td>1.2</td>
<td>.46</td>
<td>-</td>
<td>.69</td>
<td>-</td>
</tr>
<tr>
<td>Lot Size</td>
<td>None</td>
<td>6,000'</td>
<td>4,387.5'</td>
<td>14,500'</td>
<td>5,075'</td>
<td>16,841'</td>
<td>2762'</td>
</tr>
</tbody>
</table>

*Current building locations/setbacks are approximated off of aerial views rather than current plats of survey for all properties other than 2153 Ashland Avenue. New non-compliances are shaded.*
Comprehensive Plan and Other Specifications
Some goals and objectives from the 2000 Comprehensive Plan that apply to this application include:

- Promote the growth and redevelopment of business, commercial, and industrial areas.
- Recognize the benefits of mixing residential, commercial, and institutional uses in neighborhoods.
- Housing stock should continue to offer buyers and renters a desirable range of choice in terms of style and price.
- Maintain a diverse range of business and commercial areas, all of which will be viable locations for business activity.

The proposed map amendment will encourage the success of the redeveloped mixed use concept of the live-work units, and should not have any impact on the existing trade contractor and food manufacturing uses.

Amendment Standards:
For the Zoning Committee to recommend approval of a map amendment, the Zoning Committee must find:

a) 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.

b) Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.

c) Whether the proposed amendment will have an adverse impact on the value of adjacent properties.

d) The adequacy of public facilities and services.

Attachments
Map Amendment Application – submitted October 17, 2012
Zoning Analysis
Plat of Survey
Site Plans
Images of Properties
Aerial View of Property
Zoning Map of Property
I2 General Industrial District Zoning Regulations
MXE Mixed Use Employment Zoning Regulations
1. PROPOSAL DESCRIPTION:
(A) Applicant’s name:  
John Leineweber & Mary McAuley

(B) I am filing this application in relationship to the property at this address or location (if no address):
2153 Ashland Ave  Evanston  Zip: 60201

(C) The current zoning designation of this property is: C2

(D) I am requesting that the City change the zoning designation of this property to: MXE

Please, describe the development proposal or other reason that occasions this application for a map amendment.

________________________________________________________

PLEASE SEE ATTACHED
2. Standards for Amendments: The Zoning Ordinance states that the “amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy.” (§6-3-4-1) The Ordinance establishes standards that “the City Council should … consider, among other factors.” (§6-3-4-5) Please, explain how your proposed amendment relates to or satisfies each of the following standards.

(A) Is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council? (Copies of the 2000 Plan are available from the Zoning Division or the Planning Division of the Community Development Department.)

Please see attached
(B) Is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property, if so, how so?

____________________________________________________

PLEASE SEE ATTACHED

____________________________________________________

(C) Will the proposed amendment have an adverse effect on the value of adjacent properties, if not, how not?

____________________________________________________

PLEASE SEE ATTACHED

____________________________________________________
(D) Are public facilities and services adequate to serve the effects the proposed amendment may have, if so how so?


PLEASE SEE ATTACHED


I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.

Mary J. McRae
10/15/12
Applicant's signature

Date

Applicant's signature

Date

Applicant's signature

Date

\CIVIC_FS_1\ZONING\FORMS\Amendments\MapAmendApp.doc
11/01/01
Page 4 of 4 Map Amendment Application
City of Evanston,  
Department of Community and Economic Development  
Zoning and Planning  

10/15/12  

RE: Leineweber-McAuley Application for a Map Amendment to Rezone 2153 Ashland Ave  
60201  

Page 1D  

We are requesting a Map Amendment to have 2153 Ashland rezoned from C-2 to MXE for the following reasons:  

1. Historically, the property has been a legal non-conforming residential property since the area was zoned C-2. It was never utilized commercially.  
2. When we renovated the property in 2003, we did so as a continuation of our work immediately across the street at 2144 and 2142 Ashland Avenue. At the time those were zoned MUE, since folded into the MXE zoning designation. The intent was always to maintain residential property but to expand it to include live/work opportunity in hopes of growing the emerging Arts District west of Green Bay Road. In fact, the use has remained consistent with the other developments to include a mix of live/work occupants.  
3. When we began the renovation, the taxes on the parcel were $2,705. Of course, we expected that our improvement would result in increased value and a concurrent increase in taxes. However, the jump in 2005 (2nd installment of 2004 taxes) was 1215% to $26,789. We had to pay a few thousand more to a law firm to contest the taxes (as we cannot represent ourselves since the property is held in an LLC, even though we are the only two members of the LLC) and in 2005 they were reduced to $14,955 on the basis that part of the property was live/work and part of the property was commercial; half of it is classified 2-12 and half classified 5-92. This odd interpretation has resulted in yearly increases and legal expenses to contest. The taxes for 2011 (paid in 2012), for a small live/work property were $20,576, which is over 25% of the gross scheduled income. The result of this crushing tax burden is to put the property in default on its loan covenants because it cannot cover its debt burden. Small businesses locating to the West side of Evanston, our target market for the Arts District, cannot pay the rents to cover a $4.20/SF tax liability. The parcel should be classified entirely as 2-12, a mixed use property, but the C-2 zoning gives the County Tax Assessor cause to maintain that the property is used for “commercial or retail”.  

Page 2A  

Map 2 in Comprehensive General Plan the City adopted in 2000 shows the pocket just west of Green Bay Road as MUE district, while the corridor on Green Bay Rd is shown as marked for
future commercial development. Further, the goals articulated in the opening to Chapter 2, “Neighborhoods” gives theses stated objectives:

1. Preserve neighborhood character while supporting redevelopment efforts that add to neighborhood desirability.
2. Encourage creative adaptive reuse of properties available for redevelopment using zoning standards and the Site Plan and Appearance Review process to protect historic character.
3. Encourage new developments to complement existing street and sidewalk patterns.
4. Encourage the preservation and creation of neighborhood open and green space.

This is exactly what we have attempted to do as we did on the west side of Ashland. The redevelopment and use of the property is consistent with the City’s plan and with the vision articulated in the West Side studies conducted subsequent to the adoption of the Comprehensive Plan in 2000. We are asking for zoning designation that is consistent with the neighborhood, the particular, and historic, use of the property and others of similar type in the area.

Page 3B:

The proposed amendment of this parcel from C-2 to MXE is precisely consistent with other properties of its type in the immediate vicinity.

Page 3C:

The proposed amendment will not have any adverse effects on the value of adjacent properties because this property has been completely renovated, from a legal non-conforming residence (since its original construction in the 1920s) to a live/work property just like those across the street. The adjacent properties have always been more industrial; the one to the south (American Vintage Home Heating) was renovated in 2006 and the three parcels to the north, which are suitable targets of future commercial renovation, have appreciated as a consequence of our investment. This would be consistent with the City’s comprehensive plan going forward, which favors mixed use with a commercial component along Green Bay Road. Our property does not stretch to Green Bay Rd like the three parcels to the north. Rather it is an infill parcel locked onto Ashland Avenue that fits more into the designated MUE/MXE district.

Page 4D: Public facilities and services are currently serving the mixed use properties in the MUE (MXE) district as anticipated. In fact, the adaptive reuse of these parcels have decreased the burden on public facilities and services by maintaining a smaller footprint in transitional manufacturing zones, while integrating well with the City’s comprehensive plan to allow for a commercial corridor on Green Bay Road.
Zoning Analysis

Summary

Case Number: 12ZONA-0222
Case Status/Determination: Non-Compliant

Proposal:
Proposed Map Amendment that will change C2 (Commercial) District to MXE (Transitional Manufacturing) District.

Site Information:

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>2153 ASHLAND AVE</th>
<th>Zoning District:</th>
<th>MXE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlay District:</td>
<td>None</td>
<td>Preservation District:</td>
<td>Not Within</td>
</tr>
</tbody>
</table>

Applicant: Leineweber Investments

Phone Number: 8476024282

Zoning Section Comments

A CITY COUNCIL APPROVED MAP AMENDMENT CHANGING THE SUBJECT PROPERTY FROM C2 (COMMERCIAL) TO MXE (TRANSITIONAL MANUFACTURING) IS REQUIRED

6-13-4-4-A Minimum required lot size for non-residential uses is 6,000 sq ft
Proposed existing lot size is 4,387.5 sq ft

6-16-3-5 1.5 parking spaces per dwelling unit required = 3 required parking spaces for dwellings
2 parking spaces per 1,000 sq ft of office use required = 2 required parking spaces
Proposed existing on site parking = 0 spaces where a total of 5 is required

Recommendation(s): Click on the link(s) below to access online application(s)
City of Evanston  
ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: Closed/Non-compliant  November 14, 2012  RESULTS OF ANALYSIS: Non-Compliant

Z.A. Number: 12ZONA-0222  Purpose: Zoning Analysis without Bld Permit App
Address: 2153 ASHLAND AVE  District: MXE
Applicant: Leineweber Investments  Overlay: None
Phone: 8476024282  Preservation: Not Within

THIS APPLICATION PROPOSES (select all that apply):
- New Principal Structure: Change of Use
- New Accessory Structure: Retention of Use
- Addition to Structure: Plat of Resubdiv./Consol.
- Alteration to Structure: Business License
- Retention of Structure: Home Occupation

Proposed Description:
Proposed Map Amendment that will change C2 (Commercial) District to MXE (Transitional Manufacturing) District.

ANALYSIS BASED ON:
- Plans Dated: n/a
- Prepared By: n/a
- Survey Dated: 04/05/2001
- Existing Improvements: single family residence

ZONING ANALYSIS

PRINCIPAL USE AND STRUCTURE

<table>
<thead>
<tr>
<th></th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>USE: Mixed Use</td>
<td>Mixed Use</td>
<td>Mixed Use</td>
<td>Compliant</td>
<td></td>
</tr>
</tbody>
</table>

Comments:

Minimum Lot Width (LF)
- USE: Single Family Detached
- 35 45 45 Compliant

Minimum Lot Area (SF)
- USE: Nonresidential
- 6,000 sqft 4387.5 4387.5 No Change

Comments:

Dwelling Units:
- per Ord. 2 2 No Change

Gross Floor Area (SF)
- 1.5 or 6581.25 sqft 5186.8 5186.8 Compliant
- Use: 1.2 1.2

Height (FT)
- 41 or 3 stories 2 stories same Compliant

Front Yard(1) (FT)
- 10 14.8 same Compliant

Interterior Side Yard(1) (FT)
- 5 7 7 Compliant

Comments:
<table>
<thead>
<tr>
<th><strong>Interior Side Yard(2) (FT)</strong></th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th><strong>Determination</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Direction: S</td>
<td>5</td>
<td>5.2</td>
<td>5.2</td>
<td>Compliant</td>
</tr>
<tr>
<td><strong>Comments:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| **Rear Yard (FT)**       | 5        | 5.1      | 5.1      | Compliant         |
| **Directions:**          |          |          |          |                   |
| **Comments:**            |          |          |          |                   |

| **Permitted Districts:** | None | None |          |                   |
| **Comments:**           |       |      |          |                   |

| **Permitted Required Yard:** |          |       |          |                   |
| **Comments:**               |          |      |          |                   |

| **Additional Standards:**  |          |       |          |                   |
| **Comments:**              |          |      |          |                   |

| **Height (FT):**       | Flat or mansard roof 14.5', ot |          |          |                   |
| **Comments:**           |          |      |          |                   |

| **Distance from Principal Building:** | 10.00' |          |          |                   |
| **Comments:** |          |      |          |                   |

| **Front Yard(1A) (FT)** |          |       |          |                   |
| **Directions:**         |          |      |          |                   |
| **Street:**             |          |      |          |                   |
| **Comments:**           |          |      |          |                   |

| **Front Yard(1B) (FT)** |          |       |          |                   |
| **Directions:**         |          |      |          |                   |
| **Street:**             |          |      |          |                   |
| **Comments:**           |          |      |          |                   |

| **Street Side Yard (FT)** |          |       |          |                   |
| **Directions:**           |          |      |          |                   |
| **Street:**               |          |      |          |                   |
| **Comments:**             |          |      |          |                   |

| **Interior Side Yard(1A) (FT)** |          |       |          |                   |
| **Directions: N** |          |      |          |                   |
| **Comments:** |          |      |          |                   |

### PARKING REQUIREMENTS

<table>
<thead>
<tr>
<th><strong>Use(1): Two-family</strong></th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th><strong>Determination</strong></th>
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</thead>
<tbody>
<tr>
<td>1.5 per dwelling unit.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Legal Non-Conforming</td>
</tr>
</tbody>
</table>

| **Comments:** |          |      |          |                   |

<table>
<thead>
<tr>
<th><strong>Use(2): Office (General)</strong></th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th><strong>Determination</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>2 per 1,000 sqft gross floor area</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Legal Non-Conforming</td>
</tr>
</tbody>
</table>

| **Comments:** |          |      |          |                   |

<table>
<thead>
<tr>
<th><strong>TOTAL REQUIRED:</strong></th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th><strong>Determination</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Legal Non-Conforming</td>
</tr>
</tbody>
</table>

| **Comments:** |          |      |          |                   |

**LF: Linear Feet SF: Square Feet FT: Feet**
<table>
<thead>
<tr>
<th>Access:</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sec. 6-16-2-2</td>
<td>alley</td>
<td>alley</td>
<td>Compliant</td>
</tr>
</tbody>
</table>

Angle(1): 90 Degree

Analysis Comments
noncompliant lot size for MXE district, noncompliant parking requirement - no on site parking, MAP AMENDMENT REQUIRED.

RESULTS OF ANALYSIS

Results of Analysis: This Application is Non-Compliant
Site Plan & Appearance Review Committee approval is: Required
See attached comments and/or notes.

Melissa Klot       6/29/12
SIGNATURE DATE
PLAT OF SURVEY

B.H. SUHR & COMPANY, INC.

Established in 1911
840 Custer Avenue, Evanston, Illinois 60202

Telephone (847) 864-6315
www.bhsuhr.com / E-mail: Surveyor@bhsuhr.com

The West 100 Feet of Lot 5 in Block 4 in Evanston Centre Addition, in Cook County, Illinois, according to map recorded September 12, 1874, as document 190209, in Book 8, of Plats, Page 99, in Cook County, Illinois. Commonly known as: 2153 Ashland Avenue, Evanston, Illinois.

This plat does not include the 2-story office addition on the east half of the property. See site plan.

\[
\begin{align*}
1 & \times 35.7 = 35.7 \\
2 & \times 11.3 = 40.6 \\
3 & \times 19.3 = 55.0 \\
4 & \times 9.4 = 88.3 \\
\end{align*}
\]
Non-compliance: lot size 6,000 req. non-residential parking
1. TWO STORY HOUSE W/ WIDE OPEN LIVING/WORK SPACES, PVT OFFICE/BDRM, 2 FULL BATHS, 2 DECKS, INCREDIBLE KITCHEN, 2200 SF @ $2,500
2. SUNNY GARDEN SPACE OF 1100 SF, FULL KIT. & BATH W/ PVT OFFICE/BDRM, EXPOSED BRICK & GORGEOUS SLATE FLOORING, $1,200/MONTH
3. INCREDIBLE "FAUX WAREHOUSE" WITH 2 STORIES, EACH 1000 SF OPEN SUNNY SPACE, MOSAIC TILES & HDWD FLOORS, 2 BATHS, NEW KIT. $2,300

RENT FOR 10/1 AND RECEIVE ½ MO. DISCOUNT

RENEW MANAGEMENT 847-475-5120
Address **2200 Ashland Avenue**

Address is approximate

2153 Ashland Avenue (John Leineweber's live-work units)
Address 2136 Ashland Avenue
Address is approximate
2143 & 2145 Ashland Avenue, 1523 Payne Street (American Home Vintage)
Address **Payne Street**

Address is approximate

1515 Payne Street (vacant lot)
Address Payne Street

Address is approximate

2156 Green Bay Road (All Fresh Food Products)
Address **Green Bay Road**

Address is approximate

2150 Green Bay Road (vacant - under tree between chain fence and brick wall)
6-10-4. - C2 COMMERCIAL DISTRICT.

6-10-4-1. - PURPOSE STATEMENT.

The C2 commercial district is intended to provide suitable locations for general business and commercial activities including automobile and recreational vehicle sales and services and other similar establishments that, due to their inherent nature, may create substantial negative impacts when located close to residential areas.

(Ord. 43-0-93)

6-10-4-2. - PERMITTED USES.

The following uses are permitted in the C2 district:

Automobile and recreational vehicle sales.
Automobile repair service establishment.
Automobile service station.
Caterer.
Commercial indoor recreation.
Commercial outdoor recreation.
Commercial shopping center.
Cultural facility.
Educational institution—Private.
Educational institution—Public.
Financial institution.
Food store establishment.
Funeral services excluding on-site cremation.
Government institution.
Office.
Public utility.
Recording studio.
Religious institution.
Restaurant—Type 1.
Retail goods establishment.
Retail services establishment.
Trade contractor (when having no outside storage).
Wholesale goods establishment.

(Ord. 43-0-93; emd. Ord. 39-0-95; Ord. 58-0-02)

6-10-4-3. - SPECIAL USES.

The following uses may be allowed in the C2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:
Animal hospital.
Automobile body repair establishment.
Car wash.
Commercial parking garage.
Commercial parking lot.
Convenience store.
Daycare center—Domestic animal.
Drive-through facility (accessory or principal).
Hotel.
Kennel.
Media broadcasting station.
Membership organization.
Micro-Distillery.
Open sales lot.
Planned development (subject to the requirements of Section 6-10-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).
Resale establishment.
Restaurant—Type 2.

(Ord. 43-0-93; amd. Ord. 39-0-95; Ord. 114-0-02; Ord. 122-0-09; Ord. No. 71-0-10, § 9, 10-25-10; Ord. No. 67-0-11, §
8, 9-12-2011)

6-10-4. - LOT SIZE.

There is no minimum lot size requirements for the C2 district.

(Ord. 43-0-93)

6-10-4.5. - LOT WIDTH.

There is no minimum lot width in the C2 district.

(Ord. 43-0-93)

6-10-4.6. - FLOOR AREA RADIO.

The maximum floor area ratio in the C2 district is 1.0.

(Ord. 43-0-93)

6-10-4.7. - YARD REQUIREMENTS.

The minimum yard requirements for the C2 district are as follows:

RESIDENTIAL AND NONRESIDENTIAL STRUCTURES

<table>
<thead>
<tr>
<th>Area</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Front yard</td>
<td>Building and parking, five (5) feet</td>
</tr>
<tr>
<td>(B) Side yard abutting a street</td>
<td>Building and parking, five (5) feet</td>
</tr>
<tr>
<td>(C) Side yard when abutting residential district</td>
<td>Building, fifteen (15) feet; parking, ten (10) feet</td>
</tr>
<tr>
<td>(D) Rear yard when abutting residential district</td>
<td>Building, fifteen (15) feet; parking, ten (10) feet</td>
</tr>
</tbody>
</table>
6-10-4-8. - BUILDING HEIGHT.

The maximum building height in the C2 district is forty-five (45) feet.

(Ord. 43-0-93)
6-13-4. - MXE MIXED USE EMPLOYMENT DISTRICT.

6-13-4-1. - PURPOSE STATEMENT.

The MXE mixed use employment district is intended to address those distinctive areas in Evanston where manufacturing and industrial uses have coexisted with residential uses in a manner in which neither have been affected adversely. The MXE district will incorporate uses currently located in the area while also permitting those uses normally associated with manufacturing and industrial operations.

The MXE district will also permit residential uses and shall provide for their continuance through the requirement of adequate, districtwide site controls designed to preserve the distinctive coexistence.

(Ord. 27-0-07)

6-13-4-2. - PERMITTED USES.

The following uses are permitted in the MXE district:

- Artist studio.
- Building materials establishment.
- Caterer.
- Dwelling — single-family attached.
- Dwelling — single-family detached.
- Dwelling — two-family.
- Dwelling — multiple-family.
- Educational institution — public.
- Government institution.
- Industrial service establishment.
- Light manufacturing.
- Office.
- Public transportation center.
- Public utility.
- Residential care home — category I.
- Residential care home — category II.
- Retail goods establishment.
- Retail services establishment.
- Trade contractor.
- Vehicle storage establishment.
- Warehouse establishment.

(Ord. 27-0-07)

6-13-4-3. - SPECIAL USES.

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

Automobile repair service establishment.
Automobile service station.
Car wash.
Commercial indoor recreation.
Commercial outdoor recreation.
Commercial parking garage.
Commercial parking lot.
Community center.
Cultural facility.
Daycare center—Domestic animal.
Educational institution — private.
Funeral services excluding on site cremation.
Kennel.
Media broadcasting tower.
Planned development.
Recreation center.
Religious institution.
Resale establishment.
Transitional shelter.
Transitional treatment facility — category I.
Transitional treatment facility — category II.
(Ord. 27-0-07; amd. Ord. 122-0-09; Ord. No. 67-O-11, § 10, 9-12-2011)

6-13-4-4. - LOT SIZE.

The minimum lot size requirements for the MXE district are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Size</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Nonresidential</td>
<td>Six thousand (6,000) square feet</td>
</tr>
<tr>
<td>(B) Residential uses:</td>
<td></td>
</tr>
<tr>
<td>1. Single-family detached</td>
<td>Four thousand (4,000) square feet</td>
</tr>
<tr>
<td>2. Two-family and single-family attached</td>
<td>Two thousand (2,000) square feet per dwelling unit</td>
</tr>
<tr>
<td>3. Multiple-family</td>
<td>One thousand five hundred (1,500) square feet per dwelling unit</td>
</tr>
</tbody>
</table>

(Ord. 27-0-07)

6-13-4-5. - LOT WIDTH.

The minimum lot width requirement for the MXE district are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Nonresidential uses</td>
<td>Thirty-five (35) feet</td>
</tr>
</tbody>
</table>
Residential uses:

<table>
<thead>
<tr>
<th>(B)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-family detached</td>
<td>Thirty-five (35) feet</td>
</tr>
<tr>
<td>2. Single-family attached dwelling units; three (3) or more</td>
<td>Sixty (60) feet</td>
</tr>
<tr>
<td>3. Two-family</td>
<td>Thirty-five (35) feet</td>
</tr>
<tr>
<td>4. Multiple-family</td>
<td>Fifty (50) feet</td>
</tr>
</tbody>
</table>

(Ord. 95-0-06)

6-13-4-6. - YARD REQUIREMENTS.

The minimum yard requirements for the MXE district are as follows:

<table>
<thead>
<tr>
<th>(A)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yards</td>
<td>Ten (10) feet</td>
</tr>
<tr>
<td>(B)</td>
<td></td>
</tr>
<tr>
<td>Side yard abutting a street</td>
<td>Ten (10) feet</td>
</tr>
<tr>
<td>(C)</td>
<td></td>
</tr>
<tr>
<td>Interior side yard</td>
<td>Five (5) feet</td>
</tr>
<tr>
<td>(D)</td>
<td></td>
</tr>
<tr>
<td>Rear yard when abutting or separated from a residential district by a street or alley</td>
<td>Fifteen (15) feet</td>
</tr>
<tr>
<td>(E)</td>
<td></td>
</tr>
<tr>
<td>Rear yard when abutting or separated from a nonresidential district by a street or alley</td>
<td>Five (5) feet</td>
</tr>
</tbody>
</table>

(F) Parking location control:

1. Off street parking prohibited in any front or side yard abutting a street.
2. Off street parking allowed in interior side yard when set back a minimum of five (5) feet from the side property line.

(Ord. 27-0-07)

6-13-4-7. - BUILDING HEIGHT.

The maximum building height in the MXE district is forty-one (41) feet or three (3) stories, whichever is less.

(Ord. 27-0-07)

6-13-4-8. - FLOOR AREA RATIO.

The maximum floor area ratio permitted in the MXE district is 1.5.

(Ord. 27-0-07)
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, February 20, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Jim Ford, Richard Shure, Patricia Ledesma, Stuart Opdycke, Seth Freeman, Dave Galloway

Members Absent: Kwesi Steele, Scott Peters

Staff Present: Melissa Klotz, Dennis Marino

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00pm.

2. MINUTES

Approval of November 28, 2012 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Opdycke motioned for approval of the November 28, 2012 meeting minutes. Commissioner Ford seconded the motion. A voice vote was taken and the minutes were approved.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A) MAP AMENDMENT TO THE ZONING ORDINANCE 13PLND-0010

John Leineweber, property owner, applies for consideration of the proposed map amendment, pursuant to City Code Title 6, Zoning, to rezone 1715 Church Street, 1703 Darrow Avenue, and 1711 Darrow Avenue, PIN 10-13-221-019 & 10-13-221-018 from the I2 General Industrial District to the MXE Mixed Use Employment District.

Zoning Planner Melissa Klotz presented the proposal and explained the implications of the proposed zoning change from I2 to MXE.

Commissioner Freeman asked if people can currently legally live at that property, and Ms. Klotz responded no, not according to the I2 District regulations.

Commissioner Freeman motioned for approval of the proposed map amendment. Commissioner Ford seconded the motion, which was approved 5-0.
B) MAP AMENDMENT TO THE ZONING ORDINANCE 13PLND-0011

John Leineweber, property owner, and the City of Evanston apply for consideration of the proposed map amendment, pursuant to City Code Title 6, Zoning, to rezone the following properties from the C2 Commercial District to the MXE Mixed Use Employment District:

2153 Ashland Avenue, PIN 10-12-416-006
2143 & 2145 Ashland Avenue, PIN 10-12-416-008
1523 Payne Street, PIN 10-12-416-009
1515 Payne Street, PIN 10-12-416-010
2150 Green Bay Road, PIN 10-12-416-016 & 10-12-416-017
And 2156 Green Bay Road, PIN 10-12-416-011, 10-12-416-012, 10-12-416-018, 10-12-416-015

Ms. Klotz presented the proposal and explained the implications of the proposed zoning change from C2 to MXE.

Commissioner Freeman asked if all of the effected property owners have been notified, and Ms. Klotz explained that the two effected businesses were notified in person, but the two small vacant parcels’ owners had not yet been notified. All property owners effected as well as property owners within 500’ would receive mailed public notices prior to the Plan Commission public hearing, and public notice signs would be placed on each property.

Mr. Leineweber added that one of the property owners who currently owns one of the small vacant parcels previously submitted a building permit to the City for a live-work structure, but the plan was denied because residences are not allowed in the C2 District.

Commissioner Freeman asked what the drawbacks are to switching from the C2 District to the MXE District, and Ms. Klotz responded that more light industrial uses are allowed in the MXE District, but those light industrial uses are extremely compatible with commercial businesses and residences, so there really is no drawback.

Commissioner Opdycke motioned for approval of the map amendments. Commissioner Ford seconded the motion, which was approved 5-0.

Commissioner Galloway arrived.

5. DISCUSSION

6. ADJOURNMENT

Commissioner Opdycke motioned to adjourn. Commissioner Ford seconded the motion. The meeting adjourned at 7:25pm.
The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, March 6, 2013** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department
Micro-Distilleries

13PLND-0014
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning & Zoning Division
       Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Text Amendment 38-O-13 to Increase the Allowed Production Limit for Micro-Distilleries, 13PLND-0014

Date: March 6, 2013

Proposal Overview
City staff recommends approval of Ordinance 38-O-13 amending the Zoning Ordinance to increase the allowed production limit for Micro-Distilleries from 5,000 gallons per year to 35,000 gallons per year. This amendment would bring the Zoning Ordinance regulation into agreement with City's liquor license classification, which was amended to allow the 35,000 gallon yearly limit by Ordinance 17-O-13, adopted February 11, 2013. The liquor license amendment was spurred by a production limit increase the State of Illinois is currently considering.

Summary
The State of Illinois is currently reviewing changes to state law regarding craft distiller manufacturer's licenses including the amount of alcohol individual craft distillers may lawfully produce and store on-site. If HB 3450 is signed into law, the production limit will increase from 15,000 gallons annually, to 30,000 gallons for one year, and then to 35,000 gallons annually in subsequent years. In response to the proposed state legislation, the City's liquor license classification was amended by Ordinance 17-O-13, adopted February 11, 2013 to allow for the upcoming 35,000 gallon annual limit. The new liquor license classification is moot unless the Zoning Ordinance is amended to allow for the increased production level as well.

Micro-Distilleries were added to the Zoning Ordinance as a use category in late 2010. The Zoning Ordinance currently allows Micro-Distilleries by special use permit in all B and C Districts. The current zoning definition is:

Micro-Distillery: A facility that produces alcoholic beverages in quantities not to exceed five thousand (5,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited.
This zoning definition limits the production of alcohol at Micro-Distilleries to no more than 5,000 gallons per year. In order to change the production limit, the zoning definition must be amended. Since Micro-Distilleries require special use approval as well as liquor license approval, there is a great deal of regulation the City can place on such uses on a case by case basis.

**Proposed Zoning Regulations**
The current zoning definition for Micro-Distilleries should be amended to the following:

Micro-Distillery: A facility that produces alcoholic beverages in quantities not to exceed thirty-five thousand (35,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited.

Such amendment would allow Micro-Distilleries to increase their production limit to 35,000 gallons annually as soon as the State of Illinois signs HB 3450 into law.

The only current Micro-Distillery in Evanston is *Few Spirits* at 918 Chicago Avenue. *Few Spirits* hopes to expand production once all legislation is approved.

**Attachments**

- Draft Ordinance 38-O-13
- Ordinance 17-O-13 Amending the Liquor License Classifications – adopted 02.11.13
- Ordinance 71-O-10 Micro-Distilleries as Special Uses in B & C Districts – adopted 10.25.10
AN ORDINANCE

Amending the Text of the Zoning Ordinance with Regards to the Definition of the “Micro-Distillery” Use

WHEREAS, on, March 13, 2013, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0014 to consider an amendment to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), relating to the Use known as “Micro-Distillery;” and

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

WHEREAS, at its meeting of April 1, 2013, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0014 and recommended City Council approval thereof; and

WHEREAS, at its meetings of April 1 and April 22, 2013, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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: The definition of “Micro-Distillery” set forth in Section 6-18-3 of the Zoning Ordinance is hereby amended to read as follows:

MICRO-DISTILLERY: A facility that produces alcoholic beverages in quantities not to exceed thirty-five thousand (35,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited.

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:_______________, 2013

Adopted:_______________, 2013

Approved:__________________________, 2013

_______________________________
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

_______________________________
Rodney Greene, City Clerk

W. Grant Farrar, Corporation Counsel
17-O-13

AN ORDINANCE

Amending City Code Section 3-4-6-(P), “Classification & License Fees” to Increase Permitted Production & Storage Quantity for Craft Distilleries

WHEREAS, the City of Evanston’s (“City”) Class P liquor license permits craft distillers to produce and store on-site 15,000 gallons of alcohol annually; and

WHEREAS, the 97th Illinois General Assembly passed HB 3450, which amends the terms of the state “Class 9” craft distiller manufacturer’s license; and

WHEREAS, if and when HB 3450 is signed into law, the amount of alcohol that individual Illinois craft distillers may lawfully produce and store on-site will increase from 15,000 gallons annually, to 30,000 gallons for one (1) year, and to 35,000 gallons annually in subsequent years.

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

SECTION 1: Subsection 3-4-6-(P) of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

(P) CRAFT DISTILLERY licenses, which shall authorize the on-site production and storage of alcohol in quantities not to exceed thirty thousand (30,000) gallons for one year after the effective date of this amendatory ordinance and thirty-five thousand (35,000) gallons thereafter, the sale of such alcohol to persons of at least twenty-one (21) years of age for consumption off-premises, and on-site sampling of such alcohol. Sales of alcohol manufactured outside the facility are prohibited. Such craft distillery licenses shall be issued subject to the following conditions:

1. It shall be unlawful for a class P licensee to sell a container of alcohol for off-premises consumption unless the container is greater than or equal to three hundred seventy-five milliliters (375 ml) in volume.
2. Class P licensees may, during authorized hours of business, offer samples of the alcohol permitted to be produced and sold pursuant to this classification. Licensees shall not provide more than three (3) free samples, each of which shall not exceed one-quarter fluid ounce (0.25 fl. oz.), to any person in a day. Licensees may sell samples, but the volume of any sample sold shall not exceed one fluid ounce (1 fl. oz.) and the total volume of all samples sold to a person in a day shall not exceed two and one-half fluid ounces (2.5 fluid oz.). Licensees shall not provide and/or sell more than two and one-half fluid ounces (2.5 fluid oz.) of samples to any person in a day. Class P licensees must have at least one (1) BASSET-certified site manager on premises whenever offering samples of alcohol. Class P licensees must provide food service when offering samples of alcohol.

3. It shall be unlawful for the holder of a class P license to provide a sample of or sell any alcohol before the hour of ten o'clock (10:00) A.M. or after the hour of ten o'clock (10:00) P.M. on any Monday, Tuesday, Wednesday, or Thursday; before the hour of ten o'clock (10:00) A.M. or after the hour of eleven o'clock (11:00) P.M. Friday and Saturday; and before the hour of twelve o'clock (12:00) noon and after the hour of ten o'clock (10:00) P.M. on Sunday.

4. Every class P licensee must have a valid craft distiller license from the state of Illinois.

5. Every employee of a class P licensee who participates in the production of alcohol, pursuant to this license class, must be BASSET-certified.

The annual single payment fee for initial issuance or renewal of such license shall be $1,800.00.

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be $1,890.00.

No more than one (1) such license shall be in force at any one time.

**SECTION 2:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law, but not at any time prior to HB 3450 and the amendments therein becoming law in the state of Illinois.

**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 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 5: The findings and recitals 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: January 28, 2013
Adopted: January 11, 2013

Approved:
February 13, 2013

Elizabeth B. Tisdahl
Mayor

Attest:
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar, Corporation Counsel
Effective Date: November 10, 2010

71-O-10

AN ORDINANCE

Amending Various Portions of the Zoning Ordinance
Relating to the Creation of the “Micro-Distillery” Use

WHEREAS, on September 15, 2010, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 10PLND-0065 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “Micro-distillery”; and

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

WHEREAS, at its meeting of October 11, 2010, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 10PLND-0065 and recommended City Council approval thereof; and

WHEREAS, at its meeting of October 25, 2010, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:
SECTION 1: That the foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: That Section 6-18-3 of the Zoning Ordinance, "Definitions", is hereby amended to include the following:

MICRO-DISTILLERY: A facility that produces alcoholic beverages in quantities not to exceed five thousand (5,000) gallons per year and includes an accessory tasting room. A tasting room allows customers to taste samples of products manufactured on site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited.

SECTION 3: That Subsection 6-9-2-3 of the Zoning Ordinance, "Special Uses" in the B1 District, is hereby amended to include the following:

"Micro-Distillery."

SECTION 4: That Subsection 6-9-3-3 of the Zoning Ordinance, "Special Uses" in the B2 District, is hereby amended to include the following:

"Micro-Distillery."

SECTION 5: That Subsection 6-9-4-3 of the Zoning Ordinance, "Special Uses" in the B3 District, is hereby amended to include the following:

"Micro-Distillery."

SECTION 6: That Subsection 6-9-5-3 of the Zoning Ordinance, "Special Uses" in the B1a District, is hereby amended to include the following:

"Micro-Distillery."

SECTION 7: That Subsection 6-10-2-3 of the Zoning Ordinance, "Special Uses" in the C1 District, is hereby amended to include the following:

"Micro-Distillery."
SECTION 8: That Subsection 6-10-3-3 of the Zoning Ordinance, "Special Uses" in the C1a District, is hereby amended to include the following: "Micro-Distillery."

SECTION 9: That Subsection 6-10-4-3 of the Zoning Ordinance, "Special Uses" in the C2 District, is hereby amended to include the following: "Micro-Distillery."

SECTION 10: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: That 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 12: That this ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: October 11, 2010
Adopted: October 25, 2010

Approved: October 17, 2010
Elizabeth B. Tisdahl, Mayor

Attest: Rodney Greene, City Clerk
Approved as to form: W. Grant Farrar, City Attorney