Zoning Board of Appeals  
Tuesday, March 20, 2018  
7:00 P.M.  
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES of February 20, 2018

3. OLD BUSINESS

4. NEW BUSINESS

A. 1301 Chicago Ave. 18ZMJV-0006
   Sebastian Koziura, lessee, applies for a special use permit for a Type 2 Restaurant, Frio Gelato, in the B1 Business District and the oDM Dempster-Main Overlay District (Zoning Code Section 6-9-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

5. DISCUSSION

6. ADJOURNMENT

The next Zoning Board of Appeals meeting is scheduled for Tuesday, April 17, 2018 at 7:00 pm in James C. Lytle City Council Chambers of the Lorraine H. Morton Civic Center.

Order & Agenda Items are subject to change. Information about the ZBA is available at: http://www.cityofevanston.org/government/agendas-minutes/agendas-minutes---zoning-board-of-appeals/index.php
Questions can be directed to Melissa Klotz at 847-448-8153. 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 Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8153 (Voice) or 847-448-8064 (TDD).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las que no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).
Declaration of Quorum
With a quorum present, Chair Berns called the meeting to order at 7:05 p.m.

Minutes
Ms. McAuley motioned to approve the January 16, 2018 meeting minutes, which were seconded by Ms. Cullen and unanimously approved.

Ms. McAuley motioned to approve the January 23, 2018 meeting minutes, which were seconded by Ms. Cullen and unanimously approved.

New Business
1239 Asbury Ave./1224 Dempster St.  ZBA 17ZMJV-0100
Michael Finnegan, board member, applies for major zoning relief to subdivide a property to split Beth Emet The Free Synagogue from a single family residence in the R1 Single Family Residential District. The applicant requests 32.7% building lot coverage where 32.3% currently exists and 30% is permitted (Zoning Code Section 6-8-2-7), and 65.1% impervious surface coverage where 63.8% currently exists and 45% is permitted (Zoning Code Section 6-8-2-10), both for the synagogue property. The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record.

The applicant explained the proposal:
- After discussing with staff, Beth Emet decided it would be best to subdivide the single family home from the synagogue rather than demolish it.
- The house is a local historic landmark.
- The applicant worked through multiple proposals with staff to determine the best option.
- No changes to either lot are proposed; all are existing conditions, just with a new property line.
- The variations are for the synagogue lot.

Ms. McAuley applauded the applicant’s effort to find a proposal that does not add a curb cut and makes the house lot compliant.
Ms. Klotz confirmed the building lot coverage stated includes the recent variation approval for the modified entry to Beth Emet. That variation was minimal and increased the percentage by about 1.5%.

Chair Berns asked if any other projects from Beth Emet are proposed that may proceed to the ZBA in the near future. The applicant confirmed there are other projects in the works, and Ms. Klotz confirmed zoning staff has recently reviewed remodeling permits that are compliant with zoning.

Deliberation:
Mr. Gingold commended the applicant’s effort to reduce variations to the minimum deviation needed while also preserving an historic property. Ms. Arevalo, Ms. Cullen, and Ms. McAuley agreed.

The Standards were addressed:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes

Mr. Gingold motioned to approve the variations and Ms. Cullen seconded the motion, which was unanimously approved with the condition the project is developed in substantial compliance with the documents and testimony on record.

1601-1801 block of Main St, including the current 1701 Main St. and proposed 1801 Main St. Robert Crown Community Center ZBA 17ZMJV-0110
Brian Foote, architect, applies for major zoning relief to construct a 2-story, 133,000 sq. ft. community center (with ice rinks, gymnasium, public library, preschool, multi-purpose rooms) and exterior site work including new parking lot, athletic fields and landscaping in the OS Open Space District. The applicant requests a FAR of 0.18 where a maximum FAR of 0.15 is allowed (Zoning Code Section 6-15-9-6), to provide 225 off-street parking spaces where a minimum of 334 off-street parking spaces are required (Zoning Code Section 6-16-3-5, Table 16-B), to provide 23’ wide two-way drive aisles where a minimum of 24’ is required (Zoning Code Section 6-16-2-7, Table 16-A), to provide zero loading docks where a minimum of 2 long loading docks are required (Zoning Code Section 6-16-5, Table 16-E). The City Council is the determining body for this case.

Mr. Mangum read the case into the record.

Andy Tenucchi & Brian Foote, architects, explained the proposal:
- Request variations for FAR, loading dock, number of parking spaces, and parking drive aisle width.
- Site will include the new building with two ice rinks, additional indoor uses such as daycare, a parking lot, and numerous outdoor sports fields.
• Underwent an extensive public process to determine the needs of the community.
• Building is two stories to keep the footprint small to accommodate the outdoor playing fields.
• Based on the uses, it was determined the facility needs 225 parking spaces (not the zoning requirement) and the proposal is for 229 parking spaces.
• The play fields are located as far north as possible to maintain existing mature trees.
• There is a stormwater deep vent that prohibits the drive aisle from extending further.
• Between the trees and stormwater vent, only a 23' drive aisle fits.
• Maximum demand is for a winter event for a 1,000 seat show. There will not be enough parking for that event, so shuttles will take people to parking at Evanston Plaza just like is currently done.
• The loading area will be restricted to service vehicles only. It does not connect to the main parking lot.
• There won’t be much demand for the loading area. Deliveries will be made by box trucks for the vending machines.

Lara Biggs, City Engineer, explained the types of vehicles using the loading area are typically regular City vehicles such as pickup trucks and vans. Other vehicles will be infrequent but occasionally for things like preschool food drop off. The largest will be garbage trucks.

The applicant continued:
• Large equipment to maintain the playing fields will not be stored on-site. Maintenance vehicles will be stored at other City facilities.
• Most playing field equipment like soccer goals will be permanent. A few will not, like a lacrosse goal, and will be stored within the building and walked out when needed.

Chair Berns asked why more parking cannot be added, and the applicant explained the only area that appears where more parking could be added is the green space to the east side, but there is an entire grove of heritage trees that would have to be cut down.

Chair Berns suggested the turning radii for large vehicles is concerning and vehicles will end up cutting across end parking spaces to make turns in the parking lot. She asked if there is 2’ available to make the drive aisles compliant, and suggested different trees with smaller root structures could be planted in the parking lot median that allows for the median to be reduced and the aisle width to comply.

Mr. Gingold agreed that 2’ can be found to fix the aisle width and not create problems for vehicles navigating the parking lot.

Ms. Biggs noted City staff is confident emergency vehicles can make the turns so the 23’ aisle width is adequate. Chair Berns encouraged the applicant to explore other landscaping options that work in a smaller median to comply with the aisle width, and noted her concern is not emergency vehicles, it is more about young inexperienced
drivers who will use the facility often. Ms. Biggs responded they will attempt to revise the site plan to find a way to comply with the 24’ aisle width.

Deliberation:
Ms. McAuley noted there has been extensive community outreach, a lot of information and documentation provided, and commended the applicant for everything that has been done so far.

Mr. Gingold agreed with Ms. McAuley, and added that although there is a parking variation for the number of spaces, the parking lot has 50% more spaces than the current parking lot. However, there are ways to accommodate the 24’ aisle width. The other variations are reasonable.

Ms. Cullen stated this is a good project but she is concerned about the parking. Ms. Arevalo agreed, and noted smaller aisle widths can be designed using angled parking, though that would create one-way drive aisles.

Standards:
1. Yes
2. Yes
3. Yes
4. Yes
5. Yes
6. Yes
7. Yes; (No - parking drive aisle width; Yes – Ms. McAuley)

Mr. Gingold explained the applicant should proceed with the current option and a revised 24’ drive aisle option and let City Council determine which option is most desirable. Chair Berns stated she feels the 23’ drive aisle should be denied with the other variations approved.

Ms. McAuley motioned to recommend approval of all variations with the condition they explore the possibility of expanding the drive aisle width to 24’ by modifying the landscaping; and with substantial compliance with the documents and testimony on record. The motion was not seconded and died.

Mr. Gingold motioned to recommend approval of the FAR, number of parking spaces, and zero loading berths. The motion was seconded by Ms. Cullen and unanimously approved.

Mr. Gingold motioned to recommend approval of the aisle width parking at 23’, which was seconded by Ms. McAuley and voted 1-4 for the parking aisle width variation resulting in a recommendation for denial.

3233-3249 Central St. ZBA 18ZMJV-0003
Highlands on Central, LLC, property owner, applies for major zoning relief to construct a 14 unit multiple-family residence with a detached garage and open parking in the R1 Single Family Residential District and the oCSC Central Street Overlay District. The applicant requests 14 dwelling units where a maximum 10 dwelling units are allowed
(Zoning Code Section 6-8-5-4-C), 55% building lot coverage where a maximum 40% is allowed (Zoning Code Section 6-8-5-6), and 62.1% impervious surface coverage where a maximum 55% is allowed (Zoning Code Section 6-8-5-9). The Zoning Board of Appeals is the determining body for this case.

Ms. Klotz read the case into the record, and noted additional letters of support and opposition that were emailed/distributed prior to the hearing.

Dan Schermerhorn, property owner, explained the proposal:
- Determined the property could have 9 units compliant with all zoning regulations, but the property would be more beneficial to the community as a larger development.
- Propose all units will be adaptable so they can be made ADA compliant if needed, though the second floor units will not have an elevator. Second floor units could have a chair lift put in.
- The development meets the parking requirement.
- Stormwater management will be underground as well as bio-swales in the front yard.
- Alderman recommended the public benefit of providing flashing crosswalk.
- Also providing other public benefits such as bus pad, deconstruction of current buildings instead of demolition, use of workforce development program and hiring one employee for the duration of construction.
- The proposed building keeps with the architecture of surrounding properties.

Eileen Schoeb, architect, explained the design:
- The building is designed for citizens with limited mobility - elderly, children, etc., which means as many units as possible are needed at grade.
- Drainage is more than accommodated for by the stormwater management system.
- 16 enclosed parking spaces are provided as well as open parking; the current buildings do not have enclosed parking.
- Proposed building is not required to be adaptable or ADA accessible due to the building size, but it is a great way to serve the community as a public benefit.
- Adaptable units need much larger bathrooms, wider doors and hallways. Each unit is 1,274 square feet.
- Much of the rear elevation is blocked by the detached garage, so details were added to the roofline to break up the massing where visible beyond the garage.
- Water draining to the rear will go to the stormwater pipe, and water draining to the front will go to the bio-swale for reuse on the site. Bio-swales are preferred in the front yard because adding underground drain pipes would risk damaging existing mature tree root systems.
- Discussed with staff using pavers on sidewalks to reduce the impervious surface calculation, but paver walks are difficult for those with limited mobility so concrete is proposed. Pavers are used in areas that will impact accessibility the least. Pavers are proposed for the open parking, but not given the impervious surface discount per zoning regulations since open parking counts towards building lot coverage.
• Propose 22% beyond the stormwater requirement. Pavers are not needed to meet the MWRD regulations, and are not given the zoning credit, but are proposed anyway.

Mr. Gingold asked how fair housing guidelines work with regards to getting mobility challenged individuals in the units. Mr. Schermerhorn explained the units will be marketed specifically to mobility challenged individuals, but cannot say with certainty that the ground floor units will be used by mobility challenged individuals only.

Ms. Cullen asked if any of the units will use vouchers and Mr. Schermerhorn said if a tenant qualifies then he has no issue doing so.

Ms. McAuley asked why an affordable unit will not be provided on site as recommended by staff, and Mr. Schermerhorn explained it is not economically feasible and would make the other rents far too high. An affordable unit would rent at about $800 per month where a regular unit will rent for $2,500. The $75,000 fee in lieu will be paid instead, which meets the code requirement. Mr. Schermerhorn explained he met with Housing staff to determine the feasibility but the numbers make it economically infeasible.

Chair Berns asked why 14 one-bedroom units aren’t proposed instead, since that achieves the density and ground-floor units needed. The applicants explained the market is underserved for 2 bedroom units like this. Chair Berns confirmed that there is a compliant solution, but it is economically infeasible.

Ms. McAuley noted there is a large demand for 1-bedroom at-grade adaptable units, and further explained there could have been a mixture of unit sizes so that the ground floor has 1-bedroom units that are adaptable and the second floor has the larger units the applicant prefers, which could result in a smaller building footprint.

Chair Berns explained that providing the adaptable units is more of a benefit to the developer since the units will be marketed/rented faster and at a higher rate due to the market need, and at a very small cost to make those units adaptable. The applicants explained the adaptable units require more space for bathrooms and hallways so it increases the building footprint and size, which is not a small cost.

Chair Berns noted ten 2-bedroom units could be constructed compliant with building lot coverage and impervious surface coverage. The applicant responded they could construct 9 4-bedroom units that comply with everything, but the 14 2-bedroom adaptable units are better for the community. The units would have to be 4-bedroom to make the rental income necessary to make the project financially feasible.

Ms. McAuley explained it could be incrementally done with a variety of unit sizes and variety of adaptable units, so that the project could be economically feasible while meeting the zoning regulations.

Mr. Gingold asked for further explanation of the inclusionary housing proposal. Mr. Schermerhorn explained the fee-in-lieu is $75,000, whereas the rent lost from an on-site affordable unit is $500,000 over 25 years, which makes the construction loan infeasible.
Public Comment:
Kathy Leoni, 3253 Central St., explained she resides at the first property west of the proposed development, and stated greater density should not be allowed. The buildings being demolished are 9 units, and 10 are allowed.

Doug Hood, 3232 Hartzell St., noted 3-4 heritage trees were cut down about 18 months ago before the applicant reached out to the neighborhood. The variations requested are self-created and should not be approved.

Martin Zurawale, 3242 Central St., explained this would be the largest building in the area, and 24 months of construction in a residential neighborhood is a long time.

Jim McHolland, 2550 Cowper Ave., explained he has seen that the Schermerhorn company has done no maintenance to the existing buildings so that they deteriorated a lot over the last 5 years. Parking is very difficult in the area and renters from the existing buildings have more cars than parking spaces so they use the street parking. More density means more cars and worse parking issues on the street.

Michael Stovan, 3225 Central St, agreed the proposal has too many units.

Steve Losh, 3253 Central St., agreed with previous comments of opposition.

Pete Groepper, 2601 Prospect Ave, explained the neighborhood features smaller homes built in the 1950s such as his 2-bedroom house. The variations requested are a lot and too much for the neighborhood.

Lou Dixon, 2730 Prairie, from Evanston Rebuilding Warehouse, explained she loves that the current buildings are being deconstructed, and the property owner will employee a worker trained through the Evanston Workforce program.

Dale Bradley, 3000-3004 Central St., has seen a lot of development throughout Evanston, including much larger multi-level buildings. The proposal is much smaller and nicer looking, and will improve the block.

Lynn Foster, 3231 Central St., stated the plans are an improvement from the current buildings that are there, and is supportive of the proposal.

Judith Johnson, 3246 Hartzell St., explained the zoning rules are there for a reason. Increased density and more vehicles means an impact on current residents of the area. The variations should not be granted.

John Crawson, 3246 Hartzell St., agreed that the variations requested are large. The density is requested at 40% more than what is allowed. The impact shouldn't fall on the neighborhood just because the applicant can’t make the project economically feasible.

Janet Lee, 3244 Central St, noted her worry about the construction noise and impact it may have on those that need to sleep during the day to work nights.
The applicant responded:
- No heritage trees have been cut down.
- Construction will not last 2 years - that is the time frame including permits, etc. The construction will take the same amount of time as a new single family residence.
- Happy to aid in the 50/50 alley repaving if the neighborhood would like to do so.

Deliberation:
Ms. McAuley noted there are a lot of good things about this project. It is great that the current buildings are being deconstructed instead of demolished, the applicant tried to reach out to neighbors, and the applicant will train and use a Workforce employee. But there hasn't been enough quid pro quo. There can be a dialogue and greater conversation with the neighborhood to make an economically feasible project while also giving back to the neighborhood via alley repaving, etc.

Mr. Gingold agreed, and noted the building looks very nice. However, the density proposed and other overages requested are perceived by the neighborhood to be a large burden. There is no unique hardship to the property.

Ms. Cullen agreed and noted the property should be developed in accordance with the density allowed by the Zoning Ordinance.

Ms. Arevalo noted she likes the project, and that it is well thought out including stormwater detention.

Chair Berns explained the proposal is not a bad project, but the goal of all adaptable units led to variations that are not appropriate for the property.

Standards:
1. No
2. Yes
3. No
4. No
5. No
6. No
7. No

Mr. Gingold motioned to approve the variations, which was seconded by Ms. Cullen, and voted 1-4, so the variations requested were denied.

Other Business
There was no other business.

Discussion
There was no additional discussion.

The meeting adjourned at 9:45pm.
1301 Chicago Ave.
18ZMJV-0006

ZBA Recommending Body
Memorandum

To: Members of the Zoning Board of Appeals

From: Erika Storlie, Assistant City Manager/Acting Director of Community Development
Scott Mangum, Planning and Zoning Administrator
Melissa Klotz, Zoning Planner

Subject: 1301 Chicago Ave. – ZBA 18ZMJV-0006
ZBA Recommending Body
City Council Determining Body

Date: March 14, 2018

Notice – Published in the March 1, 2018 *Evanston Review*
Sebastian Koziura, lessee, applies for a special use permit for a Type 2 Restaurant, Frio Gelato, in the B1 Business District and the oDM Dempster-Main Overlay District (Zoning Code Section 6-9-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Recommendation
City Staff and DAPR recommend approval for a special use permit for a Type 2 Restaurant, Frio Gelato, in the B1 Business District and the oDM Dempster-Main Overlay District. The applicant has complied with all zoning requirements, and meets all of the standards of a special use for this district.

Site Background
1301 Chicago Ave. is located on the northeast corner of Chicago Ave. and Dempster St. in the C1a Commercial Mixed-Use District and the oDM Dempster-Main Overlay District. It is immediately surrounded by the following zoning districts:

| North: B1 | Business District |
| South: B1 & oDM | Business District & Dempster-Main Overlay District |
| East: B1 & oDM/R3 | Business District & Dempster-Main Overlay District |

1301 Chicago Ave. is the ground-floor corner space with façade windows facing both Chicago Ave. and Dempster St., in a one-story commercial building. The space was previously occupied by Bake 425, a take-and-bake pizza Specialty Food Store Establishment, which closed in 2016.
Proposal
The applicant currently operates Frio Gelato at 1301 Chicago Ave. as a Specialty Food Store Establishment, which does not permit seating. The business has been quite successful since moving from the space at 517 Dempster St. in late 2017/early 2018, so the applicant now proposes to utilize seating with classification as a Type 2 Restaurant at the new corner location. The applicant previously obtained a special use for a Type 2 Restaurant at 517 Dempster St. and complied with all zoning regulations at that location. The Zoning Ordinance defines a Type 2 restaurant as:

An establishment in which the principal use is the service of prepared food and/or beverages for consumption on and/or off the premises and that is not a "restaurant, type 1" as defined herein. This definition shall not include establishments where incidental prepared food and beverage service is accessory to a bakery, food establishment, convenience store, food store establishment, meat market, or similar principal use nor shall it include cafeterias that are accessory to hospitals, colleges, universities, schools or other similar principal uses. (Ord. 9-0-10)

The space is currently approved for Frio Gelato as a Specialty Food Store Establishment with no customer seating. The space features oversized window ledges that serve as built-in benches, but the Specialty Food Store designation prohibited the addition of tables or other seating. The applicant added tables and chairs in late January and was notified by City staff that the seating area triggered a special use requirement for a Type 2 Restaurant. The applicant immediately applied for the special use, but did not remove the seating as required so the business is currently in violation of City zoning regulations.

Frio Gelato is a locally owned and operated business that produces gelato from scratch at a manufacturing facility at 1701 Simpson St. The gelato is also available for purchase at restaurants and businesses in Evanston and Chicago. The new restaurant will operate from noon – 10pm during the winter and from noon – 10:30pm during the summer months, with a maximum of 2 employees per shift. Garbage pickup occurs two times per week behind the building. Commissary deliveries occur via the rear of the building by van or transit truck, where there are two parking spaces for unloading.

The applicant proposes to add tables and chairs for seating of 11 customers including the bench seating. The facility features one common bathroom, therefore building code requirements limit the number of occupants in the space (including employees) to a maximum of 10. The applicant agrees to follow sustainable practices including a litter pick-up plan and customer recycling. All non-reusable food containers and flatware are fully recyclable. No exterior modifications to the building are proposed. City staff is not aware of any objections to the proposal.

Ordinances Identified for Requested Relief:
6-9-2-3 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:
Type 2 Restaurant (among other listed uses)

Comprehensive Plan:
The Evanston Comprehensive General Plan encourages the utilization of vacant storefronts along existing commercial corridors that can add sales tax revenue and encourage economic vitality. The Comprehensive Plan specifically includes:

Objective: Promote the growth and redevelopment of business, commercial, and industrial areas.

Objective: Retain and attract businesses in order to strengthen Evanston’s economic base.

Frio Gelato is a locally owned and operated business that has expanded multiple times and will benefit from the addition of seating within the existing space.

Design and Project Review (DAPR) Discussion and Recommendation:
The Committee found the addition of seating within the proposed restaurant to be complementary to the existing business.
Recommendation: Unanimous approval, with the condition sustainable practices are incorporated into the business.

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

1. Is one of the listed special uses for the zoning district in which the property lies: Type 2 Restaurants are eligible special uses in the B1 District.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: The proposed restaurant is an expansion of a locally owned and operated business that utilizes a previously vacant space, which strengthens Evanston’s economic base.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: The proposed restaurant is complementary to the variety of businesses and restaurants in the Dempster St. business district.
4. Does not interfere with or diminish the value of property in the neighborhood: The business occupies a previously vacant commercial space with an active use that adds value to the neighborhood.
5. Is adequately served by public facilities and services: The business currently utilizes public facilities and services adequately.
6. Does not cause undue traffic congestion: The property is located in a transit-oriented area with a CTA station and bus routes nearby. With two parking spaces located on-site for the business, employees should not utilize street parking.
7. Preserves significant historical and architectural resources: No changes to the structure are proposed.
8. Preserves significant natural and environmental resources: NA
9. Complies with all other applicable regulations: The applicant understands the 10 occupant limit and agrees to comply.

Attachments
Special Use Application – submitted January 31, 2018
Plat of Survey
Interior Site Plan – updated March 15, 2018
Business Summary
Sustainability Practices Worksheet
Image of Property
Aerial View of Property
Zoning Map of Property
DAPR Meeting Minutes Excerpt – February 28, 2018
SPECIAL USE APPLICATION

CASE #: 18 ZMJV-0000

1. PROPERTY

Address: 1301 Chicago Ave
Permanent Identification Number(s):
PIN 1: 131-11-1100000000 PIN 2: 131-11-1111111111
(Note: An accurate plat of survey for all properties that are subject to this application must be submitted with the application.)

2. APPLICANT

Name: SEBASTIAN KOZIURDA
Organization: FRIO GELATO LLC
Address: 3701 SIMPSON ST.
City, State, Zip: EVANSTON IL 60201
Fax: Work: 
E-mail: sebastian.koziurda@hotmail.com

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

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

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

Name(s) or Organization: DEPASTER ASSOCIATES LLC
Address: 115 N. MICHIGAN AVE
City, State, Zip: CHICAGO IL 60601
Phone: Work: 312-938-8101 Home: 312-938-8101
Fax: Work: 
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."

Property Owner(s) Signature(s) – REQUIRED

Date: 08/07/17

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."

Applicant Signature – REQUIRED

Date: 08/07/17
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: Nov 12, 2014
☐ 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: _______________________
☐ 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:

_**GELATO AND COFFEE RETAIL STORE, WE WILL BE SERVING GELATO AND COFFEE THAT WE MANUFACTURE IN OUR OTHER EVANSTON LOCATION AT 1701 SIMPSON ST.**_

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**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. OUR BUSINESS FALLS IN THE CATEGORY OF A TYPE 2 RESTAURANT AND TAKE OUT._

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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. WE BELIEVE THAT HAVING GELATO AT THAT CORNER WILL ADD LIFE TO THE NEIGHBORHOOD AND WILL BENEFIT ALL THE OTHER RETAIL STORES. ALSO, THIS LOCATION USED TO BE AN ICE CREAM SHOP YEARS AGO._

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

_YES. THIS STORE HAS ALL THE PUBLIC SERVICES THAT WE NEED FROM PUBLIC LIGHTING, TRASH PICK-UP, PUBLIC TRANSIT, ETC._

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Page 3 of 6
d) Will the requested special use cause undue traffic congestion?

NO. WE BELIEVE THAT MOST OF OUR CLIENTS ARE COMING FROM THE NEIGHBORHOOD MAKING THIS LOCATION A DESTINATION AND SOCIAL GATHERING

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

YES. WE ARE NOT DOING ANYTHING ON THE OUTSIDE OF THE BUILDING EXCEPT FOR NEW AWNINGS. THE INTERIOR WILL WORK REALY WELL WITH THE LOOK AND FEEL OF THE BUILDING AND NEIGHBORHOOD

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

WE ARE VERY CONCIOUS ABOUT THE ENVIRONMENT. WE HAVE A RECYCLING PROGRAM AND RECYCLING TRASH CAN FROM GOTT COMPANY. WE ALSO USE PAPER CAPS AND WOODEN SPOONS WHEN WE SERVE FOOD PRODUCTS.

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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?

YES

---
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 _____ 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.
GREMLEY & BIEDERMANN

ALTA/ACSM Land Title Survey

LOT 10 IN BLOCK 3 IN THE ORIGINAL VILLAGE (NOW CITY) OF EVANSTON IN SECTION 14, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS,
CONTAINING 11,263 SQ. FT. OR 0.25 ACRES MORE OR LESS.

SURVEY NOTE:
The Survey was prepared based on CHICAGO TITLE INSURANCE COMPANY's Control Chart 1422W56/01 D2.
Effective Date: AUGUST 27, 2014 as to matters of record.

SCHEDULE D:


D 12. THE FOLLOWING ENCROACHMENTS ARE DISCLOSED BY SURVEY DATED JUNE 1, 1963 MADE BY GREMLEY AND BIEDERMANN, INC., CHICAGO WRE, 6268, TO N.E.T.

(A) ENCROACHMENT OF BUILDINGS SITUATED ON THE LAND OVER AND UPON THE LAND WEST AND ADJACENT, 0.10 FEET AT NORTHWEST CORNER AND 0.15 FEET WEST AT SOUTHWEST CORNER.

(B) ENCROACHMENT OF CONCRETE RETAINING WALL SITUATED ON THE NORTHWEST CORNER, 0.10 FEET OVER AND UPON THE LAND NORTH AND ADJACENT 0.15 FEET.

(C) ENCROACHMENT OF CONCRETE WALL SITUATED ON THE NORTHWEST CORNER, 0.10 FEET OVER AND UPON THE LAND NORTH AND ADJACENT 0.15 FEET.

ALL OTHER ITEMS ARE NOT A MATTER OF SURVEY.

SURVEY NOTE:
Surveyor's License expires November 30, 2016.
Report 2 & 3, denote Record and Measured distances separately.
Distances are marked in feet and decimal parts thereof. Compare all notes BEFORE reading and at once repair any difference afterwards.
Instructions, building lines, and other matter not shown on survey job refer to your sketch, map, chart, the field and town surveys of record.

NO DIMENSIONS SHALL BE EXCEEDED BY SCALE MEASURED upon this plat.

Unless otherwise noted on the survey plat, dimensions are shown on survey plat refer to your sketch, map, chart, the field and town surveys of record.

Copyright Grealey & Biedermann Inc. 2014 "All Rights Reserved."
Frio Gelato is an artisanal gelato maker, we produce our Gelato from scratch in our own kitchen Located at 1701 Simpson St. Evanston IL.

Our new retail store is where we serve our Gelato, where people from the neighborhood or people who are already having dinner at various restaurants around us can come and enjoy a unique frozen dessert.

We were already in the same building at 517 Dempster, having a lot of success but we were lacking space for people to stay and eat their gelato especially in the winter. The visibility that this corner provides us will be very important to grow the business and improve our sales specially in the winter.

Parking is not an issue because most of our customers live in the neighborhood or they are already there having dinner at our restaurant neighbors.

The hours of operation will be every day from noon to 10 pm in the winter and noon to 10:30 in the summer months.

We will have 2 or 3 employees for serving the product. Again, our production and kitchen is someplace else allowing us to have a small staff on site.

Garbage collection is by the company Groot, we have a twice a week collection contract, our only disposal are empty paper cups, napkins, paper towels and wooden spoons.

Our product is delivered daily from our kitchen, we currently have a contract with Blue Star which is the company that manages the parking lot behind our building, we use our small Ford Transit truck for the deliveries.

Sebastian Koziura
Principal
FRIO Gelato LLC
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
WE USE PAPER CUPS AND WOODEN SPOONS. ALL
OUR CONTAINERS ARE RECYCLABLE AND OUR BAGS
ARE PAPER BAGS.
WE DON'T HAVE ANY WARE BECAUSE WE DON'T
Cook anything on site.

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.

[Signature]
Applicant Signature

[Signature]
Date
This map is not a plat of survey. This map is provided "as is" without warranties of any kind. See www.cityofevanston.org/mapdisclaimers.html for more information.
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DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES EXCERPT
February 28, 2018


Staff Present: J. Velan

Others Present: J. Velan

Presiding Member: E. Storlie

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

Approval of minutes

February 21, 2018, DAPR Committee meeting.

Mr. Nelson moved to approve the minutes from February 21, 2018, seconded by Mr. Gerdes.

The Committee voted, 10-0, to approve the minutes of February 21, 2018.

New Business

3. 1301 Chicago Ave. Recommendation to ZBA
Sabastian Koziura, lessee, submits for a special use permit for a Type-2 Restaurant, Frio Gelato, in the B1 Business District and oDM Dempster-Main Overlay District.

APPLICATION PRESENTED BY: Sabastian Koziura, applicant

DISCUSSION:
- Mr. Koziura stated he recently relocated Frio Gelato to this location, opened on January 19, 2018.
- Mr. Mangum stated adding seating triggered the special use. He stated the seating plan needs to be updated for ZBA, showing all proposed seating, including at the window.
- Mr. Gerdes stated there is one existing bathroom, therefore, per state plumbing code, there is a maximum of 10 employees and customer seating.
- Mr. Koziura stated proposed hours: Mon - Thur: Noon - 9pm
  Fri - Sun: Noon - 10pm
  Summer: Open until 10:30pm
- Mr. Koziura stated deliveries are by van, they have two parking spaces behind the building for deliveries.

Mr. Mangum made a motion to recommend approval to the ZBA subject to the following condition, seconded by Mr. Gerdes:

1. Incorporating sustainability practices.
The Committee voted, 10-0, to recommend approval to the ZBA subject to the condition noted above.

Adjournment:

Mr. Mangum moved to adjourn, seconded by Ms. Hyink. The Committee voted unanimously, 10-0, to adjourn.

The meeting adjourned at 3:50 pm.

The next DAPR meeting is scheduled for Wednesday, March 7, 2018, at 2:30 pm in Room 2404 of the Lorraine H. Morton Civic Center.

Respectfully submitted,
Michael Griffith