JOINT MEETING OF THE EVANSTON PLAN COMMISSION AND ZONING BOARD OF APPEALS

Wednesday, August 30, 2017
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. MAP AMENDMENT, SPECIAL USE AND MAJOR ZONING RELIEF

1829 Simpson Street

Rita Kats, property owner, requests a map amendment to rezone the property located at 1829 Simpson Street from the R3 Two-Family Residential District to the B1 Business District. The applicant also requests a special use permit for a Type 2 Restaurant in the B1 Business District, and major zoning relief for a 4.3’ east interior side yard setback for a roofed patio and a one-story addition where 10’ is required. Respectively, the Zoning Board of Appeals and Plan Commission are the recommending bodies for the Map Amendment, Special Use Permit and Major Variation to the City Council. The City Council is the determining body in this case.

3. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, September 13, 2017 at 7pm in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

The next regular Zoning Board of Appeals meeting is scheduled for TUESDAY, September 5, 2017 at 7pm 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 the Neighborhood and Land Use Planner, Meagan Jones, at 847-448-8170 or by e-mail at mmjones@cityofevanston.org. Information about the Zoning Board of Appeals is available online at http://www.cityofevanston.org/zba. Questions can be directed to Melissa Klotz, Zoning Planner, at 847-448-8153 or via e-mail at mklotz@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 847-448-8170 (Voice) or 847-448-8064 (TTY).
Memorandum

To: Chair and Members of the Plan Commission & Zoning Board of Appeals

From: Johanna Leonard, Director of Community Development  
Scott Mangum, Planning and Zoning Administrator  
Meagan Jones, Neighborhood and Land Use Planner  
Melissa Klotz, Zoning Planner

Subject: Zoning Ordinance Map Amendment, Special Use and Major Zoning Relief  
1829 Simpson Street  
R3, Two-Family Residential to B1, Business  
17PLND-0037 and 17ZMJV-0065

Date: August 25, 2017

Request
The property owner is requesting a zoning map amendment to rezone the property commonly known as 1829 Simpson Street from R3, Two-Family Residential to B1, Business. The owner is also requesting a special use permit for a Type 2 Restaurant in the B1 Business District and major zoning relief for a 4.3’ east interior side yard setback for a roofed patio and one-story addition where 10’ is required.

Notice – Published in the Evanston Review on August 10, 2017
The Applications have been filed in conformance with applicable procedural and public notice requirements.

Rita Kats, property owner, requests a map amendment to rezone the property located at 1829 Simpson Street from the R3 Two-Family Residential District to the B1 Business District (Zoning Code Section 6-3-4, Title 6 of the City Code). The applicant also requests a special use permit for a Type 2 Restaurant in the B1 Business District (Zoning Code Section 6-9-2-3), and major zoning relief for a 4.3’ east interior side yard setback for a roofed patio and one-story addition where 10’ is required (Zoning Code Section 6-9-2-7-E). The Plan Commission and Zoning Board of Appeals make recommendations to City Council, the determining body for this case.

General Information
Applicant: Rita Kats  
517 Lockard Lane
Owner: Rita Kats and Vira Yenakly  
517 Lockard Lane  
Highwood, IL 60040

Existing Zoning: R3, Two-Family Residential

Existing Land Use: 1829 Simpson Street – Vacant commercial building

Property Size: 4,293 sq. ft. total
PINs: 10-12-419-002-0000

<table>
<thead>
<tr>
<th>Surrounding Zoning and Land Uses</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>OS, Open Space</td>
<td>William Twiggs Park and North Shore Canal</td>
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<td>South</td>
<td>R3, Two-Family Residential</td>
<td>Single Family Homes</td>
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| East                             | R3, Two-Family Residential, R4, General Residential, B1, Business | Residential- Cook County Housing Authority  
                                      Townhomes and Single-Family Residences |
| West                             | OS, Open Space                            | William Twiggs Park                                           |

Analysis

Background
The subject property, commonly known as 1829 Simpson Street is located on the north side of Simpson Street between Darrow Avenue and Brown Avenue at the terminus of Dodge Avenue. The property consists of a 27-foot wide and 159-foot deep lot of record (4,293 square feet). The lot is currently improved with a single story commercial building.

The existing nonconforming building has been in existence for over 80 years and has previously been used as a hair salon, neighborhood grocery and antique shop. In addition, a single family home existed on the site before being demolished in 2004. The site was previously zoned for commercial use until 2000 when that portion of the block was rezoned to R3 Two-family residential, making it nonconforming. A previous attempt to rezone the property to MU Transitional Manufacturing District (originally requested to rezone to B1 Business), in order to use the building as an artist studio/cabinetry workshop, was denied by City Council in July of 2008.
The properties to the north and west are all zoned OS, Open Space and consist of Twiggs Park and the North Shore Canal. The area to the south is zoned R3, Two-Family Residential and consists of single family homes. The properties to the immediate east are also zoned R3, Two-Family Residential and are currently occupied by Housing Authority of Cook County multi-family residences, and single family homes. Property further east is zoned R4 General Residential and, across Darrow Avenue, B1 Business and consists of mixed-use buildings, commercial spaces, single family homes and churches.

**Proposal**

**Map Amendment:**
The applicant is requesting approval of the Zoning Map Amendment to rezone the subject property from R3, Two-Family Residential to B1, Business. The rezoning of the property would enable the use of the property for a Type 2 Restaurant (contingent on the approval of a Special Use).

The applicant purchased the property in October of 2016. Previous owners used the property as a beauty salon, small neighborhood grocery/snack shop, and an antique store, though the building has been vacant for at least the last five years. With the exception of a few uses, such as a daycare home, a public education institution or bed and breakfast, current R3 zoning classification only allows a single-family residential use (full R3 district regulations are attached). Additionally, due to the narrow width of the lot, redeveloping or constructing significant additions to the property would create difficulties in meeting side setback requirements for residential and non-residential uses. Further, since the building was last used for commercial purposes, a change to a single family residence would trigger a parking requirement of two spaces, which is not feasible with the current building location and lot width.
The proposed B1, Business District allows for a mix of commercial and residential uses meant to serve the immediate surround neighborhood. Per the B1 district requirements, non-residential uses have no minimum lot width or lot size requirements (residential uses are required to be 2,500 square feet in size per dwelling unit). Whereas in the R3 district the minimum lot width required is 35-feet and the minimum lot size required for non-residential uses is 7,200 square feet (3,500 square feet for each two-family unit and 5,000 square feet for single family units). As such, if rezoned, the 4,293-square foot lot would be compliant.

The proposed rezoning would also reduce the nonconforming status of the existing one-story building at 1829 Simpson Street which would become compliant with the lot area and west side yard setback requirements. Additionally, the property would then comply with parking since the first 2,000 sq. ft. of commercial uses are excluded when calculating parking. Since the last use at the property was commercial, a change to a residential use at the property would require either substantial alteration of the structure to provide parking within the building, or approval of a parking variation.

Standards for Approval of Rezoning
With some considerations to be made, staff believes the proposed rezoning of the property from R3 to B1 meets the standards of approval outlined below:

6-3-4-5 Standards for Amendments
The wisdom of amending the text of the Zoning Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the City Council and is not controlled by any one standard. In making their determination, however, the City
Council should, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission’s recommendation consider, among other factors, the following:

(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.

The 2000 Comprehensive General Plan designates this land as residential with commercial land located where the existing B1 Business district is east of the site along Simpson Street. Though the rezoning would not be consistent with the most current land use plan, it does meet with the goal of recognizing benefits of mixing residential, commercial and institutional uses in neighborhoods as well as maintaining appealing character of neighborhoods while guiding their changes. It will bring a vacant building back to active use that has, in the past, served the surrounding neighborhood with commercial uses.

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

The proposed B1, Business zoning classification is compatible with the overall character of existing development in the immediate vicinity. Twiggs Park, located to the north and west of the current property provides a buffer to other residential uses further north and west of the site. There is an existing B1 Business District beginning one block east of the site with a variety of uses including office space, religious institutions, single-family homes and mixed-use buildings with ground floor commercial space. There is a multi-family Housing Authority of Cook County building immediately east of the property with single family further east and south of the site which may be affected by a business use.

(C) Whether the proposed amendment will have an adverse effect on the value of adjacent properties.

The proposed rezoning will not have any adverse effect on the value of adjacent properties. The property was previously zoned for commercial use and had been the site of several businesses over the lifetime of the building. That being said, care should be taken with the proposed use so that any potential use-specific nuisances are mitigated. This includes ensuring uses in the rear of the building do not create a noise nuisance and ensuring proper trash and litter pick-up on and around the property. Consideration should be taken with regards to the property should the proposed use close in the future. As more intensive uses are considered Special Uses, there would be opportunity to include additional regulations as needed for the site and use.

(D) The adequacy of public facilities and services.

The property will continue to be adequately served by public facilities and services with adjustments as necessary for the proposed use.
**Special Use:**
The applicant requests to operate a Type 2 Restaurant featuring Eastern European food such as chebureki (deep fried meat) pies, khachahapuri (baked cheese) pastries, and pierogi (dumplings) in addition to soups, salads, and kabobs. The restaurant will operate from 11am – 8:30pm seven days a week. The restaurant will utilize 2-4 employees per shift, and the applicant has committed to hiring locally. Since there is no on-site parking, employees that drive will either park on the street or in the Ecology Center parking lots off of McCormick Ave. Ample street parking is typically available in the area, though street parking is occasionally full when special events take place at the Dar-us-Sunnah Mosque at Simpson St. and Brown Ave.

The applicant proposes seating for 13 customers within the building. Most of the indoor seating is situated near the proposed windows along the west façade to take advantage of the view of the park. Outdoor seating on a new rear patio for approximately 40 customers is also proposed, as well as a fire pit. The roofed porch at the rear of the building will feature a condiment bar and may include additional seating.

Commissary supplies will be purchased at Jetro Supply and delivered by the restaurant operator’s vehicle. Incidental deliveries of bulk items such as flour will occur every 5-6 weeks via a box truck. Food delivery to customers is not currently proposed, but may be added in the future.

Wheeled garbage cans will be located on the side of the building near the east property line, and will be wheeled through the building out to the curb for trash pickup. Given the close proximity to the North Shore Canal and open space at Twiggs Park, there is a concern that wildlife may rummage through trash containers that are kept outdoors. Therefore, the DAPR Committee recommends a gated trash enclosure be installed surrounding the outdoor trash receptacles.

There was also concern expressed by members of the public that the restaurant will expand over the property line into Twiggs Park. However, all aspects of the proposal including the outdoor seating are proposed on the private property.
Ordinance Identified for Requested Relief:
6-9-2-3 The following uses may be allowed in the B1 Business district, subject to the provisions set forth in Section 6-3-5, “Special Uses,” of this Title:
Type 2 Restaurant (among other listed uses)

Special Use Standards:
For the ZBA to recommend that City Council grant a special use, the ZBA must find that the proposed special use:

a) Is one of the listed special uses for the zoning district in which the property lies;
b) Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance;
c) Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use;
d) Does not interfere with or diminish the value of property in the neighborhood;
e) Is adequately served by public facilities and services;
f) Does not cause undue traffic congestion;
g) Preserves significant historical and architectural resources;
h) Preserves significant natural and environmental resources; and
i) Complies with all other applicable regulations.

Major Zoning Relief:
The applicant proposes to demolish the rear 10’ x 16’ portion of the building that is in disrepair. An addition is proposed in the same approximate location. However, the addition is 20’ x 16’ to accommodate a kitchen prep area. A roof extends off of the addition to create a covered outdoor seating area with a condiment bar.

The portion of the structure to be demolished features a legally nonconforming east interior side yard setback since the structure is located at the property line. Since the property abuts a residential property, a 10’ east interior side yard setback is required for any new construction, including the kitchen prep area addition and extended roof. The applicant proposes a 4.3’ setback, which is an improvement from the current 0’ setback, but does not meet the 10’ requirement. The applicant proposes a fence around the property. The DAPR Committee suggested the fence along the east side of the property should be solid to provide screening from the adjacent residential property but should be transparent along the west side to provide views of Twiggs Park.

The addition cannot be constructed in a compliant location to meet the 10’ setback requirement due to the 27’ lot width, existing interior layout, and location of exterior doors at the rear of the building. The requested zoning relief is the minimum change necessary to accommodate the proposed use and accommodate customer traffic through the building to the outdoor seating in the rear since there is no other way to access the rear from the property.

Ordinance Identified for Requested Relief:
6-9-2-7 Yard Requirements:
6-9-2-7-E Side yard when not abutting street but abutting residential district – 10’

Variation Standards:
For a variation to be approved, the ZBA must find that the proposed variation:

   a) Will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties;
   b) Is in keeping with the intent of the zoning ordinance;
   c) Has a hardship or practical difficulty that is peculiar to the property;
   d) Property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience;
   e) Is not based exclusively upon a desire to extract additional income from the property or public benefit to the whole will be derived;
   f) Does not have a hardship or practical difficulty that was created by any person having an interest in the property; and
   g) Is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty.

Comprehensive Plan:
The Evanston Comprehensive General Plan encourages the adaptive reuse of existing structures and vacant, blighted properties. The Comprehensive Plan also recognizes the importance of cohesive and mutually beneficial mixed-use areas that feature residences as well as neighborhood business such as the proposed Type 2 Restaurant. The Comprehensive Plan specifically includes:

   Objective: Maintain the appealing character of Evanston’s neighborhoods while guiding their change.

   Policy: Preserve neighborhood character while supporting redevelopment efforts that add to neighborhood desirability.


The proposed Type 2 Restaurant will occupy a currently vacant structure, improve the aesthetics of the property, and provide an appropriate use for the neighborhood.

Design and Project Review (DAPR) Discussion and Recommendation:
The Committee found the proposed map amendment, special use, and major zoning relief to be an appropriate adaptive reuse of a long-time vacant commercial building. The Committee noted building materials and aesthetics would be reviewed in further detail as part of the building permit process. The Committee unanimously recommended approval with the following conditions:
1. Trash enclosure/garbage management plan required.
2. Hours of operation as presented by the applicant (10:30am – 8:30pm).
3. Clarification regarding the length of the property (discrepancy on new survey vs. old survey – does not impact the proposal) prior to City Council approval.

**Recommendation**

Staff believes the proposed Zoning Map Amendment to rezone the property commonly known as 1829 Simpson Street from R3 Two-Family Residential to B1 Business meets the standards of approval. The proposal is consistent with surrounding uses and land use classifications, would bring a nonconforming structure closer to compliance with City Code and would be consistent with the Comprehensive Plan goal of recognizing the benefits of mixing residential, commercial and institutional uses in neighborhoods.

The proposed special use for a Type 2 Restaurant and major zoning relief for a 4.3’ east interior side yard setback for an addition and roofed patio meet the standards of approval as well. The applicant has worked extensively with staff to modify the proposal to create a destination restaurant that utilizes the location and view of Twiggs Park while establishing a viable business that will adaptively reuse a long-time vacant building to create a positive impact on the surrounding neighborhood.

Staff recommends the Plan Commission make a positive recommendation to City Council regarding the map amendment, and the Zoning Board of Appeals make a positive recommendation to City Council regarding the special use and major zoning relief.

**Attachments**

- Zoning Map of the Area
- Site Plan
- Allowable uses in the R3 District
- Allowable uses in the B1 District
- Map Amendment Application
- Special Use Application
- Major Variance Application
- Zoning Analysis
- Plat of Survey 1829 Simpson Street
- Restaurant Operations Summary
- Sustainability Checklist
- ZBA Standards Forms
- DAPR Meeting Minutes Excerpt – August 16, 2017
- DAPR Draft Meeting Minutes Excerpt – August 23, 2017
SIMPSON ST.

REFUSE/RECYCLING CONTAINERS PICKUP LOCATION
6-8-4. - R3 TWO-FAMILY RESIDENTIAL DISTRICT.

6-8-4-1. - PURPOSE STATEMENT.

The R3 two-family residential district is intended to provide for infill development of single- and two-family residences in moderate density neighborhoods and to preserve the present physical character of such neighborhoods.

(Ord. 43-0-93)

6-8-4-2. - PERMITTED USES.

The following uses are permitted in the R3 district:

Daycare home—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).

Daycare home—Child (subject to the general requirements of Section 6-4-2, "Child Daycare Homes," of this Title).

Dwelling—Single-family detached.

Dwelling—Two-family.

Educational institution—Public.

Home occupation (subject to the general requirements of Chapter 5, "Home Occupations," of this Title).

Neighborhood garden.

Park.

Playground.

Residential care home—Category I (subject to the general requirements of Section 6-4-4, "Residential Care Homes and Residential Residential Care Homes," of this Title).

(Ord. 43-0-93; Ord. No. 81-O-14, § 25, 8-11-2014)

6-8-4-3. - SPECIAL USES.

The following uses may be allowed in the R3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Bed and breakfast establishments (subject to the general requirements of Section 6-4-7, "Bed And Breakfast Establishments," of this Title).

Cemetery.

Child residential care home.

Cultural facility.

Daycare center—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).
Daycare center—Child (subject to the general requirements of Section 6-4-2, "Child Daycare Homes," of this Title).

Educational institution—Private.

Planned development (subject to the requirements of Section 6-8-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Religious institution.

Residential care homes—Category II (subject to the general requirements of Section 6-4-4, "Residential Care Homes and Residential Residential Care Homes," of this Title).

Transitional treatment facility—Category I (subject to the general requirements of Section 6-4-5, "Transitional Treatment Facilities," of this Title).

(Ord. 43-0-93; amd. Ord. 40-0-95)
6-9-2. - B1 BUSINESS DISTRICT.

6-9-2-1. - PURPOSE STATEMENT.

The B1 business district is intended to promote and preserve small scale, limited shopping and business uses that service the needs of the people who live and work in the neighborhoods in which the business uses are located.

Evanston's business districts developed many years ago and have become integral parts of the community. Because they are such an important part of the community's character, preservation of their scale, their range of services, and their pedestrian orientation are prime objectives. The B1 district is structured to accomplish the retention of these small neighborhood business districts and provide for their continued existence.

Uses within this district share common characteristics such as relatively small storefronts built to the front lot line, and provide limited services that cater to neighborhood residents such as drugstores, cleaners, shoe repair, corner grocery stores, and restaurants. No individual use in this district should exceed seven thousand five hundred (7,500) square feet in size.

(Ord. 43-0-93)

6-9-2-2. - PERMITTED USES.

The following uses, provided they are seven thousand five hundred (7,500) square feet or less in size, are permitted in the B1 district:

Artist studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).

Caterer.

Cultural facility.

Dwellings (when located above the ground floor).

Educational institution—Private.

Educational institution—Public.

Food store establishment (with hours of operation between 6:00 a.m. and 12:00 midnight).

Neighborhood garden.

Office.

Residential care home—Category I (when located above the ground floor and subject to the requirements of Section 6-4-4, "Residential Care Homes and Residential Residential Care Homes," of this Title).

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

(Ord. 43-0-93; amd. Ord. 39-0-95; Ord. No. 77-O-10, § 2, 12-13-10; Ord. No. 81-O-14, § 30, 8-11-2014)
6-9-2-3. - SPECIAL USES.

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

Animal hospital.

Aquaponics.

Banquet hall.

Bed and breakfast establishments.

Boarding house.

Business or vocational school.

Convenience store.

Craft-brewery.

Daycare center—Adult.

Daycare center—Child.

Daycare center—Domestic animal.

Dwelling—Multiple-family.

Dwelling—Single-family detached.

Food store establishment.

Funeral services excluding on-site cremation.

Government institutions.

Kennel.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development.

Public utility.

Religious institution.

Resale establishment.

Residential care home—Category II.

Restaurant—Type 2 (excluding accessory drive-through facilities).

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

(Ord. 48-0-08; amd. Ord. 122-0-09; Ord. No. 78-O-10, § 2, 11-8-10; Ord. No. 71-O-10, § 3, 10-25-10; Ord. No. 77-O-10, § 3, 12-13-10; Ord. No. 67-O-11, § 3, 9-12-2011; Ord. No. 129-O-12, § 3, 1-14-2013; Ord. No. 3-O-14, § 3, 2-10-2014; Ord. No. 56-O-14, § 3, 5-27-2014; Ord. No. 57-O-14, § 3, 6-9-2014; Ord. No. 81-O-14, § 4, 8-11-2014)
ZONING
MAP AMENDMENT
Application

1. PROPERTY

Address: 1829 SIMPSON ST, EVANSTON IL 60202
Permanent Identification Number(s):
PIN 1: 10-419-002-0000 PIN 2: ________
Plats of survey for all properties that are subject to this petition must be included. Surveys must be accurate as of the current date.

2. APPLICANT

Name: RITA KATS
Organization:
Address: 517 LOCKLAND LN City, State, Zip:
City, State, Zip: HIGHWOOD, IL 60040
Phone: 312-228-3894 Cell: 312-328-8494
E-mail: PREMHANBOWD98@GMAIL.COM

Please circle the primary means of contact.

3. PROPERTY OWNER (if different than applicant)

Name: VIMA YEDAKLY
Address: 517 LOCKLAND LN City, State, Zip: HIGHWOOD, IL 60040
Phone:____________________ Cell:____________________
E-mail:____________________

Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

☑ same □ builder/contractor □ potential purchaser □ potential lessee
□ architect □ attorney □ lessee □ real estate agent
□ officer of board of directors □ other: __________________

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this petition. I understand that the Petitioner will be the primary contact for information and decisions during the processing of this petition, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the named Petitioner at any time by contacting the Zoning Office in writing."

RITA KATS
Property Owner(s) Signature(s) – REQUIRED

5-3-17 Date

4. SIGNATURE OF APPLICANT

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

RITA KATS
Applicant Signature – REQUIRED

5-3-17 Date
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this petition:

☑ (This) Completed and Signed Form

☑ Legal descriptions of all properties as shown on Plat of Survey

☑ Plat(s) of Survey Date(s) of Survey(s): 11-02-16

Plats of survey must be completed by a licensed surveyor and must be current so that it displays every structure, patio, deck, walkway, etc., that is currently on the property. Copies must be legible for all dimensions and details.

☑ Proof of Ownership Document(s) Submitted: Warranty Deeds

Accepted for proof of ownership includes: deed, mortgage, contract to purchase, closing documents, (price may be blacked out on submitted documents). A tax bill cannot be accepted as proof of ownership.

☑ Application & Mailing Fee Amount $__________

Application & Mailing Fees may be paid by cash, check, or credit card. Please contact Community Development for number of required mailings and mailing fee.

☑ Additional Documentation 2 Preliminary Sketch Plats

Any other documents as may be required by the Community Development Director. Please contact the Community Development Department for any additional requirements.

Zoning Map Amendment Applications take approximately 10 business days for initial review. Alterations or modifications that require re-review may take longer. Please contact the Zoning Office at 847.448.4311 with any questions. Complete applications may be submitted in person or by mail to:

City of Evanston
Zoning Office, Room 3202
2100 Ridge Avenue
Evanston, IL 60201
6. PROPERTY - MULTIPLE PARCELS  Use this page if the petition applies to more than one parcel.

**ALL property subject to this petition must be listed.** Properties without addresses should be listed with their PIN.

**Plats of survey for all properties must be included.** See requirements for plats of survey on Page 2.

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Copy this form if necessary for a complete listing.
7. MULTIPLE PROPERTY OWNERS Use this page if the petition is on behalf of many property owners.

"I understand that the regulations governing the use of my property may change as a result of this petition. By signing below, I give my permission for the named petitioner on page 1 of this form to act as my agent in matters concerning this petition. I understand that 1) the named petitioner will be the City of Evanston's primary contact during the processing of this petition, 2) I may not be contacted directly by City of Evanston staff with information regarding the petition while it is being processed, 3) I may inquire the status of this petition and other information by contacting the Zoning Office, and 4) the property owners listed below may change the named petitioner at any time by delivering to the Zoning Office a written statement signed by all property owners and identifying a substitute petitioner."

<table>
<thead>
<tr>
<th>NAME and CONTACT INFORMATION (telephone or e-mail)</th>
<th>ADDRESS (es) or PIN(s) of PROPERTY OWNED</th>
<th>SIGNATURE</th>
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Copy this form if necessary for a complete listing.
8. PETITIONED AMENDMENT

Current Zoning District

Zoning Districts of Properties Subject to this Application: R3
Current Overlay District(s) (if any): ____________

Proposed New Zoning District:

Proposed Zoning Districts of Properties Subject to this Application: B1
Proposed New Overlay District(s) (if any): ____________

9. LAND USE

Describe the current land use of the properties subject to this petition.

VACANT 1 STORY OFFICE/RETAIL BRICK BUILDING.
PRIOR TO 2005 PROPERTY WAS ZONED B1 WITH SEVERAL
RETAIL USES.
AROUND 2005 PROPERTY RE-ZONED TO R3 WITHOUT
ANY REDEVELOPMENT PLANS.
10. JUSTIFICATION

Describe the development, proposal, or other reason(s) for this amendment.

Neighborhood restaurant and bakery featuring low priced menu offerings, no alcoholic beverages, sit down and carry out.
11. STANDARDS

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 of City Code). The Zoning Ordinance establishes standards that “the City Council should ... consider, among other factors.” (§6-3-4-5)

Explain how the petitioned amendment relates to or satisfies each of the following standards.

(A) How is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive General Plan¹, as adopted and amended from time to time by the City Council?

- Maintains the pattern and improves the quality of neighborhoods
- Allows effective use of productive residential properties
- Enhances the relationship between schools, parks, residential dwellings
- Retains the character of pedestrian oriented shopping area
- Promotes local economy
- Strengthens economic development
- Improves the quality of through services and prosperity of residents.

(B) In what ways is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property?

Existing development consists of the mix of retail store fronts, grocer, church, food service, apartments above stores, houses, twilight park, and

Proposed development naturally meshes into existing neighborhood.

¹ Available from the Planning and Zoning Division.
(C) Will the proposed amendment have an adverse affect on the values of adjacent properties and why?

No, it will not

(D) What change to existing public facilities and services, if any, will be required to serve the effects of the proposed amendment?

We are not aware of any such changes to be needed.

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.

Applicant's signature

Date

5-3-17

Applicant's signature

Date

5-3-17
SPECIAL USE
APPLICATION
CASE # 17ZMV-0065

1. PROPERTY

Address: 1829 Simpson St
Permanent Identification Number(s):
PIN 1: [Redacted] PIN 2: [Redacted]
(Note: An accurate plat of survey for all properties that are subject to this application must be submitted with the application.)

2. APPLICANT

Name: Rita Icants
Organization: [Redacted]
Address: 5024ivate St
City, State, Zip: 60040
Phone: Work: 312-388-8494 Home: Cell/Other: 312-217-8494
Fax: Work: Home: E-mail: [Redacted]

What is the relationship of the applicant to the property owner?

☑ same
☐ architect
☐ builder/contractor
☐ potential purchaser
☐ potential lessee
☐ officer of board of directors
☐ attorney
☐ lessee
☐ real estate agent
☐ other: __________________________

3. PROPERTY OWNER

(Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: __________________________
Address: _______________________________________
City, State, Zip: __________________________________
Phone: Work: Home: Cell/Other: ___________________
Fax: Work: Home: __________________________________
E-mail: __________________________

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Rita Icants
Property Owner(s) Signature(s) – REQUIRED
7-19-2017
Date

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Rita Icants
Applicant Signature – REQUIRED
7-19-17
Date

PAGE 1 OF 6
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

☐ (This) Completed and Signed Application Form
☐ Plat of Survey Date of Survey: 11-2, 2018
☐ Project Site Plan Date of Drawings:
☐ Plan or Graphic Drawings of Proposal (If needed, see notes)
☐ Non-Compliant Zoning Analysis
☐ Proof of Ownership Document Submitted: 11-2-18
☐ Application Fee Amount $

Notes: Incomplete applications will not be accepted. Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

Plat of Survey
(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

Site Plan
(1) One copy of site plan or floor plans, drawn to scale, showing all dimensions.

Plan or Graphic Drawings of Proposal
A Special Use application requires graphic representations for any elevated proposal-- garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

Proof of Ownership
Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).
• Tax bill will not be accepted as Proof of Ownership.

Non-Compliant Zoning Analysis
This document informed you that the proposed change of use is non-compliant with the Zoning Code and requires a variance.

Application Fee
The application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.
6. PROPOSED PROJECT

A. Briefly describe the proposed Special Use:

TYPE 2 RESTAURANT

APPLICANT QUESTIONS

a) Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies? (See Zoning Analysis Review Sheet)

Yes

b) Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a negative cumulative effect on the neighborhood?

No, No

c) Will the requested special use be adequately served by public facilities and services?

Yes
d) Will the requested special use cause undue traffic congestion?

________________________

________________________

________________________

________________________

e) Will the requested special use preserve significant historical and architectural resources?

________________________

________________________

________________________

________________________

f) Will the requested special use preserve significant natural and environmental features?

________________________

________________________

________________________

________________________

g) Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?

________________________

________________________

________________________

________________________

Page 4 of 6
The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made:  

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number 2 above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number 2 above, or indicated below.

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number 2 above, or indicated below.
If Applicant or Proposed Land User is a Corporation

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

If Applicant or Proposed Land User is not a Corporation

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

RITA KATS 50% 517 Lockwood Dr. Niles, IL 60043

VIRA YAKIYA 50% 111 Portwine, Riverwoods, IL 60015
A. GENERAL INFORMATION

1. What projects are eligible for a Special Use Permit?
Projects are eligible per zoning District. Please check the Zoning District to see if your proposed project is listed as a permitted Special Use per zoning District. The Allowed Uses by Zoning District handout is also another way to access information to see if your project is eligible to apply.

2. Who can submit an application?
The applicant must either own, lease, or have legal or equitable interest in the subject property, or must be the representative of such a person. All persons or parties which have an ownership interest in the affected properties must be identified and must sign the application. The Property Owner(s) may, at their discretion, designate another person as Applicant to act on their behalf in processing this application. In that case, the designated Applicant will be considered the primary contact, until the application is closed or the Property Owner changes the designated Applicant by contacting the Zoning Office in writing. See Standing (§6-3-8-4):

3. How do I submit an application?
Applications must be submitted in person to the Zoning Office, City of Evanston, Civic Center Room 3700, 2100 Ridge Avenue. Our office hours are Monday through Friday (excluding Holidays) from 8:30 am until 5:00 pm. Evanston.
Applications must be complete, including all required documentation and fee.
Applications are not accepted by mail or e-mail.
Application materials cannot be returned.

4. What forms of payment are accepted?
Cash, Credit Card, Check.

5. Can I withdraw my application?
Yes, an application may be withdrawn any time prior to a vote.

6. Who has access to my application materials?
The application is a public document, and as such, may be reviewed by the general public upon request.

B. INFORMATION ABOUT SPECIAL USES

What is a Special Use Permit?
For each zoning district, the Zoning Ordinance identifies permitted uses (also called "by right" uses) and special uses which may be allowed depending upon the circumstances. In order to legally operate a special use, a property owner must apply for a Special Use Permit from the Zoning Office. The application is reviewed at a public hearing by the Zoning Board of Appeals (ZBA), which makes a recommendation to the City Council. The ZBA can also recommend conditions on a granted special use. The City Council is the deciding body for all Special Uses in the City of Evanston.
The Special Use Application Process

- The City reviews the project through a Zoning Analysis (applied for separately) and determines it is eligible to apply for a special use.
- The Applicant files a Special Use Application.
- The City publishes a notice of the hearing in the Evanston Review, between 15 and 30 days prior to hearing.
- The City posts a sign describing the public hearing on the property no less than 10 working days before the hearing.
- The City must mail notification of the public hearing to all properties that are within 500 feet of any point on the subject property. (The applicant is responsible for the accuracy of the list used by the City for mailing this notice. The applicant can either rely on a list the City produces through its Geographic Information System or produce his or her own list of the names and addresses of property owners within 500 feet of the subject property. The Zoning Office will send to the applicant its generated mailing list. The applicant should inform the Zoning Office if any names and addresses are missing.
- The City encourages all applicants to discuss their proposal with their neighbors prior to the public hearing.
- The Zoning Division will schedule the applicant to meet with the Site Plan & Appearance Review Committee (SPAARC) which provides a recommendation to the Zoning Board of Appeals.
- The ZBA recommends denial, approval, or approval with conditions of the application to City Council;
- The Planning and Development Committee of the City Council considers the ZBA recommendation and forwards it to the full City Council with or without a recommendation;
- City Council considers the ZBA recommendation and may introduce an ordinance granting the requested zoning relief;
- City Council may adopt an ordinance granting the requested zoning relief at the following or any subsequent City Council meeting.

The approximate time from when the Zoning Office receives a complete application to a decision is three to four months.

To recommend approval for a special use, the ZBA must find that the proposed special use meets all of the following criteria:

a) is one of the listed special uses for the zoning district in which the property lies;

b) complies with the purposes and policies of the Comprehensive General Plan and the Zoning Ordinance;

c) does not cause a negative cumulative effect in combination with existing special uses or as a category of land use;

d) does not interfere with or diminish the value of property in the neighborhood;

e) is adequately served by public facilities and services;

f) does not cause undue traffic congestion;

g) preserves significant historical and architectural resources;

h) preserves significant natural and environmental resources; and

i) complies with all other applicable regulations.

Expiration

Within one year of obtaining a special use permit, the recipient must either obtain a building permit and commence construction, or obtain a certificate of occupancy and commence the use. City Council may extend this one-year limitation upon request.

CONTACT INFORMATION

Community Development Department – Planning and Zoning Division
2100 Ridge Avenue, Room 3202 Evanston, Illinois 60201
P. 847-448-4311   F. 847-448-8126   E. zoning@cityofevanston.org
www.cityofevanston.org/zoning
1. PROPERTY

Address: 1829 Simpson St
Permanent Identification Number(s):
PIN 1: 1829 2017 475 002 PIN 2: [Space]
(Note: An accurate plat of survey for all properties that are subject to this application must be submitted with the application.)

2. APPLICANT

Name: Rita Karas
Organization: 517 Locust Ln
Address: 517 Locust Ln 11620 60204
City, State, Zip: 517 Locust Ln 11620 60204
Phone: Work: 3123884899 Home: 3123884899 Cell/Other: [Space]
Fax: [Space] Work: [Space] Home: [Space] E-mail: BREADNBOWL @GMAIL.COM
Please circle the primary means of contact.

What is the relationship of the applicant to the property owner?

- [ ] same
- [ ] builder/contractor
- [ ] contract purchaser
- [ ] potential lessee
- [ ] architect
- [ ] attorney
- [ ] lessee
- [ ] real estate agent
- [ ] officer of board of directors
- [ ] other: [Space]

3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: [Signature]
Address: [Space]
City, State, Zip: [Space]
Phone: Work: [Space] Home: [Space] Cell/Other: [Space]
Fax: [Space] Work: [Space] Home: [Space]
E-mail: [Space]

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

Rita Karas
Property Owner(s) Signature(s) – REQUIRED
Date 7-19-2017

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Rita Karas
Applicant Signature – REQUIRED
Date 7-19-2017

Page 1 of 6
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- [ ] (This) Completed and Signed Application Form
- [ ] Plat of Survey
- [ ] Project Site Plan
- [x] Plan or Graphic Drawings of Proposal (If needed, see notes)
- [ ] Non-Compliant Zoning Analysis
- [ ] Proof of Ownership
- [ ] Application Fee (see zoning fees)

Date of Survey: \[M-28\] Date of Drawings: 
Document Submitted: \[06\]
Amount $ plus Deposit Fee $150

Note: Incomplete applications will not be accepted. Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

**Plat of Survey**

(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

**Site Plan**

(1) One copy of site plan, drawn to scale, showing all dimensions.

**Plan or Graphic Drawings of Proposal**

A Major Variance application requires graphic representations for any elevated proposal--garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

**Proof of Ownership**

Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).

- Tax bill will not be accepted as Proof of Ownership.

**Non-Compliant Zoning Analysis**

This document informed you that the proposed project is non-compliant with the Zoning Code and is eligible to apply for a major variance.

**Application Fee**

* IMPORTANT NOTE: Except for owner-occupied residents in districts R1, R2 & R3, a separate application fee will be assessed for each variation requested.

The fee application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.
6. PROPOSED PROJECT

A. Briefly describe the proposed project:

   TYPE-2 NEIGHBORHOOD
   RESIDENTIAL

B. Have you applied for a Building Permit for this project?  □ NO  □ YES
   (Date Applied: ____________________  Building Permit Application #: ____________________)

REQUESTED VARIATIONS

What specific variations are you requesting? For each variation, indicate (A) the specific section of the Zoning Ordinance that identifies the requirement, (B) the requirement (minimum or maximum) from which you seek relief, and (C) the amount of the exception to this requirement you request the City to grant.
(See the Zoning Analysis Summary Sheet for your project’s information)

<table>
<thead>
<tr>
<th>(A) Section</th>
<th>(B) Requirement to be Varied</th>
<th>(C) Requested Variation</th>
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<tbody>
<tr>
<td>(ex. “6-8-3-4”)</td>
<td>(ex. “requires a minimum front yard setback of 27 feet”)</td>
<td>(ex. “a front yard setback of 25.25 feet”)</td>
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<tr>
<td>1-9-27-E</td>
<td>10' side yard setback when abutting residential</td>
<td>4.3' east interior side yard setback</td>
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* For multiple variations, see “IMPORTANT NOTE” under “Application Fee & Transcript Deposit” on Page 2.
B. A variation's purpose is to provide relief from specified provisions of the zoning ordinance that may unduly impact property due to the property's particular peculiarity and special characteristics. What characteristics of your property prevent compliance with the Zoning Ordinance requirements?

Narrow lot provides rear utilities space, but poor access

1. The requested variation will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining (touching or joining at any point, line, or boundary) properties.

We propose the rear part to be reconstructed further away from east property line

2. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

We can't provide outdoor space instead of the property

3. Either...

(a) the purpose of the variation is not based exclusively upon a desire to extract income from the property, or

(b) while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Zoning Board of Appeals or the City Council, depending upon final jurisdiction under §6-3-6-2, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to any of the standards of §6-3-6-3.

We plan to fix vacant land around existing building

4. The alleged difficulty or hardship has not been self-created, if so, please explain.

We have existing building on the East, West, and South lot lines
5. Have other alternatives been considered, and if so, why would they not work? They are inconvenient for serving future customers.

City of Evanston
DISCLOSURE STATEMENT FOR ZONING HEARINGS

(This form is required for all Major Variances and Special Use Applications)

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made:
   Does not apply.

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number 2 above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number _ above, or indicated below.
4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number _____ above, or indicated below.


If Applicant or Proposed Land User is a Corporation

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.


If Applicant or Proposed Land User is not a Corporation

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief:


Page 6 of 6
A. GENERAL INFORMATION

1. What projects are eligible for a Major Variation?

Property Owners may apply for a Major Variation from the following zoning regulations:

1. Yards and setbacks
2. Height
3. Lot size, width and depth (including flag lots).
4. Lot coverage including impervious surface and/or floor area ratio
5. Off street parking and loading
6. Home occupations. (Ord. 115-0-0-04)

2. Who can submit an application?

The applicant must either own, lease, or have legal or equitable interest in the subject property, or must be the representative of such a person. All persons or parties which have an ownership interest in the affected properties must be identified and must sign the application. The Property Owner(s) may, at their discretion, designate another person as Applicant to act on their behalf in processing this application. In that case, the designated Applicant will be considered the primary contact, until the application is closed or the Property Owner changes the designated Applicant by contacting the Zoning Office in writing. Standing (§6-3-8-4):

3. How do I submit an application?

Applications must be submitted in person to the Zoning Office, City of Evanston, Civic Center Room 3700, 2100 Ridge Avenue. Our office hours are Monday through Friday (excluding Holidays) from 8:30am until 5:00pm. Evanston.

Applications must be complete, including all required documentation and fee.
Applications are not accepted by mail or e-mail.
Application materials cannot be returned.

4. What forms of payment are accepted?  Cash, Credit Card, Check.

5. Can I withdraw my application?  Will my fee be returned?

Yes, an application may be withdrawn any time prior to the final publication of the ZBA Agenda (the Friday before the hearing). If the newspaper notice has not been published or mailed notices sent out, a full refund is generally granted. If this has occurred, only the $150 transcript deposit is returned.

6. Who has access to my application materials?

The application is a public document, and as such, may be reviewed by the general public upon request.

B. INFORMATION ABOUT MAJOR VARIATIONS

1. What is the timeframe?

The approximate time from when the Zoning Division receives a completed Major Variation application to when the applicant can reasonably expect a decision on that application is 30-40 days.
2. What is the Process?

- Upon receipt of a complete application, the Zoning Department contacts the applicant via phone and with a letter detailing the next steps in the process.
- The City publishes a notice of the hearing in a locally circulating newspaper, generally the Evanston Review, between 15 and 30 working days prior to a hearing.
- The City posts a sign announcing the date of the Zoning Board of Appeals hearing on the subject property no less than 10 working days before the hearing date.
- The City must mail notification of the public hearing and an overview of the proposed application to all properties that are within 500’ of any point on the subject property.
- The project is heard before the Site Plan Appearance and Review Committee (SPAARC). This committee provides a recommendation to the Zoning Board of Appeals. This committee is made up of representatives from City departments such as Building, Police, Fire and Preservation. A representative of your project must attend. The committee meets every Wednesday at 2:30 at the Civic Center, room 2404.
- The Zoning Board of Appeals is a City Board made up of 7 members. You will present your case to the Board, who in turn will ask you questions to assist in their deliberation. Further, anyone in opposition may present their case and ask questions of you (as you may to them). It takes 4 yes votes to approve a submitted application.
- The City encourages all applicants to discuss their proposal with their neighbors prior to the public hearing.

3. What standards are used to decide? (§6-3-8-12(A)):

To grant a major variance, the Zoning Board of Appeals must find that the request meets the following 7 standards:

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.
2. The requested variation is in keeping with the intent of the zoning ordinance.
3. The alleged hardship or practical difficulty is peculiar to the property.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
5. (a) The purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or
   (b) While the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the zoning board of appeals or the city council, depending on final jurisdiction under section 6-3-8-2 of this chapter, has found that public benefits to the surrounding neighborhood and the city as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of section 6-3-6-3 of this chapter.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property.
7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Zoning Board of Appeals issues its decision or recommendation to the City Council regarding said variation.

4. Can I Appeal?

An applicant may appeal the decision of the Zoning Board of Appeals to the Illinois Circuit Court. (§6-3-8-6(E)):

CONTACT INFORMATION

Community & Economic Development Department – Planning & Zoning Division
2100 Ridge Avenue, Room 3202 Evanston, Illinois 60201
P. 847-448-4311   F. 847-448-8126   E. zoning@cityofevanston.org www.cityofevanston.org/zoning
**Zoning Analysis**

**Summary**

<table>
<thead>
<tr>
<th>Case Number:</th>
<th>Case Status/Determination:</th>
</tr>
</thead>
<tbody>
<tr>
<td>17ZONA-0155</td>
<td>Non-Compliant</td>
</tr>
</tbody>
</table>

**Proposal:**

Conversion of the storefront commercial building in R3 district into a restaurant (Re-zoned to B1 district).

**Site Information:**

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>Zoning District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1829 SIMPSON ST</td>
<td>B1</td>
</tr>
<tr>
<td>Overlay District:</td>
<td>Preservation District</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Phone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vira Yenakly</td>
<td></td>
</tr>
</tbody>
</table>

Signature: [Signature]

Date: 07/06/2017

**Zoning Section**

<table>
<thead>
<tr>
<th>Section</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-9-2-7-E</td>
<td>Side yard when not abutting street but abutting residential district-Building, ten (10) feet; parking, five (5) feet</td>
</tr>
<tr>
<td>6-4-1-3</td>
<td>Existing and permitted special use - apply for special use for Type II Restaurant</td>
</tr>
</tbody>
</table>

**Recommendation(s):**

Click on the link(s) below to access online application(s)

**Apply for Special Use**

http://www.cityofevanston.org/planning-zoning/zoning-applications/special-use-applications/
City of Evanston
ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: July 06, 2017
RESULTS OF ANALYSIS: Non-Compliant

Z.A. Number: 17ZONA-0166
Purpose: Zoning Analysis without Bld Permit App
Address: 1629 SIMPSON ST
District: B1
Applicant: Vira Yenakly
Overlay: None
Phone: 
Preservation District:

THIS APPLICATION PROPOSES (select all that apply):

<table>
<thead>
<tr>
<th>New Principal Structure</th>
<th>Change of Use</th>
<th>Sidewalk Cafe</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Accessory Structure</td>
<td>Retention of Use</td>
<td>Other</td>
</tr>
<tr>
<td>Addition to Structure</td>
<td>Plat of Resubdiv /Consol.</td>
<td></td>
</tr>
<tr>
<td>Alteration to Structure</td>
<td>Business License</td>
<td></td>
</tr>
<tr>
<td>Retention of Structure</td>
<td>Home Occupation</td>
<td></td>
</tr>
</tbody>
</table>

ANALYSIS BASED ON:

Plans Dated:
Prepared By:
Survey Dated:

Proposal Description:
Conversion of the storefront commercial building in R3 district into a restaurant (Re-zoned to B1 district).

ZONING ANALYSIS

PLANNED DEVELOPMENT THRESHOLDS

Does not apply to H, I, J, Q, S, or Excluded T1 & T2 Properties. See Section 8-8-1-16(D) for P's; Section 8-8-1-9(D) for B's; Section 8-16-1-10(D) for CS; Section 8-11-1-10(D) for R1; Section 8-12-1-7(D) for RP; Section 8-13-1-10(D) for MU & MU2; Section 8-16-1-8 for D1, T4, U3, V14, & VFD.

1. Is the request for construction of substantially new structures or a substantial rehabilitation or substantial addition as defined by increasing floor area of principal structure by 16% or more? If not, skip to 2 & 4 below.
2. Does the zoning lot area exceed 30,000 sqft?
3. Does the proposal entail more that 24 new residential, commercial, business, retail or office units in any combination?
4. Does the proposal entail the new construction of more than 20,000 sqft of true gross floor area at or above grade including areas otherwise excluded from defined gross floor area?

PRINCIPAL USE AND STRUCTURE

<table>
<thead>
<tr>
<th>USE:</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling - SF Detached</td>
<td></td>
<td></td>
<td>Restaurant - Type II</td>
<td>Non-Compliant</td>
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</tbody>
</table>

Comments: NEED SPECIAL USE PERMIT

Minimum Lot Width (LF):

<table>
<thead>
<tr>
<th>USE:</th>
<th>Minimum Lot Width (LF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other</td>
<td>No Requirement</td>
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</tbody>
</table>

Minimum Lot Area (SF):

<table>
<thead>
<tr>
<th>USE:</th>
<th>Minimum Lot Area (SF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidential</td>
<td>No Requirement</td>
</tr>
</tbody>
</table>

Building Lot Coverage (SF) (defined. including subtractions & additions):

<table>
<thead>
<tr>
<th></th>
<th>None</th>
<th>1520.92 LF</th>
<th>1678.99 LF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
<td>35 42%</td>
<td>39 05%</td>
</tr>
</tbody>
</table>

Rooming Units:
Comments:

Dwelling Units:
Comments:

LF: Linear Feet  SF: Square Feet  FT: Feet
Page 1
<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impervious Surface Coverage (SF, %)</td>
<td>1520 52</td>
<td>2213.5</td>
<td>Compliant</td>
</tr>
<tr>
<td></td>
<td>35.42%</td>
<td>51.58%</td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**

Accessory Structure Rear Yard Coverage: 40% of rear yard

Gross Floor Area (SF)

<table>
<thead>
<tr>
<th>Use</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2,600 or 8,586 sqft</td>
</tr>
<tr>
<td></td>
<td>2213.5</td>
</tr>
</tbody>
</table>

Compliant

Height (FT)

Comments

Front Yard(1) (FT)

Direction: S

Street

Comments

Front Yard(2) (FT)

Direction

Street

Comments

Street Side Yard (FT)

Direction

Street

Comments

Interior Side Yard(1) (FT)

Direction: E

Comments: NEED DAPR APPROVAL

Interior Side Yard(2) (FT)

Direction: W

Comments

Rear Yard (FT)

Direction: N

Comments

**Analysis Comments**

**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] 07/06/2017

DATE
Re: 1829 Simpson St restaurant details
1 message

breadnbowl2009 <breadnbowl@gmail.com>                       Tue, Aug 22, 2017 at 8:15 PM
To: Melissa Klotz <mklotz@cityofevanston.org>

Melissa,

Customer service hours planned as 11 AM - 8.30 PM

We expect 2-4 people at work depending on the day and time of the day.

Street parking is not ideal, but at this time I have no other agreements. There is city lot nearby over the bridge. If we manage to get local people, they won't need parking. Also there are two local buses stop at Dodge and Emerson.

We plan to buy most supplies at Jetro supply (same as Kabul guy on Dempster) and couple specialty suppliers and deliver by our own vehicle. Since we plan to serve bakery products (deep fried pies - chebureki, baked cheese pastries - so called khachahapuri, boiled dumplings - pierogi/pelmeni, European style layered cakes) we will have professional grade flour delivered in 50 Lbs bags roughly once every 5-6 weeks. It usually comes by short truck from Chicago.

I don't know whether we will have deliveries and when we will start them, but from my past experience most of our food travels quite well.

Thank you,

Arkady.
Sustainability Practices for Type 2 Restaurants

The City of Evanston prides itself on its commitment to environmental excellence through outstanding and innovative sustainability practices that promote a positive example throughout the community.

Environmental sustainability may be promoted in a variety of ways. In an effort to ensure Type 2 Restaurants do not negatively impact the environment, the following sustainable practices are suggested:

- **Litter Collection Plan:**
  The applicant shall implement and adhere to a Litter Collection Plan requiring the policing of an area located within a two hundred fifty-foot (250') radius of the space in which the use is located. This area shall be patrolled once every three (3) hours during the hours the use is in operation, and shall be kept free of all litter of any type emanating from any source. For the purpose of this requirement, "litter" shall include, but is not limited to: putrescible animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food; other putrescible waste, including animal waste, dead animals, yard clippings and leaves; nonputrescible solid waste, including rubbish, ashes, abandoned automobiles, solid waste, paper, polystyrene, wrappings, cigarettes, cardboard, tin cans, glass, bedding, and similar materials; and all other waste material which, if thrown or deposited as herein prohibited, may create a danger to public health, safety, or welfare.

- **Litter Pick-Up Plan:**
  The applicant shall provide and maintain exterior litter receptacles such as dumpsters, in sufficient number and type to adequately contain all litter collected pursuant to the Litter Collection Plan. Collections shall be a minimum of three (3) times a week, including collections on Sundays to the extent necessary to comply with this condition. All litter receptacles shall be maintained in clean condition with tight-fitting lids, and shall be placed on Code-compliant surfaces at the rear of the property or in an otherwise City-approved location. Within seven (7) days of written notice from the City, the number of litter receptacles and/or the number of collections from each shall be modified or increased as necessary.

- **Customer Recycling:**
  The applicant shall provide recycling receptacles within the space in which the use is located and shall be available for customer use. The recycling receptacles shall be maintained and emptied as necessary to ensure adequate recycling receptacles are available for use during the hours the use is in operation. Recycling containers shall be co-located with garbage containers and labeled for recycling.
Business Recycling:
The applicant shall provide recycling receptacles within the kitchen area and shall recycle restaurant waste including, but not limited to, cardboard and paper products.

Tap Water:
The applicant shall make tap water available to all customers and provide appropriate signage indicating the availability of tap water.

Reusable Flatware and Dishware:
The applicant shall provide reusable flatware and dishware to customers who opt to eat on premises.

100% Recyclable Carry-Out Packaging:
The applicant shall utilize 100% recyclable packaging for all carry-out/delivery orders. Note: Evanston's solid waste hauler Groot Industries recycles rigid plastic numbers 1-5 and 7. Plastic number 6 (rigid or foam) is not recyclable in Evanston's program even though it has the recycling symbol. See attached recycling flyer for details.

Delivery Method:
When possible, the applicant shall utilize environmentally friendly modes of transportation, such as bicycle delivery, when transporting delivery orders to customers.

Other Environmentally-Friendly/Sustainable Practices

I certify that I have checked the appropriate boxes that best describe the sustainability practices that will be adhered to at the Type 2 Restaurant in question.

Risa Garf
Applicant Signature
8/22/2017
Date
Standards for Special Uses

Zoning Ordinance Section 6-3-5-1: Purpose (of Special Uses):
Special uses are those uses that, because of their potential adverse impact upon the immediate neighborhood and the City, as a whole, require a greater degree of scrutiny and review of site characteristics and impacts to determine their suitability in a given location. As such, the determination of special uses as appropriate shall be contingent upon their meeting a set of specific standards and the weighing, in each case, of the public need and benefit against the local impact, giving effect to the proposals of the applicant for ameliorating adverse impacts through special site planning and development techniques and contributions to the provisions of public improvements, sites, right of way and services.

Zoning Ordinance Section 6-3-5-10: Standards for Special Use:

1. The requested special use is one of the special uses listed in the zoning ordinance.

2. The requested special use is in keeping with the purposes and policies of the Comprehensive General Plan and the zoning ordinance as amended from time to time.

3. The requested special use will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole.

4. The requested special use does not interfere with or diminish the value of property in the neighborhood.

5. The requested special use can be adequately served by public facilities and services.

6. The requested special use does not cause undue traffic congestion.
7. The requested special use preserves significant historical and architectural resources.

8. The requested special use preserves significant natural and environmental features.

9. The requested special use complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.
Standards for Major Variations

Zoning Ordinance Section 6-3-8-1: Purpose (of Variations):
The purpose of a variation is to relieve a particular hardship or practical difficulty that the regulations of the Zoning Ordinance may impose upon a landowner because of the special or peculiar characteristics of the property that make compliance with the Zoning Ordinance difficult or impossible.

Zoning Ordinance Section 6-3-8-12: Standards for Major Variations:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.</td>
</tr>
<tr>
<td>2.</td>
<td>The requested variation is in keeping with the intent of the zoning ordinance.</td>
</tr>
<tr>
<td>3.</td>
<td>The alleged hardship or practical difficulty is peculiar to the property.</td>
</tr>
<tr>
<td>4.</td>
<td>The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.</td>
</tr>
<tr>
<td>5.</td>
<td>The purpose of the variation is not based exclusively upon a desire to extract additional income from the property or a public benefit is provided (see additional Public Benefit Standards).</td>
</tr>
<tr>
<td>6.</td>
<td>The alleged difficulty or hardship has not been created by any person having an interest in the property.</td>
</tr>
<tr>
<td>7.</td>
<td>The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Zoning Board of Appeals issues its decision or recommendation to the City Council regarding said variation.</td>
</tr>
</tbody>
</table>
Zoning Ordinance Section 6-3-6-3: Public Benefits (Alternative to Standard 5):

The public benefits to the surrounding neighborhood and the City as a whole that are intended to be derived from the approval of planned developments, include, but are not limited to:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>Preservation and enhancement of desirable site characteristics and open space.</td>
</tr>
<tr>
<td>B.</td>
<td>A pattern of development which preserves natural vegetation, topographic and geologic features.</td>
</tr>
<tr>
<td>C.</td>
<td>Preservation and enhancement of historic and natural resources that significantly contribute to the character of the City.</td>
</tr>
<tr>
<td>D.</td>
<td>Use of design, landscape, or architectural features to create a pleasing environment or other special development features.</td>
</tr>
<tr>
<td>E.</td>
<td>Provision of a variety of housing types in accordance with the City’s housing goals.</td>
</tr>
<tr>
<td>F.</td>
<td>Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation.</td>
</tr>
<tr>
<td>G.</td>
<td>Business, commercial, and manufacturing development to enhance the local economy and strengthen the tax base.</td>
</tr>
<tr>
<td>H.</td>
<td>The efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds, buildings, and other facilities.</td>
</tr>
<tr>
<td>I.</td>
<td>The substantial incorporation of generally recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality, such as level silver or higher LEED certification.</td>
</tr>
</tbody>
</table>
APPROVED

DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES
August 16, 2017


Staff Present: Katie Knapp, Rajeev Dahal

Others Present:

Presiding Member: J. Leonard

A quorum being present, Ms. Leonard called the meeting to order at 2:30 pm.

Approval of minutes

August 9, 2017 DAPR Committee meeting

Mr. Mangum moved to approve the minutes from August 9, 2017, seconded by Ms. Biggs.

The Committee unanimously voted 7-0, with three abstentions to approve minutes from the August 9, 2017 meeting.

Old Business

1. 1829 Simpson Street Recommendation to ZBA and Plan Commission

Rita Kats, property owner, requests a map amendment to rezone the property located at 1829 Simpson Street from the R3 Two-Family Residential District to the B1 Business District. The applicant also requests a special use permit for a Type 2 Restaurant in the B1 Business District, and major zoning relief for a 4.3’ east interior side yard setback for a roofed patio where 10’ is required.

APPLICATION PRESENTED BY: Arkady Kats, Applicant

DISCUSSION:

● Mr. Kats provided an overview of the proposed project. He wants to convert an abandoned building into a neighborhood restaurant. The project will have the same footprint as previous construction except for the rear part of it. The restaurant will have a terrace where people can sit outside looking at the adjacent park. There will be seats for 25 people.

● Alderman Rue Simmons thanked Mr. Kats for the changes he made in the project. She mentioned the fact that there is a common agreement among the community that a restaurant will be welcome there.
Donna Richardson, resident, asked if the future restaurant will sell alcohol. She claimed that the neighborhood is getting better in the last months, and she doesn’t want alcohol to bring problems in the community as before. Mr. Kats answered that he doesn’t plan to sell alcohol at the moment, but that could change according to demand.

Ms. Leonard explained to the public that there both the Liquor Commission chaired by the mayor, and the City Council decide about liquor permits.

Rodney Greene stated that the neighborhood doesn’t need a restaurant. The existing building could be used for more useful things such affordable housing.

Former Alderman Dolores Holmes expressed her concerns about the R3 zoning area where the proposed business is located. She mentioned the fact that there is a specific Business district on Simpson that ends at Dewey Avenue, and the restaurant should be located there. She added that the community doesn’t want changes in zoning. She also said that neighbors are concerned about the potential noise and amount of garbage that the restaurant could produce.

Madelyn Ducré stated that the neighborhood needs a library, affordable housing, a healthcare center, but not a restaurant. She added that neighbors don’t want to see zoning changes. She was concerned about the noise that could be produced by the restaurant to neighboring houses. She was also worried about parking, since according to her, all parking lots and parking places are already full of cars. The restaurant would bring more cars to the neighborhood, and more need for parking.

Tina Foster, resident, asked Mr. Kats about the price of the food. According to her, the neighborhood needs affordable food. She was also concerned about how the change in zoning will impact her taxes.

Betty Ester and other community members showed many concerns about property lines. Ms. Leonard informed that the entire project is within property lines, and City’s staff will research plat of survey to confirm. She stated that, due to time, public comments will continue at the next DAPR meeting scheduled for next week.

Mr. Mangum asked Mr. Kats to detail hours of operation of the future restaurant. Mr. Kats responded that he doesn’t know yet the exact hours of operation, but he is planning to have the restaurant open from 11am to 8pm on weekdays, and maybe from 10:30am to 8:30pm on weekends. Mr. Mangum stated that the ZBA would need exact hours of operations to recommend the project. Mr. Mangum also asked about delivery frequency and types of vehicles. Mr. Kats answered that there are not yet specific times for deliveries.

Ms. Leonard asked for clarification about where garbage will be stored and how vehicles will pick it up. Mr. Kats explained that the garbage will be stored on a side of the restaurant. Ms. Biggs and Ms. Leonard stated that vehicles will need to pick up garbage from the front of the property, so the Committee would need to see in next meeting where garbage will be stored and located for pick up.

Mr. Mangum showed concerns about fencing around the patio. Although the fence can be transparent for the west side of the property (with views to the park), he recommended that the fence should be solid at the eastern side of the property (to neighbors).
• Mr. Mangum also inquired about how much of the building wall facing the park will be opened. Mr. Kats responded that two of the windows looking at the park will be only decorative, not real windows (in order to fit better in the neighborhood). Mr. Mangum suggested having only one entrance door to the restaurant, instead of the proposed two.

• Finally, Ms. Leonard asked Mr. Mangum to look if there is ability for zoning to place restrictions on liquor being served at that specific location.

Due to the need for additional information to address issues brought up during discussion, this item was continued to the August 23, 2017 meeting.

Staff Present: Katie Knapp

Others Present:

Presiding Member: J. Leonard

A quorum being present, Ms. Leonard called the meeting to order at 2:34 pm.

Approval of minutes

August 16, 2017 DAPR Committee meeting.

Mr. Mangum moved to approve the minutes from August 16, 2017, seconded by Ms. Biggs.

The Committee unanimously voted 9-0, with one abstention to approve minutes from the August 16, 2017 meeting.

Old Business

1. **1829 Simpson Street** Recommendation to ZBA and Plan Commission

Rita Kats, property owner, requests a map amendment to rezone the property located at 1829 Simpson Street from the R3 Two-Family Residential District to the B1 Business District. The applicant also requests a special use permit for a Type 2 Restaurant in the B1 Business District, and major zoning relief for a 4.3' east interior side yard setback for a roofed patio where 10' is required.

APPLICATION PRESENTED BY: Arkady Kats, Applicant

DISCUSSION:

- Mr. Kats explained that the garbage cans will be stored on the east side of the property, and will be picked up on the sidewalk. He mentioned that he added a new porch on the back of the restaurant, in order to improve the relationship between the park and the building. He also increased the size of the windows looking at the park.
- Mr. Gerdes stated that if the project is approved by City Council, Mr. Kats would need to provide details on materials, fences, and construction details to DAPR prior to issuance of building permit.
Mr. Tristan informed that, per municipal ordinance, this building would require sprinklers. However, if too expensive for the applicant, Mr. Kats could appeal and propose to install fire alarms instead of sprinklers.

Melissa Klotz stated that she reviewed plat of surveys and found some discrepancies about the length of the property. An old survey from 1928 indicates that the property measures 152 feet long, while a more recent survey indicates that the property measures 159 feet long (there is a 7 feet discrepancy between both surveys). However, since no construction is proposed in these 7 feet, this issue should not impact the overall project.

Donna Richardson, resident, expressed concerns about how the trash will be taken out from the property to the street. Mr. Kats answered that the garbage will be stored in regular roll out cans and pushed to the front for pickup.

Ms. Leonard clarified that DAPR Committee is not able to restrict any liquor license, and that if a liquor license was requested at a later date the topic would need to be discussed at the Liquor Commission chaired by the Mayor.

Former Alderman Dolores Holmes stated that she is still against the proposed zoning change.

Tina Foster, resident, expressed concerns about the garbage cans. She asked if two regular garbage cans are enough for a restaurant of this size. She also showed concerns about animals going to those garbage cans. Ms. Biggs stated that many restaurants in the city use regular garbage cans, and a protection around the garbage cans could be placed in order to protect them from animals. Ms. Leonard suggested that Staff could recommend requiring protective screening around garbage cans.

Betty Ester, resident, expressed concerns about the property line. She mentioned that it is not clear where the rear lot line is. Ms. Leonard responded that although different surveys show different lengths, this issue does not impact the overall project, as there are no setbacks affecting the rear property. She added that the lot line issue should be investigated further before the project reaches City Council.

A member of the public asked what variances are requested for changing zoning in this particular site. Ms. Klotz informed that the proposed setback variation is mainly due because the property is adjacent to residential units. There is a requirement of a 10-foot setback, and the proposal is to rebuild the rear of the building slightly larger (with a 4.3-foot setback).

Madelyn Ducré, resident, asked if the restaurant will sell liquor. Ms. Katz responded that no, he is not planning to sell liquor at his restaurant. Ms. Ducré also expressed concerns about the property line.

Alderman Rue Simmons explained that the building has been abandoned for many years, and that the community really wants a restaurant there. She fully supports Mr. Kats' project. She stated that Mr. Kats had made many changes in his proposal in order to fit the project with the neighborhood (adding window openings to the park and outdoor dining experience, among others). She mentioned that Mr. Kats is committed to hire locally and work with the community as much as possible. She also provided written comments from neighbors, all supporting the project.
Ms. Biggs moved to recommend approval to ZBA and Plan Commission for a map amendment to rezone the property located at 1829 Simpson Street from the R3 Two-Family Residential District to the B1 Business District, a special use permit for a Type 2 Restaurant in the B1 Business District, and a major zoning relief for a 4.3’ east interior side yard setback for a roofed patio, with the condition of submission of a garbage management plan, specification of hours of operation, and clarification of plat of survey, seconded by Mr. Nelson.

The committee voted unanimously 10-0, to approve the recommendation to ZBA and Plan Commission.