PLAN COMMISSION
Wednesday, July 10, 2019
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: June 12, 2019

3. NEW BUSINESS

A. Text Amendment
   Alcohol Production Facilities 19PLND-0066
   A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, amending regulations relating to Craft Alcohol Production Facilities.

B. Major Adjustment to a Planned Development
   128-132 Chicago Ave (100 Chicago Ave) 19PLND-0064
   Evanston Gateway, LLC, has applied for approval of a Major Adjustment to a Planned Development in order to add two dwelling units, for a total of 28 dwelling units, where office space currently exists in the proposed mixed-use building approved by Ordinance 61-O-18. No changes will be needed to the approved site development allowances.

4. PUBLIC COMMENT

5. ADJOURNMENT

PLEASE NOTE: The proposed text amendment for the U2 University Athletic Facilities District has been moved to the August 7, 2019 meeting.

The next regular meeting of the Plan Commission is scheduled for WEDNESDAY, AUGUST 7, 2019 at 7:00 P.M. in JAMES C. LYTLE CITY COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items is subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission. Questions can be directed to Meagan Jones, Neighborhood and Land Use Planner, at 847-448-8170 or via e-mail at mmjones@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 Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines 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).
MEETING MINUTES
PLAN COMMISSION
Wednesday, June 12, 2019
7:00 P.M.

Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present:  Colby Lewis (Chair), Peter Isaac (Vice-Chair), Jennifer Draper, Terri Dubin, Carol Goddard, George Halik, Andrew Pigozzi, Jane Sloss

Members Absent:

Staff Present: Scott Mangum, Planning and Zoning Manager
   Meagan Jones, Neighborhood and Land Use Planner
   Hugh DuBose, Assistant City Attorney

Presiding Member: Chairman Lewis

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:06 P.M.

Chair Lewis then made a statement confirming that he read the minutes of the previous meeting and was able to Chair and participate in the evening’s continued hearing. He then read the guidelines regarding ex parte communication, as stated in Article XI of the Plan Commission’s Administrative Rules and Procedures.

2. APPROVAL OF MEETING MINUTES: April 10, 2019 and May 29, 2019

Commissioner Goddard made a motion to approve the minutes, seconded by Commissioner Isaac. The Commission voted unanimously, 8-0, to approve the minutes of April 10, 2019.

Chair Lewis suggested minor edits to the minutes of May 29, 2019 related to which Commissioner spoke. Commissioner Halik made a motion to approve the minutes of May 29, 2019 as amended, seconded by Commissioner Isaac. The Commission voted, 7-0 with one abstention, to approve the minutes of May 29, 2019 as amended.

3. NEW BUSINESS

A. Text Amendment
   Office Use in Residential Districts  19PLND-0041
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Chapter 8, Residential Districts of the Zoning Ordinance, to allow office uses and revise special conditions for office uses within Residential Districts.

Chair Lewis opened the public hearing to testimony from the public, inviting Marcia Kuhr who requested the continuance for the case up to speak first. Ms. Kuhr then introduced Joan Safford. Ms. Safford read a statement opposing the proposed amendment, saying the proposed amendment affects established properties and equates to spot zoning. She added that the change to a text amendment vs a map amendment for the library parking lot is shown by the lack of people and lack of notice sent to affected properties. Additionally, posting in the Evanston Review is insufficient notice.

Alderman Fiske spoke, clarifying that because the amendment affected a project under review of City Council review, she was advised not to attend the April 10, 2019 meeting. Due to the project contract expiring, she was able to speak regarding the text amendment. Alderman Fiske then referenced the affected properties and what was on those lots, emphasizing she was not speaking on just one parcel. She then referenced the 1920’s zoning ordinance including an effort to recognize the downtown hotels and the development of the downtown and understanding that commercial buildings would exist on the periphery of the downtown. The proposed text amendment is a nod to that as well as a way to acknowledge mixed-use within the area. Alderman Fiske then added that there are some properties with uses that could be considered special uses. She is looking at the text amendment as more of a housekeeping issue that will help some existing uses work in the area and be more compatible in the zoning districts. She then asked the Commission to think about if the proposed amendment makes sense to fit some of the uses into residential that is intended to be high intensity residential and keep office uses at a reasonable height. She added that she and other Council members have discussed making broader changes to the downtown plan and zoning. There is a demand for more office space and this text amendment also provides a way to address that need.

Chair Lewis opened the hearing to questions from the Commission to the Alderman. Commissioner Pigozzi asked if there is any evidence of people wanting to build office and if Alderman Fiske would support the proposed amendment if the Library Parking Lot was not affected. Alderman Fiske responded that office use is in demand, citing the new office building proposed at 601 Davis. She added that the library parking lot is within her ward and the current use is not consistent with the R6 zoning, she is not asking for the library parking lot to something that is consistent with R6 zoning. She then voiced concern over some uses within other buildings being expanded within buildings in that block, specifically the WCTU building, that would make the use inconsistent with the current zoning. The proposed text amendment would actually protect uses within those buildings.
Chair Lewis asked if this is the best way to go about creating more office space. Alderman Fiske responded that the King Home site is an example of possible repurposing of existing space as the owners have considered different uses. She then stated that a subcommittee of the Council will meet to discuss the downtown plan and what may need to change, boundaries, etc. 811 Emerson has pushed the northern border north. She added that Council depends on and one of the key tasks of Plan Commission is to provide more thought on long term plans.

Chair Lewis then opened up the public hearing to public comment. A total of 4 people spoke with the following comments:

- Vickie Burke with WCTU stated that the organization was not alerted about this possible change and has not met with the Alderman. She added that the Women’s Center has some office use and has an archival library that draws visitors as does the museum. There is some rental possible to similar-use organizations. The proposed text amendment would affect properties built in the late 1800’s with the Frances Willard House being the most protected.
- Betty Ester stated that clarification was needed on what properties would be affected. Staff referenced the map provided and stated, given the proposed language, the proposed amendment would not affect property in the 5th ward.
- Ray Friedman stated that he became involved in politics due to the HOW development at Pitner Ave. and Dempster St. and asked why this was not a zoning change instead of a text amendment.
- Kiera Kelly pointed out that the referral occurred between the Library Parking Lot project review and the reconsideration of that contract. The vote was held and the contract lapsed. The proposed text amendment could affect that project site. She then read a portion of the Code relating to approval of text amendments that states, “not to confer special privileges...” and that this amendment is conferring special privileges to the Alderman. Ms. Kelly then referenced the Evanston Now article related to the text amendment. She added that the text amendment should be fully vetted and involve stakeholders and there is an office project proposed at 601 Davis. She hoped that the Commission votes against the text amendment.

Chair Lewis then opened the hearing up to general questions from the Commission. Commissioner Pigozzi asked staff if there has been any interest in building in these areas. Ms. Jones responded that staff fairly regularly gets general questions regarding developing sites, some projects viable, others not. There have been some that included one or two properties that would be affected by the proposed text amendment.

Chair Lewis asked what the purpose of residential districts designation is and what uses are permitted, additionally what are the purposes of special uses. Mr. Mangum referenced the district purpose statements mentioned during the presentation. Chair Lewis asked if permitted uses could be categorized in any way. Mr. Mangum responded that permitted uses are more in-line with the purposes of the district while a special use may have additional impacts to a residential area and must go through the process of
obtaining a special use permit.

Chair Lewis then asked how existing historic structures would be characterized. Mr. Mangum responded that there are a number of legally nonconforming uses that can continue as such, specific properties would need to be researched further. Chair Lewis clarified that if the text amendment were passed that it would allow current multi-family buildings to be office buildings; would parking be counted in the height and would loading be the same? Mr. Mangum responded that uses outside of downtown would have parking count towards height and parking requirements are based on the use. Loading requirements would be the same.

Chair Lewis asked for clarification on how bulk is controlled within residential districts and details on ziggurat setbacks. Mr. Mangum explained that unlike downtown districts, residential districts are not regulated by floor area ratio (FAR) but by building lot coverage. There are no ziggurat requirements within the R5 and R6 districts.

Chair Lewis added that the amendment appears to be allowing a totally different use within a residential area and asked if there are other communities where this is permitted? He then asked for clarification on the process for review through ZBA versus Plan Commission for proposed office. Mr. Mangum responded that there is a range of requirements in other communities but that would need to be researched. With regards to review processes, if a development meets certain thresholds it is required to be considered as a Planned Development, and it would come before the Plan Commission; otherwise it would be reviewed by the ZBA both of which make recommendations to the City Council.

Commissioner Isaac inquired about what process would need to occur if a proposed project would want to exceed maximum lot coverage. Mr. Mangum responded that if the development is a planned development it would need to request a site development allowance, otherwise it would need to request a variance. The minimum threshold for a building to be considered a planned development would need to be 20,000 square feet of floor area. It is possible for a development to not be a planned development and just be required to meet the base zoning requirements for the particular zoning district the site is located in.

Chair Lewis asked for clarification on what would happen to any current applications in process if the proposed amendment is approved. Mr. Magnum responded that any application currently filed with no final decision made would be subject to requirements in place at the time the application was submitted.

Chair Lewis then closed the public hearing then the Commission then entered into deliberation.

Commissioner Pigozzi stated that the Commission has reviewed the proposal and the
Alderman’s testimony is unconvincing. He continued, explaining that he does not understand the need for the text amendment and that the perception out now is bad governance and that this games the system. He stated that the Commission is here to review regulations and if this amendment is another way to get approval for the library parking lot project, it is an insult to the Committee.

Commissioner Goddard stated that if a need for office use exists, the least appropriate place is in residential areas. A change in trend may lead to more office as was done for condominiums and then apartment buildings in the downtown. She then stated her opposition to the text amendment.

Commissioner Isaac explained that he was skeptical of the text amendment but that a few things have opened his eyes, specifically Chair Lewis’s line of questioning. He stated that it does not appear that the text amendment would solve problems. Would only be able to construct a smaller building and does not see constructing office in residential as a solution. Concerns lessened after staff’s responses to the Chair’s questions. He then stated that Alderman Fiske’s words opened his eyes to how we will address expanding the downtown and that the Commission should look at the longer term. He suggested sending the item to the Zoning Committee to potentially modify and address concerns.

Commissioner Halik stated that what is proposed appears to be an issue of expanding the downtown. The place for density is in the downtown, incremental expansion is the wrong approach. He continued, explaining that he does not see a need for the amendment and that the response to the library parking lot inclusion question was telling and make him question the intent of the amendment. He intends to vote no.

Commissioner Draper stated that she supports mixed-use development. However, this is not the best way to go about it. If looking at the whole downtown, the matter should go to the Zoning Committee. She added that the Commission did not vote no because of the office use but because of the building itself.

Commissioner Dubin stated she will be a no vote and that there is a different level of scrutiny needed regarding the zoning within the area.

Chair Lewis paused to thank Commissioner Isaac for chairing the previous meeting where this item was introduced and initially discussed. He then welcomed new Commissioner Jane Sloss.

Commissioner Sloss agreed with previous comments. This amendment merits further discussion in a more comprehensive manner and not piecemeal.

Chair Lewis stated that it is not good zoning practice to violate residential use with other uses. The 2000 Comprehensive Plan should be updated as well as the Downtown Plan
and if looking for a need for office then that discussion should be part of a larger plan. He added that a house worth of office use has a minor impact versus a larger office building in a residential zoning district. He emphasized that there are different paths to take regarding the amendment: recommend approval of the text amendment as is, recommend approval with modifications, recommend denial or refer to the Zoning Committee for further study.

The Commission then reviewed the standards for approval of amendments and found that it was not fully consistent with goals and objectives of the Comprehensive Plan and, in some cases, may not be compatible with adjacent uses and lead to negative impacts on their use.

Commissioner Goddard made a motion to deny the proposed text amendment. Commissioner Isaac suggested that moving the matter immediately to Council may not be appropriate at this time. Commissioner Pigozzi responded that the Commission should vote on the amendment as presented then have a separate discussion on greater changes at a later date.

Commissioner Goddard made a motion to recommend denial of the text amendment as presented by staff. Commissioner Pigozzi seconded the motion. A roll call vote was taken and the motion passed, 7-1.

Ayes: Draper, Dubin, Goddard, Halik, Lewis, Pigozzi, Sloss  
Nays: Isaac

B. Text Amendment  
Residential Care Homes  
18PLND-0094  
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning to modify regulations regarding Residential Care Home uses (Section 6-4-4) including potential related amendments within the Residential, Business, Commercial, Downtown, Transitional Manufacturing, Special Purpose and Overlay Zoning Districts (Sections 6-8 through 6-15).

Ms. Jones provided a brief recap of the proposed amendment, providing definitions and where Residential Care Homes are permitted. She then summarized the discussion that occurred during the March 27, 2019 Zoning Committee meeting.

Chair Lewis opened the hearing up to questions from the Commission. Commissioner Isaac asked if there are any updates on the Springfield, IL vs. Valencia case. Ms. Jones stated that she has not yet seen any updates on that litigation and the City of Springfield’s plans to revise their code as it relates to this use and family definition has not moved forward. Commissioner Halik then asked for clarification if that case related to Fair Housing laws. Commissioner Isaac responded
that the Springfield case relates to reasonable accommodation and not directly just the distance requirement. The issue came in how Springfield applied the distance requirement in that case.

Hearing no more questions, Chair Lewis then opened the hearing up to questions from the public. A total of 2 members of the public spoke including the following:

- Ms. Betty Ester stated that she agrees with the Zoning Committee and hopes the Commission follows that Committee’s recommendation. She then invited the Commissioners to a community meeting on July 12, 2019 in the Parasol Room which will have a lawyer who specializes in Residential Care Home uses that will explain the use, what should be looked at and if a plan should be developed regarding the use.

- Mr. Ray Friedman stated that the text amendment process closes off the public and that he is confused about what is considered a Special Use and not, referencing the nearly constructed HOW development. He then asked if the Inclusionary Housing is the same as permanent supportive housing, whether or not it needs special use permits and what the residential care home definition was. Ms. Jones referenced the Residential Care Home definition she provided earlier. Chair Lewis stated that the HOW development is a separate item not up for discussion this evening and reiterated what the text amendment before the Commission is. Mr. Mangum confirmed that the HOW development is not a residential care home.

Chair Lewis then opened up the hearing to testimony from the public. Ms. Ester stated that she was glad that the amendment was being held which allows for community education and time to see if regulations do need to be changed. She then referenced a 2005 rezoning that made things worse in the 5th Ward and expressed that she is glad that the amendment has been brought up and the community can be educated.

Chair Lewis closed the public hearing and the Commission entered into deliberation.

Commissioner Isaac asked Counsel if an application is submitted, would the City have to make reasonable accommodation for that use, does the proposed change solve the issues raised by the Springfield case. Mr. Hugh DuBose responded that it is difficult to say as that case is still ongoing.

Commissioner Draper added that during the Zoning Committee discussion it was mentioned that there is a shortage of care homes and that they exist within existing buildings. The original proposed text amendment would make the process more difficult, including the cost of entry.

Chair Lewis stated that the distance requirement aspect of the amendment is not necessarily settled. It helps ease clustering and at the State level there are existing
distance requirements. He continued, stating that the Zoning Committee recommended that the Commission wait for a precedent to be set before changes are made. He added that a concern was raised that the use is in areas with affordable housing. Tenants are not different from others and have the same rights.

Commissioner Dubin thanked Ms. Ester and added she was glad that the impacted community and Alderman Simmons are having a discussion.

The Commission reviewed the standards for approval and found that those that applied were not met.

Commissioner Isaac asked if it would make sense to adopt the recommendation of the Zoning Committee and make the same recommendation to City Council. Chair Lewis responded that the Commission could vote no on the amendment as it was presented and address the distance requirement at a later date.

Commissioner Pigozzi asked if the item could be tabled until the Springfield case is settled. Chair Lewis responded that the Committee has essentially recommended that and that the Commission is almost doing so by default and not making suggested text amendment changes. Commissioner Isaac added that rules state that a decision must be made by the Commission within 120 days.

The Commission reviewed the standards for approving text amendments and found that the Comprehensive Plan would not support changes that could violate fair housing laws and that the proposed amendment would not be compatible with existing development since the care homes fit within the neighborhood context and not have negative effects on the value of adjacent properties.

Commissioner Isaac made a motion to approve changes as proposed by the original text amendment 18PLND-0094. Seconded by Commissioner Dubin. A roll call vote was taken and the motion failed, 0-8.

Ayes:
Nays: Draper, Dubin, Goddard, Halik, Isaac, Lewis, Pigozzi, Sloss

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT

Commissioner Pigozzi made a motion to adjourn the meeting. Commissioner Dubin seconded the motion.

A voice vote was taken and the motion was approved by voice vote 8-0.
The meeting was adjourned at 9:25 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
Plan Commission

Text Amendment

Alcohol Production Facilities
19PLND-0066
Memorandum

To: Chair and Members of the Plan Commission

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

Subject: Zoning Ordinance Text Amendment
Craft Alcohol Production Facilities
19PLND-0066

Date: July 3, 2019

Request
Staff recommends amending the Zoning Ordinance to revise the language in the definition of Craft Alcohol Production Facilities.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on June 20, 2019.

Analysis
Background
On October 8, 2018 the City Council approved ordinance 105-O-18 which created definitions for Brew Pub and Craft Alcohol Production Facility. This ordinance also deleted the definitions for Craft-Brewery and Craft-Distillery or Micro-Distillery. The current definition for Craft Alcohol Production Facility is below:

A commercial facility that: (1) produces beer, wine, or other alcoholic liquor in quantities complaint with all applicable local, State, and Federal regulations; and (2) includes an accessory tasting room in zoning districts where the facility is a Special Use. A tasting room is only permitted to allow customers to taste samples of products manufactured on-site and purchase related sales items. Sale of alcohols manufactured off-site are prohibited. A Craft Alcohol Production Facility may have a Type 1 Restaurant as an accessory use.

This use is currently permitted within each of the Industrial and Transitional Manufacturing Districts zoning districts and is a Special Use within the Business, Commercial, Downtown and RP zoning districts.

At the June 10, 2019 City Council meeting, a number of changes were made to Title 3,
Chapter 4 of the City Code (Liquor Control Regulations) including but not limited to allowing establishments licensed as brewpubs and craft brewers to sell alcohol that was produced off-site and permitting alcohol manufacturers to produce more alcohol than is currently permitted under the class P craft distillery license. These changes bring local regulations in line with recent changes at the State level. Specifically, the changes allow brewers to produce up to 465,000 gallons of beer manufactured off-site and allow for craft breweries with a tap room to have up to five taps of beer or cider from other producers of beer and cider. The amount of alcohol from other brewers is further limited as it cannot be more than fifty percent of a taproom’s gross retail sales of alcohol.

No changes are proposed to the Brew Pub definition, as the zoning ordinance does not limit brew pubs from the sale of alcohols manufactured off site.

Proposal Overview
Staff is proposing to amend Section 6-18-3. DEFINITIONS to revise language relating to Craft Alcohol Production Facilities. Specifically, revisions will be the following:

| CRAFT ALCOHOL PRODUCTION FACILITY: | A commercial facility that: (1) produces beer, wine, or other alcoholic liquor in quantities complaint with all applicable local, state, and federal regulations; and (2) includes an accessory tasting room in zoning districts where the facility is a Special Use. A tasting room is only permitted to serve alcohol as permitted by Title 3, Chapter 4 of the Evanston City Code of 2012, as amended (Liquor Control Regulations) allow customers to taste samples of products manufactured on-site and purchase related sales items. Sale of alcohols manufactured off-site are prohibited. A Craft Alcohol Production Facility may have a Type 1 Restaurant as an accessory use. |

Standards of Approval
The proposed Zoning Ordinance Text Amendment to revise the language in the definition of Craft Alcohol Production Facilities meets the standards for approval of amendments per Section 6-3-4-5- of the City Code. The proposal is consistent with the goals of the Comprehensive Plan to maintain the appealing character of Evanston’s neighborhoods while guiding their change as well as retain and as well as promoting the growth and redevelopment of business, commercial, and industrial areas.

The proposed text amendment will not have any adverse effects on the values of the properties and ensure that there is consistency within existing zoning code regulations and the City’s liquor code as outlined in Title 3 Chapter 4.

Recommendation
Staff believes the proposed text amendment revise the language in the definition of Craft Alcohol Production Facilities meets the standards for approval as outlined above. Staff recommends the Plan Commission make a positive recommendation to the City Council for the proposed text amendment.
Attachments
June 10, 2019 City Council packet regarding pertinent Liquor Control Regulation Changes
Ordinance 105-O-18
Memorandum

To: Honorable Mayor and Members of the City Council
    Administration and Public Works Committee

From: Hugh DuBose, Assistant City Counsel

Subject: Approval of Ordinance 56-O-19, Amending City Code Section 3-4-6 by Creating a New Class P-5 Liquor License

Date: June 4, 2019

Recommended Action:
The Liquor License Commissioner recommends City Council adoption of Ordinance 56-O-19, amending City Code Section 3-4-6 by creating a New Class P-5 Liquor License which permits alcohol manufacturers to produce more alcohol than is currently permitted under the class P craft distillery license (30,000 gallons).

Livability Benefits:
Economy & Jobs: Retain and expand local businesses

Summary:
The City of Evanston does not have an annual liquor license that permits the production of alcohol (beer and spirits) above the limits of craft production. Ordinance 56-O-19 was drafted to permit alcohol manufacturers to produce alcohol in Evanston above the volume limits the City Code imposes on craft breweries and craft distilleries. These distilleries or breweries must obtain an Illinois alcohol manufacturer license and comply with the rules and limitations of that license. Currently, state law does not permit alcohol manufacturers to sell individual bottles for on or off-site consumption or serve alcohol on-site. This rule prohibits alcohol manufacturers from operating a tasting or tap room. If the state changes these rules, Ordinance 56-O-19 will permit the alcohol manufacturers to operate a tasting room under the same requirements craft producers are currently subject to.

All P-5 license holders will be required to comply with all pertinent City Code requirements.

Legislative History:
The LCRB discussed the creation of a P-5 License during the May 29, 2019, LCRB Meeting. The annual P-5 liquor license fee is three thousand dollars ($3,000.00).

Attachment:
Ordinance 56-O-19

156 of 285
AN ORDINANCE

Amending Various Portions of the City of Evanston Zoning Ordinance
Creating Brew Pubs and Craft Alcohol Production Facilities

NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
Evanston, Cook County, Illinois:

SECTION 1: Section 3-4-1, “Definitions,” of the Evanston City Code of 2012, as amended, is hereby amended to include the following definitions:

<table>
<thead>
<tr>
<th>Manufacture (Alcohol)</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>To distill, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with an alcoholic liquor, whether for oneself or for another, and includes blending but does not include the mixing or other preparation of drinks for serving by those persons authorized and permitted in the Illinois Liquor Control Act to serve drinks for consumption on the premises where sold.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Manufacturer</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package, whether for himself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquors as defined in the Illinois Liquor Control Act.</td>
</tr>
</tbody>
</table>

SECTION 2: Table 1 of Section 3-4-6 of the Evanston City Code of 2012, as amended, is hereby further amended and revised to add the following:

<table>
<thead>
<tr>
<th>P-5</th>
<th>Alcohol Manufacturer</th>
<th>Liquor or beer – As permitted by state law</th>
<th>Liquor or beer – As permitted by state law</th>
<th>$3,000</th>
<th>$3,000</th>
<th>0</th>
<th>None</th>
<th>10 a.m. — 10 p.m. (Mon- Thurs)</th>
<th>10 a.m. — 11 p.m. (Fri-Sat)</th>
<th>12 p.m. — 10 p.m. (Sun)</th>
<th>*The hour</th>
</tr>
</thead>
</table>

158 of 285
SECTION 3: Subsection 3-4-6 of the Evanston City Code of 2012, as amended, is hereby further amended by the enactment of a new Subsection (P-5) thereof, “Class P-5 Liquor License”, to create a new license with the following special conditions and restrictions to read as follows:

(P-5) CLASS P-5 Manufacturer license shall authorize the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by State and Federal Law and to licensees in this State:

1. Manufacturers of alcohol, not including wine or beer, may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

2. Manufacturers of beer may make sales and deliveries of beer to importing distributors and distributors and may make sales as authorized under the Illinois Liquor Control Act.

3. All business or entities that manufacture alcoholic beverages must obtain a Manufacturer (P-5) license, unless the business or entity qualifies for another license in Section 3-4-6(P) of the Evanston City Code

4. If retail sales for off-site consumption are permitted by State law, it shall be unlawful for a Class P-5 licensee to sell a container of alcohol for off-premises consumption unless the container is greater than or equal to two hundred (200) milliliters in volume.

5. If permitted by State Law, Class P-5 licensees may, during authorized hours of business, offer samples of the alcohol permitted to be produced and sold
pursuant to this classification. Licensees shall not provide more than three (3) free samples, each of which shall not exceed one-quarter (0.25) fluid ounce, to any person in a day. Licensees may sell samples, but the volume of any sample sold shall not exceed one (1) fluid ounce and the total volume of all samples sold to a person in a day shall not exceed two and one-half (2.5) fluid ounces. Licensees shall not provide and/or sell more than two and one-half (2.5) fluid ounces of samples to any person in a day. Class P licensees must have at least one (1) BASSET-certified site manager on premises whenever offering samples of alcohol. Class P licensees must provide food service when offering samples of alcohol. It shall be unlawful for the holder of a Class P-5 license to provide a sample of or sell any alcohol before the hour of 10:00 a.m. or after the hour of 10:00 p.m. on any Monday, Tuesday, Wednesday, or Thursday; before the hour of 10:00 a.m. or after the hour of 11:00 p.m. Friday and Saturday; and before the hour of 12:00 noon and after the hour of 10:00 p.m. on Sunday.

6. Every Class P-5 licensee must have an alcohol manufacture license from the State of Illinois.

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

The applicant for the renewal only of such licenses may elect to pay the amount herein required semiannually or annually. Such election shall be made at the time of application.

The annual single payment fee for initial issuance or renewal of such license shall be three thousand dollars ($3,000.00).

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be three thousand one hundred fifty dollars ($3,150.00).

No more than zero (0) such license(s) shall be in force at any one (1) time.

SECTION 4: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: This ordinance must be in full force and effect after its
passage, approval, and publication in the manner provided by law.

SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: ________________, 2019
Approved:

Adopted: ________________, 2019 ______________________________, 2019

________________________________________________________
Stephen H. Hagerty, Mayor

Attest: Approved as to form:

______________________________
Devon Reid, City Clerk

________________________________________
Michelle L. Masoncup, Corporation Counsel
MINUTES

Liquor Control Board
Wednesday, May 29, 2019 11:00 a.m.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2750

Members Present:  Mayor Stephen H. Hagerty (Local Liquor Control Commissioner); Marion Macbeth; Dick Peach
Members Absent:  None
Staff Present:  Staff Attorney, Hugh DuBose
Others Present:  Rosario Barreto, Jose Barreto; Mitch Einhorn, Janice Webster, Alderman Eleanor Revelle, Paul Hletko, Cesar Marron, Shawn Decker, and Josh Gilbert
Presiding Member:  Local Liquor Control Commissioner Stephen H. Hagerty/Mayor

CALL TO ORDER
The Local Liquor Control Commissioner Stephen Hagerty called the meeting to order at 11:00 a.m.

NEW BUSINESS
Frida’s Breakfast and Lunch, 618 Church Street, Evanston, IL
Rosario Barreto on behalf of her restaurant, Frida’s Breakfast and Lunch, requested a Class D (Restaurant) liquor license. Rosario indicated that they recently opened in late January of 2019 serving only breakfast and lunch, but are expanding their dining options to include dinner and would like to serve alcohol. Ms. Barreto and her husband are also the owners of an indoor soccer facility in Chicago, IL that has a restaurant where they have had a liquor license for about four years. Ms. Rosario confirmed that she has completed the Basset certificate and is aware of the laws regarding underage drinking. The Local Liquor Control Commissioner asked the members if there were any further questions or concerns over the request. No further questions from Members. The Board recommended approval of the liquor license to be introduced at the City Council meeting on June 10, 2019.

Lush Wine & Spirits, 2022 Central Street, Evanston, IL 60201
Mitch Einhorn and Janice Webster on behalf of Lush Wine & Spirits requested a Class I (Restaurant) license. Lush Wine & Spirits previously obtained a liquor license, but the license expired in 2016. The applicants are now applying for a new license.

The business is expected to open once the building passes all City of Evanston inspections.

Mr. Einhorn indicated that he owns other locations and a restaurant. He has twenty-five years’ experience operating restaurants or stores that sell alcohol. He is familiar with the laws regarding the selling of alcohol.
There were no further questions or concerns. The Board recommended approval of the liquor license to be introduced at the City Council meeting on June 10, 2019. Alderman Revelle recommended suspending the rules on this ordinance and presenting it for introduction and action at the June 10, 2019, City Council meeting.

**Proposed new P-5 class ordinance (Alcohol Manufacturer)**

Evanston currently only has one liquor license for distilleries. This license caps the amount of alcohol that can be distilled at 30,000 gallons and is intended for craft distilleries. The state of Illinois allows alcohol manufacturers to distill larger amount of alcohol; however, the City of Evanston does not have a license to accommodate these manufacturers. FEW Spirits has contacted the City regarding future growth that would require a new license class. The City’s Law Department prepared a proposed ordinance to add a new license (P-5) to the Liquor Code that would permit larger scale alcohol manufacturing as permitted by State law.

The proposed ordinance adds a class P-5 license to the liquor code which removes the City’s cap on the volume of alcohol that can be distilled by a state licensed alcohol manufacturer. The requirements of this license track the manufacturer license in the Illinois Liquor Control Act. The proposed ordinance also adds definitions of alcohol manufacturing and alcohol manufacturer. These definitions mirror those currently found at the Illinois state code.

Currently state law does not permit retail sale, either off or on-site, by an alcohol manufacturer. The proposed P5 class will allow for alcohol manufacturers to serve or sell liquor only if it is permitted by state law. If permitted, alcohol manufacturers will need to follow the rules for craft distillery tasting room. Further discussions about the potential changes were discussed. Any zoning changes would be consistent with the liquor code. Paul Hletko of FEW Liquors voiced his support of the changes. There were no objections. The ordinance will be introduced at the June 10, 2019 city council meeting.

**Proposed updates to Class J and P-2 licenses**

In 2018 Illinois made several changes to the Illinois Liquor Control Act. Two of the changes impact brewers in Evanston. First, state law now permits production off-site of beer to be served in a brewer’s own tap room. Second, the state now allows craft brewers to serve beer and cider brewed by other brewers. Previously state law required beer to be brewed on-site in order to be served in a tap room.

The Law Department drafted an ordinance that will allow brewers to produce up to 465,000 gallons of beer manufactured off-site and allow for craft breweries with a tap room to have up to five taps of beer or cider from other producers of beer and cider. The amount of alcohol from other brewers is further limited as it cannot be more than fifty percent of a taproom’s gross retail sales of alcohol.

The draft ordinance also proposes a change to the Class J and P-2 licenses so that craft breweries and brew pubs can sell individual containers as small as 375 ml. Currently to
sell a container of beer for off-premises consumption the container must be no smaller than twenty-two ounces. Permitting brewers to sell in single containers of at least 375 ml will allow brewers to sell unique types of sours and specialty beers.

Finally the draft ordinance removes the requirement that employees engaged in the production of alcohol be BASSETT certified. BASSETT certification is a state requirement for individuals engaged in the sale and service of alcohol and is not intended for those in the manufacturing process.

Cesar Marron and Shawn Decker of Sketchbook and Josh Gilbert of Temperance voiced support to the changes to the code.

Board member Marion MacBeth expressed her reservations with reducing the minimum size requirement for a single container of alcohol.

The Board recommended the proposed updates to move forward and be introduced at the City Council meeting on June 10, 2019.

**Board & Brush Evanston, 802 Dempster Street, Evanston, IL 60202**
On April 26, 2019 Board & Brush Evanston notified the law department that they were ceasing operations effective April 28, 2019. Board and Brush requested that their license not be renewed.

There were no further questions or concerns. The Board recommended approval of the ordinance reducing the number of Class X licenses from one (1) to zero (0) be introduced at the City Council meeting on June 10, 2019. Alderman Revelle recommended suspending the rules on this ordinance and presenting it for introduction and action at the June 10, 2019, City Council meeting.

**ADJOURNMENT**
The meeting was adjourned by the Local Liquor Control Commissioner Stephen H. Hagerty, Mayor at 11:41 a.m. May 29, 2019.
Respectfully Submitted,

Hugh DuBose
Assistant Attorney, Law Department
Memorandum

To: Honorable Mayor and Members of the City Council
   Administration and Public Works Committee

From: Hugh DuBose, Assistant City Counsel

Subject: Approval of Ordinance 57-O-19, Amending City Code Section 3-4-6 by Amending the Class J and P-2 Liquor Licenses

Date: June 4, 2019

Recommended Action:
The Liquor License Commissioner recommends City Council adoption of Ordinance 57-O-19, Amending City Code Section 3-4-6 by Amending the Class J and P-2 Liquor Licenses for brewpub operators and craft brewers. The amendments permit the off-site production of alcohol for sale on-site; the sale of beer and cider manufactured by other brewers for on-site consumption; and the sale of individual bottles of beer that are greater than 375 ml.

Livability Benefits:
Economy & Jobs: Retain and expand local businesses.

Summary:
In 2018, the State of Illinois amended the Illinois Liquor Control Act. Two significant changes impacted brewers in Evanston. This ordinance addresses both of these changes. First, the State permitted craft brewers to brew beer off-site and serve the beer in their tap rooms. Second, the State now allows craft brewers to sell beer and cider produced by other brewers in a tap room. Previously, a craft brewer could only sell beer produced by the craft brewer on-site. Ordinance 57-O-19 updates the City Code to conform to the Illinois Liquor Control Act and permits the sale of a limited quantity of beer brewed off-site and a limited number of taps from off-site breweries or cidieries. Additionally, Ordinance 57-O-19 removes the requirement for BASSET certifications for those not involved in selling or serving alcohol. Finally, Ordinance 57-O-19 adjusts the restriction on the sale of single containers of alcohol by reducing the container minimum from 22 ounces to 12.5 ounces. This change will permit the sale of specialty beers by brewers at breweries and brew pubs.

Legislative History:
The LCRB discussed amending the Class J and P-2 Licenses during the May 29, 2019, meeting.
Attachments:
Ordinance 57-O-19
Minutes of the May 29, 2019 Liquor Control Review Board Meeting
AN ORDINANCE

Amending Various Portions of the City of Evanston Liquor Code

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

SECTION 1: Subsection 3-4-6-(J) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting off-site brewing and the sale of beer and cider produced by other brewers to read as follows:

1. It shall be unlawful for a Class J licensee to sell a container of beer for off-premises consumption unless the volume of the container is equal to or greater than twenty-two (22) ounces, twelve and one half (12.5) ounces or .65 liters, 375 ml.

SECTION 2: Subsection 3-4-6-(P-2) of the Evanston City Code of 2012, as amended, is hereby further amended by permitting off-site brewing and the sale of beer and cider produced by other brewers to read as follows:

(P-2) CLASS P-2 CRAFT BREWERY license shall authorize the on-site production and storage of craft beer in quantities not to exceed nine hundred thirty thousand (930,000) gallons (or thirty thousand (30,000) barrels) per year and the sale of such beer for consumption off-premises. If the State Liquor Commission provides prior approval, a P-2 Craft Brewery license holder may annually transfer up to 465,000 gallons of beer manufactured by that P-2 Craft Brewery license holder to the premises of a licensed Craft Brewery wholly owned and operated by the same licensee. The annual amount transferred shall count toward the Craft Brewery’s annual permitted production limit. A Class P-2 Craft Brewery License also authorizes on-site sampling and retail sale for consumption of such beer by persons of at least twenty-one (21) years of age. Such craft brewery licenses shall be issued subject to the following conditions:

1. It shall be unlawful for a Class P-2 licensee to sell a container of beer for off-premises consumption unless the volume of the container is equal to or greater
than twenty-two (22) ounces twelve and one half (12.5) ounces or .65 liters 375 ml.

2. Class P-2 licensees may during authorized hours of business offer for onsite consumption samples of beer, or beer for retail sale, the beer permitted to be produced and sold pursuant to this classification. Class P-2 licensees may also sell on the licensed premises to non-licensees for on or off-premise consumption for the premises in which he or she actually conducts such business (i) beer manufactured by any other brewer, class 1 brewer, or class 2 brewer; and (ii) cider. A P-2 licensee is limited to five (5) taps for beer or cider not manufactured by the licensee. Also the licensee’s gross sales of beer or cider not manufactured by the licensee cannot exceed 50% of the licensee’s total gross retail sales of alcohol. Licensees who offer servings of beer for retail sale shall provide expanded food service which includes such items as sandwiches, flatbreads, empanadas, hot dogs, salads, or other similar a la carte items to customers who are purchasing a craft beer serving(s). Licensees may arrange for the presence and operation of a mobile food vehicle on or adjacent to the licensed premises during authorized hours of business to serve food to customers. Only mobile food vehicle vendors licensed pursuant to Title 8, Chapter 23 of the City Code shall be allowed to be present and operate. Licensees required to provide expanded food service shall comply with all applicable requirements of Title 8, Chapter 6 of the City Code.

3. Class P-2 licensees must have at least one (1) BASSET-certified site manager on-premises whenever beer is available for on-site consumption. All persons who sell, open, pour, dispense or serve craft beer shall be BASSETT certified. Class P-2 licensees must provide food service whenever beer is available for on-site consumption, in accordance with the specifications applicable to retail sale for on-site consumption. The licensee is strictly liable for complying with all provisions regarding food service. Craft beer for product sampling or retail sale for on-site consumption shall be sold and dispensed only in containers provided by the licensee. Craft beer servings for consumption on premises shall be dispensed in containers no larger than sixteen (16) ounces. Craft beer sold within the licensed premises for consumption on the premises shall not be removed from the licensed premises. No alcoholic liquor shall be brought onto the licensed premises or consumed on the licensed premises other than the craft beer sold at retail or offered for sampling.

4. It shall be unlawful for the holder of a Class P-2 license to provide a sample of or sell any beer between the hours of 12:00 a.m. and 10:00 a.m. on any Monday, Tuesday, Wednesday, Thursday or Friday; between the hours of 1:00 a.m. and 10:00 a.m. on any Saturday; and between the hours of 1:00 a.m. and 12:00 p.m. on any Sunday.

5. Every Class P-2 licensee must have a valid Class 3 1, or Class 2 brewer’s license from the State of Illinois. Every licensee shall maintain accurate records as to the
total gallonage of beer manufactured on the premises and the total gallonage of beer manufactured on the premises and sold for consumption off-premises. Licensee shall produce said records to the City upon request.

6. Every employee of a Class P-2 licensee who participates in the production and sale of beer, pursuant to this license class, must be BASSET-certified.

The applicant for the renewal only of such licenses may elect to pay the amount herein required semiannually or annually. Such election shall be made at the time of application.

The annual single payment fee for initial issuance or renewal of such license shall be four thousand dollars ($4,000.00).

The total fee required hereunder for renewal applicants electing to make semiannual payments, payable pursuant to the provisions of Section 3-4-7 of this Chapter, shall be four thousand ninety dollars ($4,090.00).

SECTION 2: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

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

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.
Introduced: ________________, 2019

Adopted: _________________, 2019

Approved: _________________, 2019

______________________________

Stephen H. Hagerty, Mayor

Attest:

________________________________

Devon Reid, City Clerk

Approved as to form:

________________________________

Michelle L. Masoncup, Corporation Counsel
MINUTES

Liquor Control Board
Wednesday, May 29, 2019 11:00 a.m.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2750

Members Present: Mayor Stephen H. Hagerty (Local Liquor Control Commissioner); Marion Macbeth; Dick Peach
Members Absent: None
Staff Present: Staff Attorney, Hugh DuBose
Others Present: Rosario Barreto, Jose Barreto; Mitch Einhorn, Janice Webster, Alderman Eleanor Revelle, Paul Hletko, Cesar Marron, Shawn Decker, and Josh Gilbert
Presiding Member: Local Liquor Control Commissioner Stephen H. Hagerty/Mayor

CALL TO ORDER
The Local Liquor Control Commissioner Stephen Hagerty called the meeting to order at 11:00 a.m.

NEW BUSINESS
Frida's Breakfast and Lunch, 618 Church Street, Evanston, IL
Rosario Barreto on behalf of her restaurant, Frida's Breakfast and Lunch, requested a Class D (Restaurant) liquor license. Rosario indicated that they recently opened in late January of 2019 serving only breakfast and lunch, but are expanding their dining options to include dinner and would like to serve alcohol. Ms. Barreto and her husband are also the owners of an indoor soccer facility in Chicago, IL that has a restaurant where they have had a liquor license for about four years. Ms. Rosario confirmed that she has completed the Basset certificate and is aware of the laws regarding underage drinking. The Local Liquor Control Commissioner asked the members if there were any further questions or concerns over the request. No further questions from Members. The Board recommended approval of the liquor license to be introduced at the City Council meeting on June 10, 2019.

Lush Wine & Spirits, 2022 Central Street, Evanston, IL 60201
Mitch Einhorn and Janice Webster on behalf of Lush Wine & Spirits requested a Class I (Restaurant) license. Lush Wine & Spirits previously obtained a liquor license, but the license expired in in 2016. The applicants are now applying for a new license.

The business is expected to open once the building passes all City of Evanston inspections.

Mr. Einhorn indicated that he owns other locations and a restaurant. He has twenty-five years’ experience operating restaurants or stores that sell alcohol. He is familiar with the laws regarding the selling of alcohol.
There were no further questions or concerns. The Board recommended approval of the liquor license to be introduced at the City Council meeting on June 10, 2019. Alderman Revelle recommended suspending the rules on this ordinance and presenting it for introduction and action at the June 10, 2019, City Council meeting.

**Proposed new P-5 class ordinance (Alcohol Manufacturer)**

Evanston currently only has one liquor license for distilleries. This license caps the amount of alcohol that can be distilled at 30,000 gallons and is intended for craft distilleries. The state of Illinois allows alcohol manufacturers to distill larger amount of alcohol; however, the City of Evanston does not have a license to accommodate these manufacturers. FEW Spirits has contacted the City regarding future growth that would require a new license class. The City’s Law Department prepared a proposed ordinance to add a new license (P-5) to the Liquor Code that would permit larger scale alcohol manufacturing as permitted by State law.

The proposed ordinance adds a class P-5 license to the liquor code which removes the City’s cap on the volume of alcohol that can be distilled by a state licensed alcohol manufacturer. The requirements of this license track the manufacturer license in the Illinois Liquor Control Act. The proposed ordinance also adds definitions of alcohol manufacturing and alcohol manufacturer. These definitions mirror those currently found at the Illinois state code.

Currently state law does not permit retail sale, either off or on-site, by an alcohol manufacturer. The proposed P5 class will allow for alcohol manufacturers to serve or sell liquor only if it is permitted by state law. If permitted, alcohol manufacturers will need to follow the rules for craft distillery tasting room. Further discussions about the potential changes were discussed. Any zoning changes would be consistent with the liquor code. Paul Hletko of FEW Liquors voiced his support of the changes. There were no objections. The ordinance will be introduced at the June 10, 2019 city council meeting.

**Proposed updates to Class J and P-2 licenses**

In 2018 Illinois made several changes to the Illinois Liquor Control Act. Two of the changes impact brewers in Evanston. First, state law now permits production off-site of beer to be served in a brewer’s own tap room. Second, the state now allows craft brewers to serve beer and cider brewed by other brewers. Previously state law required beer to be brewed on-site in order to be served in a tap room.

The Law Department drafted an ordinance that will allow brewers to produce up to 465,000 gallons of beer manufactured off-site and allow for craft breweries with a tap room to have up to five taps of beer or cider from other producers of beer and cider. The amount of alcohol from other brewers is further limited as it cannot be more than fifty percent of a taproom’s gross retail sales of alcohol.

The draft ordinance also proposes a change to the Class J and P-2 licenses so that craft breweries and brew pubs can sell individual containers as small as 375 ml. Currently to
sell a container of beer for off-premises consumption the container must be no smaller than twenty-two ounces. Permitting brewers to sell in single containers of at least 375 ml will allow brewers to sell unique types of sours and specialty beers.

Finally the draft ordinance removes the requirement that employees engaged in the production of alcohol be BASSETT certified. BASSETT certification is a state requirement for individuals engaged in the sale and service of alcohol and is not intended for those in the manufacturing process.

Cesar Marron and Shawn Decker of Sketchbook and Josh Gilbert of Temperance voiced support to the changes to the code.

Board member Marion MacBeth expressed her reservations with reducing the minimum size requirement for a single container of alcohol.

The Board recommended the proposed updates to move forward and be introduced at the City Council meeting on June 10, 2019.

**Board & Brush Evanston, 802 Dempster Street, Evanston, IL 60202**

On April 26, 2019 Board & Brush Evanston notified the law department that they were ceasing operations effective April 28, 2019. Board and Brush requested that their license not be renewed.

There were no further questions or concerns. The Board recommended approval of the ordinance reducing the number of Class X licenses from one (1) to zero (0) be introduced at the City Council meeting on June 10, 2019. Alderman Revelle recommended suspending the rules on this ordinance and presenting it for introduction and action at the June 10, 2019, City Council meeting.

**ADJOURNMENT**

The meeting was adjourned by the Local Liquor Control Commissioner Stephen H. Hagerty, Mayor at 11:41 a.m. May 29, 2019.

Respectfully Submitted,

Hugh DuBose
Assistant Attorney, Law Department
105-0-18

AN ORDINANCE

Amending Various Portions of the City of Evanston Zoning Ordinance
Creating Brew Pubs and Craft Alcohol Production Facilities

NOW BE IT ORDEINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Section 6-18-3, “Definitions,” of the Evanston City Code of
2012, as amended, is hereby amended to include the following definitions:

<table>
<thead>
<tr>
<th>BREW PUB.</th>
<th>An establishment in which the principal use is a Type 1 Restaurant that also brews or produces wine, beer, or any other alcoholic liquor as an accessory use on-site, either for on-site consumption or off-site consumption in containers that are sealed on-premise and compliant with all applicable local, state, and federal regulations.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRAFT ALCOHOL PRODUCTION FACILITY:</td>
<td>A commercial facility that: (1) produces beer, wine, or other alcoholic liquor in quantities complaint with all applicable local, state, and federal regulations; and (2) includes an accessory tasting room in zoning districts where the facility is a Special Use. A tasting room is only permitted to allow customers to taste samples of products manufactured on-site and purchase related sales items. Sale of alcohols manufactured off-site are prohibited. A Craft Alcohol Production Facility may have a Type 1 Restaurant as an accessory use.</td>
</tr>
</tbody>
</table>

SECTION 2: Section 6-18-3, "Definitions," of the Evanston City Code of
2012, as amended, is hereby amended to delete the following definitions:

| CRAFT-BREWERY. | A commercial facility that: (1) produces fermented malt beverages on site in quantities compliant with all applicable local, state, and federal regulations; and (2) includes an accessory tasting room in zoning districts |
where the facility is a Special Use. Product sampling or retail sale as may be defined and regulated by Title 3, Chapter 4 of the City Code at the facility allows customers to taste samples of products manufactured on-site and purchase related sales items. Any sale of alcohol in the tasting room or otherwise in the facility which is manufactured outside the facility is prohibited. A craft-brewery does not include restaurants with accessory brewing facilities.

| CRAFT-DISTILLERY OR MICRO-DISTILLERY: | A facility that: (1) produces alcoholic beverages in quantities compliant with all applicable local, state, and federal regulations; and (2) includes an accessory tasting room in zoning districts where the facility is a Special Use. A tasting room allows customers to taste samples of products manufactured on-site and purchase related sales items. Sales of alcohols manufactured outside the facility are prohibited. |

SECTION 3: Subsection 6-9-2-2, “Permitted Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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).

Brew Pub.

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 1 (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.

SECTION 4: Subsection 6-9-2-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

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

Animal hospital.

Aquaponics.

Banquet hall.

Bed and breakfast establishments.

Boarding house.

Business or vocational school.

Convenience store.

Craft alcohol production facility.

Daycare center—Adult.

Daycare center—Child.
Daycare center—Domestic animal.
Dwelling—Multiple-family.
Dwelling—Single-family detached.
Food store establishment.
Funeral services excluding on-site cremation.
Government institutions.
Kennel.
Membership organization.
Micro-Distillery.
Open sales lot.
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.

SECTION 5: Subsection 6-9-3-2, “Permitted Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-9-3-2. - PERMITTED USES.
The following uses, provided they are twenty thousand (20,000) square feet or less in size, are permitted in the B2 district:
Artist studios and accessory dwelling units (provided the accessory dwelling unit shall not front upon any street).

Brew Pub.

Caterer.

Cultural facility.

Dwellings (when located above the ground floor).

Educational institution—Private.

Educational institution—Public.

Financial institution.

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

Governmental institutions.

Neighborhood garden.

Office.

Religious institution.

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.

SECTION 6: Subsection 6-9-3-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-9-3-3. - SPECIAL USES.
The following uses may be allowed in the B2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:
Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Commercial indoor recreation.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production 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 requirement of Section 6-4-2, "Child Daycare Homes," of this Title).

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.
Open sales lot.

Planned development (subject to the requirements of Section 6-9-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Resale establishment.

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

Restaurant—Type 2.

Retirement home.

Retirement hotel.

Sheltered care home.

Trade contractor (provided there is no outside storage).

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

Urban farm, rooftop.

Uses permitted pursuant to Sections 6-9-3-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

SECTION 7: Subsection 6-9-4-2, “Permitted Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-9-4-2. - PERMITTED USES.

The following uses are permitted in the B3 district:

Artist studios and accessory dwelling units (when the accessory dwelling unit is located above the ground floor).

Brew pub.

Caterer.
Commercial indoor recreation.

Cultural facility.

Dwellings (when located above the ground floor).

Educational institution—Private.

Educational institution—Public.

Financial institution.

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

Government institution.

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 Child Residential Care Homes," of this Title).

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

SECTION 8: Subsection 6-9-4-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-9-4-3. - SPECIAL USES.

The following uses may be allowed in the B3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.
Automobile service station.

Banquet hall.

Boarding house.

Business or vocational school.

Commercial outdoor recreation.

Commercial parking lots.

Convenience store.

Craft alcohol production 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).

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Dwelling—Multiple-family.

Food store.

Funeral services excluding on-site cremation.

Independent living facility.

Kennel.

Long-term care facility.

Membership organization.

Micro-Distillery.

Open sales lot.
Planned development (subject to the requirements of Section 6-9-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public utility.

Recording studio.

Religious institution.

Resale establishment.

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

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

Retirement home.

Retirement hotel.

Sheltered care home.

Trade contractor (provided there is no outside storage).

Transitional shelters (subject to the requirements of Section 6-3-5-11, "Additional Standards for a Special Use for Transitional Shelters," of this Title).

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

Urban farm, rooftop.

SECTION 9: Subsection 6-9-5-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-9-5-2. - PERMITTED USES.

The following uses, provided they are twenty thousand (20,000) square feet or less in size, are permitted in the B1a district:

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

Brew pub.
Caterer.

Cultural facility.

Dwellings (above ground floor).

Educational institution—Private.

Educational institution—Public.

Financial institution.

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

Governmental institutions.

Neighborhood garden.

Offices.

Religious institution.

Residential care home—Category I.

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

SECTION 10: Subsection 6-9-5-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-9-5-3. - SPECIAL USES.

The following uses may be allowed in the B1a business district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Banquet hall.
Commercial indoor recreation.
Commercial outdoor recreation.
Convenience store.
Craft alcohol production facility.
Daycare center—Adult.
Daycare center—Child.
Daycare center—Domestic animal.
Drive-through facility (accessory or principal).
Dwelling—Multiple-family.
Food store establishment.
Funeral services, excluding on-site cremation.
Independent living facility.
Kennel.
Membership organization.
Micro-Distillery.
Planned development.
Public utility.
Resale establishment.
Restaurant—Type 2.
Trade contractor (provided there is no outside storage).
Urban farm, rooftop.

Uses permitted pursuant to Section 6-9-5-2 of this Chapter and this Section exceeding twenty thousand (20,000) square feet.

Vocational training facility.
SECTION 11: Subsection 6-10-2-2, “Permitted Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-10-2-2. PERMITTED USES.

The following uses are permitted in the C1 district:

Brew pub.

Business or vocational school.

Caterer.

Commercial indoor recreation.

Commercial shopping center.

Cultural facility.

Educational institution—Private.

Educational institution—Public.

Financial institution.

Food store establishment.

Government institution.

Neighborhood garden.

Office.

Public utility.

Recording studio.

Religious institution.

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.
SECTION 12: Subsection 6-10-2-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-10-2-3. - SPECIAL USES.

The following uses may be allowed in the C1 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Car wash.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.

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

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Funeral services excluding on-site cremation.

Hotel.

Kennel.

Media broadcasting station.
Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Restaurant—Type 2.

Trade contractor (provided there is no outside storage).

Urban farm, rooftop.

Wholesale goods establishment.

SECTION 13: Subsection 6-10-3-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-10-3-2. - PERMITTED USES.

The following uses are permitted in the C1a district:

Brew pub.

Business or vocational school.

Caterer.

Commercial indoor recreation.

Commercial shopping center.

Cultural facility.

Dwellings (except that within the C1a district lying between Lee Street on the north and Kedzie Street on the south dwellings are only allowed when located above the ground floor).

Educational institution—Private.

Educational institution—Public.
Financial institution.

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

Government institution.

Hotel.

Neighborhood garden.

Office.

Public utility.

Religious institution.

Restaurant—Type 1.

Retail goods establishment.

Retail service establishment.

SECTION 14: Subsection 6-10-3-3, “Special Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

The following uses may be allowed in the C1a district, subject to the provisions set forth in Section 6-3-5 of this Title:

Animal hospital.

Aquaponics.

Assisted living facility.

Banquet hall.

Commercial outdoor recreation.

Convenience store.

Craft alcohol production facility.
Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

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

Drive-through facility (accessory only).

Dwelling—Multiple-family.

Food store establishment.

Funeral services excluding on-site cremation.

Independent living facility.

Long-term care facility.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Planned development (subject to the requirements of Section 6-10-1-9 of this Chapter and Section 6-3-6 of this Title).

Recording studio.

Resale establishment.

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

Residential care home—Category II (subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2.

Retirement hotel.

Sheltered care home.
Transitional shelter (subject to the requirements of Section 6-3-5-11 of this Title).

Urban farm, rooftop.

Wholesale goods establishment.

SECTION 15: Subsection 6-10-4-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

The following uses are permitted in the C2 district:

Automobile and recreational vehicle sales and/or rental.

Automobile repair service establishment.

Automobile service station.

Brew pub.

Business or vocational school.

Caterer.

Commercial indoor recreation.

Commercial outdoor recreation.

Commercial shopping center.

Cultural facility.

Educational institution—Private.

Educational institution—Public.

Financial institution.

Food store establishment.

Funeral services excluding on-site cremation.

Government institution.
Neighborhood garden.
Office.
Public utility.
Recording studio.
Religious institution.
Restaurant—Type 1.
Retail goods establishment.
Retail services establishment.
Trade contractor (when having no outside storage).
Wholesale goods establishment.

SECTION 16: Subsection 6-10-4-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

The following uses may be allowed in the C2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Animal hospital.
Aquaponics.
Automobile body repair establishment.
Banquet hall.
Car wash.
Commercial parking garage.
Commercial parking lot.
Convenience store.
Craft alcohol production facility.
Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).

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

Daycare center—Domestic animal.

Drive-through facility (accessory or principal).

Hotel.

Kennel.

Media broadcasting station.

Membership organization.

Micro-Distillery.

Open sales lot.

Payday loan or consumer loan establishment (subject to the distance and general requirements set forth in Section 6-18-3, "Definitions," of this Title under "Payday Loan or Consumer Loan Establishment").

Planned development (subject to the requirements of Section 6-10-1-9, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Resale establishment.

Restaurant—Type 2.

Urban farm, rooftop.

SECTION 17: Subsection 6-11-2-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-2-2. PERMITTED USES.

The following uses are permitted in the D1 district:

Artist studio.
Brew pub.

Commercial indoor recreation.

Cultural facility.

Dwelling—Multiple-family.

Financial institution.

Food store establishment (provided the store shall not be opened for business later than 12:00 midnight CST).

Government institution.

Hotel.

Membership organization.

Office.

Public utility.

Religious institution.

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

Residential care home—Category II (subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

SECTION 18: Subsection 6-11-2-3, “Special Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-2-3. - SPECIAL USES.

The following uses may be allowed in the D1 district, subject to the provisions set forth in Section 6-3-5 of this Title:
Assisted living facility.

Banquet hall.

Boarding house.

Business or vocational school.

Convenience store.

Craft alcohol production facility.

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

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

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

Independent living facility.

Long term care facility.

Neighborhood garden.

Open sales lot.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Resale establishment.

Retirement home.

Retirement hotel.

Sheltered care home.
Transitional shelter (subject to the special requirements of Section 6-3-5-11 of this Title).

Urban farm, rooftop.

Wholesale goods establishment.

SECTION 19: Subsection 6-11-3-3, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-3-3. - PERMITTED USES.

The following uses are permitted in the D2 district:

Artist studio.

Brew pub.

Commercial indoor recreation (when located above the ground floor).

Cultural facility.

Dwellings (when located above the ground floor).

Financial institution (excluding drive-through facilities).

Food store establishment.

Funeral services excluding on site cremation.

Government institution.

Hotel.

Membership organization.

Office.

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

Restaurant—Type 1.

Retail goods establishment.
Retail services establishment.

SECTION 20: Subsection 6-11-3-4, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-3-4. - SPECIAL USES.

The following uses may be allowed in the D2 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Commercial indoor recreation (at the ground level).

Convenience store.

Craft alcohol production facility.

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

Educational institution—Private.

Educational institution—Public.

Independent living facility (when located above the ground floor).

Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject
to the general requirements of Section 6-4-4 of this Title).

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

Urban farm, rooftop.

**SECTION 21:** Subsection 6-11-4-2, "Permitted Uses," of the

Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-4-2. - PERMITTED USES.

The following uses are permitted in the D3 district:

Artist studio.

Brew pub.

Commercial indoor recreation.

Commercial parking garage.

Cultural facility.

Dwellings (when located above the ground floor).

Financial institution.

Food store establishment.

Funeral services excluding on site cremation.

Government institution.

Hotel.

Medical broadcasting station.

Membership organization.

Office.

Public utility.

Residential care home—Category I (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).
Restaurant—Type 1.
Retail goods establishment.
Retail services establishment.

SECTION 22: Subsection 6-11-4-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-4-3. - SPECIAL USES.
The following uses may be allowed in the D3 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Apartment hotel.
Assisted living facility (when located above the ground floor).
Banquet hall.
Business or vocational school.
Convenience store.
Craft alcohol production facility.
Daycare center—Adult (subject to the general requirements of Section 6-4-3 of this Title).
Daycare center—Child (subject to the general requirements of Section 6-4-2 of this Title).
Drive-through facility (accessory or principal).
Educational institution—Private.
Educational institution—Public.
Independent living facility (when located above the ground floor).
Neighborhood garden.
Open sales lot.
Performance entertainment venue.
Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2.

Urban farm, rooftop.

SECTION 23: Subsection 6-11-5-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-5-2. - PERMITTED USES.

The following uses are permitted in the D4 district:

Artist studio.

Brew pub.

Commercial indoor recreation.

Cultural facility.

Dwelling (when located above the ground floor).

Financial institution.

Food store establishment.

Government institution.

Hotel.

Membership organization.

Office.

Public utility.
Residential care home—Category I (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

SECTION 24: Subsection 6-11-5-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-11-5-3. - SPECIAL USES.

The following uses may be allowed in the D4 district, subject to the provisions set forth in Section 6-3-5 of this Title:

Assisted living facility (when located above the ground floor).

Banquet hall.

Business or vocational school.

Commercial parking garage.

Convenience store.

Craft alcohol production facility.

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

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

Drive-through facility (accessory or principal).

Educational institution—Private.

Educational institution—Public.

Funeral services excluding on site cremation.

Independent living facility (when located above the ground floor).
Neighborhood garden.

Open sales lot.

Performance entertainment venue.

Planned development (subject to the requirements of Section 6-11-1-10 of this Chapter and Section 6-3-6 of this Title).

Religious institution.

Resale establishment.

Residential care home—Category II (when located above the ground floor and subject to the general requirements of Section 6-4-4 of this Title).

Restaurant—Type 2.

Urban farm, rooftop.

**SECTION 25:** Subsection 6-13-4-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

The following uses are permitted in the MXE district:

Artist studio.

Building materials establishment.

Business or vocational school.

Caterer.

Craft alcohol production facility.

Dwelling—Single-family attached.

Dwelling—Single-family detached.

Dwelling—Two-family.

Dwelling—Multiple-family.
Educational institution—Public.

Government institution.

Industrial service establishment.

Light manufacturing.

Neighborhood garden.

Office.

Public transportation center.

Public utility.

Residential care home—Category I.

Residential care home—Category II.

Retail goods establishment.

Retail services establishment.

Trade contractor.

Vehicle storage establishment.

Warehouse establishment.

Wholesale goods establishment.

SECTION 26: Subsection 6-13-4-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

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

Aquaponics.

Automobile repair service establishment.
Automobile service station.
Banquet hall.
Brew pub.
Car wash.
Commercial indoor recreation.
Commercial outdoor recreation.
Commercial parking garage.
Commercial parking lot.
Community center.
Cultural facility.
Daycare center—Domestic animal.
Educational institution—Private.
Funeral services excluding on site cremation.
Kennel.
Media broadcasting tower.
Planned development.
Recreation center.
Religious institution.
Resale establishment.
Restaurant—Type 1.
Transitional shelter.
Transitional treatment facility—Category I.
Transitional treatment facility—Category II.
Urban farm, rooftop.

SECTION 27: Subsection 6-13-2-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

The following uses are permitted in the MU district:

Business or vocational school.
Community center.
Craft alcohol production facility.
Cultural facility.
Dwelling—Single-family attached.
Dwelling—Single-family detached.
Dwelling—Two-family.
Dwellings—Multiple-family.
Educational institution—Private.
Educational institution—Public.
Government institution.
Light manufacturing.
Neighborhood garden.
Office.
Public utility.
Recreation center.
Religious institution.

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

Wholesale goods establishment.

SECTION 28: Subsection 6-13-2-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-13-2-3. - SPECIAL USES.

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

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Brew pub.

Commercial indoor recreation.

Commercial parking garage.

Commercial parking lot.

Funeral services excluding on site cremation.

Industrial service establishment.

Planned development (subject to the requirements of Section 6-13-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Public transportation center.

Restaurant—Type 1.

Trade contractor.

Transitional shelter (subject to the special requirements of Section 6-3-5-11,
"Additional Standards for a Special Use for Transitional Shelters," of this Title).

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

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

Urban farm, rooftop.

Warehouse establishment.

SECTION 29: Subsection 6-13-3-2, “Permitted Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-13-3-2. - PERMITTED USES.

The following uses are permitted in the MUE district:

Building materials establishment.

Business or vocational school.

Commercial parking garage.

Commercial parking lot.

Craft alcohol production facility.

Educational institution—Private.

Educational institution—Public.

Industrial service establishment.

Light manufacturing.

Neighborhood garden.

Office.

Public transportation center.

Public utility.
Trade contractor.

Vehicle storage establishment.

Warehouse establishment.

Wholesale goods establishment.

**SECTION 12:** Subsection 6-13-3-3, “Special Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

**6-13-3-3. - SPECIAL USES.**

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

Aquaponics.

Automobile repair service establishment.

Automobile service station.

Banquet hall.

Brew pub.

Car wash.

Commercial indoor recreation.

Commercial outdoor recreation.

Community center.

Cultural facility.

Daycare center—Domestic animal.

Dwelling—Single-family attached.

Dwelling—Single-family detached.

Dwelling—Two-family.

Dwellings—Multiple-family.
Funeral services excluding on site cremation.

Kennel.

Media broadcasting tower.

Planned development (subject to the requirements of Section 6-13-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Recreation center.

Religious institution.

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

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

Restaurant—Type 1.

Transitional shelter (subject to the special requirements of Section 6-3-5-11, "Additional Standards for a Special Use for Transitional Shelters," of this Title).

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

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

Urban farm, rooftop.

SECTION 31: Subsection 6-12-2-2, "Permitted Uses," of the

Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-12-2-2. - PERMITTED USES.

The following uses are permitted in the RP district:

Brew pub.

Commercial indoor recreation.
Commercial parking garage.

Conference facility (college/university).

Conference facility (noncollege/university).

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).

Dwellings—Multiple-family.

Financial institution.

Government institution.

Hotel.

Industrial service establishments.

Light manufacturing.

Neighborhood garden.

Office.

Pharmaceutical manufacturing.

Public transportation center.

Public utility.

Research and development industries.

Restaurant—Type 1.

Retail goods establishment.

Retail services establishment.

Single-family attached dwelling unit.
Warehouse establishment.

Wholesale goods establishment.

**SECTION 32:** Subsection 6-12-2-3, “Special Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

**6-12-2-3. - SPECIAL USES.**

The following special uses may be permitted in the RP district, subject to the provisions set forth in Section 6-3-5 of this Title:

- Banquet hall.
- Business or vocational school.
- Craft alcohol production facility.
- Open sales lot.
- Outdoor storage.
- Performance entertainment venue.
- Planned developments (subject to the requirements of Section 6-3-6 of this Title and Section 6-12-1-7 of this Chapter).
- Resale establishment.
- Restaurants—Type 2.
- Urban farm, rooftop.

**SECTION 33:** Subsection 6-14-2-2, “Permitted Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

**6-14-2-2. - PERMITTED USES.**

The following uses are permitted in the I1 district:

- Automobile repair service establishment.
- Automobile service station.
Brew pub.

Commercial parking garage.

Craft alcohol production facility.

Funeral services excluding on site creation.

Government institution.

Industrial service establishment.

Light manufacturing.

Neighborhood garden.

Office.

Public transportation center.

Public utility.

Restaurant—Type 1.

Trade contractor.

Vehicle towing establishment.

Warehouse establishment.

Wholesale goods establishment.

**SECTION 34:** Subsection 6-14-3-2, “Permitted Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

The following uses are permitted in the L2 district:

Automobile and recreational vehicle sales and/or rental.

Automobile body repair establishment.

Automobile repair service establishment.
Automobile service station.
Commercial parking garage.
Commercial parking lot.
Craft alcohol production facility.
Funeral services excluding on site creation.
Government institution.
Industrial service establishment.
Light manufacturing.
Neighborhood garden.
Office.
Public transportation center.
Public utility.
Trade contractor.
Truck sales and/or rental.
Warehouse establishment.
Wholesale goods establishment.

SECTION 35: Subsection 6-10-2-3, "Special Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

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

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

Aquaponics.
Automobile storage lot.
Brew pub.
Business or vocational school.

Car wash.

Commercial indoor recreation.

Daycare center—Domestic animal.

Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).

Heavy cargo and freight terminal.

Heavy manufacturing.

Kennel.

Media broadcasting tower.

Open sales lot.

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

Pharmaceutical manufacturing.

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

Recycling center.

Restaurant—Type 1.

Restaurant—Type 2.

Retail goods establishment.

Retail service establishment.

Special educational institution—Public.

Urban farm.
Urban farm, rooftop.

SECTION 36: Subsection 6-14-4-2, "Permitted Uses," of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-14-4-2. - PERMITTED USES.

The following uses are permitted in the I3 district:

Automobile body repair establishment.

Automobile repair service establishment.

Automobile storage lot.

Commercial parking lot.

Craft alcohol production facility.

Funeral services excluding on site creation.

Heavy manufacturing.

Industrial service establishment.

Light manufacturing.

Neighborhood garden.

Office.

Outdoor storage.

Pharmaceutical manufacturing.

Public transportation center.

Public utility.

Ready mix/concrete.

Recycling center.

Trade contractor.
Vehicle salvage.

Warehouse establishment.

Wholesale goods establishment.

SECTION 37: Subsection 6-14-2-3, “Special Uses,” of the Evanston City Code of 2012, as amended, is hereby amended to as follows:

6-14-4-3. - SPECIAL USES.

The following uses may be allowed in the I3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Aquaponics.

Brew pub.

Business or vocational school.

Car wash.

Daycare center—Domestic animal.

Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).

Heavy cargo and freight terminal.

Kennel.

Media broadcasting tower.

Open sales lot.

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

Restaurant — type 1.

Restaurant — type 2.
Urban farm.

Urban farm, rooftop.

Yard waste transfer facility.

SECTION 38: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and must be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 39: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 40: This ordinance must be in full force and effect after its passage, approval, and publication in the manner provided by law.

SECTION 41: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity must not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: September 17, 2018  
Adopted: October 8, 2018  
Approved: October 26, 2018  

[Signature]
Stephen H. Hagerty, Mayor
Attest: 

Devon Reid, City Clerk 

Approved as to form: 

Michelle L. Masoncup, Corporation Counsel
Plan Commission

128-132 Chicago Avenue
Planned Development

Major Adjustment
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.
To: Chair and Members of the Plan Commission

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning and Zoning Manager
Michael Griffith, Development Planner

Subject: Major Adjustment to a Planned Development
128-132 Chicago Avenue, 19PLND-0064

Date: July 3, 2019

Request
The applicant is requesting approval of a Major Adjustment to a Planned Development in order to add two dwelling units, for a total of 28 dwelling units, where office space was originally proposed in the mixed-use building approved by Ordinance 61-O-18 and extended by Ordinance 65-O-19. No changes will be needed to the approved site development allowances.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements. Newspaper notice was published in the Evanston Review on June 20, 2019.

General Information
Applicant: David Brown
Evanston Gateway, LLC
4346 N. Honore, 5th Floor
Chicago, IL 60613

Owner(s): David Brown
Evanston Gateway, LLC
4346 N. Honore, 5th Floor
Chicago, IL 60613

Existing Zoning: B3 Business District
**Existing Land Use:**  Vacant

**Property Size:**  25,412 sq. ft. (0.58 acres)

**PINs:**  11-30-212-004-0000; -005-0000; -006-0000; -007-0000; -008-0000

<table>
<thead>
<tr>
<th>Surrounding Zoning and Land Uses</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>C1 Commercial</td>
<td>Commercial – automobile service station</td>
</tr>
<tr>
<td>South</td>
<td>City of Chicago</td>
<td>City of Chicago Park; Commercial - bank</td>
</tr>
<tr>
<td>East</td>
<td>I2 General Industrial B3 Business</td>
<td>CTA rail yard; Commercial</td>
</tr>
<tr>
<td>West</td>
<td>B3 Business R5 General Residential, west of Metra tracks</td>
<td>Metra ROW; Commercial – automobile service station, 4-story multi-family residential, west of Metra ROW</td>
</tr>
</tbody>
</table>

**Analysis**

**Project Description**

In 2018, the City Council approved the 128-132 Chicago Avenue Planned Development, Ordinance 61-O-18, for a 5-story (72 feet high) multi-family residential building with 26 dwelling units, 4,999 square feet of indoor commercial area, approximately 7,000 square foot garden yard/open sales area, and 30 parking spaces. The approved plan included 2,374 square feet of office space on the 2nd floor for the retail tenant.

The applicant is requesting a Major Adjustment to the Planned Development to eliminate the 2nd floor office space and add two dwellings, one 1-bedroom and one 2-bedroom, for a total of 28 dwelling units.
2nd floor as approved

PREVIOUSLY SUBMITTED LEVEL 02
FOR REFERENCE ONLY

REVISED LEVEL 02

2nd floor as proposed
The approved planned development was granted a site development allowance for 30 parking spaces where 37 was otherwise required. By removing the office space and adding the two additional dwellings, the required parking count is reduced from 37 to 32, 30 parking spaces would still be provided.

Their Inclusionary Housing Ordinance requirements do not change.

The site plan, footprint, and the bulk of the building has not changed.
DAPR Committee Review
The Design and Project Review Committee reviewed the proposed Major Adjustment to the Planned Development on July 3, 2019. The Committee unanimously recommended approval of the proposed development at the July 3, 2019, meeting.
**Recommendation**

Based on the analysis above and the DAPR Committee recommendation, staff recommends the Plan Commission make a positive recommendation for approval of the Major Adjustment to the 128-132 Chicago Avenue Planned Development.

**Attachments**

100-130 Chicago Avenue Major Adjustment Application
Plat of survey
Approved and Proposed 2nd Floor Plan
Ordinance 61-O-18
Draft Minutes from the July 3, 2019, DAPR meeting
1. PROPERTY

Address(es)/Location(s)

100-130 Chicago Avenue

Brief Narrative Summary of Proposal:

The Applicant requests a major adjustment to the existing PD to add two (2) new dwelling units on the second floor, as shown on the enclosed plans.

2. APPLICANT

Name: David Brown

Organization: Evanston Gateway LLC

Address: 4346 N Honore, 5th Floor

City, State, Zip: Chicago, IL 60613

Phone: Work: 312-543-6782

Home: 

Cell/Other: 

Fax: Work: 

Home: 

E-mail: dbrown@harrington-brown.com

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: 

3. 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

[Signature]

Date

June 26, 2019
4. PRE-SUBMISSION REQUIREMENTS

Prior to actually submitting an application for Planned Development, you must:

A. Complete a Zoning Analysis of the Development Plan
   The Zoning Office staff must review the development plan and publish a written determination of
   the plan's level of compliance with the zoning district regulations. Apply at the Zoning Office.

B. Present the planned development at a pre-application conference
   Contact the Zoning Office to schedule a conference with the Site Plan and Appearance Review
   Committee, the alderman of the ward and the chairman of the Plan Commission.

5. REQUIRED SUBMISSION DOCUMENTS AND MATERIALS

   x (This) Completed Application Form
   x Application Fee, including postage for required mailing
   N/A Two (2) Copies of Application Binder

Your application must be in the form of a binder with removable pages for copying.
You must submit two application binders for initial review.
The Application Binder must include:

- Certificate of Disclosure of Ownership Interest Form
- Plan drawing illustrating development boundary and individual parcels and PINs
- Plat of Survey of Entire Development Site
- Zoning Analysis Results Sheet
- Preliminary Plat of Subdivision.
- Pre-application Conference Materials.
- Development Plan
- Landscape Plan
- Statement addressing how the planned developments approval will further public benefits
- Statement describing the relationship with the Comprehensive Plan and other City land use plans
- Statement describing the development's compliance with any other pertinent city planning and development policies.
- Statement addressing the site controls and standards for planned developments
- Statement of proposed developments compatibility with the surrounding neighborhood
- Statement of the propose developments compatibility with the design guidelines for planned developments
- Statements describing provisions for care and maintenance of open space and recreational facilities and proposed
  articles of incorporation and bylaws.
- Restrictive Covenants
- Schedule of Development
- Market Feasibility Statement
- Traffic Circulation Impact Study
- Statement addressing development allowances for planned developments

Notes:
- Plats of survey must be drawn to scale and must accurately and completely reflect the current conditions of the
  property.
- Building plans must be drawn to scale and must include interior floor plans and exterior elevations.
- Application Fees may be paid by cash, check, or credit card.
6. OTHER PROFESSIONAL REPRESENTATIVE INFORMATION

**Attorney**

Name: Paul Shadle & Katie Jahnke Dale  
Organization: DLA Piper LLP (US)  
Address: 444 W. Lake St., Suite 900  
City, State, Zip: Chicago, IL 60606  
Phone: 312-368-3493 / -2153  
Fax:  
Email: paul.shadle / katie.dale@dlapiper.com

**Architect**

Name: Michael Wilkinson  
Organization: Level Architecture Incorporated  
Address: 1807 W. Sunnyside Ave., Suite 300  
City, State, Zip: Chicago, IL 60640  
Phone: 312-242-3802  
Fax:  
Email: michael@levelincorporated.com

**Surveyor**

Name:  
Organization:  
Address:  
City, State, Zip:  
Phone:  
Fax:  
Email: 

**Civil Engineer**

Name: Don Dixon  
Organization: Gewalt Hamilton  
Address: 625 Forest Edge Drive  
City, State, Zip: Vernon Hills, IL 60061  
Phone: 847-478-9700  
Fax:  
Email: ddixon@GHA-engineers.com

**Traffic Engineer**

Name: Luay Aboona  
Organization: KLOA  
Address: 9575 W. Higgins Rd., Suite 400  
City, State, Zip: Rosamont, IL 60018  
Phone: 847-518-9990  
Fax:  
Email: laboona@kloainc.com

**Other Consultant**

Name:  
Organization:  
Address:  
City, State, Zip:  
Phone:  
Fax:  
Email: 

Page 3 of 8
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</th>
<th>ADDRESS (es) or PIN(s)</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evanston Gateway LLC</td>
<td>11-30-212-004, -005, -006</td>
<td>[Signature]</td>
</tr>
<tr>
<td>See above</td>
<td>11-30-212-007, -008</td>
<td>June 24, 2019</td>
</tr>
</tbody>
</table>

Copy this form if necessary for a complete listing.
61-O-18
AN ORDINANCE
Granting a Special Use Permit for a Planned Development and
Special Use Approval for an Open Sales Lot at 100 and 128-132
Chicago Avenue and Amending the Zoning Map to Re-Zone Certain
Properties from the C1 Commercial Zoning District to the B3 Business
District

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

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

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970,
which states that the "powers and functions of home rule units shall be construed
liberally," was written "with the intention that home rule units be given the broadest
powers possible" (Scadron v. City of Des Plaines, 153 III.2d 164); and

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

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1,
et seq.) grants each municipality the power to establish zoning regulations; and
WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 1979, as amended, ("the Zoning Ordinance"); and

WHEREAS, Evanston Gateway, LLC (the "Applicant,"), developer of the property located at 100 and 128-132 Chicago Avenue, Evanston, Illinois (the "Subject Property"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-7-2 "Zoning Map", Section 6-3-4 "Amendments", Section 6-3-5, "Special Uses", Section 6-3-6, "Planned Developments", and Subsection 6-9-1-9, "Planned Developments" in Business Zoning Districts, to permit the construction and operation of a Planned Development with accessory parking located at the Subject Property in the B3 Business Zoning District ("B3 District"); and

WHEREAS, the Applicant sought approval to re-zone the Subject Property from the current C1 Commercial and B3 Business Zoning Districts entirely to the proposed B3 Business Zoning District; and

WHEREAS, the Applicant sought approval to construct a new five (5) story seventy-two (72) foot tall multi-family development consisting of twenty-six (26) dwelling units, approximately four thousand nine hundred ninety-nine (4,999) square feet of ground indoor floor commercial space, approximately two thousand three hundred seventy-four (2,374) square feet of commercial space on the second floor, approximately seven thousand (7,000) square feet of outdoor garden/open sales lot, and thirty (30) parking spaces; and
WHEREAS, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with regards to number of required parking spaces, fence location, and parking setbacks from the north and west property line; and

WHEREAS, pursuant to Subsection 6-3-6-5 of the Zoning Ordinance, the City Council may grant Site Development Allowances to the normal district regulations established in the Zoning Ordinance; and

WHEREAS, on April 18, 2018, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 et seq.) and the Zoning Ordinance, the Plan Commission held a public hearing on the application for a Special Use Permit for a Planned Development with Open Sales Lot and Rezoning from C1 Zoning District to B3 Zoning District, case no. 17PLND-0112, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed Planned Development meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the B3 Zoning District per Subsection 6-9-1-9 of the Zoning Ordinance and Map Amendments per Subsection 6-3-4-5; and

WHEREAS, the Plan Commission recommended the City Council approve the application with conditions; and

WHEREAS, on May 14, 2018, the Planning and Development ("P&D") Committee of the City Council held a meeting, in compliance with the provisions of the
Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered and adopted the findings and recommendations of the Plan Commission with an amendment, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings of May 14, 2018 and May 29, 2018, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, the Applicant application, received additional public comment, made certain findings, and adopted said recommendation; and

WHEREAS, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see Glenview State Bank v. Village of Deerfield, 213 Ill.App.3d 747 (1991)) and is not subject to courtroom fact-finding (see National Paint & Coating Ass'n v. City of Chicago, 45 F.3d 1124 (7th Cir. 1995)),

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

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

SECTION 2: The City Council hereby amends the Zoning Map to remove those properties with the addresses and PINs listed in Exhibit B and identified in Exhibit C, both attached hereto and incorporated herein by reference, from the C1 Commercial District and place them within the B3 Business District.

SECTION 3: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 17PLND-
0112, to allow construction and operation of the Planned Development described herein.

SECTION 4: The City Council hereby grants the following Site Development Allowances:

(A) **Number of Required Parking Spaces:** A Site Development Allowance is hereby granted for thirty (30) parking spaces, whereas Table 16-B of the Zoning Ordinance requires a minimum of thirty-seven (37) parking spaces based on the proposed combination of uses in the B3 District.

(B) **Fence Location:** A Site Development Allowance is hereby granted to place a fence with a zero (0) foot setback from the street side Subject Property line, whereas subsection 6-4-6-7(F)2(b)(1) of the Zoning Ordinance requires a two (2) foot setback from the street side Subject Property line in the B3 District.

(C) **Parking Setbacks:** A Site Development Allowance is hereby granted permitting a zero (0) foot parking setback from the north and west Subject Property lines, whereas subsection 6-9-4-7 of the Zoning Ordinance requires a minimum of a five foot parking setback from the north and west Subject Property lines in the B3 District.

SECTION 5: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted hereby, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

(A) **Compliance with Applicable Requirements:** The Applicant shall develop and operate the Planned Development authorized by the terms of this ordinance in substantial compliance with: the terms of this ordinance; the Site and Landscape Plans in Exhibits D and E, attached hereto and incorporated herein by reference; all applicable legislation; the Applicant's testimony and representations to the Design and Project Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.

(B) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction phasing/staging plans; construction hours; site access including traffic and pedestrian safety plans; contractor parking; damage control
and vibration monitoring; construction exhibits; project communication and signage.

(C) **Metal Fence:** The Applicant must provide to the City the metal fence detail for the six (6) foot tall metal fence surrounding the garden yard/open sales area on the Subject Property indicating the fence material, finish, and design to the Design and Project Review (DAPR) Committee prior to issuance of building permit.

(D) **Landscaping:** Applicant must install and maintain the landscaping improvements as depicted in Exhibit E.

(E) **Street Improvements:** The Applicant must install all improvements to the streets, including grinding of existing pavement markings, restriping, and asphalt patching at new water/sewer services within the Howard Street and Chicago Avenue Right of Ways.

(F) **Sidewalk Replacement:** The Applicant must replace all sidewalks adjacent to the Subject Property along the full length of the property on both Howard Street and Chicago Avenue.

(G) **METRA Embankment Improvements:** The Applicant agrees to continue working with METRA and/or Union Pacific Railroad regarding obtaining written permission for the installation and maintenance of landscaped embankment improvements adjacent to the Subject Property for the life of the development.

(H) **Color Accents:** The Applicant agrees to incorporate color accents on all facades, as incorporated in the Development Plans, as revised pursuant to recommendation from the Design and Project Review (DAPR) Committee.

(I) **Harm Mitigation for Birds:** The Applicant will implement the following strategies to improve and incorporate bird friendly measures:

   a. Install low reflective glass windows;
   b. Install metal balcony railings rather than glass doors and balconies;
   c. Minimize any external lighting from 12:00 a.m. until dawn during Spring and Fall bird migration; and
   d. Avoid guy wires and roof lighting that pose a bird hazard.

(J) **Affordable Housing Units:** The Applicant shall provide five (5) units of on-site affordable housing for the following twenty-five (25) years in accordance with the approved equivalent alternative inclusionary housing proposal. The affordable units shall be affordable to households earning no more than the following area median income (AMI): three (3) 1-bedroom units must be affordable at eighty percent (80%) AMI and two (2) 2-bedroom units must be affordable at eighty percent (80%) AMI.
(K) **Changes in Building Use:** Any material changes in the use of the building on the Subject Property must be approved as an amendment to this Planned Development in accordance with Subsection 6-3-6-12 of the Zoning Ordinance.

(L) **Recordation:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

**SECTION 6:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's tenants, agents, assigns, and successors in interest."

**SECTION 7:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 8:** Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

**SECTION 9:** All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

**SECTION 10:** If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.
SECTION 11: The findings and recitals herein are hereby declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: May 14, 2018
Adopted: May 29, 2018
Attest: Devon Reid, City Clerk

Approved: June 26, 2018
Stephen H. Hagerty, Mayor

Approved as to form:
Michelle L. Masoncup, Interim Corporation Counsel
EXHIBIT A

Legal Description

PARCEL 1:

PARCEL 2:

PARCEL 3:

PINs: 11-30-212-004-0000
       11-30-212-005-0000
       11-30-212-006-0000
       11-30-212-007-0000
       11-30-212-008-0000

COMMONLY KNOWN AS: 100 and 128-132 Chicago Avenue, Evanston, IL (approx. 25,412 sq. ft.)
EXHIBIT B

Addresses and PINs of Properties Removed from the C1 Commercial District and Placed Within the B3 Business District

Commonly Known As: 128-132 Chicago Avenue, Evanston, IL

PINs: 11-30-212-004-0000
      11-30-212-005-0000
      11-30-212-006-0000
EXHIBIT C

Map of Properties Removed from the C1 Commercial District and Placed Within the B3 Business District
Properties Removed from the C1 Commercial District and Placed Within the B3 Business District
EXHIBIT D

Development Plans
EVANSTON GATEWAY, LLC

Future home of CITY GRANGE - Education-based urban garden and lifestyle center

RE-ZONING, SPECIAL USE AND PLANNED DEVELOPMENT APPLICATION

100 Chicago Avenue, Evanston, IL
VIEW LOOKING WEST AT HOWARD/CHICAGO INTERSECTION

EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE

#17.03 | April 11, 2018

renderings of proposed project
### Evanston Gateway

100 North Chicago Avenue, Evanston, IL
17.030
Apr. 11, 2018

**Based on 2017 City of Evanston B1-B3 Regulations.**
Lot Area: 25,406
Total FAR: 3.00

**Included in FAR**

<table>
<thead>
<tr>
<th>Enclosed Area</th>
<th>Total GSF</th>
<th>1B 1BA nsf</th>
<th>2B 2BA nsf</th>
<th>1B 1BA nsf</th>
<th>1B 1BA nsf</th>
<th>2B 2BA nsf</th>
<th>GSF</th>
<th>GSF</th>
<th>GSF</th>
<th>GSF</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&quot;1&quot;</td>
<td>&quot;2&quot;</td>
<td>&quot;3&quot;</td>
<td>&quot;4&quot;</td>
<td>&quot;5&quot;</td>
<td>&quot;6&quot;</td>
<td>&quot;7&quot;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>penthouse</td>
<td>709</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>82</td>
<td></td>
</tr>
<tr>
<td>residential 05</td>
<td>8,382</td>
<td>765</td>
<td>1,125</td>
<td>1,076</td>
<td>732</td>
<td>741</td>
<td>1,034</td>
<td>1,238</td>
<td>669</td>
<td>7,380</td>
</tr>
<tr>
<td>residential 04</td>
<td>8,382</td>
<td>765</td>
<td>1,125</td>
<td>1,076</td>
<td>732</td>
<td>741</td>
<td>1,034</td>
<td>1,238</td>
<td>669</td>
<td>7,380</td>
</tr>
<tr>
<td>residential 03</td>
<td>8,382</td>
<td>765</td>
<td>1,125</td>
<td>1,076</td>
<td>732</td>
<td>741</td>
<td>1,034</td>
<td>1,238</td>
<td>669</td>
<td>7,380</td>
</tr>
<tr>
<td>residential 02</td>
<td>8,382</td>
<td>765</td>
<td>1,125</td>
<td>1,076</td>
<td>732</td>
<td>741</td>
<td>1,034</td>
<td>1,238</td>
<td>669</td>
<td>7,380</td>
</tr>
<tr>
<td>ground floor 01</td>
<td>7,681</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>511</td>
<td>4,950</td>
</tr>
<tr>
<td><strong>Subtotals</strong></td>
<td><strong>41,918</strong></td>
<td><strong>4</strong></td>
<td><strong>4</strong></td>
<td><strong>4</strong></td>
<td><strong>4</strong></td>
<td><strong>4</strong></td>
<td><strong>3</strong></td>
<td><strong>3</strong></td>
<td><strong>2,518</strong></td>
<td><strong>27,090</strong></td>
</tr>
</tbody>
</table>

**EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE | #17.03 | April 11, 2018**

**area calculation**
<table>
<thead>
<tr>
<th>Loading</th>
<th>Bike Parking</th>
<th>Mech, elec, data, water</th>
<th>Trash</th>
<th>Storage + BOH</th>
<th>Stairs, elev, and shafts</th>
<th>SUBTOTAL: NON-FAR</th>
<th>Total GSF</th>
<th>Subtotal attributable to FAR</th>
<th>Flr.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>GSF</td>
<td>GSF</td>
<td>GSF</td>
<td>GSF</td>
<td>GSF</td>
<td>GSF</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>penthouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>residential</td>
<td></td>
<td>45</td>
<td>17</td>
<td></td>
<td>461</td>
<td>627</td>
<td>709</td>
<td>82</td>
</tr>
<tr>
<td>04</td>
<td>residential</td>
<td></td>
<td>45</td>
<td>17</td>
<td></td>
<td>461</td>
<td>523</td>
<td>8,382</td>
<td>7,859</td>
</tr>
<tr>
<td>03</td>
<td>residential</td>
<td></td>
<td>45</td>
<td>17</td>
<td></td>
<td>461</td>
<td>523</td>
<td>8,382</td>
<td>7,859</td>
</tr>
<tr>
<td>02</td>
<td>residential</td>
<td></td>
<td>45</td>
<td>17</td>
<td></td>
<td>456</td>
<td>518</td>
<td>8,382</td>
<td>7,864</td>
</tr>
<tr>
<td>01</td>
<td>ground floor</td>
<td></td>
<td>172</td>
<td>301</td>
<td>962</td>
<td>313</td>
<td>2,337</td>
<td>7,681</td>
<td>5,344</td>
</tr>
<tr>
<td>Subtotals</td>
<td></td>
<td></td>
<td>172</td>
<td>369</td>
<td>962</td>
<td>2,594</td>
<td>5,051</td>
<td>41,918</td>
<td>Subtotals</td>
</tr>
</tbody>
</table>

TOTAL GSF 41,918

<table>
<thead>
<tr>
<th></th>
<th>FAR</th>
<th>allowable FAR area</th>
<th>proposed FAR area</th>
<th>proposed FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3.00</td>
<td>76,220</td>
<td>36,867</td>
<td>1.45</td>
</tr>
</tbody>
</table>
EXHIBIT E

Landscape Plans
Future home of CITY GRANGE - Education-based urban garden and lifestyle center
photographs of site and surrounding properties
**AREA DESCRIPTIONS**

**AREA 1 - PARKWAY**

Flowering Lawn:
Seed mixture contains 13 wildflowers, 6 annuals for first-year color, plus 7 perennials for second and successive years’ bloom. Mature plant heights range on average from 6” - 24”. Apply Seed Rate of 1 Pound of Seed per 1,500 sq. ft.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Life Cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthemis nobilis</td>
<td>Roman Chamomile</td>
<td>Perennial</td>
</tr>
<tr>
<td>Bellis perennis</td>
<td>English Daisy</td>
<td>Annual</td>
</tr>
<tr>
<td>Chrysanthemum paludicola</td>
<td>Creeping Thistle</td>
<td>Perennial</td>
</tr>
<tr>
<td>Festuca cinerea</td>
<td>Sheep Fescue</td>
<td>Perennial</td>
</tr>
<tr>
<td>Lobularia maritima</td>
<td>Sweet Alyssum</td>
<td>Annual</td>
</tr>
<tr>
<td>Nemesia sinensis</td>
<td>Baby Blue Eyes</td>
<td>Annual</td>
</tr>
<tr>
<td>Saponaria officinalis</td>
<td>Scarlet Sage</td>
<td>Perennial</td>
</tr>
<tr>
<td>Thymus vulgaris</td>
<td>Strawberry Sage</td>
<td>Perennial</td>
</tr>
<tr>
<td>Viola cornuta</td>
<td>Johnny Jump-Up</td>
<td>Perennial</td>
</tr>
</tbody>
</table>

Flowering Lawn Seed Mix:
Anthemis nobilis
Bellis perennis
Chrysanthemum paludicola
Festuca cinerea
Lobularia maritima
Nemesia sinensis
Saponaria officinalis
Thymus vulgaris
Viola cornuta

Flowering Perimeter:
Annual and perennial plantings consist of mixed 2.25” to 1 Quart and #1 Container sizes. Plantings will be provided as needed to fill the planting area. Mature plant heights range on average from 12” - 36”.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Life Cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allium varieties</td>
<td>Ornamental Onion</td>
<td>Perennial</td>
</tr>
<tr>
<td>Begonia varieties</td>
<td>Begonia</td>
<td>Annual</td>
</tr>
<tr>
<td>Coreopsis varieties</td>
<td>Tickseed</td>
<td>Perennial</td>
</tr>
<tr>
<td>Dianthus varieties</td>
<td>Dianthus</td>
<td>Perennial</td>
</tr>
<tr>
<td>Dianthus varieties</td>
<td>Dianthus</td>
<td>Perennial or Annual</td>
</tr>
<tr>
<td>Geranium varieties</td>
<td>Geranium</td>
<td>Perennial or Annual</td>
</tr>
<tr>
<td>Ipomoea varieties</td>
<td>Sweet Potato</td>
<td>Annual</td>
</tr>
<tr>
<td>Lantana varieties</td>
<td>Lantana</td>
<td>Annual</td>
</tr>
<tr>
<td>Nepeta varieties</td>
<td>Catmint</td>
<td>Perennial</td>
</tr>
<tr>
<td>Salvia varieties</td>
<td>Meadow Sage</td>
<td>Perennial</td>
</tr>
<tr>
<td>Tagetes varieties</td>
<td>Marigold</td>
<td>Annual</td>
</tr>
<tr>
<td>Verbena varieties</td>
<td>Verbena</td>
<td>Perennial</td>
</tr>
<tr>
<td>Zinnia varieties</td>
<td>Zinnia</td>
<td>Annual</td>
</tr>
</tbody>
</table>

Plant Selections May Include, But Not Limited To:

**AREA 2 - PARKING PERIMETER**

583 sf.

Seasonal Plantings:
Annual and perennial plantings consist of mixed 2.25” to 1 Quart and #1 Container sizes. Plantings will be provided as needed to fill the planting area. Mature plant heights range on average from 12” - 36”.

<table>
<thead>
<tr>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Life Cycle</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allium varieties</td>
<td>Ornamental Onion</td>
<td>Perennial</td>
</tr>
<tr>
<td>Begonia varieties</td>
<td>Begonia</td>
<td>Annual</td>
</tr>
<tr>
<td>Coreopsis varieties</td>
<td>Tickseed</td>
<td>Perennial</td>
</tr>
<tr>
<td>Dianthus varieties</td>
<td>Dianthus</td>
<td>Perennial</td>
</tr>
<tr>
<td>Dianthus varieties</td>
<td>Dianthus</td>
<td>Perennial or Annual</td>
</tr>
<tr>
<td>Geranium varieties</td>
<td>Geranium</td>
<td>Perennial or Annual</td>
</tr>
<tr>
<td>Ipomoea varieties</td>
<td>Sweet Potato</td>
<td>Annual</td>
</tr>
<tr>
<td>Lantana varieties</td>
<td>Lantana</td>
<td>Annual</td>
</tr>
<tr>
<td>Nepeta varieties</td>
<td>Catmint</td>
<td>Perennial</td>
</tr>
<tr>
<td>Salvia varieties</td>
<td>Meadow Sage</td>
<td>Perennial</td>
</tr>
<tr>
<td>Tagetes varieties</td>
<td>Marigold</td>
<td>Annual</td>
</tr>
<tr>
<td>Verbena varieties</td>
<td>Verbena</td>
<td>Perennial</td>
</tr>
<tr>
<td>Zinnia varieties</td>
<td>Zinnia</td>
<td>Annual</td>
</tr>
</tbody>
</table>

Plant Selections May Include, But Not Limited To:
**Level 01**

**EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE | July 3, 2019**

- **Level 01 Total Area:** 7,681 GSF
  - **CITY ORANGE:** 4,999 SF
  - **APARTMENT ENTRY:** 420 SF
  - **CORE/STORAGE:** 2,262 SF

**Key Points:**
- **Stair 1:** 
- **Stair 2:**
- **Mailboxes:**
- **Trash Room:**
- **Bike Storage:**
- **Retail:**
- **Outdoor Storage:**
- **Loading Area:**
- **Bike Parking:**
- **Soffit Above:**
- **Plant Yard:**
- **Siding for Egress:**
- **Gas Meters:**
- **Elevator:**
- **Package Room:**
- **Mop Sink:**
- **Electrical Room:**
- **Telecom Room:**
- **Plant Yard Entry:**
- **Pond:**
- **Pond Retaining:**
- **Pond Wall:**
- **2 YD 2 YD:**
- **2 YD:**
- **789 10 11 12 13 12 3 4 5 6:**
- **2 YD 2 YD:**
- **6' High Metal Fence:**

---

**Legend:**
- **CITY ORANGE:**
- **APARTMENT ENTRY:**
- **CORE/STORAGE:**

---

**Design Firm:**
- LEVEL Architecture

**Contact Information:**
- 1 North Dearborn Street, Suite 930
- Chicago, IL 60602
- T: 312.242.3802

---

**Copyright:**
- LEVEL Architecture

**Date:**
- 10/31/2018

**File:**
- D:\Revit User Files\17.03_130 Chicago_Evanston-revised loading_ameliaJ38WA.rvt
LEVEL 03-05, TYP AREA: 8,382 GSF

UNIT 1 - 1 BED / 1 BATH 765 SF
UNIT 2 - 2 BED / 2 BATH 1,125 SF
UNIT 3 - 2 BED / 2 BATH 1,076 SF
UNIT 4 - 1 BED / 1 BATH 732 SF
UNIT 5 - 1 BED / 1 BATH 741 SF
UNIT 6 - 2 BED / 2 BATH 1,034 SF
UNIT 7 - 2 BED / 2 BATH 1,238 SF
COVERED BALCONIES 669 SF
CORRIDOR 479 SF
CORE 523 SF

UNIT 3 - 2 BED / 2 BATH
UNIT 7 - 2 BED / 2 BATH
UNIT 2 - 2 BED / 2 BATH
UNIT 6 - 2 BED / 2 BATH
UNIT 1 - 1 BED / 1 BATH
UNIT 4 - 1 BED / 1 BATH
GREEN ROOF
STAIR 2
ROOF DECK
42" HIGH RAILING
ELEV
VESTIBULE
MECHANICAL
CONDENSING UNITS
CONCENTRATED MECHANICAL VENT STACK
MAKE-UP AIR UNIT
42" HIGH RAILING
CONDENSING UNITS
CONCENTRATED MECHANICAL VENT STACK
MAKE-UP AIR UNIT

TOTAL ROOF AREA
OPEN TO SKY: 7,374 GSF

ROOF DECK 1,525 SF
GREEN ROOF 2,570 SF
CORE + VESTIBULE 709 GSF

EVAston Gateway, LLc 1 100 Chicago Avenue #17.03 | July 3, 2019
VIEW LOOKING WEST AT HOWARD/CHICAGO INTERSECTION

renderings of proposed project
VIEW LOOKING SOUTH AT PROPOSED PROJECT

GARDEN YARD / SALES LOT FENCE

NOTE: ALL FENCE COMPONENTS TO BE PAINTED BENJAMIN MOORE 2131-10 BLACK SATIN

1" SQUARE STEEL SUPPORT
1/2" SQUARE STEEL PICKETS
3" SQUARE STEEL POST 6' O.C.
3"
5' - 3"
6"
1" SQUARE STEEL SUPPORT

 renderings of proposed project
exterior elevation - north

T.O. PENTHOUSE
T.O. PARAPET
ROOF

LEVEL 05
49'-0"

LEVEL 04
37'-8"

LEVEL 03
26'-4"

LEVEL 02
15'-0"

LEVEL 01
6'-0"

ESTABLISHED GRADE

RETAIL ENTRANCE

GLASS AND ALUMINUM OVERHEAD SECTIONAL DOOR

VINYL WINDOWS
STEEL GUARDRAILS
SYNTHETIC WOOD SIDING
PERFORATED METAL SCREENS
ALUMINUM COMPOSITE PANELS

BUILDING HEIGHT
63'-3"

ESTABLISHED GRADE

RETAIL ENTRANCE

GLASS AND ALUMINUM OVERHEAD SECTIONAL DOOR

CHICAGO AVE.
SIDEWALK
BUILDING
METRA
exterior material palette

ALUMINUM COMPOSITE PANELS

FIELD COLOR
ACCENT COLOR

FIELD COLOR
ACCENT COLOR

SYNTHETIC WOOD SIDING

VINYL AND STOREFRONT WINDOW FRAME COLOR, AND STEEL PICKET GUARDRAIL COLOR

STEEL PICKET GUARDRAILS AT BALCONIES - EXAMPLES:

PORTION OF EAST FACADE

PORTION OF WEST FACADE

EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | July 3, 2019
Voting Members Present: I. Eckersberg, D. Cueva, M. Tristan, M. Klotz, M. Griffith, M. Jones

Staff Present: M. Rivera

Others Present: Ald. Rainey

Presiding Member: M. Klotz

A quorum being present, M. Klotz called the meeting to order at 2:33 pm.

**New Business**

100-130 Chicago Avenue

Major Adjustment to a Planned Development

David Brown, applicant, submits for Major Adjustment to an approved Planned Development originally approved by Ordinance 61-O-18. The adjustment includes removing 2nd floor office space and adding 2 dwelling units (one 1-bedroom and one 2-bedroom), which results in a reduction in the number of required off-street parking spaces from 37 to 32 (site development allowance approved for 30 spaces and 30 spaces are still proposed), in the B3 Business District.

APPLICATION PRESENTED BY: David Brown, applicant

DISCUSSION:

- D. Brown stated the approved planned development included office space on the 2nd floor for the retail tenant, for office and classes. He stated the proposed changes removes the office and includes two dwelling units.
- M. Griffith stated the proposed change reduces their parking requirement but does not impact the amount of parking approved for the planned development.
- Ald. Rainey stated her support for the change.

M. Griffith made a motion to recommend approval of the major adjustment to the planned development, seconded by M. Jones.

The Committee voted, 6-0, to recommend approval.

**Adjournment**

D. Cueva made a motion to adjourn, seconded by M. Tristan. The Committee voted, 6-0, to adjourn. The Committee adjourned at 3:05 pm.

The next DAPR meeting is scheduled for Wednesday, July 10, 2019, at 2:30 pm in Room 2404 of the Lorraine H. Morton Civic Center.

Respectfully submitted, Michael Griffith
### Zoning Analysis

**Summary**

<table>
<thead>
<tr>
<th>Case Number:</th>
<th>Case Status/Determination:</th>
</tr>
</thead>
<tbody>
<tr>
<td>17ZONA-0069</td>
<td>Non-Compliant</td>
</tr>
</tbody>
</table>

**Proposal:**

CONSTRUCTION OF A NEW MIXED-USE BUILDING WITH GROUND FLOOR RETAIL, OFFICE AND DWELLING UNITS ABOVE GROUND FLOOR, 5-STORIES, DWELLING UNITS, OPEN GARDEN SALES YARD AND ON-SITE PARKING

**Site Information:**

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>128 CHICAGO AVE</th>
<th>Zoning District:</th>
<th>B3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overlay District:</td>
<td>None</td>
<td>Preservation District:</td>
<td></td>
</tr>
</tbody>
</table>

**Applicant:**

<table>
<thead>
<tr>
<th>Phone Number:</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>3-23-18</td>
</tr>
</tbody>
</table>

**Zoning Section Comments:**

SEE FOLLOWING SHEETS FOR SUMMARY COMMENTS.
Case Number: 17ZONA-0069 - 128-130 CHICAGO AVENUE
Case Status/Determination: NON-COMPLIANT

Proposal: CONSTRUCTION OF A NEW MIXED-USE BUILDING WITH GROUND FLOOR RETAIL, OFFICE AND DWELLING UNITS ABOVE GROUND FLOOR, 5-STORIES, 26 DWELLING UNITS, OPEN GARDEN SALES YARD AND ON-SITE PARKING

Zoning Section: 6-9-4-2; 6-10-2-2, 6-10-2-3
Comments: Site is zoned B3 and C1. In the C1 zoning district, dwellings are neither permitted nor a special use. Rezoning the property to B3 permits dwellings units above the ground floor.

Zoning Section: 6-9-1-9-D; 6-9-4-3
Comments: Planned Development (PD) required: proposed development has more than 24 new residential units proposed, more than 24 units of residential, commercial, business, retail or office uses proposed, gross floor area exceeds 20,000 sq. ft. In the B3 district, PD requires special use approval.

Zoning Section: 6-9-4-3
Comments: Garden yard/open sales lot shown on the plan. In the B3 district, open sales lot requires special use approval.

Zoning Section: Ord. 60-O-15
Comments: Inclusionary Housing Ordinance (IHO) applies. Property is located in a Transit Oriented District (TOD).

IHO requirements: With public funding, 20% of proposed dwelling units required to be affordable, 20% * 26 = 5.2 = 5 affordable dwelling units required. Half of affordable units at 60% AMI and half at 50% AMI required.

Applicant has submitted Inclusionary Housing Proposal with an alternative equivalent of 5 dwelling units at 80% AMI.

Zoning Section: 6-16-1-4; 6-16-3-5, Table 16-B; Ord. 60-O-15;
Comments:

<table>
<thead>
<tr>
<th>Type</th>
<th>spaces required</th>
<th>provided (total)</th>
<th>Calculation</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>1/850 (4444 - 2000) / 350</td>
<td>32</td>
<td>8.57</td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>2 spaces / 1,000 sq.ft.</td>
<td>4999/350 = 14.3</td>
<td>2</td>
<td>0.61</td>
</tr>
<tr>
<td>Residential</td>
<td>2-BR + 0.55 + 0.3 + 1-BR + 1.1 = 15.4</td>
<td>15.4</td>
<td>7.15</td>
<td></td>
</tr>
</tbody>
</table>

Parking area, a minimum 5' setback from the rear (north) and interior side (west) property lines required, 0' provided.
| 6-4-6-7-F-2, 3 | Non-compliant:  
Minimum required street side yard setback is 2', 0' shown.  
Provide details on metal fence enclosing the garden yard/open sales lot. |
|----------------|-------------------------------------------------------------------|
| 6-9-4-7        | Parking area, a landscape strip is required along the street side yard (east) subject to DAPR approval, a 2.0' wide strip provided.  
There is an entrance/exit from the garden yard open directly into the parking area drive aisle, with parking spaces abutting on the east side and a 6.6' off-set on the west side. Vehicles backing out of these spaces may create a conflict with pedestrian movement. This configuration needs to be reevaluated.  
On development table, square footages do not add up or agree with numbers on sheets for each floor. However, the discrepancy does not impact FAR. |
City of Evanston
ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: April 07, 2017

Z.A. Number: 17ZONA-0069
Address: 128 CHICAGO AVE
Applicant: Phone:

THIS APPLICATION PROPOSES (select all that apply):

X New Principal Structure
   New Accessory Structure
   Addition to Structure
   Alteration to Structure
   Retention of Structure

X Sidewalk Cafe
   Other

ANALYSIS BASED ON:

Sidewalk Cafe

Proposed By: LEVEL ARCHITECTURE INC
Survey Dated: 09-23-17
Existing Improvements: CITY PARKING LCT. VACANT

ZONING ANALYSIS

PLANNED DEVELOPMENT THRESHOLDS

Does not apply to I-1, I-2, I-3, O-1, or Excluded I-1 & I-2 Properties. See Section 8-8-1-1-B(D) for R's; Section 8-8-1-9(D) for B's; Section 8-10-1-9(D) for C's; Section 8-11-1-10(D) for D's; Section 8-12-1-7(D) for RP; Section 8-13-1-10(D) for MU & MUE; Section 8-15-1-8 for O1, T, U, U1, U2, H, eRE, & eRD.

1. In 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 50% or more? If not, skip to 2 & 4 below. Yes
2. Does the zoning lot area exceed 30,000 sqft? No
3. Does the proposal entail more than 24 new residential, commercial, business, retail or office units in any combination? Yes
4. Does the proposal entail the new construction of more than 30,000 sqft of true gross floor area at or above grade including areas otherwise excluded from defined gross floor area? Yes

PRINCIPAL USE AND STRUCTURE

Existing
Existing Proposed Determination

USE: Standard Mixed Use Compliant

Comments: RETAIL - GROUND LEVEL, OFFICE AND DWELLING UNITS - ABOVE GROUND FLOOR

Minimum Lot Width (LF)

No Requirement

USE: Other

Minimum Lot Area (SF)

400 SQ FT / D.U.

USE: Multi Family

Comments: 400²=10,400 SQ FT MIN REQUIRED

Dwelling Units:

25412

Comments: 25412=10400=63 D.U.

Rooming Units:

Building Lot Coverage

None

Comments:

LF Linear Feet  SF Square Feet  FT. Feet Page 1
<table>
<thead>
<tr>
<th>Impervious Surface Coverage (SF, %)</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Accessory Structure Rear Yard Coverage: |          |          |          |               |
| Comments:                              |          |          |          |               |

| Gross Floor Area (SF) Use: All Uses |          | 3,000 or 7,623 SF | 3,689 | Compliant |
| Comments:                            |          |                  | 1,45  |          |

| Height (FT) Comments: 5 STORIES |          | 85              | 71.7  | Compliant |
| Comments:                       |          |                 |       |           |

| Front Yard(1) (FT) Direction: S Street: HOWARD STREET |          | 0.0           | 0.0     | Compliant |
| Comments:                                            |          |               |         |           |

| Front Yard(2) (FT) Direction:                       Street: |          |               |         |           |
| Comments:                                            |          |               |         |           |

| Street Side Yard (FT) Direction: E Street: CHICAGO AVE |          | 0.0           | 0.0       | Compliant |
| Comments:                                             |          |               |           |           |

| Interior Side Yard(1) (FT) Direction: W Comments: NON-RESIDENTIAL DIST ADJACENT |          | 0.0            | 2.5     | Compliant |
| Comments:                                              |          |               |         |           |

| Interior Side Yard(2) (FT) Direction: |          |               |         |           |
| Comments:                             |          |               |         |           |

| Rear Yard (FT) Direction: N Comments: NON-RESIDENTIAL DIST ADJACENT |          | 10.0       | 10.0+   | Compliant |
| Comments:                             |          |             |         |           |

### ACCESSORY USE AND STRUCTURE

<table>
<thead>
<tr>
<th>Use (1)</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Districts:</td>
<td>Other</td>
<td></td>
<td></td>
<td>Non-Compliant</td>
</tr>
<tr>
<td>Comments: GARDEN YARD/OPEN SALES LOT, SPECIAL USE REQUIRED</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permitted Required Yard: Rear Yard</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments: AREA ENCLOSED BY A 6' TALL METAL FENCE, DETAILS NEEDED</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Additional Standards:
Comments:

Height (FT) Comments:
<table>
<thead>
<tr>
<th>Distance from Principal Building:</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Front Yard(1A) (FT) Direction: S |          |          |          |               |
| Comments: HOWARD STREET         |          |          |          |               |

| Front Yard(1B) (FT) Direction:  |          |          |          |               |
| Comments:                       |          |          |          |               |

| Street Side Yard (FT) Direction: E |          |          |          |               |
| Comments: CHICAGO AVE             |          |          |          |               |

| Interior Side Yard(1A) (FT) Direction: W |          |          |          |               |
| Comments:                                |          |          |          |               |

| Interior Side Yard(1B) (FT)            |          |          |          |               |
| Comments:                                |          |          |          |               |

| Rear Yard (FT) Direction: N            |          |          |          |               |
| Comments:                               |          |          |          |               |

**Parking Requirements**

<table>
<thead>
<tr>
<th>Use(1): Retail Goods Establishment</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comments: 14 SPACES REQUIRED (444 x 350 = 49900/350 = 14.2 = 14)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Use(2): Office (General)            | Standard | Existing | Proposed | Determination |
| Comments: FIRST 2000 SQ FT OF NONRESIDENTIAL USE, LEAST GENERATING USE, EXEMPT FROM PARKING REQ APPLIED TO OFC USE - 1 SPACE REQUIRED (2000 = 350/0.31 = 6.4310 x 6.4310 = 1) |          |          |          |               |

| Use(3): Multi-family (Res District) | Standard | Existing | Proposed | Determination |
| Comments: 32 SPACES REQUIRED (13 x 6.83 x 0.55 + 10 x 2 x 1.1 = 15.6 + 15.6 + 22) |          |          |          |               |

| TOTAL REQUIRED:                     | Standard | Existing | Proposed | Determination |
| Comments: 28 REG SPACES + 2 HANDICAP SPACES PROPOSED |          |          |          | Non-Compliant |

| Handicap Parking Spaces:            |          |          |          |               |
| Comments:                           |          |          |          |               |

| Access: Sec. 6-16-2-2               |          |          |          |               |
| Comments: STREET - CHICAGO AVE      |          |          |          | Compliant     |

| Vertical Clearance (LF)             |          |          |          |               |
| Comments: OPEN                       |          |          |          | Compliant     |

**Notes:**
- LF: Linear Feet
- SF: Square Feet
- FT: Feet
### Surfacing:
- **Standard:** Sec. 6-15-2-8 (6)
- **Existing:** HARD SURFACE
- **Proposed:** REAR YARD
- **Determination:** Compliant

### Location:
- **Location:** Sec. 6-4-6-2
- **Determination:** Compliant

### Comments:

<table>
<thead>
<tr>
<th>Angle(1): 90 Degree</th>
<th>Comments</th>
<th>Width (W) (FT)</th>
<th>Comments</th>
<th>Depth (D) (FT)</th>
<th>Comments</th>
<th>Aisle (A) (FT)</th>
<th>Comments</th>
<th>Module (FT)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>8.5</td>
<td></td>
<td>18.0</td>
<td></td>
<td>24.0</td>
<td></td>
<td>CL 60.0</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Garage Setback from Alley Access (FT)

<table>
<thead>
<tr>
<th>Comments</th>
<th>LOADING REQUIREMENTS</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Loading Use:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Retail and/or Commercial</td>
<td>REQUIRED = 0</td>
<td>ON-STREET LOADING</td>
<td>Compliant</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Comments</th>
<th>MISCELLANEOUS REQUIREMENTS</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirement (1): PARKING SETBACK - EAST</td>
<td>LANDSCAPE STRIP REQUIRED</td>
<td></td>
<td></td>
<td>2.0' WIDE</td>
<td>Compliant</td>
</tr>
<tr>
<td>Comments</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Requirement (2):</td>
<td>Standard</td>
<td>Existing</td>
<td>Proposed</td>
<td>Determination</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td>---------------</td>
<td></td>
</tr>
<tr>
<td>PARKING SETBACK - NORTH</td>
<td>5.0</td>
<td></td>
<td>0.0'</td>
<td>Non-Compliant</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Requirement (3):</th>
<th>Standard</th>
<th>Existing</th>
<th>Proposed</th>
<th>Determination</th>
</tr>
</thead>
<tbody>
<tr>
<td>PARKING SETBACK - WEST</td>
<td>5.0</td>
<td></td>
<td>0.0'</td>
<td>Non-Compliant</td>
</tr>
</tbody>
</table>

**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: [Signature]

Date: 3-23-18

Rev. 7-1-19

M. Raffield