

# LAND USE COMMISSION

Wednesday, May 24, 2023 | 7:00 P.M.  
James C. Lytle City Council Chambers, Second Floor  
Lorraine H. Morton Civic Center, 2100 Ridge Avenue

## AGENDA

Those wishing to make public comments at the Land Use Commission meeting may submit written comments in advance or sign up to provide public comment in-person during the meeting by calling/texting 847-448-4311 or completing the Land Use Commission meeting online comment form available by clicking [here](#), or visiting the Land Use Commission webpage, <https://www.cityofevanston.org/government/boards-commissions-and-committees/land-use-commission>, clicking on How You Can Participate, then clicking on Public Comment Form. Community members may watch the Land Use Commission meeting online at [www.cityofevanston.org/channel16](http://www.cityofevanston.org/channel16) or on Cable Channel 16.

### I. CALL TO ORDER/DECLARATION OF A QUORUM

### II. APPROVAL OF MEETING MINUTES: May 10, 2023

### III. NEW BUSINESS

#### A. Public Hearing: Special Use | 831 Foster Street | 23ZMJV-0026

Mohammed Abdelmajid, lessee, requests a Special Use Permit for a Convenience Store to sell food, beverages, household goods, and tobacco in the B1 Business District (City Code Section 6-9-2-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per City Code Section 6-3-5-8. PIN: 11-18-104-019-0000

#### B. Public Hearing: Special Uses | 1806-1808 Dempster Street | 23ZMJV-0028

Danielle Dean, lessee, requests Special Use Permits for two independent businesses, an existing Convenience Store at 1806 Dempster Street, Dempster Snack Shop, currently in operation with approved Special Use Ordinance 120-O-21, and a new Type 2 Restaurant at 1808 Dempster Street, Windy City Flavors, in the B1 Business District (City Code Sections 6-9-2-2.5, 6-9-2-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per City Code Section 6-3-5-8. PIN: 10-24-200-007-0000

*Order & Agenda Items are subject to change. Information about the Land Use Commission is available at: <https://www.cityofevanston.org/government/boards-commissions-and-committees/land-use-commission>. Questions can be directed to Katie Ashbaugh, AICP, Planner, at [kashbaugh@cityofevanston.org](mailto:kashbaugh@cityofevanston.org) or 847-448-4311. 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 847-448-4311 or 847-866-5095 (TYY) at least 48 hours in advance of the scheduled meeting so that accommodations can be made.*

*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).*

**C. Public Hearing: Text Amendments | Omnibus Text Amendment Package |  
23PLND-0006**

A City-initiated Text Amendment to the Zoning Ordinance, Title 6 of the Evanston City Code, for an Omnibus Text Amendment package relating to the following:

1. Amend the definition and applicability of Unified Comprehensive Sign Plans and establish a review process with the Land Use Commission as the final determining body (Chapters 3, 19).
2. Modify eligible Major and Minor Variations related to signs and establish Standards for Approval for Major and Minor Variations related to signs (Chapters 3, 19).
3. Amend the TOD (Transit Oriented Development) Area definition to encompass a consistent and predictable distance from mass transit lines (Section 6-18-3).
4. Clarify language and procedures for continuance requests to public hearings (Chapter 3).
5. Modify the Unique Use process into a Unique Adaptive Use process that is eligible to historic and non-historic properties (Section 6-3-7, Section 6-18-3).
6. Clarify language that prohibits curb cuts to the street when alley access is present in Residential Districts (Chapter 8).
7. Clarify accessory structure required setbacks and yards in non-residential districts (Section 6-4-6).
8. Clarify open parking required setbacks and yards also apply to loading berths (Section 6-4-6, Chapter 16).
9. Clarify definitions, yards, and setbacks for Patios and Terraces (Section 6-18-3, Section 6-4-6)
10. Establish a Mixed-Use Market as an eligible principal use in non-residential and non-university districts (Title 6, Section 6-18-3).
11. Modify the existing Apartment Hotel use and/or definition for clarity (Section 6-18-3, Section 6-8-8, Section 6-11-4).
12. Clarify and modify the process for Adjustments to Development Plans for Planned Developments (Section 6-3-6-12).

The Land Use Commission makes a recommendation to the City Council, the determining body for this case per City Code Section 6-3-4-5.

**IV. COMMUNICATION**

**V. PUBLIC COMMENT**

**VI. ADJOURNMENT**

The Evanston Land Use Commission will hold a regularly scheduled meeting **on Wednesday, June 14, 2023, at 7:00 pm**, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.



## **MEETING MINUTES**

### **LAND USE COMMISSION**

Wednesday, May 10, 2023 | 7:00 PM  
Lorraine H. Morton Civic Center, 2100 Ridge Avenue  
James C. Lytle City Council Chambers

Members Present: George Halik, John Hewko, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Kristine Westerberg and Matt Rodgers

Members Absent: Myrna Arevalo and Brian Johnson

Staff Present: Deputy City Attorney Alexandra Ruggie, Planner Katie Ashbaugh, Planning Manager Liz Williams, Community Development Director Sarah Flax, and Planner Michael Griffith

Presiding Member: Matt Rodgers

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#### **Call to Order**

Chair Rodgers opened the meeting at 7:07 PM. A roll call was then done and a quorum was determined to be present.

#### **Approval of Meeting Minutes**

Commissioner Westerberg made a motion to approve the Land Use Commission meeting minutes from April 19, 2023. Seconded by Commissioner Puchtel. A voice vote was taken, and the motion passed 5-0 with two abstentions.

Commissioner Westerberg made a motion to approve the Land Use Commission meeting minutes from April 26, 2023 with minor name corrections. Seconded by Commissioner Puchtel. A voice vote was taken, and the motion passed 6-0 with one abstention.

#### **New Business**

##### **A. Planned Development | 3434 Central Street | 22PLND-0012.**

Charles Marlas, applicant, applies for a Special Use for a Planned Development and a Special Use to demolish the existing church and other site improvements in order to construct a new 2-story, 19,952 square foot building for a Daycare Center-Child, Kensington School, in the R2 Single-Family Residential District. The applicant seeks Site Development Allowances for: 1) Impervious surface coverage of 60.5% where 55% is permitted, 2) Detached accessory use, refuse enclosure, located within the south interior side yard where a detached accessory use is not permitted, 3) Off-street parking located within the southeast front yard where parking is not permitted, 4) Off-street parking located within the south interior side yard where parking is not permitted, 5)

Reduce the two-way driveway aisle width from 24' to 17', 6) Reduce the required transition landscape strip along the west rear property line from 10' to 5.6', 7) Eliminate the required 10' wide transition landscape strip along the south interior side property. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-6 of the Evanston Zoning Code.

### Applicant Presentation

Reverend Kurt Condra, Unity on the North Shore ("Unity"), a non-profit organization, explained that the Unity congregation voted to sell the property and move to a more suitable Evanston home to fulfill their mission. Through a proposal process, they found Kensington School aligns with their mission of empowering individuals while continuing their work with preschool children. He stated that he believes the presence of Kensington School will preserve the quiet character of the neighborhood.

Jasmine Sassack, Executive Director of Unity, says Kensington School would be an ideal business to support the church's relocation. She addressed concerns about property values and presents data regarding other locations where Kensington School has positively influenced surrounding property values.

Elissa Foster, Vice President of Unity, addressed concerns about traffic patterns and the design of the Kensington School building. She explained that the Kensington School drop-off and pick-up times vary from traditional schools as detailed in the traffic study. Foster mentions the lower roofline of the proposed building compared to the existing church and the dedication of an easement to the neighboring property. She highlighted the collaboration with city engineers and state officials to manage any increase in traffic through timing adjustments of lights, which Kensington School has committed to cover. Ms. Foster concluded by mentioning the extension of sidewalks by Kensington.

Charles Marlas, Kensington School, introduced the architect Lance Lauderdale, the traffic consultant Michael Worthman from KLOA, and the civil engineer Jim Kapustiak from Spaceco. He presented the third version of the site plan, which provides a dedicated access point for the Williamsburg Co-op and restricts access to the parking lot, ensuring separate access for each entity. The plan maintains compliance with parking requirements and adjustments have been made to accommodate the existing easement.

### Commissioner Questions

Commissioner Westerberg requested clarification on the easement. Ms. Ruggie stated that the city's position is that if an easement is created by necessity, it should be considered sufficient for the Land Use Commission's review. The location of the easement is a civil issue between property owners to be resolved outside of the Commission's scope.

Commissioner Halik asked if a three-story building or a smaller building footprint was considered to address the lack of green space and yet still accommodate the program. Mr. Marlas explained that a three-story building would not be ideal for operating a childcare center due to the challenges of navigating multiple floors in emergencies. He mentioned that they have successfully operated two-story locations in other areas but have not considered a three-story option.

Commissioner Westerberg asked about the placement of the refuse enclosure and questioned the possibility of having it inside the building. Mr. Marlas mentioned that having a dumpster inside a building is not something they have done before. Commissioner Westerberg expressed concern about the proximity of the refuse enclosure to the exit/entry point off Gross Point Road.

Commissioner Westerberg asked the applicant to address parking spaces. Mr. Marlas explained that they are providing 35 parking spaces, which comply with the minimum number required by the Zoning Code and will be sufficient for both staff and parents who wish to park and walk their children in, and they are willing to change operations if necessary.

Commissioner Mirintchev inquired about how the number of students (165) and the number of personnel (23) in relation to the student/teacher ratio was determined for the project. Mr. Marlas explained that the design of the building was based on the site's limitations and operational needs, aiming to meet the demand for childcare in the Evanston community. He stated that the ratios for different age groups are accounted for, with each room having an appropriate number of teachers to meet the required ratios.

Commissioner Lindwall asked for an explanation of the interactions between the project team and the Co-op. Mr. Marlas described the three different site plans that were developed to address the easement issue and the neighborhood's concerns with the third plan providing a dedicated easement for the Co-op's access. Mr. Condra explained that communication between the project team and the Co-op has been limited, with legal representation involved.

Chair Rodgers asked about traffic movements. Mr. Worthman responded that the proposed site will include a right-in and right-out access drive on Central Avenue in the southeast corner. The eastern drive on Central Avenue will be a right-out only, and for inbound traffic, left turns will be allowed. Signage and channelization will be utilized to guide traffic and ensure proper movements. The easement will be full access like it is now. Chair Rodgers asked how the left turn from Central Avenue works with traffic standing at lights. Mr. Worthman reviewed the stacking distance and said he did not foresee a queuing issue. Mr. Worthman stated that the access drive on the western end of Central Street is 21 feet back-to-back.

In response to Commissioner Puchtel's question about eastern entrance on Central Avenue, Mr. Worthman explained that changing that entrance to a right-in right-out

configuration would not be best because it would create traffic issues and inconvenience the neighbors. He emphasized that most of the school traffic comes from Central Avenue or Gross Point Road and the left turn onto Central is necessary for accessing the school. He assured that measures such as signage and channelization will be implemented to discourage traffic from using alternative routes through the neighborhood. Mr. Puchtel asked if there is a differentiation between parking spaces for staff and parents and Mr. Marlas responded that they don't formalize differentiation but are willing to make changes if necessary.

Mr. Kapustiak discussed the existing easements on the property in response to Commissioner Lindwall's question on utility relocation. The details of utility relocation would be worked out during the final engineering design and included in the easement agreement.

#### Public Comment

Chair Rodgers called for public comment.

Leslie Brown, 3517 Central Street, argued that the size and intensity of the school does not align with the existing neighborhood, and the increased traffic from the school would pose safety concerns for pedestrians. Ms. Brown questioned the affordability and need for another childcare center in the area and urges against approving the project.

Brian Mahoney, 2538 Gross Point Road, questioned the applicant's legal and equitable interest in the property, written notice of the hearing, and ambiguity in the application regarding whether it is on behalf of an individual or a corporation. Mahoney expressed concerns about the impact on property values, the lack of an easement agreement, and the existing traffic issues at the intersection. Planner Michael Griffith stated for the record that the Co-op property is one PIN and the taxpayer of record is First Williamsburg Co-op and so the notice went to the taxpayer of record consistent with state law and city ordinance. Deputy City Attorney Alex Ruggie added that the Land Use Commission hears many zoning relief applications of prospective buyers of property within the City and that the City does consider a prospective buyer a valid legal interest to make an application for zoning relief.

Constance E. Porteous, 3600 Central Street, expressed concerns about the proposed development due to the lack of appropriate sidewalks, the potential increase in traffic and accidents, increased garbage, loss of trees, and inadequate shade in the proposed playground area.

Peter Rootaan, 2544 Gross Point Road, president of First Williamsburg Corporation, expressed concerns about the proposed development due to the lack of pedestrian safety and enforceable traffic management. He confirmed their rights to the easement and questions how the proposal enhances the neighborhood.

Dylan Roberts, 3606 Central Street, expressed concerns about accommodating the additional traffic at the problematic intersection at Gross Point Road, Crawford Avenue,

and Central Street. He also questioned the affordability of Kensington School's tuition and emphasized the importance of considering the impact on the immediate community.

Kathy Leoni, 3253 Central Street, shared her perspective on neighborhood changes and emphasized the value of compromise and being a good neighbor. Leone expressed her preference for a locally owned preschool over a dense multi-unit rental or mixed-use development.

Sharon Meyers, 1123 Hull Terrace, stated that she believes Kensington School is a match for the neighborhood due to its design and its alignment with the surrounding area. She highlighted the benefits of a low-rise preschool, such as its light footprint and limited hours of activity compared to other potential developments. She emphasized the owner's investment in the community and willingness to listen and make changes.

Larry Raffel, 3509 Central Street, expressed his concerns that the proposed project will exacerbate intersection traffic and highlights the safety risks for pedestrians.

Terry Wendt, a professional urban planning and design consultant, emphasized that regardless of how the property is developed, there will be traffic generated. Wendt offered that the proposed plan offers a better physical neighbor and urban design perspective compared to the existing church layout and parking lot.

Terry Albaugh, 3508 Central Street, expressed support for the proposal, noting that increased traffic is expected regardless of the development type.

Joanne Ghiselli, 2546 Gross Point Road, raises concerns about the proximity of the garbage enclosure to her back porch, the impact on parking during winter, traffic issues in the neighborhood and suggests considering a smaller school as an alternative.

John Lindner, 3214 Thayer Street, expressed support for the Kensington School proposal, and highlighted the positive impact the school could have on the community. He said he believes that Kensington's presence will benefit housing quality and the future of children in the area.

Catherine Mathis, 2758 Lawndale Avenue, expressed her support for the Kensington School development. She mentioned the need for preschools in the area and suggests that the school could improve property values.

Chair Rodgers closed public comment.

### Deliberations

Commissioner Halik said that the requested variations are not significant and that compared to other potential developments like multi-family housing or retail, the proposed Kensington School development would not worsen traffic issues. He emphasized that having a single manager for the site is advantageous as it provides a centralized point of contact for addressing any problems. He suggested that the

character of the neighborhood should be viewed from a broader perspective, considering the commercial nature of the area.

Commissioner Westerberg acknowledged that while the proposed facility may not directly benefit the neighborhood, there are public benefits to consider, such as adding a property to the tax roll and providing a needed service. She expressed disappointment with the colonial architecture and suggests that a more modern and contemporary design and less of a building footprint may be more suitable. Her main concern is the issue of traffic and suggests a condition that the applicant take measures to control traffic flow in the parking lot and that the city should monitor the situation and consider feedback from the neighbors. Overall, she said that more work should be done to address traffic concerns before moving forward with the project.

Commissioner Lindwall acknowledged that the current iteration of the project is an improvement compared to previous versions. She pointed out that the project cannot proceed without an agreement on the relocated easement and expresses hope that the issue can be resolved between the church, the applicant, and the Co-op. She highlighted that the drive width on the north-south leg is wider than the existing one, which is seen as positive. Overall, she expressed support for the current land use and site design and ideally would like the parties involved to reach an easement agreement before the project moves to City Council.

Commissioner Puchtel expressed appreciation for the applicant's efforts in creating the best solution for a school at the site. However, he expressed ongoing concern that the site is not suitable for a school or any other development due to traffic issues. He argued that adding more traffic and curb cuts to an already problematic intersection may not be the best decision.

Commissioner Mirintchev expressed his belief that having a school and daycare at the proposed site is a good idea and would serve the community well. He said Kensington is a reputable buyer in this field. However, he said he was concerned about the size of the project and its capacity. He said the building is too large for the site and that downsizing it would solve various issues such as parking, drop-offs, and movement of people and vehicles. He also criticized the mass and appearance of the building, suggesting that a more child-friendly and attractive design could be considered. He concluded by stating that the project needs work and is not ready to proceed to City Council.

Commissioner Hewko raised some technical questions regarding the easement and traffic issues. He inquired about the time frame for entering into an easement agreement. Mr. Griffith commented that staff recommends that the easement be noted on the plan prior going to City Council, a building permit cannot be issued without the easement agreement, and there is a one-year window to begin construction of the project once a special use is granted. Commissioner Hewko agreed with resolving the easement issue before proceeding to the City Council. He expressed the need for conditions to address traffic concerns. He expressed support for the school and

daycare concept and finds the proposed architecture aesthetically pleasing. He sought clarification on the extent of the sidewalk construction along Central Avenue. Mr. Griffith responded that currently the sidewalk ends on the east side of the church's driveway and the applicant is required to extend the sidewalk all the way to their west property line.

Commissioner Lindwall asked staff to clarify the conditions for the applicant to enter into an easement agreement and revise the plan to show the easement. Mr. Griffith stated that the site plan currently does not label the hashed area as an easement and recommends clarifying it as an access or ingress/egress easement.

Chair Rodgers expressed his general support for the project and believes it is a smart use of redevelopment for the area. He also said he likes the building's architecture. He shares similar concerns about the traffic flow on the property and the problematic intersection. He said he favored moving the Central Avenue driveway to the western side to distance it from the intersection. Commissioner Westerberg suggested adding a condition that the school dedicate staff for traffic control and ensure that the neighbors are aware of their presence.

The Chair then reviewed the Standards for Special Uses, Section 6-3-5-10.

1. Is one of the listed special uses for the zoning district in which the property lies: A school and a daycare for children is one of the approved uses within the R2 District so the standard is met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: The project is an adaptive reuse that puts the property back on the tax rolls which is what the comprehensive plan allows for and so the standard is met. Meeting the standard could be negatively impacted from a lens of public safety if traffic is not controlled.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: A school at this location will have a greater impact than the church but it will not be as great as other potential redevelopment, so the standard is determined to be met.
4. Does not interfere with or diminish the value of property in the neighborhood: A functioning thriving business in use in the neighborhood increases values as opposed to having a derelict building so the standard is met.
5. Is adequately served by public facilities and services: Services only may need to be relocated so the standard is met.
6. Does not cause undue traffic congestion: The site's internal circulation may be able to be improved though conditions to account for the nearby congested intersection which would help meet the standard. Reduction in the size of the school would further support meeting the standard.
7. Preserves significant historical and architectural resources: No testimony provided and so the standard is met.
8. Preserves significant natural and environmental resources: New landscaping will be provided and so the standard is met.

9. Complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation: None are anticipated so the standard is determined to be met.

The Chair then reviewed the Standards and Guidelines for Planned Developments in the R2 District, Sections 6-3-6-9 and 6-8-1-10.

1. The requested Site Development Allowance(s) will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties that is beyond a reasonable expectation given the scope of the applicable Site Development Allowance(s) of the Planned Development location: This standard is met based upon the unique triangle shape of the property which challenges how one traditionally thinks of a front, side and rear yards. Furthermore, the impervious surface lot coverage is higher than the development allowance but less than exists at present so there is a reduction right.
2. The proposed development is compatible with the overall character of existing development in the immediate vicinity of the subject property: The proposed building is not out of scale with the neighborhood, so the standard is met.
3. The development site circulation is designed in a safe and logical manner to mitigate potential hazards for pedestrians and vehicles at the site and in the immediate surrounding area: The use and site does not cause a hazard but is being placed near a congested intersection reduces the ability to meet the standard however the left turn off Central Avenue provides positive compensation.
4. The proposed development aligns with the current and future climate and sustainability goals of the City: There is a reduction in impervious surface and the project is under LEED certification building guidelines so the standard is met.
5. Public benefits that are appropriate to the surrounding neighborhood and the City as a whole will be derived from the approval of the requested site development allowance(s): A school providing daycare, improved sidewalks, and an improved property are all public benefits, so the standard is met.

The Chair also noted the planning guidelines specific to Section 6-8-1-10 are also being followed. The Chair reviewed the staff recommended conditions and discussion occurred among commissioners. The Commission decided to remove the condition regarding the easement and a condition regarding traffic monitoring was added.

**Commissioner Lindwall made a motion to recommend approval to the Planning & Development Committee of the City Council, for the property located at 3434 Central Street, zoning case number 22PLND-0012, with the following conditions:**

1. The applicant shall monitor and control vehicle ingress/egress onto Central Street during peak hours.
2. Provide a permit from IDOT for any work within the Gross Point Road right-of-way.

3. Provide a revised photometric plan showing light levels measured to the property line. A maximum of 0 lumens is permitted at the property line.
4. After operations begin, if traffic added by the daycare center becomes an issue on Central Street, the right-out only turn onto Central Street will be restricted to outside peak traffic hours. If this is unsuccessful in resolving traffic issues, the owner will be required to engage an IDOT pre-qualified SCAT consultant to complete an analysis to retime the traffic signals.
5. Staff are not allowed to park in the neighborhood.
6. Comply with Tree Preservation Ordinance City Code Section 7-8-8.
7. Coordinate maintenance of existing trees along the west property line with the property to the west.
8. Make reasonable efforts to hire local contractors to do work to construct this childcare center.
9. Make reasonable efforts to hire Evanston residents to work at this childcare center.

**Second by Commissioner Halik. A roll call vote was taken, and the motion failed, 3-4.**

Planning Manager Liz Williams informed the Commissioners that if the vote is a tie, the recommendation goes to the approving body without conditions unless the Land Use Commission wants to contemplate the conditions after the vote. Previously discussed conditions are included in the staff report but not in the draft ordinance if they have not been re-contemplated.

### **Communications**

There was none.

### **Public Comment**

Mr. Mahoney commented on the easement and property values.

### **Adjournment**

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 7-0.

Adjourned 10:06 PM.

The next meeting of the Evanston Land Use Commission is a Special Meeting to be held on **Wednesday, May 24, 2023, at 7:00 PM, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,  
Amy Ahner, AICP, Planning Consultant

Reviewed by,  
Katie Ashbaugh, AICP, Planner

831 Foster Street  
Convenience Store

Special Use  
23ZMJV-0026

LUC Recommending Body



# Memorandum

To: Members of the Land Use Commission

From: Katie Ashbaugh, AICP, Planner

CC: Sarah Flax, Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Special Use Permit for Convenience Store  
831 Foster Street, 23ZMJV-0026

Date: May 17, 2023

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## **Request**

Mohammed Abdelmajid, lessee, requests a Special Use Permit for a convenience store to sell food, beverages, household goods, and tobacco in the B1 Business District (City Code Section 6-9-2-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per City Code Section 6-3-5-8.

## **Notice**

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on May 4, 2023.

## **General Information**

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**Applicant:** Mohammed Abdelmajid  
831 Foster St.  
Evanston, IL 60201

**Owner(s):** 829 Foster LLC  
829 Foster St  
Evanston, IL 60201

**PIN:** 11-18-104-019-0000

## **Analysis**

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### *Site Background*

The site, 831 Foster Street, is one of four tenant spaces on the ground floor of a four-story multi-tenant mixed-use building. The building is located midblock on the north side of Foster Street, between Maple and Sherman Avenues. It is just east of the CTA Purple Line and across the street (north) from the Foster Avenue Purple Line stop. The

property is within the B1 Business District, and is surrounded by the following zoning districts:

<b>Surrounding Zoning and Land Uses</b>	<b>Zoning District</b>	<b>Land Use</b>
<b>North</b>	R4a General Residential	Residential
<b>South (across Foster)</b>	B1 Business	Commercial/mixed-use
<b>East</b>	R5 General Residential	Residential
<b>West</b>	B1 Business	Commercial (open parking)

*Proposal*

The applicant proposes to operate an approximately 1,100 s.f. convenience store with groceries and household goods, including but not limited to soft drinks, energy drinks, water, smoothies, protein drinks, cold-cut sandwiches, chips, snacks, frozen food, coffee, and candy.

The applicant also proposes the sale of tobacco products. Notably, the sale of tobacco must be less than 50 percent of total sales to not qualify as a smoke shop. Smoke shops, or retail goods establishments where the majority of goods sold are tobacco or tobacco paraphernalia, are not allowed in the City of Evanston. Staff recommends a condition of approval that no more than 50 percent of the store’s revenue or floor display be from the sale of tobacco or tobacco-related products. The proposed floor plan (attached) shows tobacco products behind the cashier’s counter. The cashier’s counter is also shown at the front of the store by the entrance.

The applicant states in their operations summary (attached) the hours of operation are proposed as 7:30 am to 8:00 pm daily, with two people staffing two shifts. Deliveries are anticipated to come through the front door off of Foster or, if by truck, of the rear of the building. No parking is allocated to the business by the property owner at this time but street parking is available on the south side of Foster. The business is located in a walkable area, again across the street from the Foster Purple Line stop.

No additional zoning relief is required and no exterior changes to the existing building or property are proposed. No comments in favor of or against the application were received at the time of publication of this report.

*Zoning Analysis*

The Zoning Ordinance currently defines this use as:

Convenience Store:

Any food store establishment having a building size or occupying a sales floor space under three thousand two hundred (3,200) square feet. (Ord. 114-O-02)

Food Store Establishment:

A building or portion thereof where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer. "Food store establishments" shall include, but not be limited to, a candy or confectionery store, grocery store, a food and drug supermarket, meat or fish market, fruit and vegetable market, retail bakery, and other uses similar in nature and impact. "Food store establishment" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use. Seating for the consumption of food and/or beverages by customers is prohibited. (Ord. 39-O-95)

6-9-2 B1 Business District

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:  
Convenience Store  
(among others listed)

*Comprehensive Plan*

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

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

Objective: Retain and attract businesses to strengthen Evanston's economic base.

The proposed use will occupy an otherwise vacant storefront on Foster Street.

**Department Recommendation**

Should the Land Use Commission recommend approval of the proposed special use for a convenience store at 831 Foster Street, the following conditions should be considered:

1. That the cashier is located at the front of the store;

2. That tobacco sales are not to exceed 50 percent of total sales or floor display;
3. That storefront window obstruction is restricted to a height of 3 feet above the grade;
4. That a refuse receptacle is to be placed near the cashier and is to be accessible to customers; and
5. The store owner will clean up litter within 250 feet of the front of the store.

### **Standards for Approval**

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The proposed Special Use for a convenience store must meet the Standards for a Special Use (Section 6-3-5-10).

For the LUC to recommend that the City Council grant a special use, the LUC must find that the proposed special use:

- 1. It is one of the special uses specifically listed in the zoning ordinance.**
- 2. It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time.**
- 3. It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole;**
- 4. It does not interfere with or diminish the value of property in the neighborhood.**
- 5. It can be adequately served by public facilities and services.**
- 6. It does not cause undue traffic congestion.**
- 7. It preserves significant historical and architectural resources.**
- 8. It preserves significant natural and environmental features.**
- 9. It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation.**

### **Action by the Commission**

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After making findings of fact as to whether or not the requested Special Use for a convenience store meets or does not meet the aforementioned standards, the Land Use Commission may make a recommendation or recommendations to the Planning &

Development Committee of the City Council to approve, approve with conditions, or deny the Special Use as requested.

The Land Use Commission is the recommending body and the City Council is the determining body (Section 6-3-5-8).

### **Attachments**

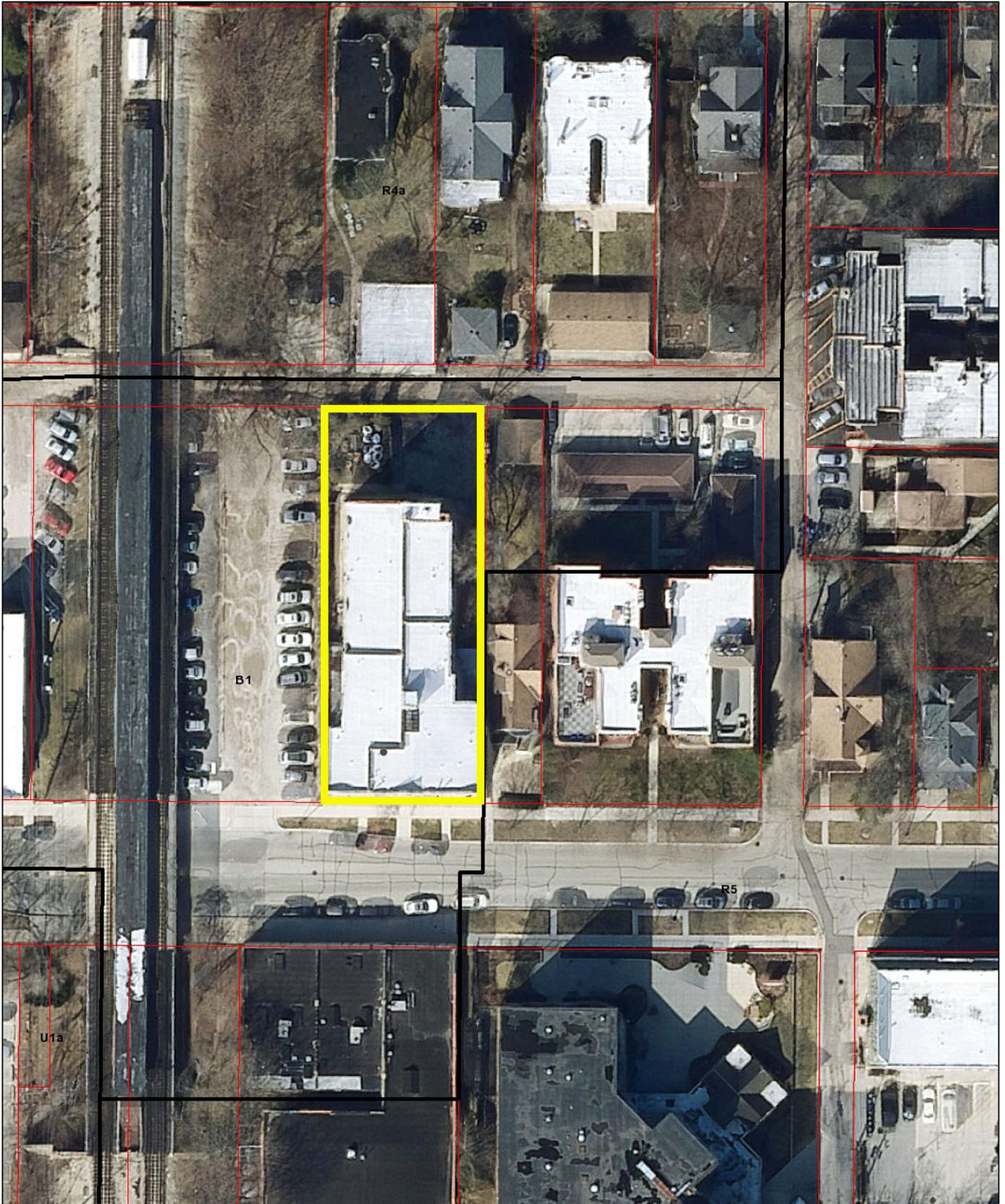
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1. Applicant's Special Use Application Materials
2. Street View
3. Aerial Photo
4. Zoning Map
5. Plat of survey
6. Floor Plan - proposed
7. Business operations summary
8. Zoning analysis

831 Foster Street – Street view

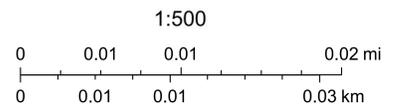


# 831 Foster Street - Aerial



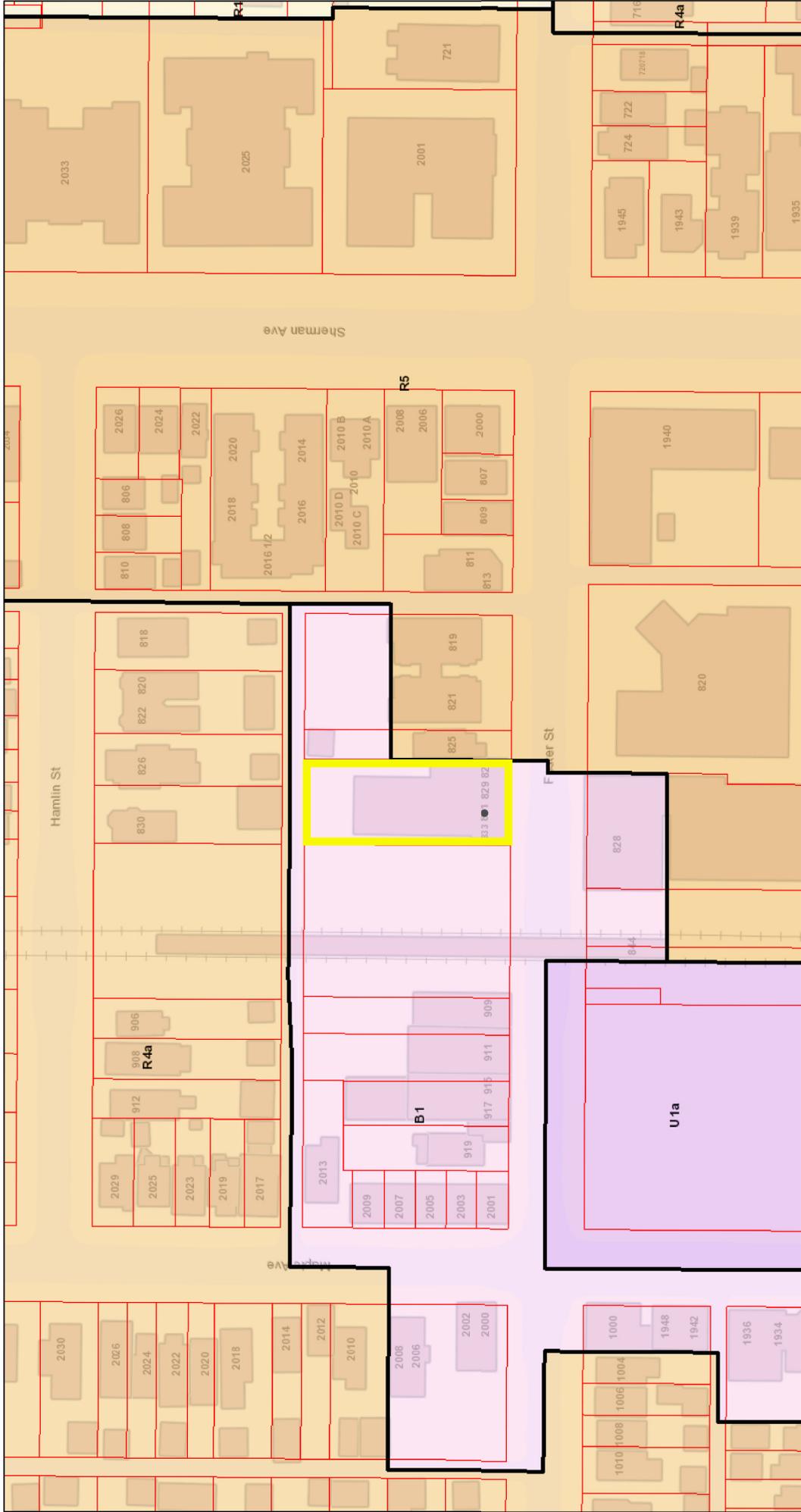
5/17/2023, 3:20:20 PM

-  Zoning Boundaries & Labels
-  City Boundary
-  Tax Parcels



Cook County GIS

# 831 Foster Street - Zoning



5/17/2023, 3:16:11 PM

1:1,000

- D1 - Downtown Fringe
- D2 - Downtown Retail Core
- D3 - Downtown Core Development
- D4 - Downtown Transition
- I1 - Industrial / Office
- I2 - General Industrial
- I3 - General Industrial
- B1 - Business
- B1a - Business
- B2 - Business
- B3 - Business
- C1 - Commercial
- C1a - Commercial Mixed-Use
- C2 - Commercial
- MUE - Transitional Manufacturing-Employment
- MXE - Mixed Use Employment
- O1 - Office
- OS - Open Space
- R1 - Single-Family Residential
- R2 - Single-Family Residential
- R3 - Two-Family Residential
- R4 - General Residential
- R4a - General Residential
- R5 - General Residential
- R6 - General Residential
- RP - Research Park
- T1 - Transitional Campus
- T2 - Transitional Campus
- U1 - University Housing
- U1a - University Housing and Parking
- U2 - University Athletic Facilities
- U3 - University Lakefront Campus
- WE1 - West Evanston Transitional
- Zoning Boundaries & Labels
- City Boundary



# SPECIAL USE APPLICATION

zoning office use only

CASE #: \_\_\_\_\_

## 1. PROPERTY

Address 831 Foster St.

Permanent Identification Number(s):

PIN 1: 1 1 - 1 8 - 1 0 4 - 0 1 9 - 0 0 0 0 PIN 2: - - - -

(Note: An accurate plat of survey for all properties that are subject to this application **must** be submitted with the application.)

## 2. APPLICANT

Name: Mohammad Abdelmajid

Organization: Foster Deli INC

Address: 831 Foster St

City, State, Zip: Evanston IL, 60201

Phone: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell/Other: 224-766-9989

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: mabdelmajid1@gmail.com

Please circle the primary means of contact.

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

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

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

Name(s) or Organization: 829 Foster LLC, Enes Skretovic as Agent

Address: 829 Foster St

City, State, Zip: Evanston IL 60201

Phone: Work: \_\_\_\_\_ Home: \_\_\_\_\_ Cell/Other: 224-392-3357

Fax: Work: \_\_\_\_\_ Home: \_\_\_\_\_

E-mail: eskretovic@peakproperties.biz

Please circle the primary means of contact.

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

enesskretovic \_\_\_\_\_ 5/1/2023  
Property Owner(s) Signature(s) -- **REQUIRED** Date

## 4. SIGNATURE

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

Mohammad Abdelmajid \_\_\_\_\_ 05/01/2023  
Applicant Signature – **REQUIRED** Date

## 5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

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

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

### **Plat of Survey**

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

### **Site Plan**

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

### **Plan or Graphic Drawings of Proposal**

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

### **Proof of Ownership**

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

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

### **Non-Compliant Zoning Analysis**

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

### **Application Fee**

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

**6. PROPOSED PROJECT**

A. Briefly describe the proposed Special Use:

6-9-2-3 Special Use required for a Convenience Store in the B1 Business District

Convenient store that will serve cold cut deli sandwiches, fresh juices, coffee, groceries, tobacco, snacks, and soft drinks.

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**APPLICANT QUESTIONS**

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

Convenience store 6-9-2-3 Special Use required for a convenience store in the B1 Business District

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

It will not have a negative effect and it will not interfere or diminish the value of property in the neighborhood.

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

The requested special use will be adequately served by public facilities and services

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

The requested special use will not cause undue traffic congestion. Customers will be arriving via train or pay for parking.

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

Not applicable

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

Not applicable

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

The requested special use will comply with all applicable regulations of the district in which it is located and other applicable ordinances.



# City of Evanston DISCLOSURE STATEMENT

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

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

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

Does not apply

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

Abbas Kanji 829 Foster St Evanston IL 60201 akanji@orringtoncapital.com

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

Abbas Kanji 829 Foster St Evanston IL 60201 akanji@orringtoncapital.com

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number 2 above, or indicated below.

Abbas Kanji 829 Foster St Evanston IL 60201 akanji@orringtoncapital.com

**If Applicant or Proposed Land User is a Corporation**

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

a. Names and addresses of all officers and directors.

Mohammad Abdelmajid 831 Foster St. Evanston, IL

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

Mohammad Abdelmajid 831 Foster St. Evanston IL      100% of ownership

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**If Applicant or Proposed Land User is not a Corporation**

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

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**PREPARED BY:**

Jason P. Neumark  
Levenfeld Pearlstein, LLC  
2 N. LaSalle Street, Suite 1300  
Chicago, Illinois 60602

**WHEN RECORDED RETURN TO:**

Zaki M. Anarwala  
ZMA Legal  
500 Lake Cook Road, Suite 350  
Deerfield, Illinois 60015

*For Recorders Use Only*

**SPECIAL WARRANTY DEED**

As of the 17 day of September, 2018, 829 FOSTER (EVANSTON), L.L.C., an Illinois limited liability company, whose address is 1940 Sherman Avenue, Evanston, Illinois 60201, for and in consideration of TEN AND 00/100 DOLLARS, and other good and valuable consideration in hand paid, CONVEYS and TRANSFERS to 829 FOSTER LLC, an Illinois limited liability company (the "**Grantee**"), whose address is 6726 N. Keating Avenue, Lincolnwood, Illinois 60712, all interest in the real property legally described on Exhibit A attached hereto (the "**Property**"), hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

TO HAVE AND TO HOLD the Property aforesaid with all and singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto Grantee and unto Grantee's successors and assigns forever, Grantor hereby covenanting that the Property, except for the Permitted Exceptions (as defined below), are free and clear from any encumbrance done or suffered by Grantor; and that Grantor will, except for the Permitted Exceptions, warrant and defend the title to the Property unto Grantee and unto Grantee's successors and assigns forever, against the lawful claims and demands of all persons claiming by through or under Grantor, subject however to all matters of record, rights of tenants under leases, real estate taxes and assessments not yet due or payable and matters which would be disclosed on a current survey of the Property (the "**Permitted Exceptions**").

*[signature on next page]*

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the date first above written.

GRANTOR:

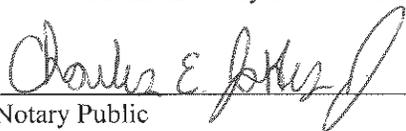
829 FOSTER (EVANSTON), L.L.C.,  
an Illinois limited liability company

By:   
Stephen Matic, Manager

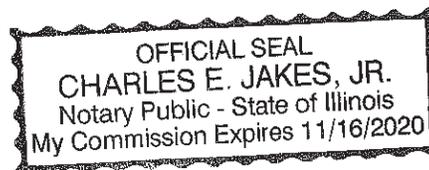
STATE OF Illinois )  
 ) :§  
COUNTY OF Cook )

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Stephen Matic, the Manager of 829 Foster (Evanston), L.L.C., an Illinois limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument in as such capacity, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said entity, for the uses and purposes therein set forth.

Given under my hand and Notary Seal, this 14<sup>th</sup> day of September, 2018.

  
Notary Public

(Seal)



My commission expires on: 11-16-2020

**SEND FUTURE TAX BILLS TO:**

Mr. Abbas Kanji  
829 Foster LLC  
6726 N. Keating Avenue  
Lincolnwood, Illinois 60712

EXHIBIT A

**LEGAL DESCRIPTION**

THE WEST 24 FEET OF LOT 10 AND ALL OF LOT 11 IN BLOCK 2 IN WHEELER AND OTHERS SUBDIVISION OF THAT PART OF THE NORTH ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF SHERMAN AVENUE, IN COOK COUNTY, ILLINOIS.

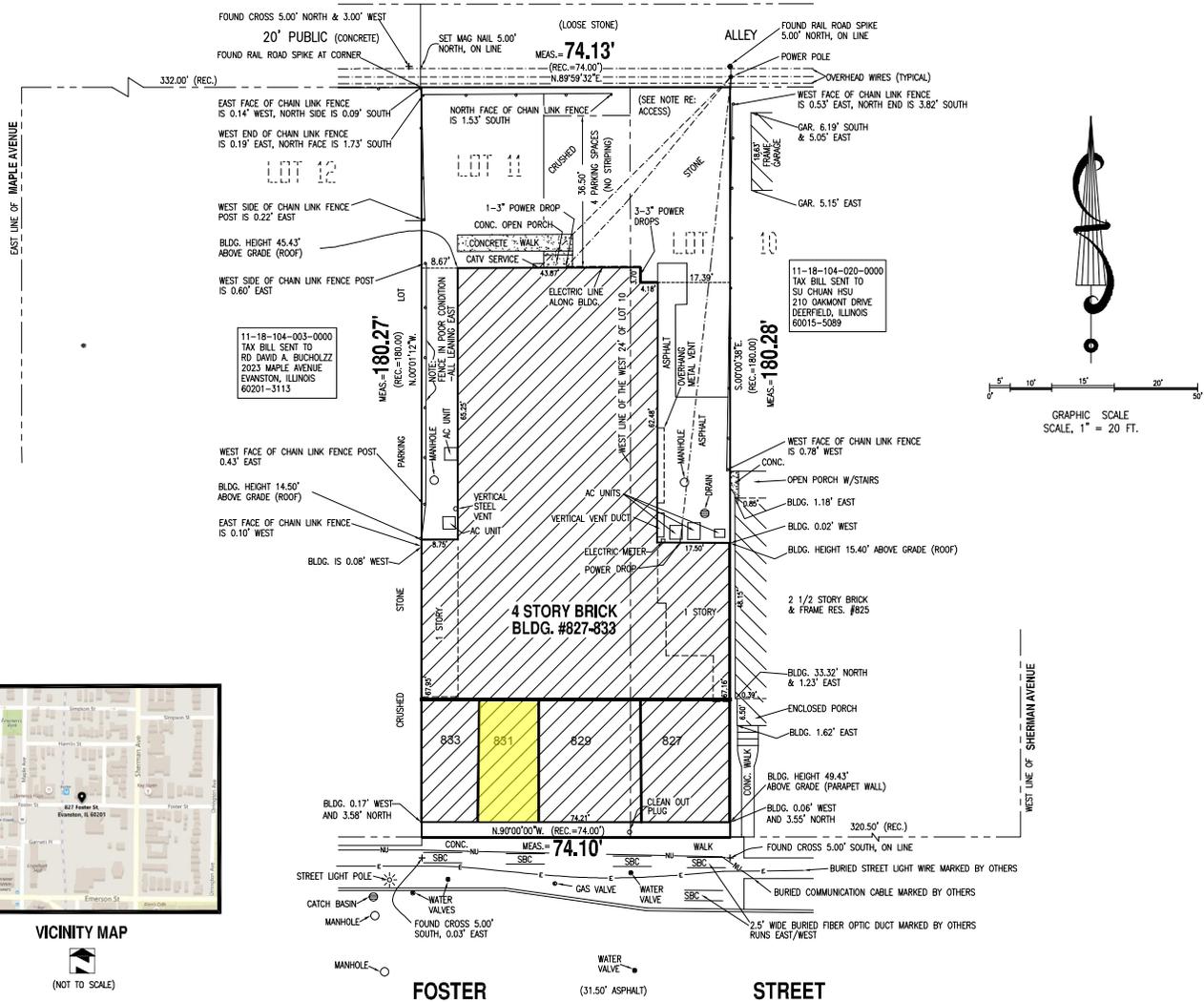
COMMON ADDRESS: 829 FOSTER STREET, EVANSTON, ILLINOIS 60201

PIN: 11-18-104-019-0000

# ALTA/ACSM LAND TITLE SURVEY

THE WEST 24 FEET OF LOT 10 AND ALL OF LOT 11 IN BLOCK 2 IN WHEELER AND OTHERS SUBDIVISION OF THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF SHERMAN AVENUE, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: **827-833 FOSTER STREET, EVANSTON, ILLINOIS.**



VICINITY MAP  
(NOT TO SCALE)

REFERENCE:  
Chicago Title Insurance Company  
Order No. 1401 00841940 D1  
Effective Date: July 25, 2008

STATE OF ILLINOIS } ss.  
COUNTY OF COOK }

CERTIFIED TO: 829 FOSTER (EVANSTON), L.L.C., AN ILLINOIS LIMITED LIABILITY COMPANY  
CHICAGO TITLE INSURANCE COMPANY  
AMERICAN INVESTORS LIFE INSURANCE COMPANY, INC., A KANSAS CORPORATION,  
ITS PARTICIPANTS, SUCCESSORS AND ASSIGNS

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA and NSPS in 2005, and includes Items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 13 and 17 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Illinois, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Dated at Evanston, Ill., this 9th day of March, A.D., 2008.

By:   
Raymond R. Hansen  
Illinois Professional Land Surveyors No.36-008642  
License Expiration Date 11/30/08



NOTE:  
Access to the parking area of the subject land is via the public alley which is open to Maple Avenue, a public right of way.

NOTE:  
All information provided to the surveyor is shown or noted hereon.

NOTE:  
Bearings are assumed, based on the North line of Foster Street being N. 90°00'00" W.

Area = 13,361 sq. ft. or 0.3067 acres  
Building footprint = 8,151 sq. ft.  
Per Flood Insurance Rate Map No.17031C0270 J, Effective date August 19, 2008.  
Property is located in zone "X", area determined to be outside of the 0.2% annual chance floodplain.

NOTE:  
Per the City of Evanston Engineering Department, there are no proposed changes in street right of way at this time; also, at the time of field inspection, no evidence of street or sidewalk construction or repairs was observed

ZONING:  
Per Evanston Department of Zoning, property is zoned B-1 Commercial Retail/Services, and is in Commercial Development Block Grant.  
Per Evanston City Code Title 6, Chapter 9:  
Maximum building height: 40 feet  
Floor Area Ratio: 2.0  
Setbacks (see 6-9-2-7 of said City Code):  
Front yard: 3 feet  
Side yard (not abutting street or residential district building): none; parking: 5 feet  
Side yard (abutting street or residential district building): 10 feet; parking: 5 feet  
Rear yard (not abutting residential district building): 10 feet; parking: 5 feet  
NOTE: Special conditions and/or exceptions to above zoning requirements may apply

NOTE:  
Location of underground utilities where not substantiated by physical evidence are taken from records and/or field markings normally considered reliable. No responsibility for their accuracy is assumed by the surveyor.

NOTE:  
Prior to excavation call toll free J.U.L.I.E. 1-800-892-0123 (for suburban)

<b>B.H. SUHR &amp; COMPANY, INC.</b>		Professional Design Firm License No. 184-002671
R. R. HANSEN MEMBER: I.P.L.S.A. A.C.S.M. N.S.P.S.		SURVEYORS ESTABLISHED 1911 840 CUSTER AVENUE, EVANSTON, ILLINOIS 60202 TEL. (847) 864-6315 / FAX (847) 864-9341 E-MAIL: SURVEYOR@BHSUHR.COM
BOOK 08	PAGE 322	EVANSTON, AUGUST 29, 20 08
ORDER No. 08-322	ORDERED BY: LEVENFELD PEARLSTEIN, LLC	
FIELD MEASUREMENTS COMPLETED AUGUST 29, 20 08		
MC130		

The description on this plat was provided to us by the client, and does not guarantee ownership, and should be compared to your Deed, Abstract or Certificate of Title. All building restrictions, building lines and easements may or may not be shown, check your Deed, Abstract, Title Report, and local ordinances, no responsibility is assumed by Surveyor. Compare all points before building by name and report any discrepancy at once. Dimensions are shown in feet and decimal parts thereof; no dimension is to be assumed by scaling.



# Operations Summary

## Store hours:

Monday	7:30am - 8:00pm
Tuesday	7:30am - 8:00pm
Wednesday	7:30am - 8:00pm
Thursday	7:30am - 8:00pm
Friday	7:30am - 8:00pm
Saturday	7:30am - 8:00pm
Sunday	7:30am - 8:00pm

**Garbage Pickup Time:** Monday and Thursday

**Deliveries:** Come through the front door at 831 Foster St.

**Truck Deliveries:** Can park in the back of 831 Foster St.

**The storefront windows** will remain see-through and there will be no shelves or objects obstructing the view of the store.

**Tobacco** and related products are less than 50% of sales

**Types of items sold** we will be having a variety of products we will be selling from soft drinks, energy drinks, water, smoothies, protein drinks, cold cut sandwiches, chips, snacks, frozen food, coffee, candy, chocolate.

**Number of workers:** There will be 6 total workers. For each shift there will be one person working at the cash register and another person working at the deli. So there will be 2 people working from 7:30am to 1:30 and the evening shift will be from 1:30 to 8:00pm.

**Parking:** There will be no parking allocated to my business for customers or workers. The parking lot in the rear of the building is occupied by the other tenants.

# Zoning Analysis Summary

Review Date: 03.23.23

831 Foster St.

**Case Number:**

**Case Status/Determination:**

23ZONA-0049

Noncompliant

**Proposal:**

Convenience Store with food and tobacco

**Non-compliant:**

Code Section	Proposed and Required	Recommendation
6-9-2-3	Special Use required for a Convenience Store in the B1 Business District	<a href="#">Apply for Special Use</a>

**Additional Comments:**

**REQUIRED ADDITIONAL INFORMATION FOR SPECIAL USE:**

- Include interior site plan that shows all shelving and label what type of items are sold where. Show all tobacco products are behind the counter. There should not be any 20 foot wide areas shown as blank on the site plan. Clarify that shelves will not block windows and windows will remain see-through.
- Include a short operations summary that includes confirmation that sales for tobacco and related products will not exceed 50% of the sales or floor area of the business.
- Confirm no seating for customers is proposed.

<b>Principal Use and Structure:</b>	
<i>Zoning Code Section</i>	<i>Use: Include standard, existing, and proposed; Indicate Compliant, Non-compliant, No change, Legal non-conforming</i>
	Lot width:
	Lot size:
	Dwelling Units #:
	Building Lot Coverage:
	Impervious Surface Coverage:
	Accessory Structure Rear Yard Coverage:
	Gross Floor Area
	Building Height:
	Yards: Front: Street Side: Interior Side: Interior Side: Rear:
<b>Accessory Use and Structure 1:</b>	
	Location (Yard):
	Height:
	Distance from Principal Building:
	Yards: Front: Street Side: Interior Side: Interior Side:

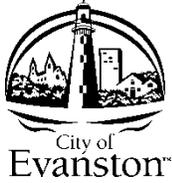
	Rear:
<b>Accessory Use and Structure 2:</b>	
	Location (Yard):
	Height:
	Distance from Principal Building:
	Yards: Front: Street Side: Interior Side: Interior Side: Rear:
<b>Parking Requirement:</b>	
	Use 1: Use 2: Use 3: Total Required:
	Handicapped Spaces:
	Access:
	Vertical Clearance:
	Surface:
	Location:
	Parking Angle 1: Parking Space Size: Drive Aisle Width: Module: Parking Angle 2:
<b>Loading Requirements:</b>	

	Use 1: Use 2: Use 3: Total Number of Short/Long Loading Berths:
	Long Berth Size:
	Short Berth Size:
	Vertical Clearance:
	Location:
<b>Miscellaneous:</b>	

Convenience Store – Dempster Snack Shop;  
Type 2 Restaurant – Windy City Flavors

Special Use  
23ZMJV-0028

LUC Recommending Body



# Memorandum

To: Chair and Members of the Land Use Commission

From: Melissa Klotz, Zoning Administrator

CC: Sarah Flax, Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Special Uses – Convenience Store, Dempster Snack Shop;  
Type 2 Restaurant, Windy City Flavors  
1806-1808 Dempster Street, 23ZMJV-0028

Date: May 17, 2023

## **Request**

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Danielle Dean, lessee, requests Special Use Permits for two independent businesses, an existing Convenience Store at 1806 Dempster Street, Dempster Snack Shop, currently in operation with approved Special Use Ordinance 120-O-21, and a new Type 2 Restaurant at 1808 Dempster Street, Windy City Flavors, in the B1 Business District (City Code Sections 6-9-2-2.5, 6-9-2-3). The Land Use Commission makes a recommendation to the City Council, the determining body for this case per City Code Section 6-3-5-8.

## **Notice**

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on May 4, 2023.

## **General Information**

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**Applicant:** Danielle Dean  
339 Howard Street  
Evanston, IL 60201

**Owner(s):** Hugo Hernandez  
1114 Webster  
Des Plaines, IL 60016

**PIN:** 10-24-200-007-0000

**Analysis**

1806-1808 Dempster Street is located on the south side of Dempster Street, midblock between Dodge Avenue and Darrow Avenue, in the B1 Business District. The property features a one-story commercial building with two storefronts, and a residential building in the rear.

<b>Surrounding Zoning and Land Uses</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	B1 – Business District	Small neighborhood businesses and residences
<b>South</b>	R3 - Two Family Residential District	Single family and two-family residences
<b>East</b>	B1 - Business District R3 - Two Family Residential District	Small neighborhood businesses and residences further east
<b>West</b>	B1 - Business District C1 - Business District	Small neighborhood businesses and chain restaurants further west

*Special Use Analysis:*

The Applicant is currently in process of moving an existing fitness/exercise business, Windy City Fitness, at 333 Howard Street, to Dempster Street as a compliant 1:1 personal training use. The fitness studio will operate across the street from the existing Convenience Store, Dempster Snack Shop, which requests new special use approval, as well as a new Type 2 Restaurant, Windy City Flavors, which requests a special use.

*Storefronts (November 2022) including Food Truck:*



The Applicant is a born and raised Evanstonian who prides himself on active community involvement including founding the Save the Youth Organization, mentoring of local youth, and hosting of weekly activities for vulnerable populations. The Applicant envisions providing businesses that serve a wide network of youth in a safe and comfortable welcoming environment.

The Applicant seeks special use approval for two independent businesses/storefronts as follows:

**Dempster Snack Shop:**

1806 Dempster Street – Special use Ordinance 120-O-21 approved a Convenience Store, Dempster Snack Shop, in December, 2021. The approval included conditions for employee parking and a bicycle rack. The business has been the source of numerous complaints to the City and Health Code violations have been cited. In lieu of proceeding with the violation process that may include daily fines, or revocation of the existing special use, new Special Use approval is required for the existing Convenience Store in conjunction with the newly proposed Type 2 Restaurant.

The Zoning Ordinance features the following definitions:

Convenience Store – Any Food Store Establishment having a building size or occupying a sales floor space under three thousand two hundred (3,200) square feet.

Food Store Establishment - A building or portion thereof where the direct retail sale of food items such as meats, cereals, grains, produce, baked goods, dairy products, canned and frozen prepared food products, beverages, cleaning supplies, pet food and supplies, pharmaceuticals, over-the-counter medicines, personal products, household goods, books and magazines, plants, and other sundry and similar items are available to be purchased by the consumer. "Food store establishments" shall include, but not be limited to, a candy or confectionery store, grocery store, a food and drug supermarket, meat or fish market, fruit and vegetable market, retail bakery, and other uses similar in nature and impact. "Food store establishment" shall not include any use or other type of establishment that is otherwise listed specifically in a zoning district as a permitted or special use. Seating for the consumption of food and/or beverages by customers is prohibited.

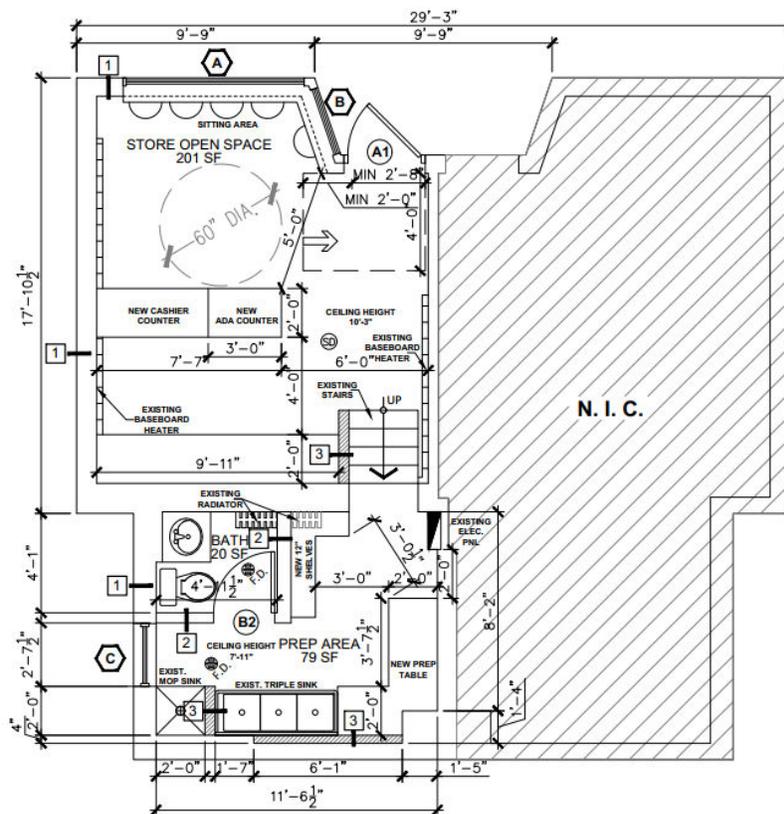
Dempster Snack Shop is a roughly 300 square foot space that is currently open from 8am – 7pm, 7 days a week, though sometimes it is open until 9pm. The Convenience Store holds a tobacco license, and less than 50% of sales/retail area is related to tobacco items. There are two parking spaces available for use for employees and/or customers in the private parking lot that is adjacent to the building. Garbage and recycling are picked up regularly behind the building, and deliveries to the business are made by regular passenger vehicle (no trucks). There is a Dempster Snack Shop food truck associated with the business, which is not currently licensed by the Health

Department and often parks on the residential street or in front of the business on Dempster.

The Applicant previously hoped to expand sales items at the Convenience Store and add unpackaged food items. Such food items trigger additional food safety equipment such as a three-compartment sink, which the space does not have, nor have room for. When the adjacent commercial space became vacant when Gamester's Bay closed, the Applicant shifted the unpackaged food item business model to a separate restaurant business that could locate in the vacant space, where a three-compartment sink already exists.

**Windy City Flavors:**

1808 Dempster Street – The Applicant proposes to operate a (quick-serve style) Type 2 Restaurant, Windy City Flavors. The commercial space is approximately 300 square feet in size including the kitchen storage and prep area. The restaurant will feature limited food items such as hot dogs, polish sausages, salads, nachos, pre-cooked pizza, and other food items that do not require a full commercial kitchen or black-iron hood/duct work. The site plan shows interior seating for up to 5 customers at one time.



A Type 2 Restaurant is defined by the Zoning Ordinance as follows:

Type 2 Restaurant - An establishment in which the principal use is the service of prepared food and/or beverages for consumption on and/or off the premises and that is not a "restaurant, type 1" as defined herein. This definition shall not include establishments where incidental prepared food and beverage service is accessory to a bakery, food establishment, convenience store, food store establishment, meat market, or similar principal use nor shall it include cafeterias that are accessory to hospitals, colleges, universities, schools or other similar principal uses.

A Type 2 Restaurant is typically an eligible Administrative Review Use. However, when filed in conjunction with another special use, an Administrative Review Use is not eligible and instead requires special use approval.

The Applicant proposes hours of operation from 11am – 7pm Monday – Thursday, 11am – midnight Friday – Saturday, and the business will be closed on Sundays. The restaurant will be staffed by one employee per shift. Employees can park in the adjacent parking lot. Garbage and recycling pickup are at the rear of the building, and deliveries to the restaurant will occur via regular passenger vehicle. To-go containers will be cardboard or other recyclable material. No exterior changes to the building are proposed other than window signage.

### **Staff Review**

The Special Use applications were reviewed by staff, primarily to establish appropriate conditions for operation that will ensure all City regulations and requirements are met, violations do not habitually occur, the businesses do not create nuisance issues for the neighborhood, and appropriate recourse if such issues or violations do occur. Staff developed the following conditions for consideration:

1. Hours of operation shall not exceed 7am - 9pm, 7 days a week, at both businesses.
2. Entry to both businesses shall remain open/unlocked during regular business hours and shall not use buzzer entry.
3. The outdoor cooking of food is strictly prohibited, whether for customers or employees.
4. Use of the public sidewalk and right-of-way area for unlicensed block parties, events, and loitering is prohibited.
5. Sustainability measures are required including recycling for employees and customers, and use of recyclable or compostable to-go containers.
6. A food truck shall not operate in relation to either business without an approved license from the Health Department.
7. No food truck that is related to either business shall park in violation of City Ordinances, including behind prohibited from parking on residential streets, within 100 feet of another restaurant, or on residential streets where commercial vehicle parking is prohibited.
8. One dumpster is required for refuse rather than two, due to the limited space behind the building. The dumpster shall not overflow. A separate dumpster shall exist for the residential use at the property.

9. Re-review of the special use approval by staff may occur after six months of operation, at which time conditions may be reevaluated, reduced, or expanded.
10. Windows must remain clear and not blocked by shelves or unapproved signage.
11. Reflective coverings are not allowed on any windows or doors.
12. The convenience store shall not handle or sell unpackaged food.
13. The special uses may be deemed invalid if any of the following issues occur: recurrence of any previous Health Code violation cited at the property, substantial verified violations of the Property Maintenance Code occur, substantial police activity occurs at the property, if the property is deemed a nuisance premise under the Evanston City Code, and/or if conditions of this special use ordinance are not adhered to.
14. Substantial compliance with the documents and testimony on record.
15. Recordation of the special use ordinance with the Cook County Recorder of Deeds is required prior to operation.

### **Department Recommendation**

The Community Development Department recommends careful consideration of the operational conditions suggested by staff to determine if special use approval with those conditions and/or additional/modified conditions is appropriate for the existing Convenience Store and proposed Type 2 Restaurant at 1806-1808 Dempster Street, and if the Standards for Approval (Section 6-3-5-10) are met when considered with the conditions.

### **Standards for Approval**

The proposed special uses must follow the Standards for a Special Use (Section 6-3-5-10). For the Land Use Commission to recommend that the City Council grant a special use, the LUC must find that each proposed special use:

1. Is one of the listed special uses for the zoning district in which the property lies;
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance;
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use;
4. Does not interfere with or diminish the value of property in the neighborhood;
5. Is adequately served by public facilities and services;
6. Does not cause undue traffic congestion;
7. Preserves significant historical and architectural resources;
8. Preserves significant natural and environmental resources;
9. Complies with all other applicable regulations;

### **Action by the Commission**

After making findings of fact as to whether or not the requested special uses meet or do not meet the aforementioned Standards for Special Use, the Land Use Commission may make a recommendation or recommendations to the Planning & Development Committee of the City Council to recommend approval, denial, or no recommendation (in the case of a tie) for each special use requested. In each scenario, the Commission may choose to include recommended conditions that the City Council may then

consider when making the final determination. The Commission may make individual motions for each special use, or one motion covering all aspects of the request.

The Land Use Commission is the recommending body and the City Council is the determining body (Section 6-3-5-8).

**Attachments**

Aerial View of Property

Zoning Map of Property

Special Use Application for Type 2 Restaurant – submitted April 3, 2023

Existing Special Use Application for Convenience Store – submitted September 15, 2021

Applicant Statement

Operations Summary

Plat of Survey

Interior Site Plans

Parking Signage Photo

Bicycle Rack Photo

Existing Special Use Ordinance 120-O-21 for a Convenience Store at 1806 Dempster Street

[October 19, 2021 ZBA Packet](#) (with 1806 Dempster Street Special Use request)

[October 19, 2021 ZBA Meeting Minutes](#)

Mobile Food Vendor Restriction Map

Health Department Violation Summaries and Correspondence

Public Comment







Katie Ashbaugh <kashbaugh@cityofevanston.org>

## Zoning Special Use

noreply@formstack.com <noreply@formstack.com>

Mon, Apr 3, 2023 at 7:20 PM

Reply-To: noreply@formstack.com

To: mgriffith@cityofevanston.org, csterling@cityofevanston.org, zoning@cityofevanston.org



### Formstack Submission For: **Zoning Special Use**

Submitted at 04/03/23 7:20 PM

**Address:** 1806-1808 Dempster  
Evanston, IL 60202

**Permanent Identification Number (PIN) 1:** 22INTC-0409

**Permanent Identification Number (PIN) 2:**

**Name:** Danielle Dean

**Organization:**

**Address:** [339 Howard](#)  
Evanston, IL 60202

**Home or Office Phone Number:** (312) 709-9377

**Cell Phone Number:**

**Email:** [windycityfitnessclub@gmail.com](mailto:windycityfitnessclub@gmail.com)

**Please choose primary means of contact:** Home or Office Phone

**Is applicant also the property owner?:** No

**Name:** Hugo Hernan

**Organization:**

**Address:**

**Home or Office Phone Number:** (630) 546-1553

**Cell Phone Number:**

**Email:**

**What is the relationship of the applicant to the property owner?:** Lessee

**Briefly describe the proposed Special Use:** Would like to sell hot dogs,Polishes & salads.

**Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies?:** Yes

**Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a negative cumulative effect on the neighborhood?:** No

**Will the requested special use be adequately served by public facilities and services?:** Yes

**Will the requested special use cause undue traffic congestion?:** No

**Will the requested special use preserve significant historical and architectural resources?:** No

**Will the requested special use preserve significant natural and environmental features?:** No

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

**Is applicant acting as an agent or designee for the proposed user of the land for which this application for zoning relief is made?:** No

**List the name, address, phone, fax, and any other contact information of the proposed user of the land.:**

**Does the proposed land user own or control the land for which this application for zoning relief is** Yes

made?:

List the name, address, phone, fax, and any other contact information of the person or entity that has constructive control of the proposed land user.:

Does the proposed land user hold the title to the subject property?: Yes

Is the person or entity that holds the title the same as the one listed in the previous question?:

List the name, address, phone, fax, and other contact information of the person or entity holding the title to the subject property.:

Is the Applicant or Proposed Land User a Corporation?: No

A. Names and addresses of all officers and directors.:

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

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for zoning relief.: Danielle Dean 339 Howard St Evanston Il 100% owner

Plat of Survey - One copy of plat of survey, drawn to scale, that accurately reflects current conditions.: View File

Date of Survey: Mar 08, 2004

Site Plan/Graphic Drawings - One copy of site plan or floor plans, drawn to scale, showing all dimensions or graphic representations for any elevated proposal-- garages, home additions, roofed porches, etc.: View File

Date of Drawings:

Proof of Ownership - Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents, etc.: View File

Document Submitted: Plant of Survey

Quantity: 1

**Price:** 660

**Credit Card:** Card number: \*\*\*\*\*3214  
Expiration: 04/25

**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.:**

[View Signature](#)

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Formstack, [11671 Lantern Road, Suite 300, Fishers, IN 46038](#)



## 6. PROPOSED PROJECT

A. Briefly describe the proposed Special Use:

Dempster snack shop is a small retail business that stocks a range of everyday household items, non alcoholic beverages, pre packaged candy, chips, delicacies and "hot" made to order food such as hot dogs & nachos

## APPLICANT QUESTIONS

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

The zoning for the Dempster Snack Shop is B1, it falls in line with the correct zoning requirements as listed in special use section 10-9-2.3 of the Evanston zoning code

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

The special use will not interfere or diminish the property

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

The property will be served by the City of Evanston's fire & police departments. Property will also utilize and have access to the City of Evanston's water and sewage

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

No, the special use will not cause traffic congestion.  
There is street parking available for patrons

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

The property is not a historical or architectural resource, the proposed use does not change the property

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

The property will not preserve significant natural & environmental resources

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

No additional zoning relief is needed



**City of Evanston  
DISCLOSURE STATEMENT**

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

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

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made: Does not apply.  
Danielle Dean, 339 Howard St, #202, Evanston, IL, 60202

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number      above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)  
Hugo Hernandez - 1114 Webster, Des Plaines, IL, 60014  
630-546-1553

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

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number   2   above, or indicated below.

**If Applicant or Proposed Land User is a Corporation**

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

- a. Names and addresses of all officers and directors.

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

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**If Applicant or Proposed Land User is not a Corporation**

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

*Same as applicant 100% interest*

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To whom it may concern:

My name is Danielle Dean, owner of Windy City Fitness Club and Dempster Snack Shop. I am writing this letter in regards to opening Windy City Flavors at 1808 Dempster St. where I plan to sell a variety of finger foods such as; Chicago style hot dogs, polishes, nachos, salads, pre cooked pizza, and frozen prepackaged meals.

As a born and raised Evanstonian, it brings me great pride to serve the same community that has welcomed me my entire life. Prior to entrepreneurship, I created Save the Youth Organization, where I mentored local Evanston youth, and hosted weekly activities for our most vulnerable population. I am proud to say that I created a space where people feel they are welcomed and belong.

Through my philanthropy I've made a big impact on the community, and built meaningful relationships. Students regularly stop by my store at 1808 Dempster St to buy an afternoon snack, or just say hello. Most know me by name, and while there are plenty, I remember there's as well. I am in the process of moving my fitness studio across the street from 1808 Dempster St. My hopes are to give locals the best of both worlds! I will be able to offer meal plans for my fitness clients, with fresh salads, while also accommodating others with less restrictive diets.

Opening Windy City Flavors will not only diversify the local marketplace, it will also provide a space to connect the community. Already having great relationships with the other local business owners, when we collaborate, I offer great ideas that would benefit us all. I would like to thank you all for taking the time to read my proposal. I look forward to this opportunity.

Additional Operations Details:

1806 (existing business – Convenience Store): Dempster Snack Shop

300 square foot space

Open 8am-7pm, 7 days a week, sometimes until 9pm

Has a tobacco license (sales are less than 50% of the business)

Employees park in the adjacent lot (have 2 spaces for this business)

Garbage and recycling pick up

1808 (new business – Type 2 Restaurant): Windy City Flavors

11am-7pm Monday-Thursday, and 11am-midnight Friday-Saturday, closed Sundays

Deliveries will come in via a regular employee vehicle once per week

1 employee per shift per business plus the owner

Employees can park in the lot next door, or on Darrow at a surface lot.

No exterior changes to building

Not blocking out windows – just some window signage

Garbage and recycling pick up

To-go containers will be cardboard or other recyclable material

Past Violations:

Previously – outdoor grilling (happened twice) during summer 2022. The first time was for the grand opening celebration of the Dempster Snack Shop. The second time was a friends and family get together with the barber shop business a few doors down. The food grilled was not being sold. The City explained grilling is not allowed at the property (not even if it is for employees only) and it will not happen again.

# ATTORNEY RESOURCE CO. INC.

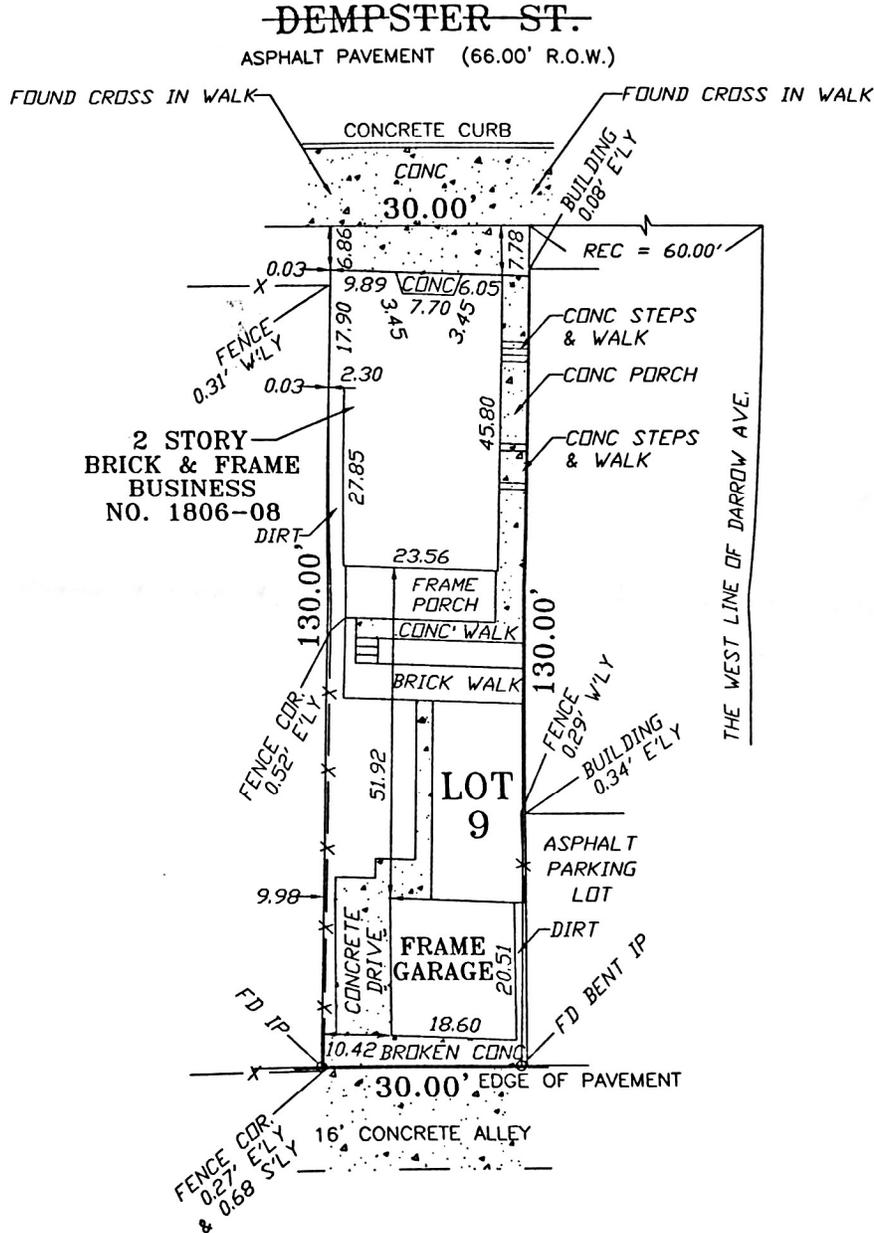
15418 S. HARLEM  
ORLAND PARK, ILLINOIS  
60462

## PLAT OF SURVEY

1-708: 614-7777  
1-815: 464-7070  
(UPDATE SURVEYS)



LOT 9 IN BLOCK 1 IN GOLEE'S RESUBDIVISION OF BLOCKS 4, 5 AND 8 IN CHASE AND PITNER'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 24, AND THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 (EXCEPT THE NORTH 71-1/2 FEET THEREOF) IN SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



**GENERAL NOTES:**

- 1) ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
- 2) COMPARE ALL DIMENSIONS BEFORE BUILDING AND REPORT ANY DISCREPANCIES AT ONCE. REFER TO DEED, TITLE POLICY AND LOCAL ORDINANCES FOR RESTRICTIONS, BUILDING LINES AND EASEMENTS.
- 3) NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENTS.
- 4) BEFORE STARTING CONSTRUCTION OF IMPROVEMENTS OR FENCES FIELD MONUMENTATION SHOULD BE ESTABLISHED.
- 5) ONLY EMBOSSED LAND SURVEYORS SEAL REPRESENTS AUTHENTIC COPY.

FIELD WORK COMPLETED: 3-8-2004

PROJECT NUMBER: FF-04-1753

ORDERED BY: ATTORNEY RESOURCE CO. INC.

SCALE: 1" = 20'

STATE OF ILLINOIS }  
COUNTY OF WILL } SS:

ON BEHALF OF ATTORNEY RESOURCE COMPANY INC. I HEREBY CERTIFY THAT I HAVE SURVEYED FOR THE ABOVE DESCRIBED TRACT OF LAND AND THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL THIS 17TH.

DAY OF MARCH A.D. 2004

*Paul A. Stanek*

ILLINOIS LAND SURVEYOR NUMBER 35-3054  
LICENSE EXPIRES 11/30/2004

**SAFETY & LIABILITY NOTICE**

THE ARCHITECT HAS NO LIABILITY FOR THE DESIGN OR CONSTRUCTION OF THE WORK. NO RIGHT TO STOP ANY WORK. JOBSITE SAFETY IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS.

REVISIONS:

1	
2	

ANDREW WANG  
ARCHITECT

4747 W. PETERSON AVE  
CHICAGO, IL 60646  
O: 773.994.7560

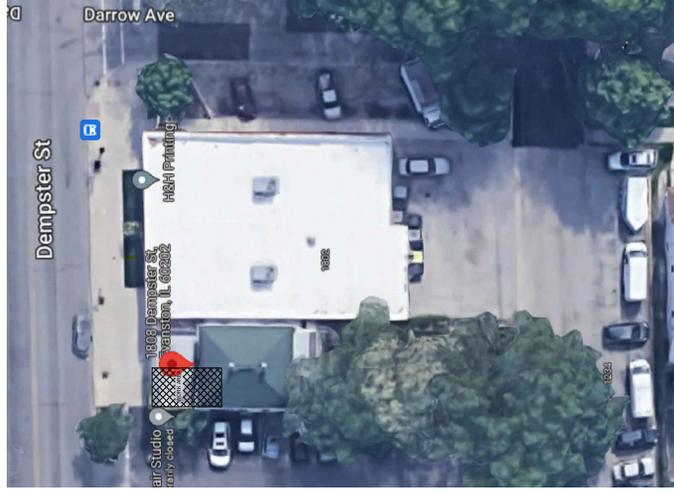
TITLE SHEET  
& NOTES

1808 DEMPSTER ST  
EVANSTON, IL 60202

DRAWN BY: C.G.  
CHECKED BY: A.W.  
DATE: 09/23/2022  
SHEET

T-1

INTERIOR ALTERATIONS OF EXISTING COMMERCIAL SPACE AS PER PLANS  
AT 1808 DEMPSTER ST



KEY PLAN  
SCALE: N.T.S.

ENERGY CONSERVATION CODE COMPLIANCE STATEMENT

I CERTIFY THAT I AM A REGISTERED ENERGY PROFESSIONAL (REP). I CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF THAT THE PLANS FOR 1808 DEMPSTER ST FULLY COMPLY WITH THE REQUIREMENTS OF 2018 INTERNATIONAL ENERGY CONSERVATION CODE.

SIGNED: DATE: 09/23/2022  
ANDREW WANG  
Illinois License Number: 001-015814 Exp: 11/30/2022

CERTIFICATION STATEMENT

I HEREBY CERTIFY THAT THESE PLANS WERE PREPARED UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF CONFORM TO THE CURRENT EDITION OF THE CITY OF EVANSTON BUILDING AND ZONING CODE.

SIGNED: DATE: 09/23/2022  
ANDREW WANG  
Illinois License Number: 001-015814 Exp: 11/30/2022

USE CLASSIFICATION: B

ZONING: B1

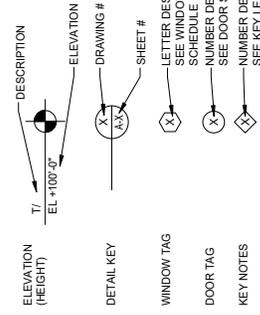
DRAWING LIST

- T-1 TITLE SHEET
- D-1 DEMOLITION FLOOR PLAN AND NOTES
- A-1 ARCHITECTURAL FLOOR PLAN & NOTES
- A-2 ARCHITECTURAL ACCESSIBILITY DETAILS
- LS-1 LIFE SAFETY PLAN & NOTES
- E-1 ELECTRICAL FLOOR PLAN & NOTES
- P-1 PLUMBING DIAGRAMS & NOTES

GENERAL NOTES

1. DRAWINGS GENERALLY INDICATE SCOPE OF WORK. EACH CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO START OF WORK TO ENSURE A COMPLETE AND PROPER INSTALLATION OF THEIR WORK. SEE SPECIFICATIONS FOR ADDITIONAL NOTES.  
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF EVANSTON, STATE AND FEDERAL ORDINANCES HAVING JURISDICTION. NOTHING HEREIN SHALL BE INTERPRETED TO THE CONTRARY. ALL PERMITS AND INSPECTIONS REQUIRED SHALL BE SECURED BY THE CONTRACTOR INVOLVED.  
3. EVERY CONTRACTOR AND SUB-CONTRACTOR USING THESE PLANS FOR THEIR WORK HEREBY AGREES TO INDEMNIFY, DEFEND, HOLD HARMLESS AND HOLD THE ARCHITECT AND ARCHITECT OF RECORD, ANDREW WANG ARCHITECT, LLC, INCLUDING THEIR RESPECTIVE EMPLOYEES AND AGENTS, WHILE ACTING WITH THE SCOPE OF THEIR DUTIES, FROM AND AGAINST ANY LIABILITY, CLAIMS, DAMAGES AND THE COST OF DEFENSE, ARISING OUT OF THEIR CONTRACTORS' PERFORMANCE OF THE WORK DESCRIBED IN THESE PLANS AND SPECIFICATIONS, BUT NOT INCLUDING THE SOLE NEGLIGENCE OF THE OWNER, ARCHITECT, ENGINEER OR THEIR EMPLOYEES AND AGENTS.

SYMBOLS



CODE LIST

- 2012 INTERNATIONAL BUILDING CODE (IBC)
- 2012 INTERNATIONAL MECHANICAL CODE
- 2012 INTERNATIONAL FUEL GAS CODE
- 2011 NATIONAL ELECTRIC CODE (NFPA 70)
- 2012 NFPA LIFE SAFETY CODE 101
- 2012 INTERNATIONAL FIRE CODE
- 2018 INTERNATIONAL ENERGY CONSERVATION CODE
- ILLINOIS PLUMBING CODE
- ILLINOIS ACCESSIBILITY CODE GREEN BUILDING ORDINANCE

THE ARCHITECT HAS NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE ARCHITECT HAS NO RIGHT TO STOP ANY WORK. JOBSITE SAFETY IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS.

REVISIONS:

1	
2	

ANDREW WANG  
ARCHITECT

4747 W. PETERSON AVE  
CHICAGO, IL 60646  
O: 773.984.7560

DEMOLITION PLAN  
AND NOTES

1808 DEMPSTER ST  
EVANSTON, IL 60202

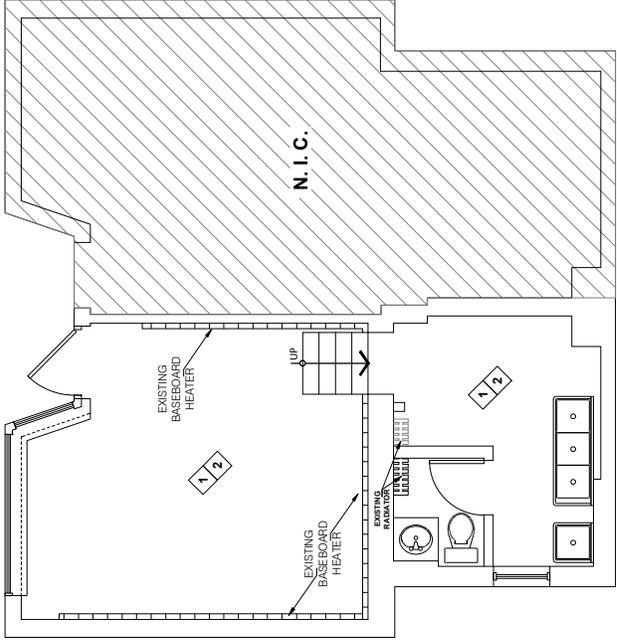
DRAWN BY: C.G.  
CHECKED BY: A.W.  
DATE: 09/23/2022  
SHEET

DEMOLITION GENERAL NOTES

- CONTRACTOR SHALL VISIT AND INSPECT THE SITE TO FAMILIARIZE HIMSELF WITH THE JOB CONDITIONS PRIOR TO BIDDING AND WORK COMMENCEMENT. FAILURE TO DO SO SHALL NOT RELIEVE THE CONTRACTOR FROM PERFORMING WORK THAT IS REQUIRED FOR THE PROJECT.
- CONTRACTOR IS TO THOROUGHLY EXAMINE ALL LOCATIONS WHERE NEW WORK IS TO BE INSTALLED AND WHERE ANY EXISTING CONSTRUCTION IS TO BE REMOVED OR MODIFIED.
- CONTRACTOR SHALL FIELD VERIFY ALL EXISTING STRUCTURE CONDITIONS/DIMENSIONS AND REPORT ANY DISCREPANCIES, OMISSIONS, OR CONFLICTS TO THE ARCHITECT IMMEDIATELY IN WRITING BEFORE WORK COMMENCEMENT.
- SCOPE OF DEMOLITION WORK IS TO INCLUDE, BUT NOT BE LIMITED TO: ALL DEMOLITION, REMOVAL, DISCONNECTIONS, REROUTING AND STRUCTURAL BRACING, TEMPORARY SHORING & SUPPORTS AS REQUIRED.
- CONTRACTOR SHALL PROVIDE ALL NECESSARY MATERIAL AND LABOR TO FULLY COMPLY WITH THE SCOPE OF WORK, WHETHER OR NOT SPECIFIED OR SHOWN IN THE PERMIT DOCUMENTS.
- CONTRACTOR SHALL NOTIFY ALL APPLICABLE ENGINEERING DEPARTMENTS AND UTILITIES A MINIMUM OF 72 HOURS IN WRITING PRIOR TO COMMENCEMENT OF WORK. CONTRACTOR SHALL MAINTAIN ALL NECESSARY PRECAUTIONS TO PROTECT AND MAINTAIN EXISTING UTILITIES.
- CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANIES THE SHUTTING OFF OF UTILITIES PRIOR TO DEMOLITION. CONTRACTOR SHALL CLEARLY IDENTIFY ALL UTILITIES THAT ARE SHUT OFF OR CAPPED.
- CAP OFF ALL PLUMBING LINES TO FIXTURES BEING REMOVED.
- CONTRACTOR TO STRICTLY ADHERE TO THE CITY OF EVANSTON BUILDING CODE, ALL OTHER GOVERNING CODES, AND OSHA REGULATIONS. CONTRACTOR IS RESPONSIBLE FOR THE SAFE EXECUTION OF ALL WORK.
- CONTRACTOR SHALL INFILL OPENINGS CREATED BY THE DEMOLITION OF WALLS AND PARTITIONS WITH CONCRETE OR METALS TO MATCH EXISTING CONSTRUCTION AND TO MAINTAIN REQUIRED FIRE RATINGS.
- CONTRACTOR SHALL REMOVE ALL RUBBISH, DEBRIS, ETC. CAUSED BY THIS WORK AS SOON AS IT ACCUMULATES. CONTRACTOR SHALL PROVIDE ON-SITE DUMPSTERS.
- CONTRACTOR SHALL VERIFY AND COORDINATE PLACEMENT OF DUMPSTERS WITH THE CITY OF EVANSTON AND COMPLY WITH REQUIREMENTS OF THE CITY OF EVANSTON.
- CONTRACTOR SHALL COORDINATE WITH THE OWNER ANY ITEMS OR EQUIPMENT TO BE SALVAGED PRIOR TO DEMOLITION.
- CONTRACTOR MUST COMPLY WITH THE INSURANCE/HOLD HARMLESS REQUIREMENTS PRIOR TO THE START OF ANY WORK.
- NO WORK SHALL BEGIN UNTIL THE ARCHITECT IS HELD HARMLESS FOR ALL WORK SHOWN AND ANY PROBLEMS THAT ARISE BEFORE, DURING, AND/OR AFTER CONSTRUCTION.

DEMOLITION KEY NOTES

- REMOVE EXISTING INTERIOR FINISHES. SEE ARCH DRAWINGS FOR NEW FINISHES.
- PREPARE AREA TO INSTALL NEW CABINETS AS SHOWN ON ARCH DRAWINGS.



DEMOLITION FLOOR PLAN  
1/4" = 1'-0"





**SAFETY & LIABILITY NOTICE**

THE ARCHITECT HAS NO RESPONSIBILITY FOR THE SAFETY OF THE WORKER OR THE WORKER'S PROCEDURES AND HAS NO RIGHT TO STOP ANY WORK. JOBSITE SAFETY IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS.

**REVISIONS:**

1	
2	

**ANDREW WANG  
ARCHITECT**

4747 W. PETERSON AVE  
CHICAGO, IL 60646  
O: 773.994.7560

**LIFE SAFETY PLAN  
AND EGRESS**

1808 DEMPSTER ST  
EVANSTON, IL 60202

DRAWN BY: C.G.  
CHECKED BY: A.W.  
DATE: 09/23/2022  
SHEET

**LS-1**

**OCCUPANCY LOAD CALCULATIONS: 1004.1.2**

ROOM NAME	OCCUPANCY	AREA (SF)	OCCUPANT LOAD FACTOR	ACTUAL OCCUPANT LOAD
GROUP B - BUSINESS				
STORE OPEN SPACE	BUSINESS	201	100 GROSS	2
PREP AREA	ACCESSORY USE	79	-	-
WOMEN/MEN RESTROOM	ACCESSORY USE	60	-	-
TOTAL OCCUPANT LOAD				3

OCCUPANT LOAD CALCULATIONS  
2012 INTERNATIONAL BUILDING CODE

**EXIT REVIEW:**

OCCUPANCY CALCULATIONS  
BUILDING USE (302.1 IBC)

GROUP B

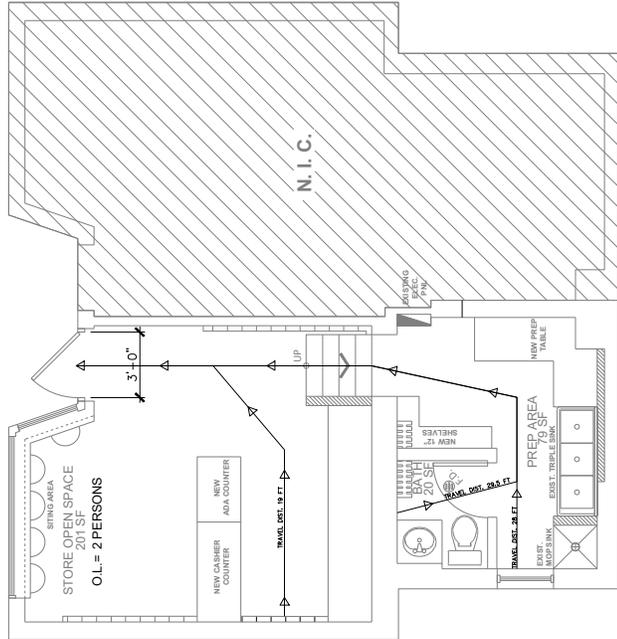
GROUP B (BUSINESS)  
377 SF GROSS FLOOR AREA

NO SPRINKLER SYSTEM

MAX TRAVEL DISTANCE = 100 FEET (OL <30)

1005.3 REQUIRED CAPACITY BASED ON OCCUPANT LOAD:

STAIRS EXIT CAPACITY = EXIT WIDTH / 0.3



**LIFE SAFETY PLAN**  
1/4" = 1'-0"



**SAFETY & LIABILITY NOTICE**

THE ARCHITECT HAS NO RESPONSIBILITY FOR THE SAFETY OF THE WORKER OR FOR PROCEDURES AND HAS NO RIGHT TO STOP ANY WORK. JOBSITE SAFETY IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR AND ALL SUB-CONTRACTORS.

**REVISIONS:**

1	
2	

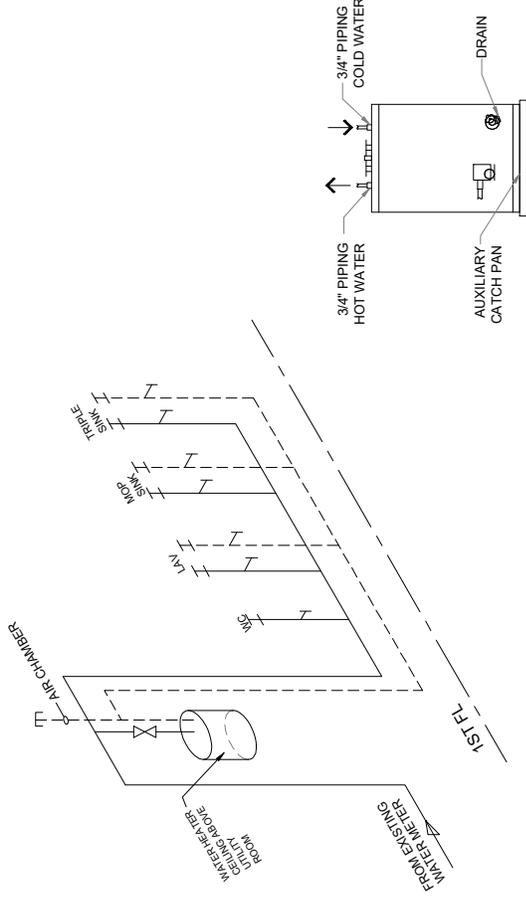
**ANDREW WANG**  
ARCHITECT

4747 W. PETERSON AVE  
CHICAGO, IL 60646  
O: 773.904.7560

**PLUMBING DIAGRAMS AND NOTES**

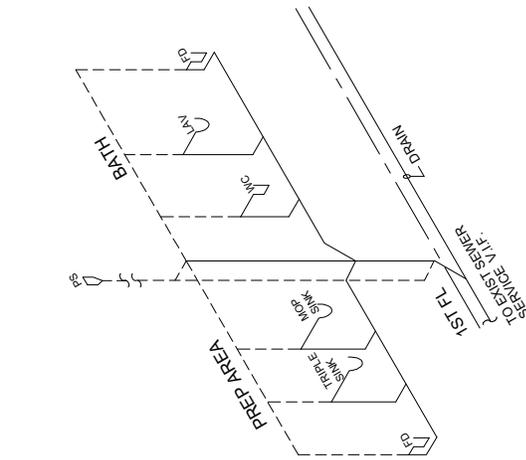
1808 Dempster St  
Evanston, IL 60202

DRAWN BY: C.G.  
CHECKED BY: A.W.  
DATE: 09/23/2022  
SHEET



**WATER SUPPLY DIAGRAM**

N.T.S.  
HOT WATER  
COLD WATER



**WASTE & VENT RISER DIAGRAM**

N.T.S.  
VENT PIPING  
WASTE PIPING

**WATER HEATER DIAGRAM**

10 GAL. ELEC. WATER HEATER, 4KW INPUT SINGLE ELEMENT, 208V/3PH, 19.2 FLA, WITH RECOVERY CAPACITY FOR 18 GPH @ 100° F RISE

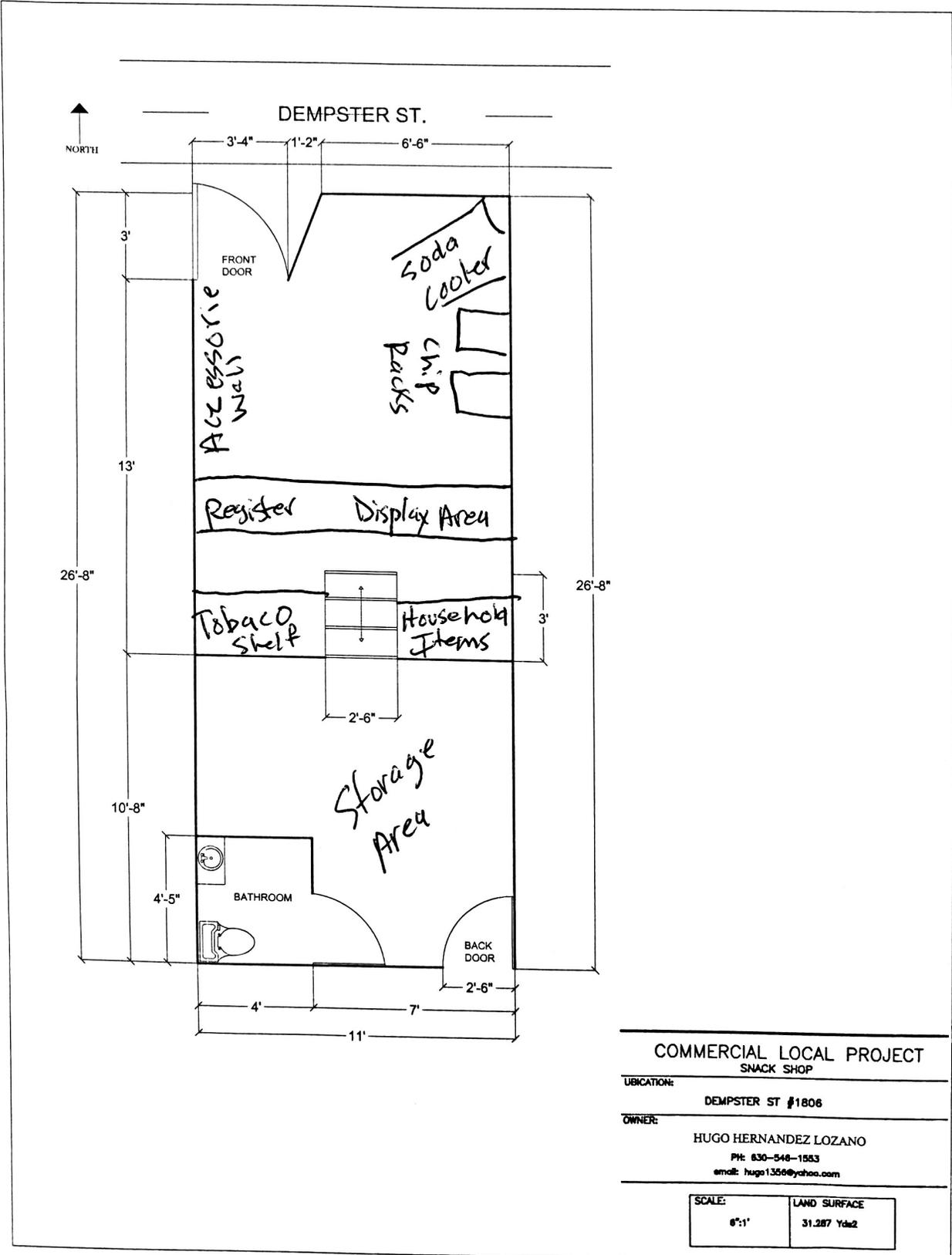
**GENERAL PLUMBING NOTES:**

1. ALL PLUMBING WORK TO COMPLY WITH AND TO BE EXECUTED IN STRICT ACCORDANCE WITH THE CITY OF EVANSTON CODE AND THE STATE OF ILLINOIS PLUMBING REQUIREMENTS.
2. ALL PLUMBING WORK SHALL BE GUARANTEED FOR A MINIMUM OF ONE (1) YEAR FROM THE DATE OF FINAL ACCEPTANCE OF THE OWNER/ARCHITECT.
3. THE PLUMBING CONTRACTOR SHALL VERIFY THE SIZING AND DESIGN OF ALL PLUMBING SHOWN AND SHALL FURNISH ALL NECESSARY LABOR, MATERIALS, INSTRUMENTS AND DEVICES REQUIRED TO CAUSE THE SYSTEM TO PERFORM IN ACCORDANCE WITH THE INTENT OF THE PLANS.
4. ALL PLUMBING ROUGH-INS MUST BE INSPECTED AND APPROVED BY THE CITY OF EVANSTON BEFORE ANY CONCRETE IS POURED AT TRENCHES. CONTRACTOR IS RESPONSIBLE FOR ARRANGING ALL INSPECTIONS.
5. THE PLUMBING CONTRACTOR MUST TEST ALL PLUMBING FIXTURES (PRESSURE TEST THE ENTIRE SYSTEM) BEFORE THE OWNER WILL ACCEPT THE OCCUPANCY.
6. WHENEVER POSSIBLE, UTILIZE EXISTING UNDERGROUND SEWER WORK. THE PLUMBING CONTRACTOR SHALL VERIFY THAT THE EXISTING STORM SEWER AND WASTE SEWER SYSTEMS ARE IN SERVICEABLE CONDITION.
7. PROVIDE FLOOR DRAINS AT ALL FURNACE AND LAUNDRY LOCATIONS AND ALL OTHER LOCATIONS NOTED ON THE DRAWINGS. FLOOR DRAINS SHALL BE MADE TO FLOW PROPERLY.
8. VALVE SHUT-OFFS ARE REQUIRED FOR EACH FIXTURE, RISER, AND BETWEEN BRANCHES.

9. ADEQUATELY SUPPORT ALL PIPING FIXTURES. PROVIDE EXPANSION LOOPS AS REQUIRED.
10. PROVIDE WATER HAMMER PREVENTION SYSTEM FOR THE WATER SUPPLY PIPING AT EACH RISER AND AT EACH FIXTURE AS REQUIRED BY THE CITY OF EVANSTON BUILDING CODE.
11. ALL SUPPLY PIPING TO BE HARD DRAWN COPPER.
12. ALL WASTE & VENT PIPING UP TO 3" DIAMETER SHALL BE COPPER, CAST IRON OR PVC. WASTE AND VENT PIPING OVER 3" SHALL BE CAST IRON OR COPPER.
13. ALL WASTE LINES BELOW GROUND TO BE CAST IRON.
14. THE PLUMBING CONTRACTOR SHALL PROTECT ALL EXISTING FIXTURES AND FAUCETS FROM DAMAGE THROUGH THE DURATION OF CONSTRUCTION.
15. ALL EXPOSED PIPING AND/OR TRIMS SHALL BE CHROMIUM PLATED (TYPICAL).
16. ANY EXISTING PLUMBING WORK DAMAGED BY THE CONTRACTOR SHALL BE REPEATED AT NEW AND EQUAL TO THE EXISTING WITHOUT ANY COST TO THE OWNER.
17. PROVIDE ALL CUTTING AND DRILLING TEMPLATES REQUIRED FOR THE NEW WORK. NO EXISTING OR NEW STRUCTURAL WORK TO BE CUT WITHOUT PREVIOUS APPROVAL FROM THE ARCHITECT. PATCH ALL DISTURBED EXISTING WALLS AND CEILING TO MATCH ADJACENT SURFACES.
18. INSTALL ALL NEW WORK SUBSTANTIALLY AS INDICATED ON THE DRAWINGS. SLIGHT DEVIATIONS FROM LOCATIONS OF NEW PIPING INDICATED ON THE DRAWINGS MAY BE MADE BY THE CONTRACTOR (AT NO ADDITIONAL CHARGE TO THE OWNER) IN ORDER TO CLEAR EXISTING STRUCTURAL WORK, EXISTING HVAC, EXISTING PIPING, ETC. HOWEVER, ALL SUCH DEVIATION SHALL BE PREVIOUSLY APPROVED BY THE ARCHITECT/OWNER.
19. THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS WITH THE OWNER PRIOR TO THE USE OF CRANES, JACKING DEVICES, UTILITY, AND/OR FUNCTIONS, OWNERSHIP OR SALVAGED MATERIALS AND ANY OTHER ITEMS DEEMED TO THE MUTUAL INTEREST.
20. WORK SHALL INCLUDE, BUT NOT NECESSARILY LIMITED TO PROVIDING ALL LABOR, MATERIALS, TOOLS, PERMITS, TESTS, INSPECTION FEES, TAXES, ETC. NECESSARY FOR, OR INCIDENTAL TO THE INSTALLATION OF NEW PLUMBING WORK SATISFACTORY TO THE OWNER/ARCHITECT.
21. ALL OPENINGS THROUGH WINDOWS, FLOOR, AND PARTITIONS SHALL BE PACKED WITH FIRE RATED MATERIAL, "THERMO-FIBER NO. CW 40". FLOOR OPENINGS ADDITIONALLY SHALL BE CAULKED WATER TIGHT WITH B-1 BUTYL WATERPROOF WASTE SEALANT.
22. PROVIDE 24" AIR CHAMBERS AT THE TOP OF EACH MAIN RISER.
23. PROVIDE 12" AIR CHAMBERS AT EACH FIXTURE.
24. PROVIDE ANTI-SCALD DEVICES AT ALL TUB AND SHOWER LOCATIONS
25. INSULATE ALL EXTERIOR WALL PLUMBING & ALL PLUMBING LOCATED IN FLOORS/CEILINGS ADJACENT TO UNCONDITIONED OR EXTERIOR SPACES.
26. REFER TO SHEET G-1 FOR ADDITIONAL NOTES.

DESCRIPTION	MARK	MANUFACTURER	FIXTURE COUNT	WSPU	TOTAL
LAVATORY	LAV	AMERICAN STANDARD OR EQUAL	1	2 EACH	2
TOILET (TWO)	WC	AMERICAN STANDARD OR EQUAL	1	6 EACH	6
MOP	MOP	AMERICAN STANDARD OR EQUAL	1	3 EACH	3
TRIPLE SINK	T.SINK	AMERICAN STANDARD OR EQUAL	1	2 EACH	2
<b>TOTAL</b>			<b>4</b>	<b>TOTAL SUPPLY</b>	<b>13</b>

**FIXTURE SCHEDULE**



**COMMERCIAL LOCAL PROJECT**  
SNACK SHOP

LOCATION:

DEMPSTER ST #1806

OWNER:

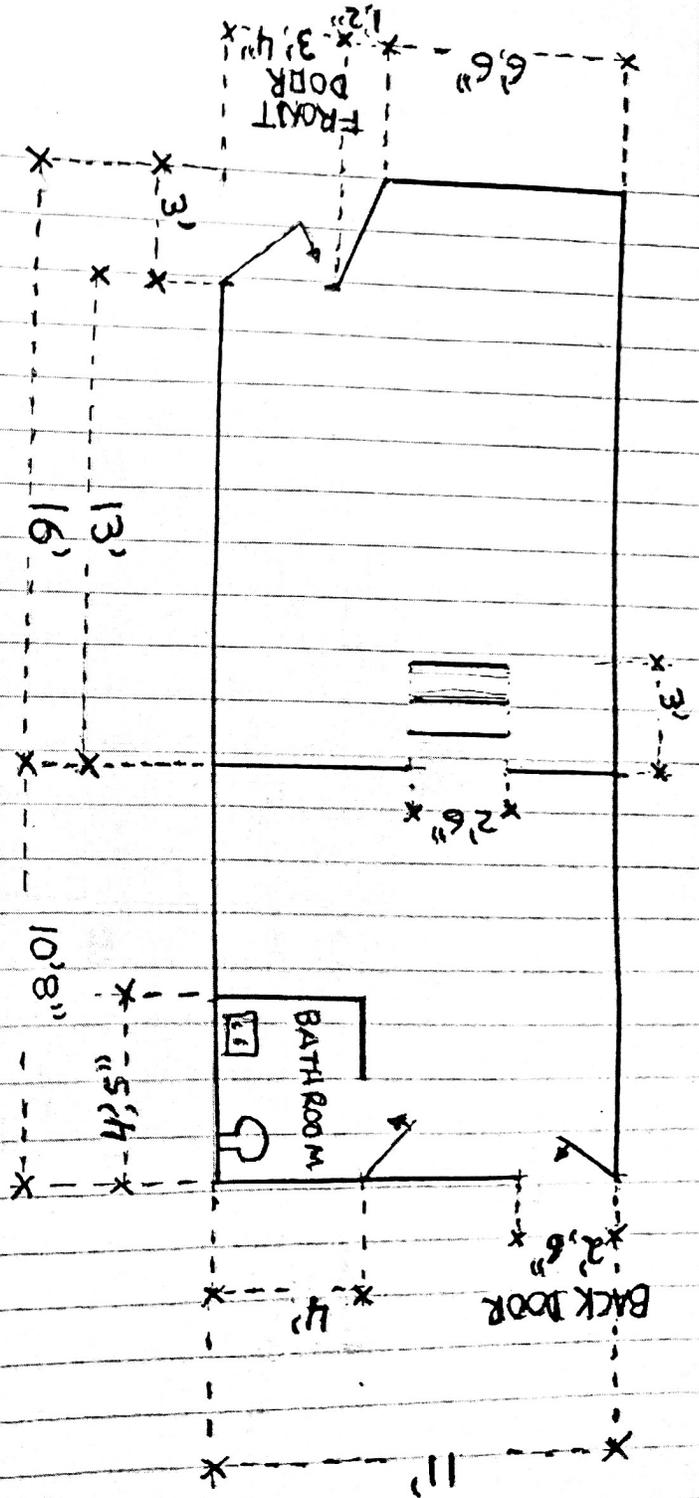
HUGO HERNANDEZ LOZANO  
PH: 830-546-1553  
email: hugo1356@yahoo.com

SCALE:	LAND SURFACE
6":1'	31.287 Yds <sup>2</sup>

DEMPSTER ST  
1806



HUGO HERNANDEZ  
DEMPSTER SNACK SHOP  
DANIELLE DEAN





DEMPSTER  
**SPACE STOP**  
**PARKING**

  
ZENTLI  
**CUSTOMER  
PARKING**  
TUESDAY-SUNDAY  
6:30PM - 11:30PM

  
**Heartwood  
Parking Only**  
~ ALL OTHERS ~  
WILL BE TOWED  


**Parking Only  
for  
Heartwood**  
Skylight  
~ ALL OTHERS ~  
WILL BE TOWED  




DEMPSTER

SNACK SHOP

DEMPSTER

SNACK SHOP

DEMPSTER

SNACK SHOP

No Soliciting

Security Cameras in Use

Mastercard  
VISA  
American Express

**120-O-21**

**AN ORDINANCE**

**Granting a Special Use Permit for a Convenience Store Located at  
1806 Dempster Street in the B1 Business District**

**WHEREAS**, the Zoning Board of Appeals (“ZBA”) met on October 19, 2021, pursuant to proper notice, to consider case no. 21ZMJV-0065, an application filed by Danielle Dean (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1806 Dempster Street (the “Subject Property”) and located in the B1 Business District, for a Special Use Permit to establish, pursuant to Subsection 6-9-2-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a convenience store on the Subject Property; and

**WHEREAS**, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a convenience store met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, at its meeting of November 22, 2021, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council accept the ZBA’s recommendation and approved the application in case no. 21ZMJV-0065; and

**WHEREAS**, at its meetings of November 22, 2021 and December 13, 2021, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

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

**SECTION 1:** The foregoing recitals are found as fact and incorporated herein by reference.

**SECTION 2:** The City Council hereby approves the Special Use Permit for a convenience store on the Subject Property as applied for in case no. 21ZMJV-0065.

**SECTION 3:** Pursuant to Subsection 6-3-5 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-5 of the Zoning Ordinance:

- A. The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. The Applicant shall install a bicycle rack in front of the business after consultation with the City for proper placement.
- C. That the applicant secure two parking stalls at 1808-10 Dempster Street for customers only and install permanent signage for each stall.
- D. The sale of tobacco products must be no greater than 50% of the total sales revenue.
- E. Before it may operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

**SECTION 4:** When necessary to effectuate the terms, conditions, and purposes of this ordinance, “Applicant” shall be read as “Applicant’s agents, assigns, and successors in interest.”

**SECTION 5:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 7:** 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 8:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 29, 2021  
Adopted: December 13, 2021

Approved: 12/14, 2021

*Daniel Biss*  
Daniel Biss, Mayor

Attest:  
*Stephanie Mendoza*  
Stephanie Mendoza, City Clerk

Approved as to form:  
*Nicholas E. Cummings*  
Nicholas E. Cummings, Corporation Counsel

**EXHIBIT A**

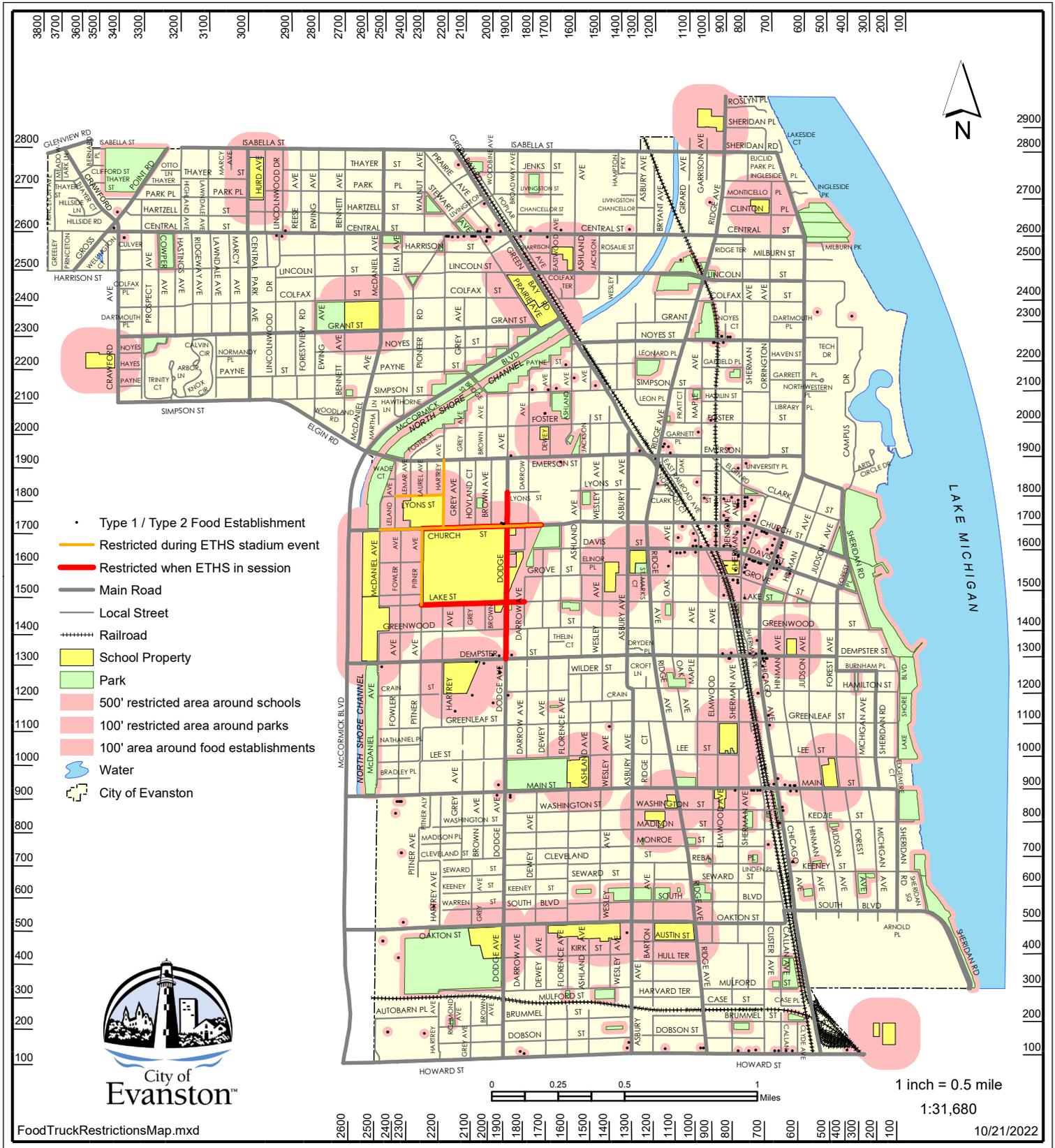
## LEGAL DESCRIPTION

Lot 9 in Block 1 in Golee's Resubdivision of Blocks 4, 5, and 8 in Chase and Pitner's Addition to Evanston, being a subdivision of the northwest  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 24, and the south  $\frac{1}{2}$  of the southwest  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  (except the north 71  $\frac{1}{2}$  feet thereof) in section 13, township 41 north, range 13, east of the third principal meridian, in Cook County, Illinois.

COMMONLY KNOWN AS 1806 DEMPSTER STREET

PIN # 10-24-200-007-0000

# Mobile Food Vehicle Vendor Restrictions



This map is provided "as is" without warranties of any kind. See [www.cityofevanston.org/mapdisclaimers.html](http://www.cityofevanston.org/mapdisclaimers.html) for more information.

# Food Establishment Inspection Report

Local Health Department Name and Address <b>City of Evanston 2100 Ridge Avenue Evanston, Illinois 60201-2798</b>		Date <b>6/21/22</b>	Time In	Time Out
Establishment <b>Dempster Snack Shop</b>	License/Permit # <b>21FOOD-0027</b>	No. of Risk Factor/Intervention Violations <b>0</b>		No. of Repeat Risk Factor/Intervention Violations <b>0</b>
Street Address <b>1806 DEMPSTER ST</b>		Permit Holder <b>Dempster Snack Shop</b>	Risk Category <b>3</b>	
City/State <b>EVANSTON/IL</b>	Zip <b>60202</b>	Purpose of Inspection <b>Food Safety Request</b>		

### FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item <b>IN</b> =in compliance <b>OUT</b> =not in compliance <b>N/O</b> =not observed <b>N/A</b> =not applicable Mark "X" in appropriate box for COS and/or R <b>COS</b> =corrected on-site during inspection <b>R</b> =repeat violation				<b>Risk factors</b> are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent illness or injury.			
Compliance Status		COS	R	Compliance Status		COS	R
Supervision				Protection from Contamination			
1	In			15	In		
Person in charge present, demonstrates knowledge, and performs duties				16	In		
2	In			Food separated and protected			
Certified Food Protection Manager (CFPM)				17	In		
Employee Health				Food-contact surfaces; cleaned and sanitized			
3	In			Proper disposition of returned, previously served, reconditioned and unsafe food			
Management, food employee and conditional employee; knowledge, responsibilities and reporting				Time/Temperature Control for Safety			
4	In			18	In		
Proper use of restriction and exclusion				19	In		
5	In			Proper cooking time and temperatures			
Procedures for responding to vomiting and diarrheal events				20	In		
Good Hygienic Practices				21	In		
6	In			Proper reheating procedures for hot holding			
Proper eating, tasting, drinking, or tobacco use				22	In		
7	In			Proper cooling time and temperature			
No discharge from eyes, nose, and mouth				23	In		
Preventing Contamination by Hands				24	In		
8	In			Proper hot holding temperatures			
Hands clean and properly washed				25	In		
9	In			Proper cold holding temperatures			
No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed				26	In		
10	In			Proper date marking and disposition			
Adequate handwashing sinks properly supplied and accessible				27	In		
Approved Source				Time as a Public Health Control; procedures and records			
11	In			Consumer Advisory			
Food obtained from approved source				28	In		
12	In			Consumer advisory provided for raw/undercooked food			
Food received at proper temperature				Highly Susceptible Populations			
13	In			29	In		
Food in good condition, safe and unadulterated				Pasteurized foods used; prohibited foods not offered			
14	In			Food/Color Additives and Toxic Substances			
Required records available: shellstock tags, parasite destruction				27	In		
				28	In		
				Food additives: approved and properly used			
				28	In		
				Toxic substances properly identified, stored, and used			
				Conformance with Approved Procedures			
				29	In		
				Compliance with variance/specialized process/HACCP			

### GOOD RETAIL PRACTICES

Good retail practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.  
Mark "X" in box if numbered item is not in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on-site during inspection R=repeat violation

		COS	R			COS	R
Safe Food and Water				Proper Use of Utensils			
30	In			43	In		
Pasteurized eggs used where required				44	In		
31	In			In-use utensils: properly stored			
Water and ice from approved source				45	In		
32	In			Utensils, equipment and linens: properly stored, dried, & handled			
Variance obtained for specialized processing methods				46	In		
Food Temperature Control				Single-use/single-service articles: properly stored and used			
33	In			Gloves used properly			
Proper cooling methods used; adequate equipment for temperature control				Utensils, Equipment and Vending			
34	In			47	In		
Plant food properly cooked for hot holding				Food and non-food contact surfaces cleanable, properly designed, constructed, and used			
35	In			48	In		
Approved thawing methods used				Warewashing facilities: installed, maintained, & used; test strips			
36	In			49	In		
Thermometers provided & accurate				Non-food contact surfaces clean			
Food Identification				Physical Facilities			
37	In			50	In		
Food properly labeled; original container				Hot and cold water available; adequate pressure			
Prevention of Food Contamination				51	In		
38	In			Plumbing installed; proper backflow devices			
Insects, rodents, and animals not present				52	In		
39	In			Sewage and waste water properly disposed			
Contamination prevented during food preparation, storage and display				53	In		
40	In			Toilet facilities: properly constructed, supplied, & cleaned			
Personal cleanliness				54	In		
41	In			Garbage and refuse properly disposed; facilities maintained			
Wiping cloths: properly used and stored				55	In		
42	In			Physical facilities installed, maintained, and clean			
Washing fruits and vegetables				56	In		
				Adequate ventilation and lighting; designated areas used			
				Employee Training			
				57	In		
				All food employees have food handler training			
				58	In		
				Allergen training as required			

# Food Establishment Inspection Report

Establishment: Dempster Snack Shop

Establishment #: 21FOOD-0027

Water Supply: Public

Waste Water System: Public

Sanitizer Type: \_\_\_\_\_

## TEMPERATURE OBSERVATIONS

Item/Location	Temp
---------------	------

## HACCP TOPIC

## GENERAL COMMENTS

Food Safety Request inspection for complaints regarding unapproved foodservice, overflowing trash. Observed trash totes in back of building unable to close due to fullness. PIC states that a container has been ordered through city of Evanston. Followup next week to ensure that container is in place. Dispose of trash in outdoor containers and maintain lids closed to minimize pest activity. Observed nacho machine present onsite but not in use. PIC states that machine was used during grand opening for friends and family, but is not currently selling product. Operation is not permitted to handle unpackaged foods, including nachos, chili and cheese until necessary requirements are met. Do not use equipment to prepare foods for sale to consumers and submit requests for approval to EHHS as needed. Follow up inspection in the next 7-10 days to confirm continued compliance.

# Food Establishment Inspection Report

Local Health Department Name and Address <b>City of Evanston 2100 Ridge Avenue Evanston, Illinois 60201-2798</b>		Date <b>6/28/22</b>	Time In	Time Out
Establishment <b>Dempster Snack Shop</b>	License/Permit # <b>21FOOD-0027</b>	No. of Risk Factor/Intervention Violations <b>0</b>		No. of Repeat Risk Factor/Intervention Violations <b>0</b>
Street Address <b>1806 DEMPSTER ST</b>		Permit Holder <b>Dempster Snack Shop</b>	Risk Category <b>3</b>	
City/State <b>EVANSTON/IL</b>	Zip <b>60202</b>	Purpose of Inspection <b>Food Safety Request</b>		

### FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

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Compliance Status		COS	R	Compliance Status		COS	R
Supervision				Protection from Contamination			
1	In			15	In		
Person in charge present, demonstrates knowledge, and performs duties				16	In		
2	In			Food separated and protected			
Certified Food Protection Manager (CFPM)				17	In		
Employee Health				Food-contact surfaces; cleaned and sanitized			
3	In			Proper disposition of returned, previously served, reconditioned and unsafe food			
Management, food employee and conditional employee; knowledge, responsibilities and reporting				Time/Temperature Control for Safety			
4	In			18	In		
Proper use of restriction and exclusion				19	In		
5	In			Proper cooking time and temperatures			
Procedures for responding to vomiting and diarrheal events				20	In		
Good Hygienic Practices				21	In		
6	In			Proper reheating procedures for hot holding			
Proper eating, tasting, drinking, or tobacco use				22	In		
7	In			Proper cooling time and temperature			
No discharge from eyes, nose, and mouth				23	In		
Preventing Contamination by Hands				24	In		
8	In			Proper hot holding temperatures			
Hands clean and properly washed				25	In		
9	In			Proper cold holding temperatures			
No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed				26	In		
10	In			Proper date marking and disposition			
Adequate handwashing sinks properly supplied and accessible				27	In		
Approved Source				Time as a Public Health Control; procedures and records			
11	In			Consumer Advisory			
Food obtained from approved source				28	In		
12	In			Consumer advisory provided for raw/undercooked food			
Food received at proper temperature				Highly Susceptible Populations			
13	In			29	In		
Food in good condition, safe and unadulterated				Pasteurized foods used; prohibited foods not offered			
14	In			Food/Color Additives and Toxic Substances			
Required records available: shellstock tags, parasite destruction				27	In		
				28	In		
				Food additives: approved and properly used			
				29	In		
				Toxic substances properly identified, stored, and used			
				Conformance with Approved Procedures			
				29	In		
				Compliance with variance/specialized process/HACCP			

### GOOD RETAIL PRACTICES

Good retail practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.  
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Safe Food and Water		COS	R	Proper Use of Utensils		COS	R
30	In			43	In		
Pasteurized eggs used where required				44	In		
31	In			In-use utensils: properly stored			
Water and ice from approved source				45	In		
32	In			Utensils, equipment and linens: properly stored, dried, & handled			
Variance obtained for specialized processing methods				46	In		
Food Temperature Control				Single-use/single-service articles: properly stored and used			
33	In			Gloves used properly			
Proper cooling methods used; adequate equipment for temperature control				Utensils, Equipment and Vending			
34	In			47	In		
Plant food properly cooked for hot holding				Food and non-food contact surfaces cleanable, properly designed, constructed, and used			
35	In			48	In		
Approved thawing methods used				Warewashing facilities: installed, maintained, & used; test strips			
36	In			49	In		
Thermometers provided & accurate				Non-food contact surfaces clean			
Food Identification				Physical Facilities			
37	In			50	In		
Food properly labeled; original container				Hot and cold water available; adequate pressure			
Prevention of Food Contamination				51	In		
38	In			Plumbing installed; proper backflow devices			
Insects, rodents, and animals not present				52	In		
39	In			Sewage and waste water properly disposed			
Contamination prevented during food preparation, storage and display				53	In		
40	In			Toilet facilities: properly constructed, supplied, & cleaned			
Personal cleanliness				54	In		
41	In			Garbage and refuse properly disposed; facilities maintained			
Wiping cloths: properly used and stored				55	In		
42	In			Physical facilities installed, maintained, and clean			
Washing fruits and vegetables				56	In		
				Adequate ventilation and lighting; designated areas used			
Employee Training							
57	In			All food employees have food handler training			
58	In			Allergen training as required			

# Food Establishment Inspection Report

Establishment: Dempster Snack Shop

Establishment #: 21FOOD-0027

Water Supply: Public

Waste Water System: Public

Sanitizer Type:

TEMPERATURE OBSERVATIONS	
Item/Location	Temp

## HACCP TOPIC

## GENERAL COMMENTS

Food Safety Request reinspection conducted following complaints of unapproved food service and overflowing trash. Operator has submitted a request for an approved trash container, email dated 6/27 was observed during inspection. Trash container is due to arrive in 1-2 weeks. Reinspection to occur in 7-14 days to confirm presence of trash container.

Inspection of snack shop interior found one open #10 can of nacho cheese sauce in the refrigerator, and an open bag of cheese sauce and an open bag of chili inside the nacho machine behind the counter. Advised operator that no unpackaged foods are permitted onsite with a risk category 3 establishment. All foods were discarded in exterior waste container. Onsite BOH refrigerator contains 1 unopened bag of chili and other foods for personal consumption.

Reinspection to occur in 7-14 days to confirm presence and use of trash container.

# Food Establishment Inspection Report

Local Health Department Name and Address <b>City of Evanston 2100 Ridge Avenue Evanston, Illinois 60201-2798</b>		Date <b>7/13/22</b>	Time In	Time Out
Establishment <b>Dempster Snack Shop</b>	License/Permit # <b>21FOOD-0027</b>	No. of Risk Factor/Intervention Violations <b>0</b>		No. of Repeat Risk Factor/Intervention Violations <b>0</b>
Street Address <b>1806 DEMPSTER ST</b>		Permit Holder <b>Dempster Snack Shop</b>	Risk Category <b>3</b>	
City/State <b>EVANSTON/IL</b>	Zip <b>60202</b>	Purpose of Inspection <b>Food Safety Request</b>		

### FOODBORNE ILLNESS RISK FACTORS AND PUBLIC HEALTH INTERVENTIONS

Circle designated compliance status (IN, OUT, N/O, N/A) for each numbered item <b>IN</b> =in compliance <b>OUT</b> =not in compliance <b>N/O</b> =not observed <b>N/A</b> =not applicable Mark "X" in appropriate box for COS and/or R <b>COS</b> =corrected on-site during inspection <b>R</b> =repeat violation				<b>Risk factors</b> are important practices or procedures identified as the most prevalent contributing factors of foodborne illness or injury. Public health interventions are control measures to prevent illness or injury.			
Compliance Status		COS	R	Compliance Status		COS	R
Supervision				Protection from Contamination			
1	In			15	In		
Person in charge present, demonstrates knowledge, and performs duties				16	In		
2	In			Food separated and protected			
Certified Food Protection Manager (CFPM)				17	In		
Employee Health				Food-contact surfaces; cleaned and sanitized			
3	In			Proper disposition of returned, previously served, reconditioned and unsafe food			
Management, food employee and conditional employee; knowledge, responsibilities and reporting				Time/Temperature Control for Safety			
4	In			18	In		
Proper use of restriction and exclusion				19	In		
5	In			Proper cooking time and temperatures			
Procedures for responding to vomiting and diarrheal events				20	In		
Good Hygienic Practices				21	In		
6	In			Proper reheating procedures for hot holding			
Proper eating, tasting, drinking, or tobacco use				22	In		
7	In			Proper cooling time and temperature			
No discharge from eyes, nose, and mouth				23	In		
Preventing Contamination by Hands				24	In		
8	In			Proper hot holding temperatures			
Hands clean and properly washed				25	In		
9	In			Proper cold holding temperatures			
No bare hand contact with RTE food or a pre-approved alternative procedure properly allowed				26	In		
10	In			Proper date marking and disposition			
Adequate handwashing sinks properly supplied and accessible				27	In		
Approved Source				28	In		
11	In			Time as a Public Health Control; procedures and records			
Food obtained from approved source				Consumer Advisory			
12	In			29	In		
Food received at proper temperature				Consumer advisory provided for raw/undercooked food			
13	In			Highly Susceptible Populations			
Food in good condition, safe and unadulterated				26	In		
14	In			Pasteurized foods used; prohibited foods not offered			
Required records available: shellstock tags, parasite destruction				Food/Color Additives and Toxic Substances			
				27	In		
				Food additives: approved and properly used			
				28	In		
				Toxic substances properly identified, stored, and used			
				Conformance with Approved Procedures			
				29	In		
				Compliance with variance/specialized process/HACCP			

### GOOD RETAIL PRACTICES

Good retail practices are preventative measures to control the addition of pathogens, chemicals, and physical objects into foods.  
Mark "X" in box if numbered item is not in compliance Mark "X" in appropriate box for COS and/or R COS=corrected on-site during inspection R=repeat violation

		COS	R			COS	R
Safe Food and Water				Proper Use of Utensils			
30	In			43	In		
Pasteurized eggs used where required				44	In		
31	In			In-use utensils: properly stored			
Water and ice from approved source				45	In		
32	In			Utensils, equipment and linens: properly stored, dried, & handled			
Variance obtained for specialized processing methods				46	In		
Food Temperature Control				Single-use/single-service articles: properly stored and used			
33	In			Gloves used properly			
Proper cooling methods used; adequate equipment for temperature control				Utensils, Equipment and Vending			
34	In			47	In		
Plant food properly cooked for hot holding				Food and non-food contact surfaces cleanable, properly designed, constructed, and used			
35	In			48	In		
Approved thawing methods used				Warewashing facilities: installed, maintained, & used; test strips			
36	In			49	In		
Thermometers provided & accurate				Non-food contact surfaces clean			
Food Identification				Physical Facilities			
37	In			50	In		
Food properly labeled; original container				Hot and cold water available; adequate pressure			
Prevention of Food Contamination				51	In		
38	In			Plumbing installed; proper backflow devices			
Insects, rodents, and animals not present				52	In		
39	In			Sewage and waste water properly disposed			
Contamination prevented during food preparation, storage and display				53	In		
40	In			Toilet facilities: properly constructed, supplied, & cleaned			
Personal cleanliness				54	In		
41	In			Garbage and refuse properly disposed; facilities maintained			
Wiping cloths: properly used and stored				55	In		
42	In			Physical facilities installed, maintained, and clean			
Washing fruits and vegetables				56	In		
				Adequate ventilation and lighting; designated areas used			
				Employee Training			
				57	In		
				All food employees have food handler training			
				58	In		
				Allergen training as required			

# Food Establishment Inspection Report

Establishment: Dempster Snack Shop

Establishment #: 21FOOD-0027

Water Supply: Public

Waste Water System: Public

Sanitizer Type: \_\_\_\_\_

## TEMPERATURE OBSERVATIONS

Item/Location	Temp
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## HACCP TOPIC

## GENERAL COMMENTS

Food Safety Request Inspection for complaint related to unapproved food service. No unapproved foods or food service observed during inspection. Contact GROOT to determine delivery date for waste container. No waste container is currently onsite. Include csullivan@cityofevanston.org on communications regarding GROOT waste container. If communications are not initiated or container obtained by Tuesday 7/19/2022, and onsite reinspection will be conducted on 7/20/2022. Reinspection fees may be assessed for noncompliance with reinspections.

# Mobile Food Vendor Application

#32

<b>Application Type *</b>	• New
<b>Business Name as Displayed on the Vehicle or Cart</b>	Doggy Bags Catering
<b>Applicant Name</b>	Danielle Dean
<b>Applicant Business Name (if applicable)</b>	
<b>Applicant Address</b>	 7333 Ridge 60645 United States
<b>Phone Number</b>	(312) 709-7713
<b>Email</b>	<a href="mailto:doggybagscatering@gmail.com">doggybagscatering@gmail.com</a>
<b>Does the food come from a supplier or a business the applicant owns?</b>	Supplier
<b>Does the Applicant Own Rent or Lease the Food Truck/Cart</b>	Own
<b>Copy of Drivers' License, if motorized vehicle</b>	
<b>License Plate Number on Truck</b>	2919151B
<b>Commissary/Food Supplier</b>	Harold's Chicken
<b>Commissary/Food Supplier Phone Number</b>	(312) 789-0965
<b>Letter from Commissary verifying use of their facility</b>	
<b>Most recent inspection report for commissary (Not required if commissary licensed in Evanston)</b>	
<b>List of Employees with ID or Drivers' License Numbers, if applicable</b>	 <a href="#">e6700ce404e04b379d4686d1d68ed1f4.jpeg.jpg</a> 107.30 KB · JPG
<b>Address of Location where the food truck/cart is kept overnight.</b>	 7333 Ridge 60645 United States
<b>Items for Sale</b>	Fried Chicken, Sandwiches, chips, soda , energy drinks, candy
<b>Photos of Exterior and Interior of Vehicle</b>	
<b>Photos of Exterior and Interior of Vehicle</b>	
<b>Risk Category Type Fees per Truck (if applicable):</b> \$479.00 Risk 2-- \$274.00 Risk 3	Risk 3 – All Foods Pre-Packaged, no assembly
<b>Upon approval of your license application you</b>	

**will be receive an email with payment instructions.  
Select Risk Type**

**GUIDELINES AND RESTRICTIONS FOR MOBILE VENDORS**

- Per Evanston City Code, Title 8, Chapter 8 Food Service and Retail Food Store Sanitation:
  - o All food must be stored and served from pre-packaged containers.
  - o All food must be protected from any type of contamination.
  - o All food must be kept at the proper temperature:
    - Frozen Food: 0° or below
    - Cold Food: 41° or below
    - Hot Food: 135° or above
- Per Evanston City Code, Title 3, Business Regulations, Chapter 13 Peddlers and Solicitors
  - o No sales allowed before 8AM and not after 9PM
  - o No stopping in any block for more than 30 minutes per day
  - o No sales within 500 feet of any school (an even greater distance for the high school) when school is in session.
  - o No sales on streets near the high school stadium when events are being conducted.
- Per Evanston City Code, Title 7 Public Ways Chapter 11-6 City Beaches and Boat Ramps
  - o No sales within 100 feet of the public parks. This includes the beaches.
- Per Evanston City Code, Title 10 Motor Vehicles and Traffic
  - o No parking of any vehicle upon the street in a business district in order to make sales.

**I have a copy of the City of Evanston Map of Restricted Areas for Mobile Vendors.**

**By submitting this form, I agree to the terms of the Mobile Food Vendor License and certify that I intend to conduct all mobile vending operations in compliance with all City ordinances.**

Created <b>18 Nov 2020</b> 5:15:29 PM	<b>172.58.143.55</b> IP Address
<b>PUBLIC</b>	

# Mobile Food Vendor Application

#36

<b>Application Type *</b>	• New License
<b>Business Name as Displayed on the Vehicle or Cart</b>	
<b>Applicant Name</b>	Kayvon Esteghamat
<b>Applicant Business Name (if applicable)</b>	Doggy Bag's
<b>Applicant Address</b>	 8538 N Lotus Ave. Apt 609 Skokie, IL 60077 United States
<b>Phone Number</b>	(847) 630-8257
<b>Email</b>	<a href="mailto:WindyCityCoaches@gmail.com">WindyCityCoaches@gmail.com</a>
<b>Does the food come from a supplier or a business the applicant owns?</b>	Supplier
<b>Does the Applicant Own Rent or Lease the Food Truck/Cart</b>	Own
<b>Copy of Drivers' License, if motorized vehicle</b>	
<b>License Plate Number on Truck</b>	2919151
<b>Commissary/Food Supplier</b>	Gordon Food Service
<b>Commissary/Food Supplier Phone Number</b>	(847) 864-0266
<b>Letter from Commissary verifying use of their facility</b>	 <a href="#">new_document8_1.pdf</a> 183.96 KB · PDF
<b>Most recent inspection report for commissary (Not required if commissary licensed in Evanston)</b>	
<b>List of Employees with ID or Drivers' License Numbers, if applicable</b>	 <a href="#">kayvon_drivers_license.jpg</a> 2.98 MB · JPG
<b>Address of Location where the food truck/cart is kept overnight.</b>	 1824 Ashland Evanston, IL 60201 United States
<b>Items for Sale</b>	Mostaccilo Stuffed Green Pepper Cups Six Cheese Lasagna Chicken Alfredo with Penne Pasta Beef Stroganoff Macaroni & Cheese
<b>Photos of Exterior and Interior of Vehicle</b>	

**Photos of Exterior and Interior of Vehicle**

**Risk Category Type Fees per Truck (if applicable):**  
**\$479.00 Risk 2-- \$274.00 Risk 3**

Risk 3 – All Foods Pre-Packaged, no assembly

Upon approval of your license application you will be receive an email with payment instructions.

Select Risk Type

**GUIDELINES AND RESTRICTIONS FOR MOBILE VENDORS**

- Per Evanston City Code, Title 8, Chapter 8 Food Service and Retail Food Store Sanitation:
  - o All food must be stored and served from pre-packaged containers.
  - o All food must be protected from any type of contamination.
  - o All food must be kept at the proper temperature:
    - Frozen Food: 0° or below
    - Cold Food: 41° or below
    - Hot Food: 135° or above
- Per Evanston City Code, Title 3, Business Regulations, Chapter 13 Peddlers and Solicitors
  - o No sales allowed before 8AM and not after 9PM
  - o No stopping in any block for more than 30 minutes per day
  - o No sales within 500 feet of any school (an even greater distance for the high school) when school is in session.
  - o No sales on streets near the high school stadium when events are being conducted.
- Per Evanston City Code, Title 7 Public Ways Chapter 11-6 City Beaches and Boat Ramps
  - o No sales within 100 feet of the public parks. This includes the beaches.
- Per Evanston City Code, Title 10 Motor Vehicles and Traffic
  - o No parking of any vehicle upon the street in a business district in order to make sales.

I have a copy of the City of Evanston Map of Restricted Areas for Mobile Vendors.

By submitting this form, I agree to the terms of the Mobile Food Vendor License and certify that I intend to conduct all mobile vending operations in compliance with all City ordinances.

Created <b>13 Aug 2021</b> 2:13:01 PM	<b>24.136.12.175</b> IP Address
PUBLIC	



# Mobile Food Vendor Application

#42

<b>Application Type *</b>	• New License
<b>Business Name as Displayed on the Vehicle or Cart</b>	Dempster Snack Shop
<b>Applicant Name</b>	Kayvon Esteghamat
<b>Applicant Business Name (if applicable)</b>	
<b>Applicant Address</b>	 8538 N Lotus Ave. Apt 609 Evanston, IL 60202 United States
<b>Phone Number</b>	(847) 630-8257
<b>Email</b>	<a href="mailto:WindyCityCoaches@gmail.com">WindyCityCoaches@gmail.com</a>
<b>Does the food come from a supplier or a business the applicant owns?</b>	My Own Business
<b>Does the Applicant Own Rent or Lease the Food Truck/Cart</b>	Own
<b>Copy of Drivers' License, if motorized vehicle</b>	 <a href="#">kayvon_drivers_license.jpg</a> 2.98 MB · JPG
<b>License Plate Number on Truck</b>	2919151
<b>Commissary/Food Supplier</b>	Dempster Snack Shop
<b>Commissary/Food Supplier Phone Number</b>	(847) 630-8257
<b>Letter from Commissary verifying use of their facility</b>	
<b>Most recent inspection report for commissary (Not required if commissary licensed in Evanston)</b>	
<b>List of Employees with ID or Drivers' License Numbers, if applicable</b>	 <a href="#">dee_license.jpg</a> 305.00 KB · JPG
<b>Address of Location where the food truck/cart is kept overnight.</b>	 5001 W Dempster St. Morton Grove, Illinois 60053 United States
<b>Items for Sale</b>	Chips Candy Drinks Pre-packaged nachos
<b>Photos of Exterior and Interior of Vehicle</b>	<a href="#">truck03.jpeg.jpg</a> 4.39 MB · JPG




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**Photos of Exterior and Interior of Vehicle**

[truck04.jpeg.jpg](#)

3.74 MB · JPG

**Risk Category Type Fees per Truck (if applicable):**  
**\$479.00 Risk 2-- \$274.00 Risk 3**

Risk 3 – All Foods Pre-Packaged, no assembly

Upon approval of your license application you will be receive an email with payment instructions.  
 Select Risk Type

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**GUIDELINES AND RESTRICTIONS FOR MOBILE VENDORS**

- Yes
- Per Evanston City Code, Title 8, Chapter 8 Food Service and Retail Food Store Sanitation:
  - o All food must be stored and served from pre-packaged containers.
  - o All food must be protected from any type of contamination.
  - o All food must be kept at the proper temperature:
    - Frozen Food: 0° or below
    - Cold Food: 41° or below
    - Hot Food: 135° or above
- Per Evanston City Code, Title 3, Business Regulations, Chapter 13 Peddlers and Solicitors
  - o No sales allowed before 8AM and not after 9PM
  - o No stopping in any block for more than 30 minutes per day
  - o No sales within 500 feet of any school (an even greater distance for the high school) when school is in session.
  - o No sales on streets near the high school stadium when events are being conducted.
- Per Evanston City Code, Title 7 Public Ways Chapter 11-6 City Beaches and Boat Ramps
  - o No sales within 100 feet of the public parks. This includes the beaches.
- Per Evanston City Code, Title 10 Motor Vehicles and Traffic
  - o No parking of any vehicle upon the street in a business district in order to make sales.

I have a copy of the City of Evanston Map of Restricted Areas for Mobile Vendors.

By submitting this form, I agree to the terms of the Mobile Food Vendor License and certify that I intend to conduct all mobile vending

**operations in compliance with all City ordinances.**

<p>Created <b>13 Jul 2022</b> 2:24:04 PM</p>	<p><b>24.136.12.191</b> IP Address</p>
<p><b>PUBLIC</b></p>	



Ellyn Golden &lt;egolden@cityofevanston.org&gt;

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**1806 dempster**

1 message

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**arttolivby@gmail.com** <arttolivby@gmail.com>

Sat, Jun 18, 2022 at 9:11 PM

To: Ellyn Golden &lt;egolden@cityofevanston.org&gt;

Cc: hugo1356@yahoo.com, Bill Holloway &lt;graphics@hnhprinting.com&gt;

Problems:

1. Grilling outside the store on a regular basis, using coals and leaving them unattended after leaving or closing food truck. Grill is left hot and on - a danger to people walking past...grease stains on the floor and building.

2. Loitering - intimidating ETHS student workers (an employee called mom to be with him during his shift) at 1808 Dempster.

It's a snack shop with cooking inside and cooking outside in conjunction with food truck that parks on the street to sell food.

3. Blaring music, (with the n word and bad words) inability to operate business next door, inability to hear phone calls or speak to customers. Student/employees feel unsafe and uncomfortable. Customers feel uncomfortable coming into store.

4. Garbage cans in the corner intersection and at the yoga and in the back of 1808 and 1806 filled to capacity

5. Garbage thrown outside the print shop.

6. Their sign covers all of the windows- you can't see inside.

7. You can't just open the door to the supposed convenient store - you have to be buzzed in to enter. Kinda a shady. Their hiding something. They have a camera mounted in front of 1808. Above our entrance.

Carmen Leon who is a resident called police  
I called police Who said many others have complained.  
Landlord is aware, Hugo Hernandez.

Thought you should know.

Ivette

Have a great day!



Ellyn Golden &lt;egolden@cityofevanston.org&gt;

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## Requested Info

1 message

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**Ellyn Golden** <egolden@cityofevanston.org>  
To: Danielle Dean <windycityfitnessclub@gmail.com>  
Cc: Carly Sullivan <csullivan@cityofevanston.org>

Thu, May 26, 2022 at 3:52 PM

Hello Again

As we discussed, if there is just minimal food handling on the truck you would most likely need to apply for the Mobile Food Vendor License. Information and an application can be found here [Mobile Food Vendor](#). Since there is open food you would be categorized as a risk 2. The truck, equipment and service plan would need to meet all FDA food code requirements. As indicated on the webpage, all parking restrictions according to the mobile food vendor ordinance and Evanston City Code, Title 3, Business Regulations, Chapter 13 Peddlers and Solicitors would also apply.

If more complex food handling, food prep, or cooking is done on the truck you may require the Mobile Food **Vehicle** Vendor Licence.

The license applications ask for just general information. Additional information specific to your menu and food service plan will be requested once you submit the application. At that time a better determination can be made about what type of license may be appropriate for you.

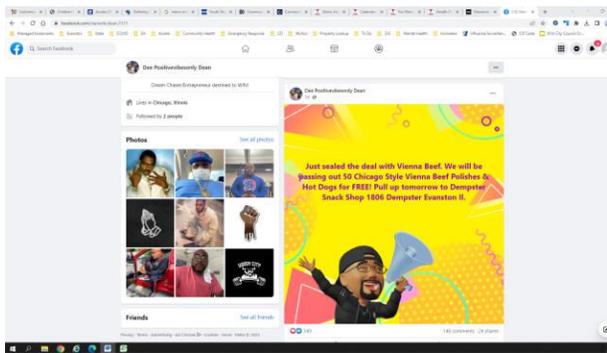
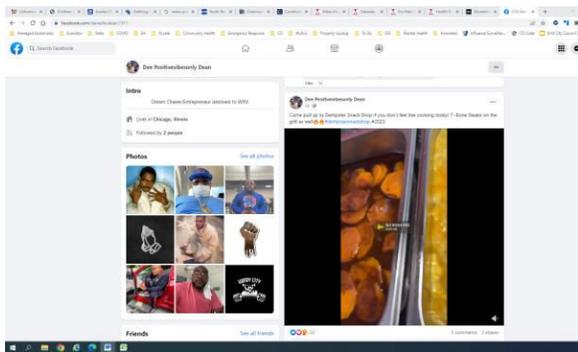
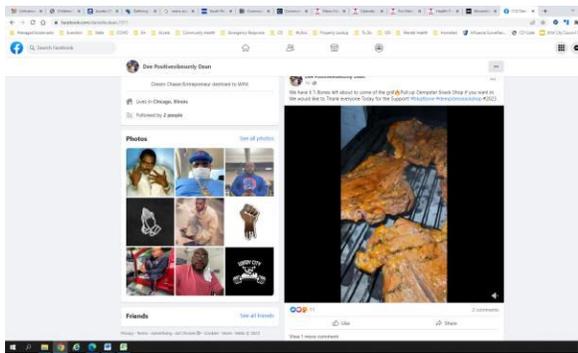
We also discussed adding food service, such as nachos, to your retail business that requires handling of the food or beverage product and there is equipment that will need to be cleaned and sanitized. The following are the *minimal* requirements. Please keep in mind remodeling done to install equipment will require a building permit and licensed contractors.

- Three compartment sink with drainboards on either side, provided with an indirect waste connection
- Hand washing sinks in the food prep areas and the dishwashing area, hand washing sinks shall be provided with mounted soap and paper towel dispensers A food prep sink, provided with an indirect waste connection
- A mop sink
- Floors, walls, and ceilings shall be smooth, durable and easily cleanable
- All equipment shall be NSF or equivalent certification, approved

Regards,  
Ellyn

--

Ellyn Golden  
Licensing Coordinator  
Health & Human Services  
2100 Ridge Avenue  
Evanston, IL 60201  
[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)  
Phone: 847-866-2947  
FAX: 847-448-8134





Ellyn Golden &lt;egolden@cityofevanston.org&gt;

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**Re: Build out**

1 message

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**Danielle Dean** <windycityfitnessclub@gmail.com>  
To: Ellyn Golden <egolden@cityofevanston.org>

Wed, Jun 8, 2022 at 2:58 PM

Good afternoon! The Contractor will provide you the lay out of store and what where doing. I'm not selling any other food from there. As far as my truck goes, I'll keep doing what I do in Chicago where they don't bother nobody. Everyone one of those trucks sell open food and don't have none of the things that you all are asking me for. But again it's ok for all the other trucks I see that pull up to these jobs site and I'm sure they not registered with you all. And again open food on them all. That's not a food truck, so needing a mop sink is impossible, there's no floor to mop.

Sent from my iPhone

On Jun 8, 2022, at 9:02 AM, Ellyn Golden &lt;egolden@cityofevanston.org&gt; wrote:

Good Day Danielle

As indicated, not all codes referenced in the documents I referred to will apply to your type of business. I cannot design your layout for you; however, you are welcome to send me a drawing of your store showing where you intend to install the required equipment for the type of food service you intend to do and I can recommend the best way to proceed. If you think you may offer more than just nachos and hot dogs, please be specific. The food you are serving is minimal; however, the Health Department is responsible to make sure best FDA food service practices are followed by anyone offering food to the public. If we become aware of a truck or business that does not comply, that business will be required to comply or face a fine and/or closure.

Regards,  
Ellyn

On Tue, Jun 7, 2022 at 5:27 PM Danielle Dean &lt;windycityfitnessclub@gmail.com&gt; wrote:

Ellyn all I'm doing is selling Nachos and hot dogs, not understanding all this to sell some cheese and nacho Chips. I'm not building a restaurant. Spoke with Health inspector and you also. Even with the truck y'all asking for things that's not even possible on a catering truck. But yet The Latino truck drivers ride all threw Evanston warehouse and job sites with open food. The Contractor will go over paperwork and we figure it out. I'm not frying nothing, selling Nacho cheese & Hot dogs.

Sent from my iPhone

On Jun 7, 2022, at 4:48 PM, Ellyn Golden &lt;egolden@cityofevanston.org&gt; wrote:

Hello Again Danielle

As I discussed with the plumbing contractor. There is more involved than just adding a three compartment sink. To determine what your needs will be to be compliant with building, fire and health codes you need a detailed plan. You need to be very specific about what foods you will be adding and what equipment will be necessary. All equipment needs to be NSF or have an equivalent certification.

I recommend you send me a preliminary drawing of what you intend to add and where it will be located. Please draw to scale. The entire store should be shown (front and back space). Indicate what is current and what will be added or relocated.

Review the forms available on our [Food Establishment License](#) webpage. There is information that you will most likely need; however, they are good references.

- [Building Permit Process](#)

- [Food Establishment Facility Review Packet](#)
- [Food Service Design & Construction Manual 2019](#) (an excellent in depth reference)

As I said, your needs depend on what food you will be offering and how you will prepare it and maintain the cleanliness of equipment and your food establishment as a whole.

Please also keep in mind once you offer more than just pre-packaged food your business becomes a Risk 2 Category. One of the requirements is that there is a Certified Food Protection Manager. The person in charge (PIC) shall be a certified food protection manager who has shown proficiency in required information through passing a test that is part of an accredited program. This certified person, or persons, needs to be on site at all times. All other employees will need a Food Handler Certificate.

Regards,  
Ellyn

On Tue, Jun 7, 2022 at 2:42 PM Danielle Dean <[windycityfitnessclub@gmail.com](mailto:windycityfitnessclub@gmail.com)> wrote:  
Hey Ellyn.. so from our conversation earlier we are gonna go with the build out with the 3 stage sink. Contractor should be contacting you. If there's anything I need to do on my end please let me know.

Sent from my iPhone

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Ellyn Golden  
Licensing Coordinator  
Health & Human Services  
[2100 Ridge Avenue](#)  
[Evanston, IL 60201](#)  
[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)  
Phone: 847-866-2947  
FAX: 847-448-8134

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Ellyn Golden  
Licensing Coordinator  
Health & Human Services  
[2100 Ridge Avenue](#)  
[Evanston, IL 60201](#)  
[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)  
Phone: 847-866-2947  
FAX: 847-448-8134



Ellyn Golden &lt;egolden@cityofevanston.org&gt;

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**Re: Mobile Food Vendor Application**

1 message

**Kayvon Esteghamat** <WindyCityCoaches@gmail.com>

Tue, Jul 19, 2022 at 2:20 PM

To: Ellyn Golden &lt;egolden@cityofevanston.org&gt;

Cc: Greg Olsen &lt;golsen@cityofevanston.org&gt;

Hi Ellyn.

- The Dempster Snack Shop will be providing the products sold on the truck. We are planning on selling the snacks carried at the shop, everything prepackaged. I will fill out and submit the form attached if needed.
- Either Danielle Dean or myself will be driving the Truck.
- The nachos will be prepackaged, everything needed will be sealed and packed and opened by the customer. Nothing will be added or need to be assembled.
- The truck will be cleaned before and after each use and kept in the location provided in the form above.

Kayvon Esteghamat

On Mon, Jul 18, 2022 at 4:04 PM Ellyn Golden &lt;egolden@cityofevanston.org&gt; wrote:

Good Day Kayvon

Reviewing your application I have some questions and comments that need to be addressed before a license may be considered.

- You indicated the Dempster Snack Shop is your business. The owner of record is the Dempster Snack Shop Corporation, Danielle Dean. If he is the owner, then if you are using the snack shop as a commissary you would need to submit the [Rental/Shared Kitchen Form](#). Please also advise Danielle that according to the State of Illinois the corporation is not in good standing. That issue should be resolved, especially since the store also has tobacco sales.
- You indicated Dempster Snack Shop is also the commissary/supplier. Do you intend for the truck product inventory to be stored in and supplied directly from the store? If not, what is your plan?
- The drivers' license provided with the mobile vendor application is Danielle Dean. Will he be driving the truck? If not, please provide the correct license(s).
- You indicate pre-packaged nachos? Please describe this product. Pre-packaged means being sold with all contents pre-packaged when manufactured in a licensed food facility and only opened by the customer who purchased.
- Please describe how and where the truck will be stored, cleaned and sanitized.

In addition to codes regulated by the Health Department there are city parking codes. Where do you intend to park the truck?

- A food truck is prohibited from parking within 100 feet of a risk 1 or 2 food establishment
- Unlawful to peddle food products from a truck on public streets, sidewalks, public ways before 8:00 am and after 9:00 pm.
- May only park in lawful parking places (*You will need to designate locations and obtain approval from the parking division*)
- Not permitted on public streets within a given block for more than one period not to exceed 1/2 hour during any calendar day.
- Please refer to the [Mobile Vendor Restrictions Map](#). [1806 Dempster](#) is located in a Business District. No parking would be allowed in front of the store.

Regards,  
Ellyn

On Wed, Jul 13, 2022 at 2:24 PM Department of Health &amp; Human Services &lt;no-reply@wufoo.com&gt; wrote:

<b>Application Type *</b>	• New License
<b>Business Name as Displayed on the Vehicle or Cart</b>	Dempster Snack Shop
<b>Applicant Name</b>	Kayvon Esteghamat
<b>Applicant Address</b>	 <a href="#">8538 N Lotus Ave. Apt 609</a> <a href="#">Evanston, IL 60202</a> <a href="#">United States</a>
<b>Phone Number</b>	(847) 630-8257
<b>Email</b>	<a href="mailto:WindyCityCoaches@gmail.com">WindyCityCoaches@gmail.com</a>
<b>Does the food come from a supplier or a business the applicant owns?</b>	My Own Business
<b>Does the Applicant Own Rent or Lease the Food Truck/Cart</b>	Own
<b>Copy of Drivers' License, if motorized vehicle</b>	 <a href="#">kayvon_drivers_license.jpg</a> 2.98 MB · JPG
<b>License Plate Number on Truck</b>	2919151
<b>Commissary/Food Supplier</b>	Dempster Snack Shop
<b>Commissary/Food Supplier Phone Number</b>	(847) 630-8257
<b>List of Employees with ID or Drivers' License Numbers, if applicable</b>	 <a href="#">dee_license.jpg</a> 305.00 KB · JPG
<b>Address of Location where the food truck/cart is kept overnight.</b>	 <a href="#">5001 W Dempster St.</a> <a href="#">Morton Grove, Illinois 60053</a> <a href="#">United States</a>
<b>Items for Sale</b>	Chips Candy Drinks Pre-packaged nachos
<b>Photos of Exterior and Interior of Vehicle</b>	 <a href="#">truck03.jpeg.jpg</a> 4.39 MB · JPG
<b>Photos of Exterior and Interior of Vehicle</b>	 <a href="#">truck04.jpeg.jpg</a> 3.74 MB · JPG
<b>Risk Category Type Fees per Truck (if applicable):</b> \$479.00 Risk 2-- \$274.00 Risk 3	Risk 3 - All Foods Pre-Packaged, no assembly
<b>Upon approval of your license application</b>	

you will be receive an email with payment instructions.  
Select Risk Type

**GUIDELINES AND RESTRICTIONS FOR MOBILE VENDORS** • Yes

• Per Evanston City Code, Title 8, Chapter 8 Food Service and Retail Food Store

**Sanitation:**

o All food must be stored and served from pre-packaged containers.

o All food must be protected from any type of contamination.

o All food must be kept at the proper temperature:

Frozen Food: 0° or below

Cold Food: 41° or below

Hot Food: 135° or above

• Per Evanston City Code, Title 3, Business Regulations, Chapter 13 Peddlers and Solicitors

o No sales allowed before 8AM and not after 9PM

o No stopping in any block for more than 30 minutes per day

o No sales within 500 feet of any school (an even greater distance for the high school)

when school is in session.

o No sales on streets near the high school stadium when events are being conducted.

• Per Evanston City Code, Title 7 Public Ways Chapter 11-6 City Beaches and Boat Ramps

o No sales within 100 feet of the public parks. This includes the beaches.

• Per Evanston City Code, Title 10 Motor Vehicles and Traffic

o No parking of any vehicle upon the street in a business district in order to make sales.

I have a copy of the City of Evanston Map of Restricted Areas for Mobile Vendors.

By submitting this form, I agree to the terms of the Mobile Food Vendor License and certify that I intend to conduct all mobile vending operations in compliance with all City ordinances.

--  
  
Ellyn Golden  
Licensing Coordinator  
Health & Human Services  
[2100 Ridge Avenue](#)

Evanston, IL 60201  
[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)  
Phone: 847-866-2947  
FAX: 847-448-8134

# Mobile Food Vendor Application

#43

<b>Application Type *</b>	• New License
<b>Business Name as Displayed on the Vehicle or Cart</b>	Dempster Snack Shop
<b>Applicant Name</b>	Danielle Dean
<b>Applicant Business Name (if applicable)</b>	
<b>Applicant Address</b>	 339 Howard St. #202 Evanston, IL 60077 United States
<b>Phone Number</b>	(847) 630-8257
<b>Email</b>	<a href="mailto:WindyCityCoaches@gmail.com">WindyCityCoaches@gmail.com</a>
<b>Does the food come from a supplier or a business the applicant owns?</b>	My Own Business
<b>Does the Applicant Own Rent or Lease the Food Truck/Cart</b>	Own
<b>Copy of Drivers' License, if motorized vehicle</b>	 <a href="#">dee_license.jpg</a> 305.00 KB · JPG
<b>License Plate Number on Truck</b>	2919151
<b>Commissary/Food Supplier</b>	Dempster Snack Shop
<b>Commissary/Food Supplier Phone Number</b>	(312) 709-7713
<b>Letter from Commissary verifying use of their facility</b>	
<b>Most recent inspection report for commissary (Not required if commissary licensed in Evanston)</b>	
<b>List of Employees with ID or Drivers' License Numbers, if applicable</b>	 <a href="#">kayvon_drivers_license.jpg</a> 2.98 MB · JPG
<b>Address of Location where the food truck/cart is kept overnight.</b>	 5001 W Dempster St. Morton Grove, Illinois 60053 United States
<b>Items for Sale</b>	Chips Candy Drinks Pre-packaged nachos
<b>Photos of Exterior and Interior of Vehicle</b>	<a href="#">truck03.jpeg.jpg</a> 4.39 MB · JPG




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**Photos of Exterior and Interior of Vehicle**

[truck04.jpeg.jpg](#)

3.74 MB · JPG

**Risk Category Type Fees per Truck (if applicable):**  
**\$479.00 Risk 2-- \$274.00 Risk 3**

Risk 3 – All Foods Pre-Packaged, no assembly

Upon approval of your license application you will be receive an email with payment instructions.  
 Select Risk Type

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**GUIDELINES AND RESTRICTIONS FOR MOBILE VENDORS** • Yes

- Per Evanston City Code, Title 8, Chapter 8 Food Service and Retail Food Store Sanitation:
  - o All food must be stored and served from pre-packaged containers.
  - o All food must be protected from any type of contamination.
  - o All food must be kept at the proper temperature:
    - Frozen Food: 0° or below
    - Cold Food: 41° or below
    - Hot Food: 135° or above
- Per Evanston City Code, Title 3, Business Regulations, Chapter 13 Peddlers and Solicitors
  - o No sales allowed before 8AM and not after 9PM
  - o No stopping in any block for more than 30 minutes per day
  - o No sales within 500 feet of any school (an even greater distance for the high school) when school is in session.
  - o No sales on streets near the high school stadium when events are being conducted.
- Per Evanston City Code, Title 7 Public Ways Chapter 11-6 City Beaches and Boat Ramps
  - o No sales within 100 feet of the public parks. This includes the beaches.
- Per Evanston City Code, Title 10 Motor Vehicles and Traffic
  - o No parking of any vehicle upon the street in a business district in order to make sales.

I have a copy of the City of Evanston Map of Restricted Areas for Mobile Vendors.

By submitting this form, I agree to the terms of the Mobile Food Vendor License and certify that I intend to conduct all mobile vending

**operations in compliance with all City ordinances.**

<p>Created <b>28 Jul 2022</b> 9:37:56 AM</p>	<p><b>24.136.12.191</b> IP Address</p>
<p><b>PUBLIC</b></p>	



Ellyn Golden &lt;egolden@cityofevanston.org&gt;

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**Re: New Dempster Snack Shop Mobile Food Vendor Application**

1 message

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**Ikenga Ogbo** <iogbo@cityofevanston.org>  
To: Ellyn Golden <egolden@cityofevanston.org>  
Cc: Greg Olsen <golsen@cityofevanston.org>

Fri, Jul 29, 2022 at 12:47 PM

Good day, Ellyn-

I see, we cannot recommend what is not in our jurisdiction but we can get an opinion. I will talk to Greg and keep you posted.

Thank you and continue to have a pleasant day.

Ike C. Ogbo  
Director  
Health & Human Services  
City of Evanston  
847-448-8289(Phone)  
iogbo@cityofevanston.org

**2021 All-America City | 2021 What Works Cities Silver Certified**

On Fri, Jul 29, 2022 at 12:37 PM Ellyn Golden <egolden@cityofevanston.org> wrote:

Good Day Ike  
The parking lot is a public CTA station lot in Skokie, not Evanston - Yellow Line/Skokie Swift.  
Ellyn

On Fri, Jul 29, 2022 at 12:28 PM Ikenga Ogbo <iogbo@cityofevanston.org> wrote:

Good day, Greg—

I hope this message finds you well. Please find out from Mike or Maricella if the parking lot is allowed for the proposed use. If it is, I want a written note from the owners allowing it.

Thank you and continue to have a pleasant day.

Ike C. Ogbo  
Director  
Health & Human Services  
City of Evanston

847-448-8289(Phone)

iogbo@cityofevanston.org



**WHAT  
WORKS  
CITIES**  
SILVER 2021

**2021 All-America City | 2021 What Works Cities Silver Certified**

On Fri, Jul 29, 2022 at 11:52 AM Ellyn Golden <[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)> wrote:

Carly is still waiting for follow up on dumpsters. She plans to stop by next Wednesday to see if they obtained them. Instructions were given through 311 to contact Groot.

I know there is no open food on the truck, only pre-packaged, but are we ok with the Skokie Swift parking as the location to store the truck and cleaning & sanitizing plan at the car wash?

While both locations mentioned appear to be allowable according to the restriction map, I also will confirm with Maricela & Mike from Parking whether the proposed locations are acceptable.

Kayvon's response to my questions:

*The location I mentioned (Skokie Swift Parking Lot) is not affiliated with a food establishment, it is where we have the car overnight. We will be cleaning and sanitizing the vehicle before and after each use, there is a local car wash on Dempster and Dodge that we will use for thorough cleaning.*

*Some of the locations we're looking to sell are near Dempster and Asbury, and Emerson and Chicago.*

Ellyn

On Thu, Jul 28, 2022 at 2:01 PM Greg Olsen <[golsen@cityofevanston.org](mailto:golsen@cityofevanston.org)> wrote:

Hi,

From Carly's last inspection, it looks like she didn't see any non pre-packaged food. It didn't seem like the Police had been involved a bunch since they only received one complaint. We can continue the license process and stop it if they still have violations.

**Greg Olsen, MPH**

**Public Health Manager**

Health & Human Services Department

Morton Civic Center

City of Evanston

2100 Ridge Avenue | Evanston, IL 60201 | 847-866-2961

[golsen@cityofevanston.org](mailto:golsen@cityofevanston.org) | [cityofevanston.org](http://cityofevanston.org)



**WHAT  
WORKS  
CITIES**  
SILVER 2021

**2021 All-America City | 2021 What Works Cities Silver Certified**

On Thu, Jul 28, 2022 at 10:08 AM Ellyn Golden <[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)> wrote:

Greg  
 Application in Danielle's name instead of Kayvon. I only get responses to some of my questions each time he emails me. Not all of them. I will send the one's from yesterday now. But, are we considering this application while there are open complaints and violations for this business?  
 Ellyn

----- Forwarded message -----

From: **Department of Health & Human Services** <[no-reply@wufoo.com](mailto:no-reply@wufoo.com)>  
 Date: Thu, Jul 28, 2022 at 9:37 AM  
 Subject: Mobile Food Vendor Application  
 To: <[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)>

<b>Application Type *</b>	• New License
<b>Business Name as Displayed on the Vehicle or Cart</b>	Dempster Snack Shop
<b>Applicant Name</b>	Danielle Dean
<b>Applicant Address</b>	 <a href="#">339 Howard St. #202</a> <a href="#">Evanston, IL 60077</a> <a href="#">United States</a>
<b>Phone Number</b>	(847) 630-8257
<b>Email</b>	<a href="mailto:WindyCityCoaches@gmail.com">WindyCityCoaches@gmail.com</a>
<b>Does the food come from a supplier or a business the applicant owns?</b>	My Own Business
<b>Does the Applicant Own Rent or Lease the Food Truck/Cart</b>	Own
<b>Copy of Drivers' License, if motorized vehicle</b>	 <a href="#">dee_license.jpg</a> <small>305.00 KB · JPG</small>
<b>License Plate Number on Truck</b>	2919151
<b>Commissary/Food Supplier</b>	Dempster Snack Shop
<b>Commissary/Food Supplier Phone Number</b>	(312) 709-7713
<b>List of Employees with ID or Drivers' License Numbers, if applicable</b>	 <a href="#">kayvon_drivers_license.jpg</a> <small>2.98 MB · JPG</small>
<b>Address of Location where the food truck/cart is kept overnight.</b>	 <a href="#">5001 W Dempster St.</a> <a href="#">Morton Grove, Illinois 60053</a> <a href="#">United States</a>
<b>Items for Sale</b>	Chips Candy Drinks Pre-packaged nachos

Photos of Exterior and Interior of Vehicle



[truck03.jpeg.jpg](#)  
4.39 MB · JPG

Photos of Exterior and Interior of Vehicle



[truck04.jpeg.jpg](#)  
3.74 MB · JPG

Risk Category Type Fees per Truck (if applicable):  
\$479.00 Risk 2-- \$274.00 Risk 3

Risk 3 - All Foods Pre-Packaged, no assembly

Upon approval of your license application you will be receive an email with payment instructions.  
Select Risk Type

**GUIDELINES AND RESTRICTIONS FOR MOBILE VENDORS**

- Yes

• Per Evanston City Code, Title 8, Chapter 8 Food Service and Retail Food Store Sanitation:

- o All food must be stored and served from pre-packaged containers.
- o All food must be protected from any type of contamination.
- o All food must be kept at the proper temperature:

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- Cold Food: 41° or below
- Hot Food: 135° or above

• Per [Evanston](#) City Code, Title 3, Business Regulations, Chapter 13 Peddlers and Solicitors

o No sales allowed before 8AM and not after 9PM

o No stopping in any block for more than 30 minutes per day

o No sales within 500 feet of any school (an even greater distance for the high school)

when school is in session.

o No sales on streets near the high school stadium when events are being conducted.

• Per Evanston City Code, Title 7 Public Ways Chapter 11-6 City Beaches and Boat Ramps

o No sales within 100 feet of the public parks. This includes the beaches.

• Per Evanston City Code, Title 10 Motor Vehicles and Traffic

o No parking of any vehicle upon the street in a business district in order to make sales.

I have a copy of the City of Evanston Map of Restricted Areas for Mobile

**Vendors.**

**By submitting this form, I agree to the terms of the Mobile Food Vendor License and certify that I intend to conduct all mobile vending operations in compliance with all City ordinances.**

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Ellyn Golden  
Licensing Coordinator  
Health & Human Services  
[2100 Ridge Avenue](#)  
[Evanston, IL 60201](#)  
[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)  
Phone: 847-866-2947  
FAX: 847-448-8134

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Phone: 847-866-2947  
FAX: 847-448-8134



Melissa Klotz &lt;mklotz@cityofevanston.org&gt;

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## Dempster Snack Shop

1 message

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**Ellyn Golden** <egolden@cityofevanston.org>  
To: Melissa Klotz <mklotz@cityofevanston.org>

Mon, May 15, 2023 at 10:33 AM

Good Day Melissa

I've been in communication (emails and phone calls) with Danielle Dean since 2019 when he inquired about a smoothie bar in his fitness facility at 333 Howard. Then in May, 2020 going through Paulina Martinez, Deputy City Manager, he inquired about using Fleetwood Jourdain as a shared kitchen to operate his catering food truck. He applied for a mobile food vendor license under the business Doggie Bags Catering, but never provided sufficient documentation to issue the license. After that he opened Dempster Snack Shop.

The Dempster Snack Shop mobile food vendor license applied for in July, 2022 was submitted with Kayvon Esteghamat as the applicant then with Danielle as the applicant

Attached are copies of those applications and a sampling of emails. Some may be duplicates of what I sent you before. You already are aware of the miscommunication regarding the building of 1806 and [1808 Dempster](#) and permit 22INTC-0409.

Regards,  
Ellyn

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Ellyn Golden  
Licensing Coordinator  
Health & Human Services  
[2100 Ridge Avenue](#)  
[Evanston, IL 60201](#)  
[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)  
Phone: 847-859-7676  
FAX: 847-448-8134

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### 10 attachments

-  **7-8-2022 Resident Complaint.docx**  
14K
-  **7-18-2022 Yvette (Business Neighbor) 7-18-22 Complaint.pdf**  
74K
-  **7-8-2022 Danielle Dean Emails - Re\_ Build out.pdf**  
105K
-  **5-26-2022 Email to Danielle Dean.pdf**  
404K
-  **7-13-2022 Dempster Snack Shop Mobile Food Vendor License Application.pdf**  
1580K
-  **7-28-2022 Dempster Snack Shop Mobile Food Vendor License Application.pdf**  
1583K
-  **7-19-2022 - Re\_ Mobile Food Vendor Application.pdf**  
1471K

 **7-29-2022 - Re\_ New Dempster Snack Shop Mobile Food Vendor Application.pdf**  
1577K

 **8-13-2021 Doggie Bags Catering Mobile Food Vendor License Application.pdf**  
1560K

 **11-18-2020 Doggie Bags Catering Mobile Food Vendor License Application.pdf**  
1573K

Complaint 7-8-22

From: **Karen** <[karensnappe@gmail.com](mailto:karensnappe@gmail.com)>

Date: Fri, Jul 8, 2022 at 5:23 PM

Subject: Dempster Snack Shop is chaos!

To: [egolden@cityofevanston.org](mailto:egolden@cityofevanston.org) <[egolden@cityofevanston.org](mailto:egolden@cityofevanston.org)>, <[iogbo@cityofevanston.org](mailto:iogbo@cityofevanston.org)>, <[police@cityofevanston.org](mailto:police@cityofevanston.org)>

Hello!

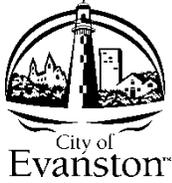
I am a Evanston resident for over 60 years and I am writing because a new business has opened in my neighborhood, Dempster Snack Shop, and has caused nothing but chaos. There's people that are always hanging outside and smoking weed and drinking alcohol pouches that are being sold inside of the facility. Also there's a food truck that is selling food off it inside and outside of the store. I even saw a flyer for the food being sold. Is this legal? I just am a concerned community member and want to make sure the laws are being taken into consideration. Thanks!

Karen Snappe

2023 Omnibus Text Amendment Package

Text Amendment  
23PLND-0006

LUC Recommending Body



# Memorandum

To: Chair and Members of the Land Use Commission

From: Melissa Klotz, Zoning Administrator  
Megan Jones, Neighborhood Planner  
Katie Ashbaugh, AICP, Planner  
Cade W. Sterling, Planner

CC: Sarah Flax, Director of Community Development  
Elizabeth Williams, Planning Manager

Subject: Zoning Ordinance Text & Map Amendment  
Omnibus Text & Map Amendment 2023,  
23PLND-0006

Date: May 19, 2023

## **Request**

City initiated Text Amendment to the Zoning Ordinance, Title 6 of the City Code, for an Omnibus Text Amendment Package relating to the following:

1. Amend the definition and applicability of Unified Comprehensive Sign Plans and establish a review process with the Land Use Commission as the final determining body (Chapters 3, 19).
2. Modify eligible Major and Minor Variations related to signs and establish Standards for Approval for Major and Minor Variations related to signs (Chapters 3, 19).
3. Amend the TOD (Transit Oriented Development) Area definition to encompass a consistent and predictable distance from mass transit lines (Section 6-18-3).
4. Clarify language and procedures for continuance requests to public hearings (Chapter 3).
5. Modify the Unique Use process into a Unique Adaptive Use process that is eligible to historic and non-historic properties (Section 6-3-7, Section 6-18-3).
6. Clarify language that prohibits curb cuts to the street when alley access is present in Residential Districts (Chapter 8).
7. Clarify accessory structure required setbacks and yards in non-residential districts (Section 6-4-6).
8. Clarify open parking required setbacks and yards also apply to loading berths (Section 6-4-6, Chapter 16).

9. Clarify definitions, yards, and setbacks for Patios and Terraces (Section 6-18-3, Section 6-4-6).
10. Establish a Mixed-Use Market as an eligible principal use in non-residential and non-university districts (Title 6, Section 6-18-3).
11. Modify the existing Apartment Hotel use and/or definition for clarity (Section 6-18-3, Section 6-8-8, Section 6-11-4).
12. Clarify and modify the process for Adjustments to Development Plans for Planned Developments (Section 6-3-6-12).

The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Zoning Code Section 6-3-4-5.

### **Notice**

The Application has been filed in conformance with applicable procedural and public notice requirements including publication in the Evanston Review on May 4, 2023.

### **Analysis**

#### *Background:*

Similar to past yearly omnibus text amendments processed and successfully adopted, the Planning & Zoning staff and members of the Land Use Commission have identified several amendments to the Zoning Ordinance that should be addressed to either provide clarification on existing policies, or simple modification to the code to address today's best land use practices.

The new Comprehensive Plan and Zoning Ordinance are in the beginning stages, with the City currently in the stage of selecting a consulting firm to collaborate with. The new Zoning Ordinance is anticipated in approximately 24 months. The following text amendments are necessary now and should not wait for the new Zoning Ordinance.

#### *Proposal Overview:*

Descriptions of each amendment are listed below. Most of the amendments requested are simple and only need a short explanation, so draft ordinance wording is not included. A few of the text amendments require specific wording changes and have proposed draft ordinance wording included. Staff requests review of all 12 proposed amendments in one discussion so that they remain as one package that reduces the Commission's review time, staff's preparation time, and the City Council's time in the final determination steps. If any single amendment proposed, or portion thereof, generates significant discussion and warrants additional information, staff requests that specific amendment be removed from the omnibus request so that the remaining amendments may continue to move forward in the process.

1. Amend the definition and applicability of Unified Comprehensive Sign Plans and establish a review process with the Land Use Commission as the final determining body ([Chapters 3, 19](#)).

The Sign Code was moved out of the Building Ordinance and into the Zoning Ordinance as part of the 2022 omnibus text amendment package to align with best practices and signage regulation/enforcement via zoning, similar to many surrounding communities. The existing regulations that were moved featured an unclear process and unclear definitions related to Unified Comprehensive Sign Plans. Staff suggests the following clarifications to establish a process where the Land Use Commission is the determining body for the adoption of Unified Comprehensive Sign Plans:

~~Unified Comprehensive Sign Plan - A plan providing specific sign type, number, placement, size, height, and design requirements for development located on premises for which unique design considerations for signs may be considered and applicable. set of criteria and a format approved by the Land Use Commission for all signs to be located on the premises of a Unified Business Center.~~

~~Directory Sign - A sign intended for viewing while within a premises, either by pedestrians or those driving vehicles, and is not legible from a public right-of-way which indicates the name and/or address of the occupants of a premises accommodating multiple occupants.~~

~~Unified Business Center - A premises containing four (4) or more individual nonresidential occupancies sharing a common building.~~

Staff suggests Unified Sign Plans could be established in the following scenarios:

- Frontage along two or more public rights away (excluding alleys).
- 200 feet or more of frontage.
- Three (3) or more tenant spaces within one building on a premises.
- Two or more buildings on a premises.
- Consist of 75,000 square feet or more of land area.
- A complete application for a planned development has either been filed or has been approved for more than half or all of the premises.
- Premises with unique property or building characteristics that may result in signage that does not otherwise meet the requirements of the Sign Code.

Staff suggests Unified Sign Plans be limited to one Primary Sign with regulations that are similar to other existing portions of the Sign Code. The Primary Sign could be regulated as follows:

- One freestanding sign per premises that does not exceed 0.1% of the lot area of the premises nor a maximum of 120 sq. ft.
- Counts as one of the allowed freestanding signs on the premises for properties that are allowed more than one freestanding sign.
- Conforms with all other signage regulations.

A Unified Sign Plan request would include the format for all signs to be used on the premises in the center, including maximum size, color, location, illumination details, lettering type, mounting details, and (if any) landscaping details. A Unified Sign Plan request would then proceed through a process similar to the major variation process (500 ft. public notice radius, public hearing with the Land Use Commission, final determination by the Land Use Commission).

2. Modify eligible Major and Minor Variations related to signs and establish Standards for Approval for Major and Minor Variations related to signs ([Chapters 3, 19](#)).

When the Sign Code was moved out of the Building Ordinance and into the Zoning Ordinance, sign variations transitioned to the already-established minor and major variation processes, including the existing minor and major Standards for Approval. Once the change was implemented and multiple signage requests were reviewed by staff that would trigger variations, it was determined the Standards for Approval are not appropriate for the regulation of signs. As written, the minor and major Standards for Approval may (and likely would) be interpreted in a way that no signage variation request could be granted. Interpretation of the existing Standards for signage has effectively brought all sign variation requests to a halt over the last year; the only sign variation that proceeded was the UL tall building signage that proceeded on to the City Council for a final determination due to the height requested.

Additionally, as part of the 2022 move of the Sign Code, potential sign variations were split into minor and major variations depending on the requests. The split was based on past data of sign variations applied for and approved vs. denied. Once implemented, staff found far more sign variations triggered based on a more comprehensive interpretation of the sign regulations via a zoning lens, with an end result that a significant amount of sign applications triggered major variations.

Staff suggests shifting all sign variation requests to the minor variation process that is already established within the Zoning Ordinance. Most sign variation requests are for small-scale signage (ie. blade signs, storefront signs, small freestanding signs) that are not highly impactful and should not proceed through a 90-day major variation process. The minor variation process takes approximately 30 days, and determinations may be appealed to the Land Use Commission.

Staff also suggests establishing separate Standards for Approval for Signs that are more appropriate given the original intent of signage as an advertising agent:

1. Hardship. The proposed variation will alleviate some demonstrable and unusual hardship that arises due to factors including, but not limited to, location, site configuration, and/or building configuration.

2. No Prohibited Signs. The relief is not for any sign specifically prohibited by Section 6-19-6.
3. Not Harm Public Welfare. The proposed variation will not be materially detrimental to the public welfare.
4. Consistent with Intent. The proposed variation promotes the purpose of the Sign Regulations set forth in Section 6-19-2 of this Chapter.

These proposed Standards for Approval for Signs are based off of the previous Standards that existed for sign variations when they were located within the Building Code and are more appropriate for signage requests and evaluations. Minor variations for signs will continue to follow the established minor/fence variation process, but could be determined based on the above proposed Standards.

3. Amend the TOD (Transit Oriented Development) Area definition to encompass a consistent and predictable distance from mass transit lines ([Section 6-18-3](#)).

The existing TOD Area definition was added to Title 6, Section 6-18-3, to be consistent with definitions provided in Title 5, specifically as they related to the Inclusionary Housing Ordinance (ordinance 117-O-16). The definition does not state a boundary distance for TOD areas, however, TOD area maps were generated which explained the distance to be  $\frac{1}{8}$  mile from a transit station and  $\frac{1}{4}$  mile from a transit station along a commercial corridor (e.g. Main Street, Central St., Chicago Ave., etc.). This distance is referenced within the City's 2017 TOD parking study as the metric for TOD areas and ultimately led to parking requirement updates for these areas. Applicable regulations have since been applied to developments within these boundaries.

Staff proposes to update the definition to explicitly state the applicable distance from a transit station (rail only) that applies to the City's TOD areas, specifically:

**TOD Area:** The area that has the designation for an identified transit station and the area that is  $\frac{1}{8}$  mile from said station and  $\frac{1}{4}$  mile from said station along a commercial corridor. The area provides for development that is compatible with and supportive of public transit and a pedestrian-oriented environment.

4. Clarify language and procedures for continuance requests to public hearings ([Chapter 3](#)).

The Land Use Commission Rules (previously and since the most recent amendment) state requests for continuances to public hearings *may* be granted, while similar language within the Zoning Ordinance states continuances to public hearings *shall* be granted. In this instance, *may* means optional while *shall* means must. In the case of a conflict between the LUC Rules and the Zoning Ordinance, the Zoning Ordinance takes effect. Therefore, in order to follow the

intended language of the LUC Rules with *may*, a text amendment to the Zoning Ordinance is needed.

The intent of establishing continuance requests as optional (*may* language) and up to the LUC is due to past public hearing experiences. In past years, continuances have, at times, been requested as a means to lengthen the zoning entitlement process for applicants. In those instances, continued meetings did not include any new information or testimony. By changing the Rules to *may* language (done in the past to the Plan Commission Rules and continued over to the LUC Rules), continuance requests could be evaluated based on their specifics and true need for additional time vs. use of a continuance as a stalling tactic. The change worked well until it was realized the wording is in conflict with the Zoning Ordinance wording of *shall*. State law does not require specifics on which word (and intent) is required, therefore a text amendment to align the use of *may* for the granting of continuance requests is appropriate and clarifies past practice.

5. Modify the Unique Use process into a Unique Adaptive Use process that is eligible to historic and non-historic properties ([Section 6-3-7](#), [Section 6-18-3](#)).

The existing R1 - Residential Preservation Unique Use is restrictive to the point of obsolescence – being used only once since its adoption, to redevelop the former District-65 headquarters at the northwest corner of Ridge Avenue and Dempster Street. Modifications to the Unique Use Process seek to facilitate the reuse of both historic and non-historic properties, most commonly buildings of assembly and institutional or industrial uses. The modifications further seek to remove common barriers to adaptive use to incentivize use of this code, offset rehabilitation costs, and increase overall project feasibility.

Adaptive use is a central tenet of preservation planning, but should not be limited to historically designated buildings. Allowing flexibility in the adaptive use of existing structures, both historic and non-historic, achieves climate resilience goals through retention of embodied energy, diversion of landfill waste, and a reduction in carbon footprint associated with new construction. Adaptive use further achieves affordability, economic development, and housing goals through diversified housing typologies and uses, while retaining human-scaled built fabric associated with Evanston's identity and its residents collective memories of place.

Proposed modifications to the existing code include the following updates:

- Expand Unique Adaptive Use eligibility to non-historic structures.
- Expand Unique Adaptive Use eligibility to all zoning districts.
- Reduce process from Planned Development requirements (ie. mailing radius and Standards for Approval) to Special Use requirements (noting a Planned Development could also be triggered if new

structures/additions are proposed in conjunction with the Unique Adaptive Use).

- Elimination of parking requirement (noting sites are typically built up and additional parking is not feasible; and subject to Special Use approval that may require additional or off-site parking as a condition).

Staff is aware of a variety of properties that are currently seeking redevelopment that would benefit from the updated Unique Adaptive Use process, including multiple religious institutions that are looking to downsize or sell existing structures (ex. 2715 Hurd).

6. Clarify language that prohibits curb cuts to the street when alley access is present in Residential Districts ([Chapter 8](#)).

The Zoning Ordinance currently states that any zoning lot in the R1, R2, R3, and R4a District (low-density residential) that is served by an alley is prohibited from establishing a driveway/curb cut through the front yard. The code states:

In the [R1, R2, R3, R4a] district on any zoning lot served by an open alley, access to any on site parking, enclosed or unenclosed, shall not cross the front lot line subject to the following exception: On properties improved with legally existing street loading garages or other on site parking both served by legally existing curb cuts, as of the effective date hereof, said street loading garages or other on site parking may be replaced even if on site parking can access the subject property by an alley.

The regulation is intended to limit driveways that cross public sidewalks and have direct street access when there is a safer option available. Curb cuts to the street disrupt the public sidewalk and increase the chance for conflict between pedestrians and vehicles. The Zoning Ordinance does not require elimination of an existing driveway to a street, and any existing curb cut and driveway may be maintained and resurfaced.

The wording of the regulation does not contemplate corner properties and the potential for curb cuts along the street side yard (rather than the front yard). Following a recent application for a curb cut for a driveway along a street side yard at a property with alley access, staff determined the intent of the regulation is to limit curb cuts to the extent possible, including along a street side yard, and therefore requests modification to the existing requirement to add language to include "or street side yard" to the curb cut prohibition.

7. Clarify accessory structure required setbacks and yards in non-residential districts ([Section 6-4-6](#)).

Within the Zoning Ordinance, each individual zoning district features a table that lists required setbacks. Residential District tables feature setbacks for the following:

Residential Structures (principal)  
Non-residential Structures (principal)  
Accessory Uses and Structures

Additional regulations for accessory uses and structures in residential districts are provided in Chapter 4, including what yards accessory structures are allowed within, and including reduced side yard setbacks for accessory structures located in rear yards (3' required instead of 5').

Non-residential districts also list setbacks. However, non-residential districts do not list required setbacks for accessory uses and structures. Additional regulations for accessory uses and structures in non-residential districts are provided in Chapter 4 as well, including what yards accessory structures are allowed within, and including a 5' alley setback requirement for structures used for required parking.

The Zoning Ordinance is silent regarding required setbacks in non-residential districts (other than the 5' alley setback requirement for structures used for required parking). Past policy established by zoning is that non-residential accessory structure setbacks are the same as residential accessory structure setbacks (typically 5' for side yards and 3' for rear yards; except for structures used for parking). There are non-residential districts that feature reduced setback requirements (including 0' setbacks). In those instances, it is unclear if the required setback should be interpreted as similar to residential requirements, or if the required setback should be interpreted as further reduced to follow the principal structure/building envelope setbacks. If interpreting the regulation to follow the principal structure/building envelope setbacks, rear yards (which typically feature increased principal structure setbacks) would be much more limited.

Staff requests clarification that non-residential accessory structures (excluding structures used for required parking) should follow the accessory structure setbacks for residential districts, or principal structure setbacks for the specific non-residential district, whichever is less. The clarification should be codified in the setback table for each zoning district.

8. Clarify open parking required setbacks and yards also apply to loading berths ([Section 6-4-6](#), [Chapter 16](#)).

Open parking setbacks are listed within the setback table for each zoning district in the Zoning Ordinance. Open parking is typically allowed in rear yards only, and with 5' setbacks, though it does vary slightly by district.

Loading berths are required for larger developments, based on use and square footage. Loading berth requirements depend on small (10' x 35') or large (12' x

50'), and may only be open to the air when located in rear yards. There is no mention of loading berth setbacks.

It is logical to apply open parking setbacks to open loading berths (enclosed loading berths are regulated by building setbacks as part of the building envelope). This will most often apply to rear yard setbacks, but may apply to other yard setbacks in conjunction with a variation/site development allowance to be open to the air in said yard(s). Staff requests a codified clarification that open parking setbacks also apply to open loading berths.

9. Clarify definitions, yards, and setbacks for Patios and Terraces ([Section 6-18-3](#), [Section 6-4-6](#)).

The Zoning Ordinance features regulations for both patios and terraces, including the following:

Patio - A portion of a lot which is improved with a hardscape material at grade detached anywhere on a lot or attached to the house in side or rear yards.

Terrace - An uncovered outdoor surface attached to the building and located between the building and the right-of-way. When roofed, a terrace shall be considered a porch.

The two uses and their similar but different definitions, combined with different yard and setback regulations (or absence thereof) regularly create confusion for applicants and staff.

The accessory structure yard chart (Table 4-A in the Zoning Ordinance) includes the following regulations (with decks included for reference) for accessory structures (attached to the principal structure or freestanding) relating to principal structure setbacks. Staff suggests the following modifications:

	Allowed in Required Yard			Allowed in Residential or Commercial
Deck			Rear	Both
Terraces at grade	Front (and Street Side)	Side	Rear	Both
Patio			Rear	Both

Since Table 4-A regulates both attached and freestanding uses/structures (which is clarified in the table sub-description), the title of Section 6-4-6-3 (in which the table is located) should be clarified and changed to:

6-4-6-3. - Allowable Accessory Uses and Structures (~~Detached from Principal Structure~~)

Staff also suggests elimination of the definition of Terrace so that the use no longer exists within the Zoning Ordinance and such structures/uses are only regulated as Patios, with a new and simplified Patio definition of:

~~Terrace – An uncovered outdoor surface attached to the building and located between the building and the right of way. When roofed, a terrace shall be considered a porch.~~

Patio - An unroofed area improved with a hardscape material that is not a walkway or open parking space and is intended for recreational use.

Altogether, the proposed modifications do not change the policy or intent of any existing regulations. Front yard terraces are effectively front porches, and side and rear yard terraces are effectively patios. Patios are allowed in side yards only when attached to the principal structure and outside of the required side yard principal structure setback (typically 5'), and are allowed within a required rear yard principal structure setback (typically 30') per the chart above, or within any other part of the rear yard as long as 3' setbacks to all properties remain (similar to other accessory structures including decks).

10. Establish a Mixed-Use Market as an eligible principal use in non-residential and non-university districts ([Title 6, Section 6-18-3](#)).

A mixed-use market is intended to be a multi-business facility that features a variety of uses that are retail or service oriented in nature. The variety of businesses, which are often unique business models that are not easily classified within the Zoning Ordinance, and which may be pop-up or start-up businesses, draw patrons to one central location which helps all of the businesses while also keeping costs down, much like a traditional suburban mall.

Mixed-use markets often exist in repurposed warehouse or industrial buildings that feature significant indoor square footage that would otherwise sit vacant. Mixed-use markets are regulated on the whole by zoning, rather than by each specific individual use. Since the Zoning Ordinance does not currently contemplate a mixed-use market as an eligible use in any district, every individual business must comply as a permitted/administrative review/special use in the district in which the market is located. A potential zoning definition for the use could be:

Mixed-Use Market - One facility that features a variety of sub-uses, often start-ups and unique or innovative local businesses, that encourage cross-patronage in one experience. Some sub-uses may not be listed or eligible uses within the zoning district the facility is located, but may be allowed

when the majority of the sub-uses are retail, restaurant, and/or service oriented in nature.

Evanston does have properties that could benefit from this type of regulation. For example, in 2021, a mixed-use market concept requested special use approval for a Business/Vocational School in addition to six other permitted uses. The Business/Vocational School use triggered the special use requirement. It would have been more appropriate for the entire mixed-use market model to trigger a zoning process since the Business/Vocational School was only 1/7th of the businesses intending to operate in the nearly 12,000 sq. ft. space. The overall impact considered in the special use process (see 2021 [ZBA Packet \(p.69\)](#) and [Minutes](#)) was related to the entire mixed-use market business model. In this instance, given the intensity of the proposed uses (estimated at nearly 100 combined employees and customers at any one time) in a non-retail oriented (industrial) area adjacent to low-density residential uses and not within a transit or pedestrian-oriented area, the special use process was helpful for establishing appropriate conditions for operation. The special use was approved by Ordinance 34-O-21, including conditions, but the business model has not opened to date.

Another example is 2510 Green Bay Road, commonly known as the Hack Studio building, requested three special uses in 2019: one for commercial indoor recreation (group boxing studio), a banquet hall, and commercial indoor recreation (escape room). Both requests for commercial indoor recreation were granted, and the banquet hall use was withdrawn prior to City Council among opposition from adjacent property owners due to concerns regarding noise and parking for large events. The approved special uses did not include additional conditions. Both businesses are currently in operation, and other businesses including multiple office uses operate within the nearly 15,000 sq. ft. facility.

Recently, Foxtrot, a smaller chain business with locations in Chicago, has expressed interest in locating in downtown Evanston. Foxtrot is a unique business model that combines a grocery store, convenience store, quick-serve restaurant, full-service bar, with indoor and outdoor seating. The business does not fit any one existing zoning definition, and could be regulated as a Mixed Use Market.

Other communities have found success in repurposing large indoor areas for mixed-use markets. For example, [Time Out Market](#) in Chicago brings 18 restaurants together in a 50,000 square foot area that is highly successful as an eatery destination. A variety of other successful mixed-use markets exist within the Fulton Market District/West Loop area of Chicago that previously served as a meat-packing and warehousing area. The City of Chicago regulates the area under the [Fulton Market Innovation District Plan](#), which includes historic preservation, design guidelines, streetscape improvements, and zoning regulations that include overlay districts that allow expanded residential and

commercial uses now, with requirements for rezoning or planned developments at larger sites.

The following zoning regulations are proposed based on the intent and common uses of each zoning district, and the need to add conditions for approval when the use is larger/more impactful:

	B1, B1a, B2, B3	C1, C1a, C2	D1, D2, D3, D4, RP	O1	Ms	Is	oCSC	oWE- WE1
Mixed Use Market - 7,500 sq. ft. or less	A	P	P	A	P	P	A	P
Mixed Use Market - more than 7,500 sq. ft.	S	A	P	S	A	A	S	A
Mixed Use Market - more than 20,000 sq. ft.			S					

Suggested zoning regulations are based on 7,500 sq. ft. and 20,000 sq. ft. cutoffs, which are existing limits within the Zoning Ordinance that distinguish between permitted and special uses in certain zoning districts.

The new use is suggested as a Permitted use when 7,500 sq. ft. or less in C Districts (typically feature on-site parking and do not allow dwelling units except in newer-construction mixed-use buildings) and M and I Districts that often feature on-site parking and do not allow dwelling units. The use is suggested as a Permitted use in the downtown area up to 20,000 sq. ft. since density and variety of uses are expected in the urban center, and ample parking is available in nearby parking garages.

Mixed-Use Markets are suggested as an Administrative Review Use when 7,500 sq. ft. or less in B Districts, the O1 District, and in the oCSC Central Street Overlay District since these districts trend towards neighborhood areas with dwelling units in the vicinity, and where available parking is often limited. The oWE-WE1 subdistrict of the West Evanston Overlay District, which is specifically composed of existing industrial buildings identified for redevelopment to residential over time, is suggested with flexible zoning regulations to encourage

adaptive reuse of the existing structures until full redevelopment following the overlay requirements is feasible.

In districts listed above (except for the downtown area), suggested regulations increase (from Permitted to Administrative Review Use, or from Administrative Review Use to Special Use) once the use is larger than 7,500 sq. ft. since the impact of the use may require additional oversight at that point. (The downtown area switches from a Permitted to Special Use after 20,000 sq. ft.).

Any use approved as an Administrative Review Use or Special Use may have conditions for approval for concerns such as hours of operation, parking, noise, sustainability, prohibition of certain uses (given the mixed-use model), re-review at staff level for certain use changes, etc. Uses within the mixed-use market model are expected to largely self-regulate since a use that negatively impacts the other uses within a space is unlikely to occur and would be handled by the operations manager or property owner.

If the examples provided were new uses today, they would process as follows:

2223 Washington (I1 District (and oRD Overlay - not relevant)) - Administrative Review Use required for a building over 7,500 sq. ft.; concern given the intensity of the use and lack of safe pedestrian access and potential nuisance to surrounding low-density residential uses so defer to full Special Use process.

2510 Green Bay Road (B1a District & oCSC Overlay), Special Use required for a building over 7,500 sq. ft.; appropriate given lack of parking and adjacent residential uses.

Establishing a Mixed-Use Market as an eligible use with appropriate (but not overly burdensome) zoning regulations will encourage use of existing warehouse structures and larger brick-and-mortar commercial spaces that often sit vacant, while also encouraging economic development, pop-up businesses, unique business types, and cross-patronage.

11. Modify the existing Apartment Hotel use and/or definition for clarity ([Section 6-18-3](#), [Section 6-8-8](#), [Section 6-11-4](#)).

Apartment Hotel is an eligible use listed in the Zoning Ordinance that is allowed by special use in the R6 General Residential District and the D3 Downtown Core Development District. The zoning definition for an Apartment Hotel is:

A hotel with dwelling units in which all accommodations are provided in dwelling units and in which at least twenty-five percent (25%) of the guestrooms are for occupancy by transient guests. An apartment hotel may have a dining room open to the public that is accessible only from an inner lobby or corridor.

The definition does not state a maximum limit for transient guests, and is unclear on the intent and functionality of the use. As shown in the recent special use request for an Apartment Hotel at 1555 Oak Avenue (Museum Residences on Oak/former King Home), the definition allows for operation of a potentially intense commercial use in a residential neighborhood. Staff believes the intent of this use was to allow for a quasi-residential and commercial facility with limited impact on surrounding properties, and is not currently a common housing type in Evanston. Staff is aware of one Apartment Hotel that operated in past decades at 800-804 Hinman Avenue prior to the current building and occupancy, and is not aware of any other Apartment Hotel requests or approvals (other than the current request for 1555 Oak Avenue). The Apartment Hotel use has been a use listed within Evanston's Zoning Ordinance since 1921.

Since other uses within the Zoning Ordinance provide a housing type similar to the current Apartment Hotel use (ie. apartment building with some transient Vacation Rental units; hotel (including extended-stay), the Apartment Hotel use should be eliminated. If the current special use request for 1555 Oak Avenue is approved by the City Council, the special use approval would become legally-nonconforming once the use is eliminated from the Zoning Ordinance.

12. Clarify and modify the process for Adjustments to Development Plans for Planned Developments (Section [6-3-6-12](#)).

Originally referred by the Land Use Commission due to a Major Adjustment for the Ann Rainey Apartments at 999 Howard that did not seek any modifications to zoning relief, this text amendment was discussed and unanimously recommended by the Land Use Commission on October 12, 2022. The recommended text amendment was not placed on the City Council agenda, and is therefore now part of the Omnibus Text Amendment Package. The text amendment was motioned for and unanimously recommended for approval (Halik, Hewko, Johnson, Lindwall, Mirintchev, Rodgers; all others absent) with the clarification that the final text language be in terms of increased or decreased impact. Draft Ordinance 11-O-23 (drafted prior to the Omnibus) is attached.

[Land Use Commission Meeting Packet – October 12, 2022](#) (p206)

[Land Use Commission Meeting Minutes – October 12, 2022](#) (p8)

### **Department Recommendation**

Staff recommends approval of the 2023 omnibus text amendment package. The proposed amendments are intended to clarify and improve policies and processes while enacting updates that follow best practices that are compatible with the Evanston community and built environment that should not wait until the full Zoning Ordinance is rewritten. The 12 proposed omnibus amendments adhere to the Standards for Amendments (Section 6-3-4-5) as required for any updates to the Zoning Ordinance.

### **Standards for Approval**

The proposed text amendment must follow the Standards for Amendments (Section 6-3-4-5). For the LUC to recommend that the City Council grant amendments to the Zoning Ordinance, the LUC must find the following are met:

1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council.
2. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.
3. Whether the proposed amendment will have an adverse effect on the value of adjacent properties.
4. The adequacy of public facilities and services.

### **Attachments**

Proposed Text Amendment Language for

1. Unified Sign Plan
2. Sign Variations
5. Unique Adaptive Use



## Referral from Land Use Commission

To: Elizabeth Williams, Planning Manager  
Melissa Klotz, Zoning Administrator

From: Matt Rodgers, Chair, Land Use Commission

Cc: The Honorable Daniel Biss, Mayor, City of Evanston  
Sarah Flax, Interim Director of Community Development  
Nicholas Cummings, Corporation Counsel

Subject: Referral of Land Use Omnibus Items

Date: March 23, 2023

As Chair of the Land Use Commission, and in accordance with Section 2-19-4 (B) of the Municipal Code granting authority of the Land Use Commission “to initiate studies, reports and recommendations to the City Council, City Manager, or officials of other local governmental bodies on matters concerning the present or future development or redevelopment of the City,” I respectfully request that the Community Development Department preparing for discussion the following items.

That the City of Evanston:

- Establish a Unified Sign Plan process which would update definition and intent, create a process with the Land Use Commission as the determining body, but require that the Commission make a recommendation to City Council on any signage over 50' in height;
- Develop signage standards which would update eligible Minor and Major Variations for signs and create standards that are simpler than the City's existing variation standards;
- Expand Transit Oriented Development maps to an appropriate radius, providing consistent buffer distances with one recommended across all zoning districts, but no changes be recommended for existing TOD parking requirements;
- Update Municipal Code language to be consistent with Commission rules which state that a written continuance provided with appropriate reasoning “may be granted” not “shall be granted”;
- Change “Unique Use” to “Unique Adaptive Use” process, opening it to all areas of the City and not just R1 landmark properties, and require a Special Use with increased density instead of requiring multiple variations;
- Correct language for prohibiting curb cuts when alley access is present, so it applies to street side yard access;
- Establish accessory structure setbacks in non-residential districts;

- Clarify parking setbacks include loading berths for all districts;
- Clarify “Patio” and “Terraces” definitions and yard requirements;
- Establish “Mixed-Use Market” as an eligible principal use in all non-residential districts for shared mixed-use business concepts, along with any required parking, and in consultation with the City’s business districts;
- Clarify the definition of an Apartment Hotel definition to state that the property must be at least 25% rental, but if it exceeds 50% the primary use changes to a Hotel; and
- Revive the Minor/Major Planned Development Adjustments, which stalled in the Referrals Committee, to make any site development allowance that would normally require a hearing before Commission a Major Adjustment; all others would be Minor and addressed administratively.

Staff shall coordinate with the Commission Chair on these referrals to present the aforementioned to the Land Use Commission into an appropriate number of omnibus text amendments based on priority and necessity.

**6-19-3(C) RULES AND DEFINITIONS,**

Definitions. The following words and terms, wherever they occur in this Chapter, shall be defined as follows:

<i>UNIFIED COMPREHENSIVE SIGN PLAN.</i>	A plan providing specific sign type, number, placement, size, height, and design requirements for development located on premises for which unique design considerations for signs may be considered and applicable, set of criteria and a format approved by the Land Use Commission for all signs to be located on the premises of a Unified Business Center.
<i>DIRECTORY SIGN.</i>	A sign intended for viewing while within a premises, either by pedestrians or those driving vehicles, and is not legible from a public right-of-way, which indicates the name and/or address of the occupants of a premises accommodating multiple occupants.
<i>UNIFIED BUSINESS CENTER.</i>	A premises containing four (4) or more individual nonresidential occupancies sharing a common building.

**6-19-5. EXEMPT SIGNS.**

(L) *Directory/Interior Signs.* Signs which are located on the interior of a premises and which are exclusively oriented to persons within that premises to guide pedestrians to individual businesses on the site. Such signs shall be limited to a maximum of one (1) square foot per occupant listed on the sign.

**6-19-9, PERMITTED SIGN TYPES.**

(J) ~~Unified Business Center Sign Plans.~~

~~1. Unified Comprehensive Sign Plan Applicability.~~

- ~~a. No permit shall be issued for a permanent sign to be located on a premises for which unified business center until a Unified Sign Plan (fka. "comprehensive sign plan" or "sign district plan") has been approved for the premises center unless there as described in Section 6-19-14 of this Chapter, and said sign complies with the provisions thereof.~~
- ~~b. A Unified Sign Plan may be requested for premises which have one or more of the following attributes:
 
  - ~~i. Frontage along two or more public rights away (excluding alleys).~~
  - ~~ii. 200 feet or more of frontage.~~
  - ~~iii. Three (3) or more tenant spaces within one building on a premises.~~
  - ~~iv. Two or more buildings on a premises.~~
  - ~~v. Consist of 75,000 square feet or more of land area.~~~~

~~2. Center Identification Primary Sign.~~ In addition to the signs permitted for each separate occupant, A Unified Sign Plan may be requested there may include one (1) freestanding identification sign for the premises if the premises otherwise meets the requirements to allow a freestanding sign or signs stated in this Chapter itself. Primary signs shall only be of the freestanding sign type.

- ~~a. Said identification sign may only include the name, address, or graphic logo of the center.~~
- ~~b. The permitted sign surface area of said primary identification sign shall not exceed an area equivalent to one tenth of one percent (0.1%) of the lot area of the premises nor a maximum of one hundred twenty (120) square feet. This sign shall be in lieu of the freestanding sign or signs allowed per property in this Chapter.~~

- e. ~~Unless specifically exempted by the provisions of the approved Unified Sign Plan comprehensive sign plan for the unified business center, said primary identification sign shall conform to all other of the regulations (except those governing number and area) for individual permanent signs allowed by types found elsewhere in this Chapter.~~
3. ~~*Directory Signs.* In addition to the permitted identification sign for the center, a unified business center may have common directory signs to guide pedestrians to individual businesses on the site. Such signs shall be limited to a maximum of one (1) square foot per occupant listed on the sign.~~

(JK) *Vehicular Dealership Signs.*

1. *Number.*
  - a. Each dealership may have one (1) freestanding sign. Each parcel may have no more than two (2) freestanding signs. In the event a business entity consists of multiple dealerships, no more than two (2) dealership signs may appear on one (1) freestanding pole.
  - b. One (1) wall sign per business entity.
2. *Area.*
  - a. The maximum gross surface area for freestanding signs is one hundred forty (140) square feet per sign face.
  - b. For wall signs, the maximum gross surface area must not exceed twenty-five percent (25%) of the square foot area of the facade to which the sign is attached.
3. *Location.*
  - a. *Freestanding Signs.*
    - i. Freestanding signs are permitted at the lot line.
    - ii. Freestanding signs shall be separated by a minimum of fifty feet (50').
  - b. *Wall Signs.*
    - i. Wall signs are not to extend above the roofline of the wall upon which the sign is attached.
    - ii. *Height.* Freestanding signs erected after the effective date hereof shall not exceed twenty-five feet (25'). Freestanding signs in existence prior to that time shall not exceed their preenactment height.
  - c. *Uniform Sign Package.* When a dealership changes ownership or acquires a new vehicle line, no new sign(s) may be erected and no modifications to existing signs may be made without the owner having filed a sign package with the City and receiving the City's approval therefor.
  - d. *Flags.*
    - i. Flags may be used on used car lots only, provided that:
      1. They are of uniform color; and
      2. Worn flags are replaced so as to maintain a neat appearance.
4. *Conflict With Other Provisions of This Chapter.* In the event of a conflict between this Subsection (JK) and the other provisions of this Chapter, this Subsection shall prevail.

(KL) *Temporary Real Estate Signs.* For temporary, nonilluminated real estate signs for multi-family, residential projects, the permitted regulations are as follows:

5 to 36 dwelling units = 32 square foot maximum, 10'0" maximum sign height

All temporary real estate signs shall be limited to a maximum of twelve (12) months total duration, or until all the units are sold.

(LM) *Blade Signs.*

1. *Position.* Blade signs shall be project from and be perpendicular to a building's facade, and the top of any such sign shall not be more than fifteen (15) feet six (6) inches above grade at the building.
2. *Area.* Blade signs shall not measure more than two (2) feet wide nor more than three (3) feet high.
3. *Clearance.* The bottom of any blade sign shall be at least seven (7) feet six (6) inches above grade at the building.
4. *Illumination.* Blade signs shall not be illuminated.
5. *Number.* There shall be no more than one (1) blade sign per business.

(Ord. No. 63-O-22 , § 5, 8-8-2022)

**6-19-14. UNIFIED SIGN PLANS BUSINESS CENTER.**

No permit shall be issued for a sign to be located in a unified business center until a comprehensive sign plan has been approved for the center and the sign complies with the provisions hereof.

**A. Applicability.**

1. No permit shall be issued for a permanent sign to be located on a premises for which a Unified Sign Plan (fka. "comprehensive sign plan" or "sign district plan") has been approved for the premises unless the sign complies with the provisions thereof.
2. A Unified Sign Plan may be requested for premises which have one or more of the following attributes:
  - a. Frontage along two or more public rights away (excluding alleys).
  - b. 200 feet or more of frontage.
  - c. Three (3) or more tenant spaces within one building on a premises.
  - d. Two or more buildings on a premises.
  - e. Consist of 75,000 square feet or more of land area.
  - f. A complete application for a planned development has either been filed or has been approved for more than half or all of the premises.
3. A Unified Sign Plan may also be requested for premises which have unique property or building characteristics that may result in signage that does not otherwise meet the requirements of this Chapter. A Unified Sign Plan shall not be requested for signage for premises that do not meet at least possess at least one of the above attributes. A Unified Sign Plan is not intended to be requested in lieu of a Minor or Major Variation.
4. Primary Sign. A Unified Sign Plan may include one (1) freestanding sign for the premises if the premises otherwise meets the requirements to allow a freestanding sign. Primary signs shall only be of the freestanding sign type.
  - a. The permitted sign surface area of said primary sign shall not exceed an area equivalent to one-tenth of one percent (0.1%) of the lot area of the premises nor a maximum of one hundred twenty (120) square feet.
  - b. This primary sign shall be in lieu of the freestanding sign. If the property is allowed more than one (1) freestanding sign, the primary sign shall be in lieu of one of the allowed freestanding signs.
  - c. Unless specifically exempted by the provisions of the approved Unified Sign Plan, said primary sign shall conform to all other regulations (except those governing number) for individual permanent signs allowed by this Chapter.

- B. Application Content.** In addition to the requirements listed for permit applications in Subsection 6-19-10(B) of this Chapter, the application for a unified sign plan comprehensive sign plan for a unified business center shall include a format for all signs

to be used on the premises in the center, including their maximum size, color, location, illumination details, lettering type, mounting details, and (if any) landscaping details.

C. Unified Comprehensive Sign Plan Approval--Review Procedure; Decision.

1. Determination of Completeness of Application: Within ten (10) working days after receipt of an application for a unified sign plan described in this Chapter 19, the Zoning Administrator or his/her/their designee shall determine whether the application is complete. If the Zoning Administrator or his/her/their designee determines that the application is complete, he/she/they shall notify the applicant in writing that the application has been accepted for filing. If the Zoning Administrator or his/her/their designee determines that the application is not complete, he/she/they shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied, and that no further action need be taken by the City on the application until the deficiencies are corrected.
2. General Notice of Public Hearing: After determining the unified sign plan application is complete, the Zoning Administrator or his/her/their designee shall cause notice of a public hearing before the Land Use Commission to be published not more than thirty (30) days nor less than fifteen (15) days before the date of the hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any. In addition to the aforementioned notice, the City will also provide notice, through the use of a third party service, by first class mail to all owners of property within a five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, does not invalidate any such amendment. Such notice is sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
3. Content of Published and Mailed Notices: Published and mailed notices shall contain the time, date, and place of the public hearing. Additionally, the published and mailed notices shall contain the following:
  - a. A statement indicating that the petition is a request for special use approval;
  - b. The address of the subject property requesting the special use;
  - c. The current zoning classification of the property requesting the special use;
  - d. The time and place where the petition proposing to amend the Zoning Ordinance will be available for examination for a period of at least ten (10) days prior to the public hearing;
  - e. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by publication and mail;
  - f. Any other information requested by the Commission, as the case may be; and
  - g. A statement that after the conclusion of the hearing the matter will be submitted to the City Council for its action.

and forward his/her/their written report to the Land Use Commission. Approval of a comprehensive sign plan for a unified business center shall be at the discretion of the Land Use Commission in accordance with the criteria noted herein.

~~4. *Site Plan Review.* No permit shall be issued for a sign, and no final approval shall be granted for a comprehensive sign plan prior to review and approval by the Land Use Commission of all comprehensive sign plans.~~

4. *Land Use Commission Decision:* Following the close of the public hearing, the Land Use Commission shall either approve, approve with conditions, or deny the application for a unified sign plan.

~~(C) *Application Content.* In addition to the requirements listed for permit applications in Subsection 6-19-10(B) of this Chapter, the application for a unified sign plan comprehensive sign plan for a unified business center shall include a format for all signs to be used on the premises on the center, including their maximum size, color, location, illumination details, lettering type, mounting details, and (if any) landscaping details.~~

D. ~~*Standards Criteria.*~~ The standards criteria used by the Land Use Commission in its review of the proposed unified comprehensive sign plan for a unified business center shall include:

1. *Scale and Proportion.* Every sign shall have good scale and proportion in its design and in its visual relationship to the other signs, buildings and surroundings.
2. *Integral Elements.* The signs in the plan shall be designed as integral architectural elements of the building and site to which they principally relate and shall not appear as incongruous "add-ons" or intrusions.
3. *Restraint and Harmony.* The colors, materials and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
4. *Effective Composition.* The number of graphic elements and letters shall be held to the minimum needed to convey each sign's message and shall be composed in proportion to the area of the sign's face.
5. *Compatibility.* Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
6. *Unified Image.* The effect of the signs proposed in the plan shall be the establishment of a unified image for the center.

(Ord. No. 63-O-22 , § 5, 8-8-2022)

### **6-3-8-2. AUTHORITY.**

The Zoning Administrator, the Land Use Commission, and the City Council, as the case may be, are authorized to approve, approve with conditions, or deny requested variations in accordance with the provisions of this Section 6-3-8 as follows:

(A) The Zoning Administrator is delegated the authority to grant "minor variations", ~~and "fence variations",~~ and "sign variations" as defined in Section 6-3-8-3 of this Chapter;

(B) The Land Use Commission is delegated the authority to hear appeals from decisions of the Zoning Administrator regarding minor variations, ~~and fence variations,~~ and sign variations; and to grant "major variations," as defined in Section 6-3-8-3 of this Chapter, except as limited below, and combined applications for major and minor variations; and

(C) The City Council shall retain the authority to grant major variations pertaining to off-street parking for all uses other than single-family and two-family residential, off-street loading, height beyond fifty (50) feet, including within that measurement any height otherwise excluded because the story provides required parking, and townhouse orientation.

(Ord. No. 43-O-93; Ord. 14-O-98; Ord. 95-O-09; Ord. No. 58-O-20 , § 3, 6-22-2020; Ord. No. 52-O-22 , § 36, 6-27-2022)

### **6-3-8-3. AUTHORIZED VARIATIONS.**

The following variations from this Ordinance are authorized:

(A) Minor Variations:

1. Minor Variations consisting of the following types shall be for all uses (residential and commercial) unless specified differently below:
  - (a) Accessory structure requirements.
  - (b) Yard obstruction requirements beyond those permitted in Section 6-4-1-9(B).
  - (c) Setbacks necessary for an upper floor to align with a legally nonconforming setback below (for single-family and two-family uses only).
2. Minor variations consisting of the following types shall be for single-family and two-family uses only and may be granted up to a maximum of thirty-five percent (35%):
  - (a) Front, side, and rear yards and setbacks.
  - (b) Height.
  - (c) Lot width.
  - (d) Building lot coverage.
  - (e) Impervious surface.
  - (f) Dormer size and location.
  - (g) Modification of a residence to meet the special needs of the disabled.
- ~~3. Minor variations for signs consisting of the following types shall be for nonresidential uses only, excluding vehicular dealerships, and may be granted by a maximum of up to thirty-five percent (35%):~~
  - ~~(a) Wall sign height.~~
  - ~~(b) Blade sign height and/or area.~~

(B) Fence Variations: Variations from the requirements for fences, set forth in Section 6-4-6-7, "Special Regulations Applicable To Fences," of this Title may be granted subject to the standards and conditions of Subsection 6-3-8-12(B) and Section 6-3-8-14 of this Chapter.

(C) Family Necessity Variations: The types of minor variations listed in Subsection (A) of this Section may be granted in excess of the maximum of twenty percent (20%) for single-family and two-family uses and residential care homes only, subject to the procedures and standards set forth in Section 6-3-8-7 and Subsection 6-3-8-12(D) of this Chapter respectively in order to:

1. Modify a residence to meet the special living needs of the disabled.
2. Modify a residence to provide space for an elderly parent to live with the family of his or her child.
3. Modify a residence to accommodate a growing family or to alleviate an inconvenience.

(D) Major Variations: "Major variations" shall be defined as all variations other than minor variations and fence variations, and shall be limited to the following:

1. Yards and setbacks.

2. Height.
3. Lot size, width and depth (including flag lots).
4. Lot coverage including impervious surface and/or floor area ratio.
5. Off-street parking and loading.
6. Home occupations.
7. Townhouse orientation.
8. Expansion, alteration, and/or enlargement of legal, nonconforming residential uses that contain no more than four (4) dwelling units and zero (0) lodging rooms/rooming units, and/or construction of accessory uses to such legal, nonconforming residential uses.
9. ~~Signs (excluding scoreboards and billboards).~~

(E) Sign variations: Variations from the requirements for signs, set forth in Chapter 6-19, "Sign Regulations," of this Title may be granted subject to the standards and conditions of Subsection 6-3-8-6 and Subsection 6-3-8-12(F) of this Chapter.

**6-3-8-6. PROCEDURE FOR MINOR VARIATIONS, ~~AND FENCE VARIATIONS,~~ AND SIGN VARIATIONS.**

Applications for minor variations, ~~and fence variations,~~ and sign variations shall be reviewed and decided in accordance with the following procedure:

(A) *Notice and Opportunity to Comment:* Upon receipt of a completed application for a minor variation, ~~or a fence variation,~~ or a sign variation, the City will provide notice, through use of a third party service, by first class mail to all owners of property located within a two hundred fifty (250) foot radius of the subject property, inclusive of public streets, alleys and other public ways whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The notice shall indicate that the application shall be available for review and submittal of written comments thereon ten (10) working days prior to the Zoning Administrator's determination.

(B) *Zoning Administrator's Decision:* Within twenty (20) working days of receipt of a completed application for a minor variation, ~~or a fence variation,~~ or a sign variation, the Zoning Administrator shall, by written order, either approve, approve with conditions, or deny the requested ~~minor~~ variation.

(C) *Notification of Decision:* The City shall send the Zoning Administrator's decision within ten (10) working days to the applicant and all other persons previously notified pursuant to Subsection (A) of this Section.

(D) *Records:* A record of all applications for minor variations, ~~and fence variations,~~ and sign variations shall be kept on file in the office of the Zoning Administrator. At least once a year, the Zoning Administrator shall make public a listing of his decisions, by address, regarding the applications for minor variations, ~~and fence variations,~~ and sign variations.

(E) *Appeal:* The applicant or an adjacent property owner may appeal the decision of the Zoning Administrator to the Land Use Commission within ten (10) working days of the Zoning Administrator's date of mailing of notification.

(Ord. No. 43-O-93; Ord. No. 102-O-94; Ord. No. 44-O-17 , §§ 1, 2, 9-11-2017; Ord. No. 52-O-22, § 37, 6-27-2022)

**6-3-8-8. PROCEDURE FOR APPEALS FROM DECISIONS OF THE ZONING ADMINISTRATOR REGARDING MINOR, ~~AND FENCE,~~ AND SIGN VARIATIONS.**

An appeal of any decision of the Zoning Administrator regarding an application for a minor variation, ~~or a fence variation,~~ or a sign variation shall be made to the Land Use Commission and processed in accordance with the provisions of Section 6-3-11 of this Chapter. (Ord. No. 43-O-93; Ord. No. 52-O-22 , § 39, 6-27-2022)

**6-3-8-9. SPECIAL PROCEDURES IN CONNECTION WITH COMBINED VARIATION APPLICATIONS.**

Whenever an application for a minor variation, fence variation, sign variation, or a family necessity variation would, in addition, require a major variation, the applicant shall indicate that fact on the application where indicated and shall, at the time of filing the application for minor variation, fence variation, sign variation, or family necessity variation file an application for major variation pursuant to this Section 6-3-8. The combined application shall be reviewed and decided in accordance with the procedures set forth in Section 6-3-8-10 of this Chapter. (Ord. No. 43-O-93)

**6-3-8-12. STANDARDS FOR VARIATIONS.**

In considering an application for a minor variation, fence variation, family necessity variation, sign variation, or a major variation, or a combination thereof, the Zoning Administrator, the Land Use Commission, or the City Council, as the case may be, may approve such variation only upon finding that the application complies with the separate standards for each type of variation set forth below:

F. *Sign Variations:* Sign variations may be authorized by the Zoning Administrator upon making written findings that the proposed variation satisfies the following standards:

1. Hardship. The proposed variation will alleviate some demonstrable and unusual hardship that arises due to factors including, but not limited to, location, site configuration, and/or building configuration.
2. No Prohibited Signs. The relief is not for any sign specifically prohibited by Section 6-19-6.
  3. Not Harm Public Welfare. The proposed variation will not be materially detrimental to the public welfare.
  4. Consistent with Intent. The proposed variation promotes the purpose of the Sign Regulations set forth in Section 6-19-2 of this Chapter.

(Ord. No. 43-O-93; Ord. No. 14-O-98; Ord. No. 93-O-09; Ord. No. 95-O-09; Ord. No. 52-O-22 , § 42, 6-27-2022)

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**6-3-7-1. PURPOSE.**

(A) Unique Use: The purpose of a unique use permit is to allow a use which is determined by the City Council, to be an unusual one-of-a-kind use that is not listed as an authorized special or permitted use within a particular zoning district, but would be of substantial land use or economic benefit to the City, and whose authorization would not be appropriate through a zoning amendment.

(B) ~~R1 Residential Preservation Unique Unique Adaptive~~ Use Exception: The purpose of the ~~R1 residential preservation unique Unique Adaptive~~ use permit is to allow for conversion to a residential use not listed as an authorized, special, or permitted use in ~~an R1, the~~ zoning district, to be developed ~~in that district~~ predominantly within an existing structure or structures which have been ~~designated an Evanston landmark in a designated historic district. Such use may include multi-family use of a structure originally designed as a single-family structure, or subdivision of a portion of such land for single-family dwellings as a~~ the principal means to preserve and assure the continued existence of a designated landmark ~~said~~ structure(s).

Unique Adaptive Use Exception: The purpose of the Unique Adaptive Use permit is to allow for conversion to a use not listed as an authorized, special, or permitted use in the zoning district to be developed predominantly within an existing structure or structures which have identified adaptive use as the principal means to preserve and assure the continued existence of said structure(s).

(Ord. 49-0-04)

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#### 6-3-7-4. SUBMISSION REQUIREMENTS.

An applicant for a unique use shall file an application in accordance with the following requirements:

- (A) Formal Application: Application for unique use approval shall be filed with the Zoning Administrator in order to obtain the review and written comments from the appropriate departments, boards, and commissions, ~~including, but not limited to, the Design and Project Review Committee.~~
- (B) Content of Application: Each application shall contain at least the information listed in Section D.5, "Submission Requirements For Unique Uses," Appendix D of this Title. ~~Each unique use application shall contain or address the information listed in Section D.4, "Planned Development Application Submission Requirements," Appendix D of this Title.~~

(Ord. 49-0-04; Ord. No. 50-O-14, § 26, 10-27-2014; Ord. No. 66-O-15 , § 7, 6-22-2015)

#### 6-3-7-5. PROCEDURE FOR REVIEW AND DECISION OF PROPOSED USE.

An application for a unique use shall be processed in accordance with the following procedures:

- (A) Public Hearing: After the filing of a perfected application for a unique use, the Zoning Administrator shall transmit the application to the Land Use Commission and schedule a date for public hearing.
- (B) Staff Review Procedure: The Zoning Administrator shall schedule and conduct a staff review conference to review the comments received from the various departments and boards pursuant to Subsection 6-3-7-4(A) of this Chapter. Following the staff review conference, the Zoning Administrator shall forward staff's written report to the Land Use Commission.
- (C) General Notice of Public Hearing: Notice of the public hearing required in Subsection (A) of this Section shall be given by the Land Use Commission by one (1) publication in one (1) or more newspapers of general circulation. Notice shall be published within a minimum of fifteen (15) days prior to the hearing date and a maximum of thirty (30) days prior to the hearing date. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (D) Mailed Notices Required: The City will provide notice, through the use of a third party service, by first class mail to all property owners within one thousand (1,000) feet of the property lines in each direction of the subject property, inclusive of public roads, streets, alleys and other public ways from the subject site whose addresses appear on the current tax assessment list as provided by the City. The applicant must pay any and all fees and postage associated with mailing such notice pursuant to this Section. The City reserves the right to provide the aforementioned notice by first class mail where the Zoning Administrator finds it necessary. The failure of delivery of such notice, however, shall not invalidate any such hearing. In addition, a sign shall be posted on the property for a minimum of ten (10) working days prior to the public hearing indicating the place, time and date of the hearing. Such notice shall be sufficient notice for the initial hearing. Subsequent notices are not required for continuances of a hearing, if any.
- (E) Content of Published and Mailed Notices: Published and mailed notice shall contain the time, date and place of the public hearing.

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~~(F)~~ Application Process: Each unique use application shall be processed in conformance with the procedures of Sections 6-3-6-7, "Application Procedure," and 6-3-6-8, "Review Procedure; Decisions," of this Chapter.

(EG) Applicant Rights: Applicants for a unique use and owners of property within one thousand (1,000) feet inclusive of public roads, streets, alleys and other public ways, shall have the following rights, in addition to any others they may possess by law, at any hearing before the Land Use Commission:

1. To inspect all documents and material submitted as part of the application for the unique use prior to the hearing.
2. To present witnesses on their behalf.

(GH) Objection of Property Owners: Eligible property owners, as set forth above, who wish to object shall, upon written request, be granted one (1) continuance for the purpose of presenting evidence to rebut testimony given by the applicant. The date of such continued hearing shall be at the discretion of the commission.

(HI) Continued Hearings or Meetings: In the instance a hearing or meeting is continued to a date certain, the date and time of the continued hearing or meeting shall be announced at the time and place of the hearing being continued, and the continued hearing's notice requirements shall be deemed satisfied. If for any reason the continued hearing or meeting date or time needs to be changed, the Zoning Administrator shall, in his or her best effort, provide the public with the new date and time of the continued hearing by:

1. Posting the continued meeting or hearing notice at the Civic Center; and
2. Posting the continued meeting or hearing notice on the City's website.

Failure to provide such notice, however, shall not invalidate any such continued hearing or meeting.

(I) In the event a quorum is not present for the initial meeting or a continued meeting, a majority of the Commission members present may reschedule the meeting to a new date and time. No additional mailed or published notices shall be required for meetings continued as provided in Section 6-3-7-5(1).

(Ord. 49-0-04; Ord. No. 68-O-14, § 8, 8-11-2014; Ord. No. 49-O-16, § 6, 7-25-2016; Ord. No. 44-O-17, § 9, 9-11-2017; Ord. No. 52-O-22, § 27, 6-27-2022)

### 6-3-7-10. STANDARDS FOR UNIQUE USES.

The Land Use Commission may only recommend approval, approval with conditions, or disapproval of a unique use permit based upon written findings of fact with regard to each of the following standards:

- (A) Evidence of special and extraordinary need for the unique use which shall include evidence of unique characteristics of the subject property, proposed use, and/or the neighborhood surrounding the subject property.

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- (B) Evidence that the unique use will be of some affirmative benefit, from a land use or economic standpoint, to the City and its residents.
  - (C) Evidence that authorization of the use would not be appropriate through a zoning amendment.
  - (D) Evidence that the project is designed to be reasonably compatible with surrounding properties and neighborhood.
  - (E) Evidence that the proposed use and the development are consistent with and implement the planning goals and objectives of the City, as contained in the adopted comprehensive general plan and other pertinent policy resolutions, particularly in terms of:
    - 1. Land use intensity.
    - 2. Housing goals.
    - 3. Preservation goals and policies.
    - 4. Population policies.
    - 5. Traffic impact and parking.
    - 6. Environmental goals and policies.
  - (F) Each unique use application shall address the standards for special uses of Section 6-3-5-10 of this Chapter.

~~(G) For each R1 residential preservation unique use exception application evidence that these requirements are met:~~

- ~~1. It is in an R1 residential district;~~
- ~~2. It is in a designated Evanston preservation district;~~
- ~~3. It is in a structure designated by ordinance as an Evanston landmark;~~
- ~~4. The parcel for which application for the use is made is a minimum of two (2) acres;~~
- ~~5. The parcel for which application for the use is made is improved with a structure with a minimum of fourteen thousand five hundred (14,500) square feet as defined in Subsection (H) of this Section;~~
- ~~6. Any multi-family structure for which the use is approved must contain no more than four (4) dwelling units. A development plan for an R1 residential preservation unique use exception may provide for more than one (1) principal use on a single zoning lot; and~~
- ~~7. All resultant dwelling units created shall have a minimum floor area, as defined in Section 6-18-3, "Definitions," of this Title, of two thousand (2,000) square feet.~~
- ~~(H) For purposes of this Subsection, gross floor area is the product of the footprint of the building times the number of floors plus any otherwise uncounted roofed areas, or other areas above the first floor that extend past the perimeter of the first floor.~~
- (H) Applications for Unique Adaptive Use within an existing building envelope shall be exempt from the off-street parking, loading, and maximum density requirements outlined within this Title.
- (I) Existing building setbacks, height, and lot coverage for applications for Unique Adaptive Use shall be permitted to remain and be considered legally non-conforming regardless of a change in use or intensity of use.

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### 6-3-7-12. - EFFECT OF APPROVAL OF UNIQUE USE.

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The approval of a proposed unique use by the City Council shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the City, including, but not limited to, a unique use permit, a building permit, a certificate of occupancy and subdivision approval. ~~Development of an approved R1 residential preservation unique use will not require a recommendation from the Land Use Commission or City Council approval provided that it is in conformance with the R1 district regulations.~~