

4/19/2018
5/7/2018
5/21/2018

61-O-18

AN ORDINANCE

**Granting a Special Use Permit for a Planned Development and
Special Use Approval for an Open Sales Lot at 100 and 128-132
Chicago Avenue and Amending the Zoning Map to Re-Zone Certain
Properties from the C1 Commercial Zoning District to the B3 Business
District**

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

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

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

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

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 1979, as amended, ("the Zoning Ordinance"); and

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

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

WHEREAS, the Applicant sought approval to construct a new five (5) story seventy-two (72) foot tall multi-family development consisting of twenty-six (26) dwelling units, approximately four thousand nine hundred ninety-nine (4,999) square feet of ground indoor floor commercial space, approximately two thousand three hundred seventy-four (2,374) square feet of commercial space on the second floor, approximately seven thousand (7,000) square feet of outdoor garden/open sales lot, and thirty (30) parking spaces; and

WHEREAS, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with regards to number of required parking spaces, fence location, and parking setbacks from the north and west property line; and

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

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

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

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

WHEREAS, on May 14, 2018, the Planning and Development ("P&D") Committee of the City Council held a meeting, in compliance with the provisions of the

Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered and adopted the findings and recommendations of the Plan Commission with an amendment, and recommended approval thereof by the City Council; and

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

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

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

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

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

SECTION 3: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 17PLND-

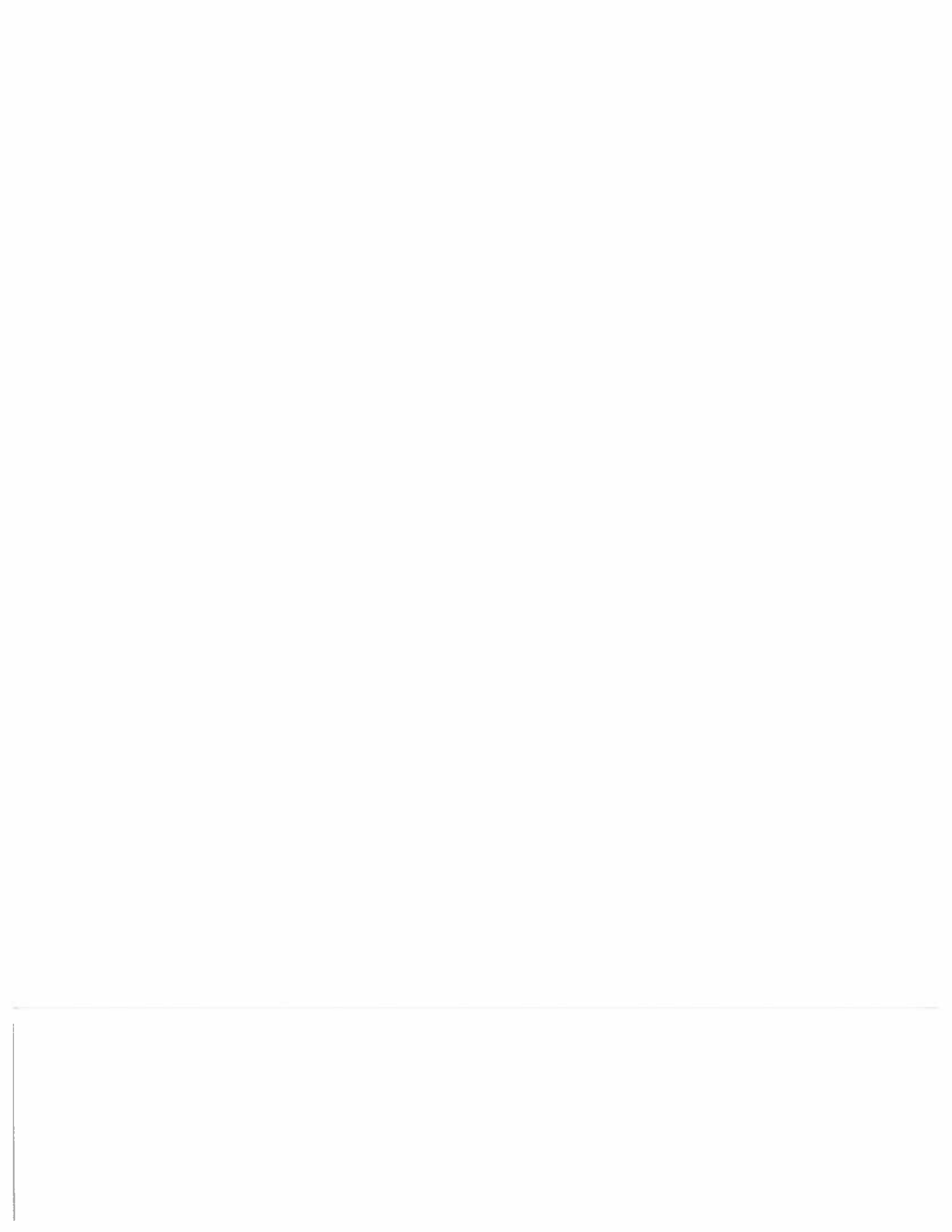
0112, to allow construction and operation of the Planned Development described herein.

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

- (A) **Number of Required Parking Spaces:** A Site Development Allowance is hereby granted for thirty (30) parking spaces, whereas Table 16-B of the Zoning Ordinance requires a minimum of thirty-seven (37) parking spaces based on the proposed combination of uses in the B3 District.
- (B) **Fence Location:** A Site Development Allowance is hereby granted to place a fence with a zero (0) foot setback from the street side Subject Property line, whereas subsection 6-4-6-7(F)2(b)(1) of the Zoning Ordinance requires a two (2) foot setback from the street side Subject Property line in the B3 District.
- (C) **Parking Setbacks:** A Site Development Allowance is hereby granted permitting a zero (0) foot parking setback from the north and west Subject Property lines, whereas subsection 6-9-4-7 of the Zoning Ordinance requires a minimum of a five foot parking setback from the north and west Subject Property lines in the B3 District.

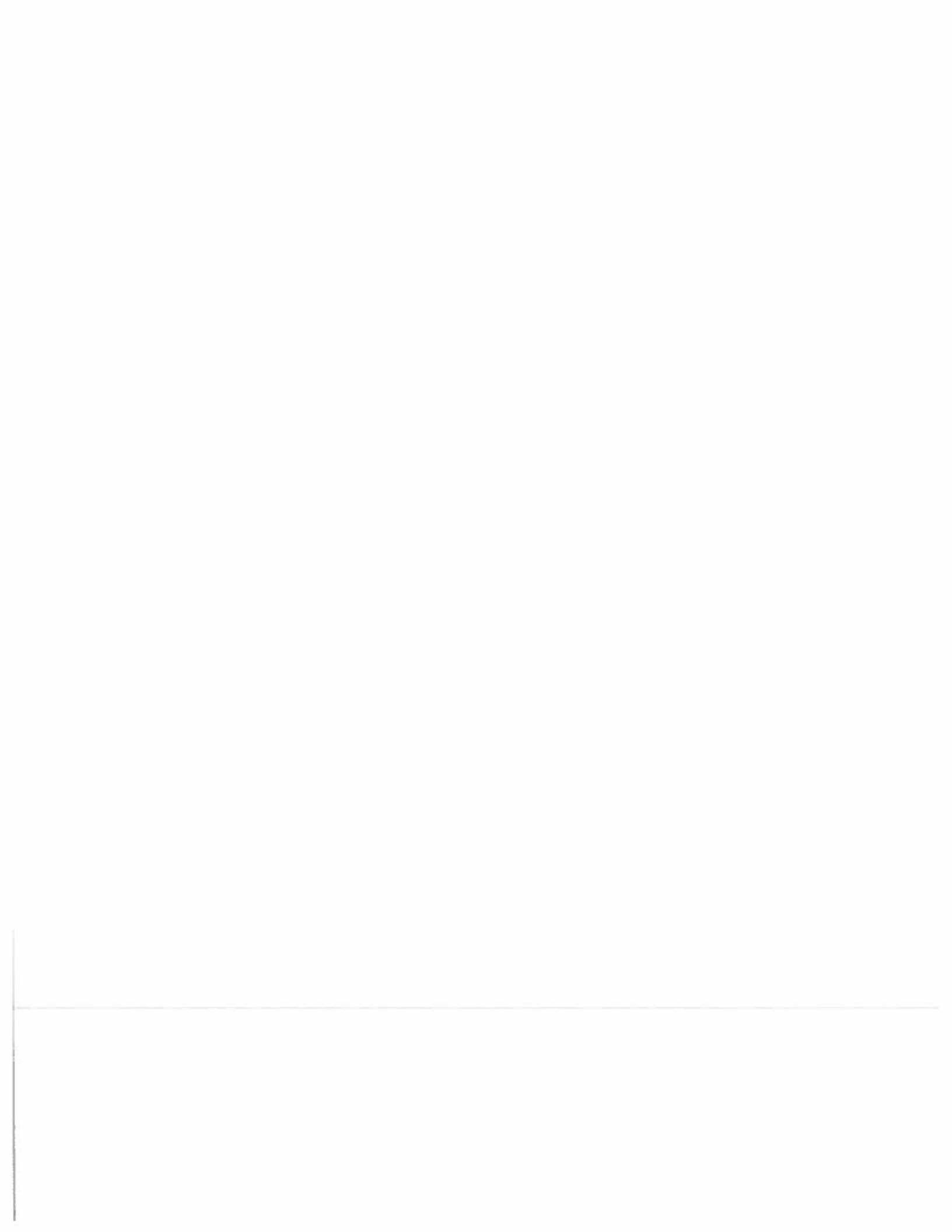
SECTION 5: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted hereby, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special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

- (A) **Compliance with Applicable Requirements:** The Applicant shall develop and operate the Planned Development authorized by the terms of this ordinance in substantial compliance with: the terms of this ordinance; the Site and Landscape Plans in Exhibits D and E, attached hereto and incorporated herein by reference; all applicable legislation; the Applicant's testimony and representations to the Design and Project Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (B) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction phasing/staging plans; construction hours; site access including traffic and pedestrian safety plans; contractor parking; damage control



and vibration monitoring; construction exhibits; project communication and signage.

- (C) **Metal Fence:** The Applicant must provide to the City the metal fence detail for the six (6) foot tall metal fence surrounding the garden yard/open sales area on the Subject Property indicating the fence material, finish, and design to the Design and Project Review (DAPR) Committee prior to issuance of building permit.
- (D) **Landscaping:** Applicant must install and maintain the landscaping improvements as depicted in Exhibit E.
- (E) **Street Improvements:** The Applicant must install all improvements to the streets, including grinding of existing pavement markings, restriping, and asphalt patching at new water/sewer services within the Howard Street and Chicago Avenue Right of Ways.
- (F) **Sidewalk Replacement:** The Applicant must replace all sidewalks adjacent to the Subject Property along the full length of the property on both Howard Street and Chicago Avenue.
- (G) **METRA Embankment Improvements:** The Applicant agrees to continue working with METRA and/or Union Pacific Railroad regarding obtaining written permission for the installation and maintenance of landscaped embankment improvements adjacent to the Subject Property for the life of the development.
- (H) **Color Accents:** The Applicant agrees to incorporate color accents on all facades, as incorporated in the Development Plans, as revised pursuant to recommendation from the Design and Project Review (DAPR) Committee.
- (I) **Harm Mitigation for Birds:** The Applicant will implement the following strategies to improve and incorporate bird friendly measures:
 - a. Install low reflective glass windows;
 - b. Install metal balcony railings rather than glass doors and balconies;
 - c. Minimize any external lighting from 12:00 a.m. until dawn during Spring and Fall bird migration; and
 - d. Avoid guy wires and roof lighting that pose a bird hazard.
- (J) **Affordable Housing Units:** The Applicant shall provide five (5) units of on-site affordable housing for the following twenty-five (25) years in accordance with the approved equivalent alternative inclusionary housing proposal. The affordable units shall be affordable to households earning no more than the following area median income (AMI): three (3) 1-bedroom units must be affordable at eighty percent (80%) AMI and two (2) 2-bedroom units must be affordable at eighty percent (80%) AMI.



- (K) **Changes in Building Use:** Any material changes in the use of the building on the Subject Property must be approved as an amendment to this Planned Development in accordance with Subsection 6-3-6-12 of the Zoning Ordinance.
- (L) **Recordation:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

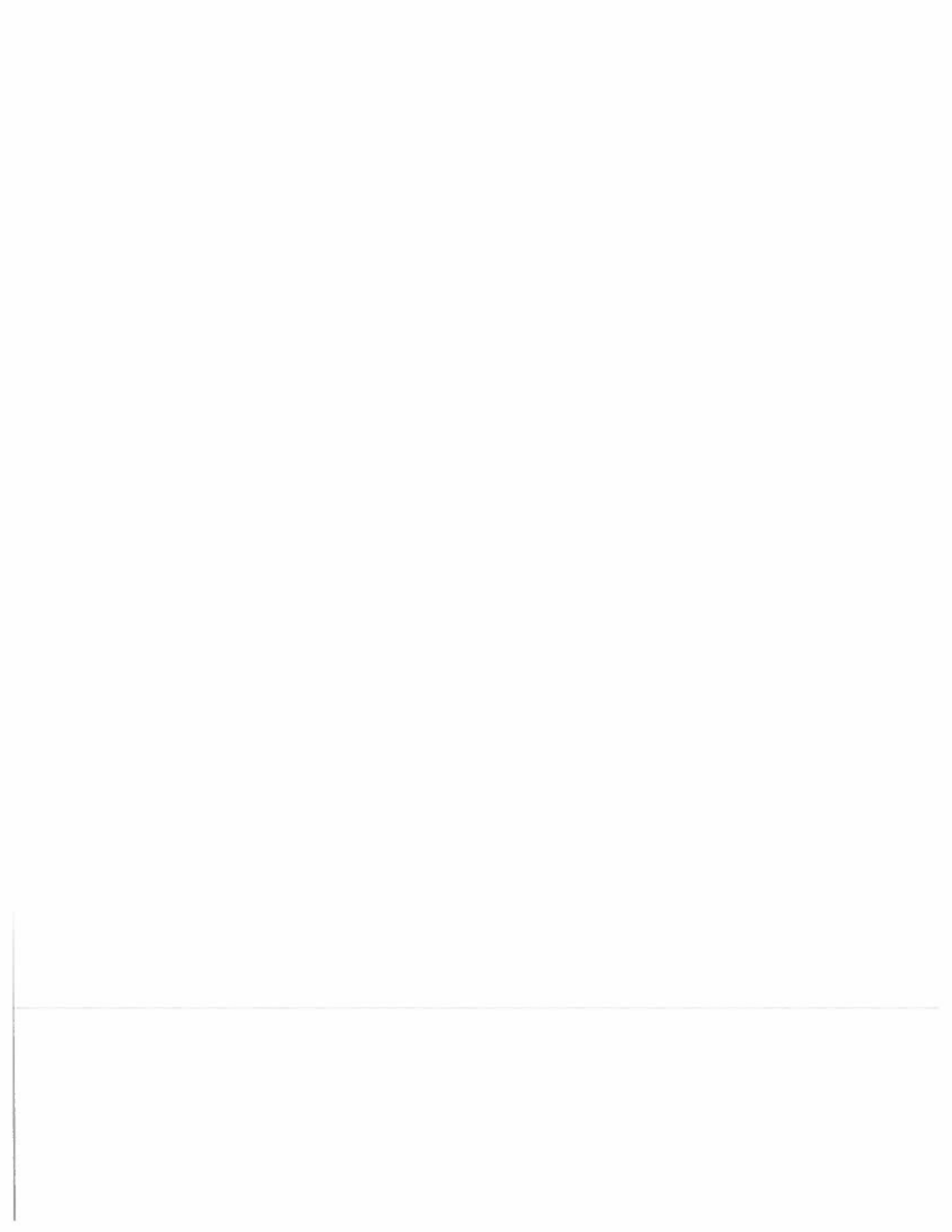
SECTION 6: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's tenants, agents, assigns, and successors in interest."

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

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

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

SECTION 10: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.



SECTION 11: The findings and recitals herein are hereby declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: May 14, 2018

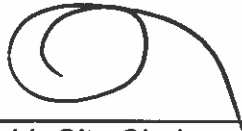
Adopted: May 29, 2018

Approved:

June 26, 2018

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup, Interim
Corporation Counsel

EXHIBIT A**Legal Description****PARCEL 1:**

THAT PART LYING WEST OF THE WEST LINE OF CHICAGO AVENUE (NOW CLARK STREET) AND EAST OF THE EAST LINE OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY (FORMERLY CHICAGO AND MILWAUKEE RAILROAD COMPANY) OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST 1/4 SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND NORTH OF A LINE 150.00 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF HOWARD STREET, MEASURED ALONG THE WEST LINE OF CHICAGO AVENUE, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE NORTH 50 FEET OF THE SOUTH 150 FEET OF THAT PART OF THE SOUTH 6.25 CHAINS, LYING WEST OF THE WEST LINE OF CHICAGO AVENUE, EAST OF THE EAST UNE OF CHICAGO AND NORTHWESTERN RAILROAD AND NORTH OF THE NORTH LINE OF HOWARD STREET OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3:

THAT PART OF THE SOUTH 8.25 CHAINS OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD MERIDIAN, DESCRIBED AS COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF HOWARD STREET, WITH THE EAST LINE OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD RUNNING; THENCE EAST ALONG THE NORTH LINE OF HOWARD STREET TO ITS INTERSECTION WITH THE WEST LINE OF NORTH CLARK STREET (FORMERLY CHICAGO AVENUE); THENCE NORTHERLY ALONG THE WEST LINE OF SAID NORTH CLARK STREET 100 FEET; THENCE WEST PARALLEL TO THE NORTH LINE OF HOWARD AVENUE TO THE EAST LINE OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD; THENCE SOUTHERLY ALONG SAID RIGHT-OF-WAY, MORE OR LESS TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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

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

EXHIBIT B

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

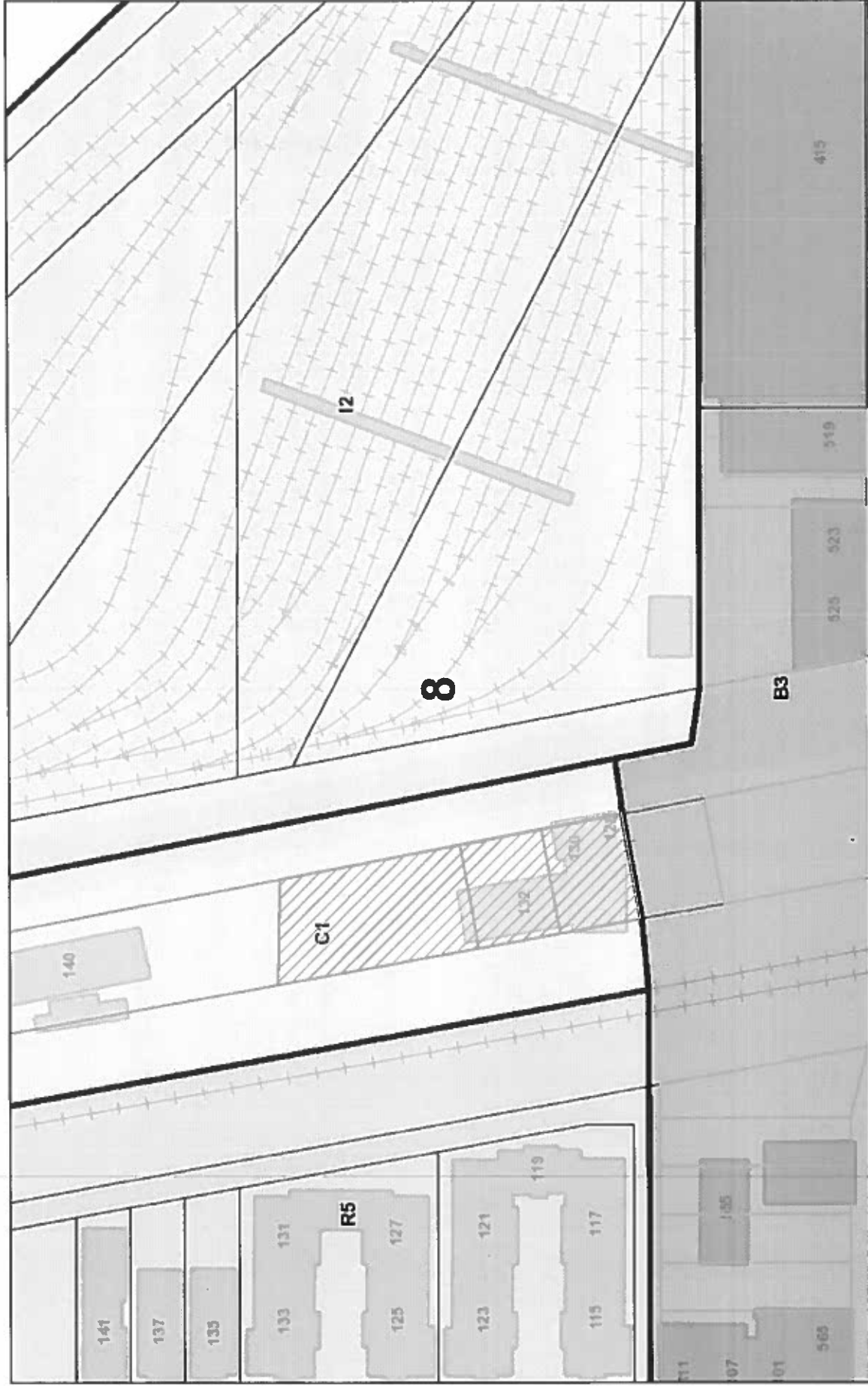
Commonly Known As: 128-132 Chicago Avenue, Evanston, IL

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

EXHIBIT C

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

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



May 3, 2018

drawGraphics_poly

User drawn polygons

Zoning Boundaries & Labels

Zoning Overlay Districts

oC-SC - Central Street Corridor

oDM - Dempster-Main Overlay

oH - Hospital Overlay

oRD - Redevelopment Overlay

oWE - West Evanston Overlay

Federal Historic Districts

Northeast

Ridge

Lakeshore

Oakton

1:1,000

0 0.0075 0.015 0.03 mi

0 0.0125 0.025 0.05 km

EXHIBIT D

Development Plans

EVANSTON GATEWAY, LLC

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



RE-ZONING, SPECIAL USE AND PLANNED DEVELOPMENT APPLICATION

100 Chicago Avenue, Evanston, IL

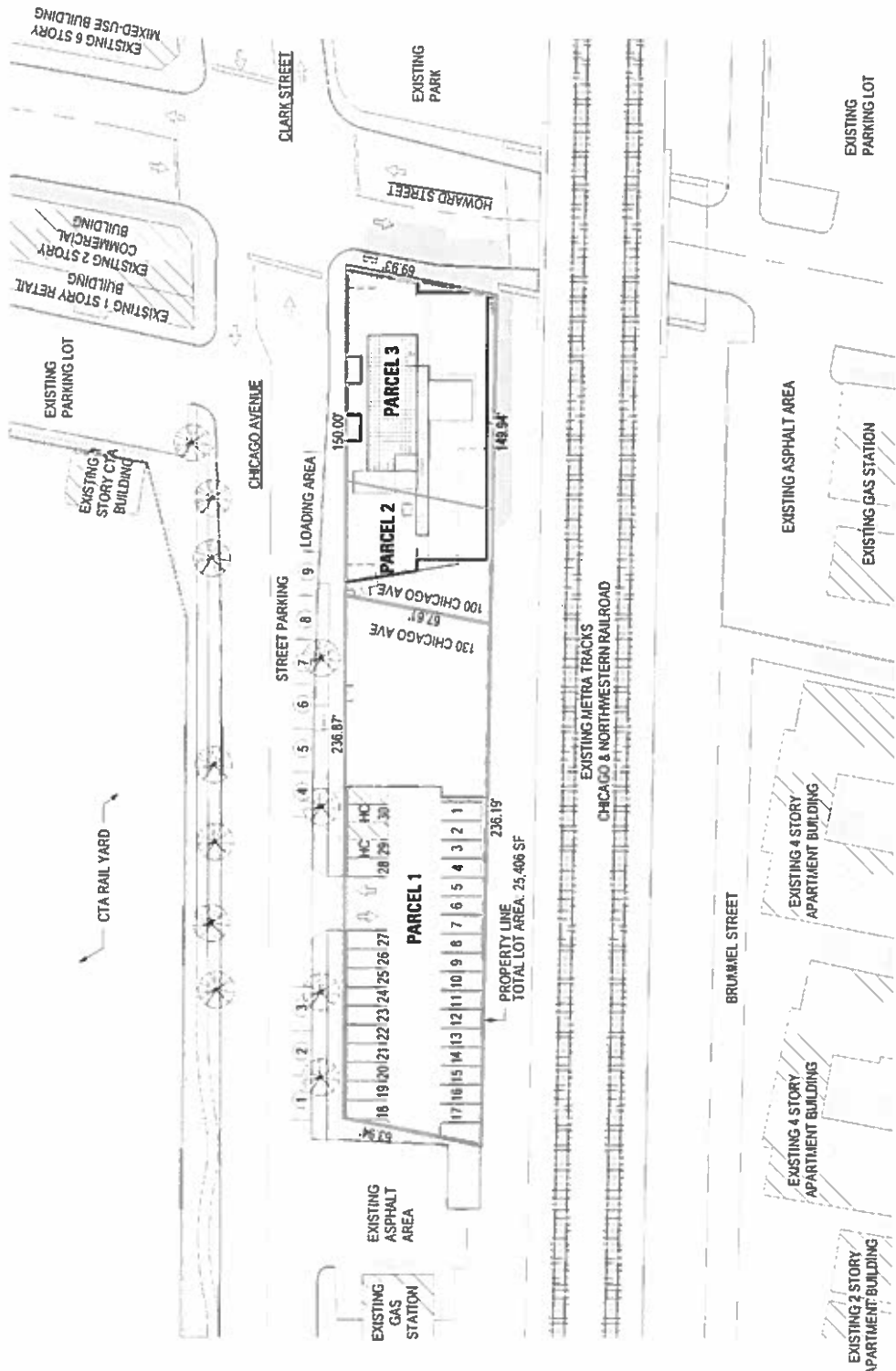


AERIAL VIEW OF SITE AND SURROUNDING CONTEXT

EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | March 28, 2018
renderings of proposed project

LEVEL

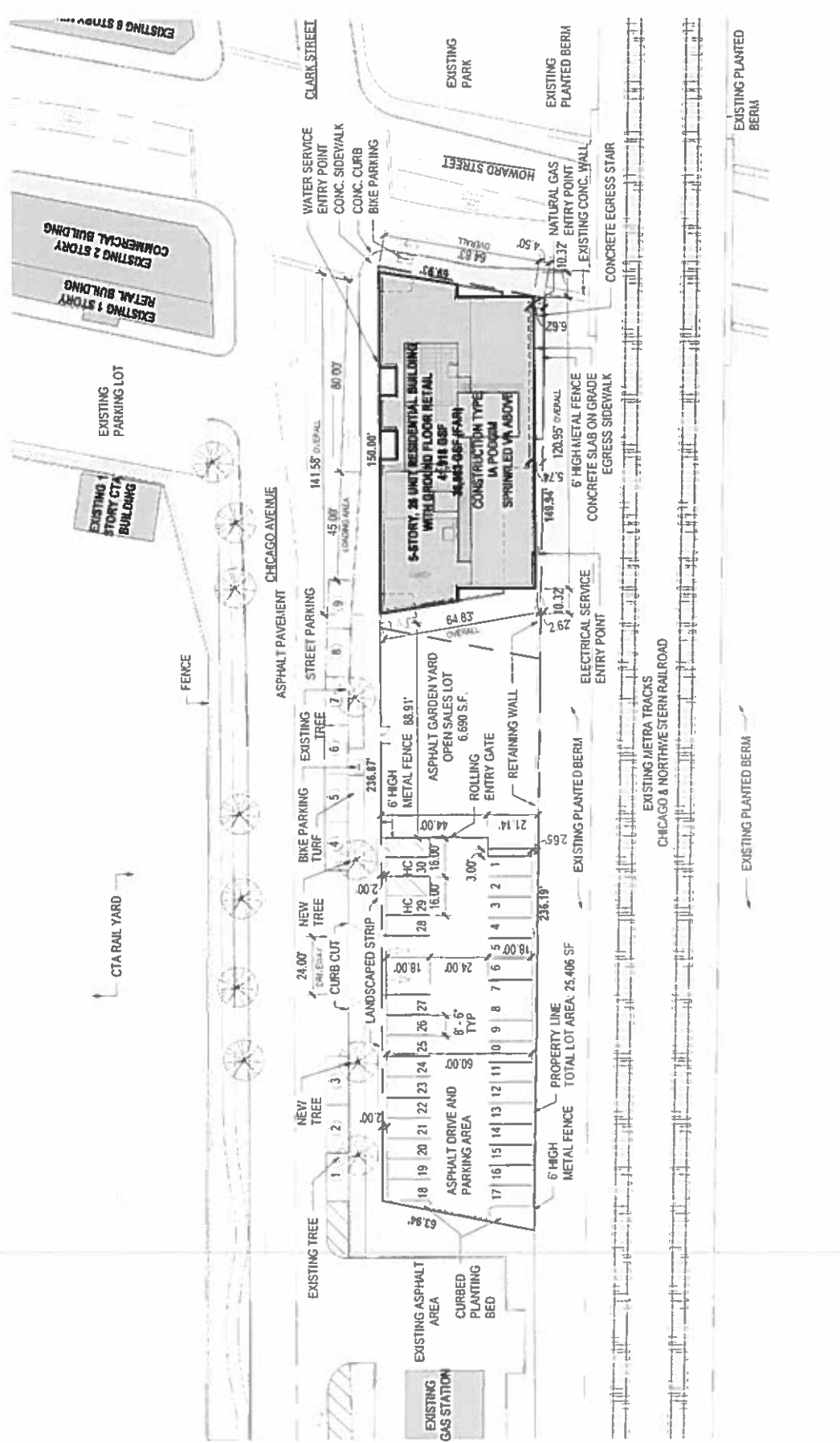
LEVEL ARCHITECTURE INCORPORATED | CHICAGO, ILL. 60611



EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | March 13, 2018

site diagram



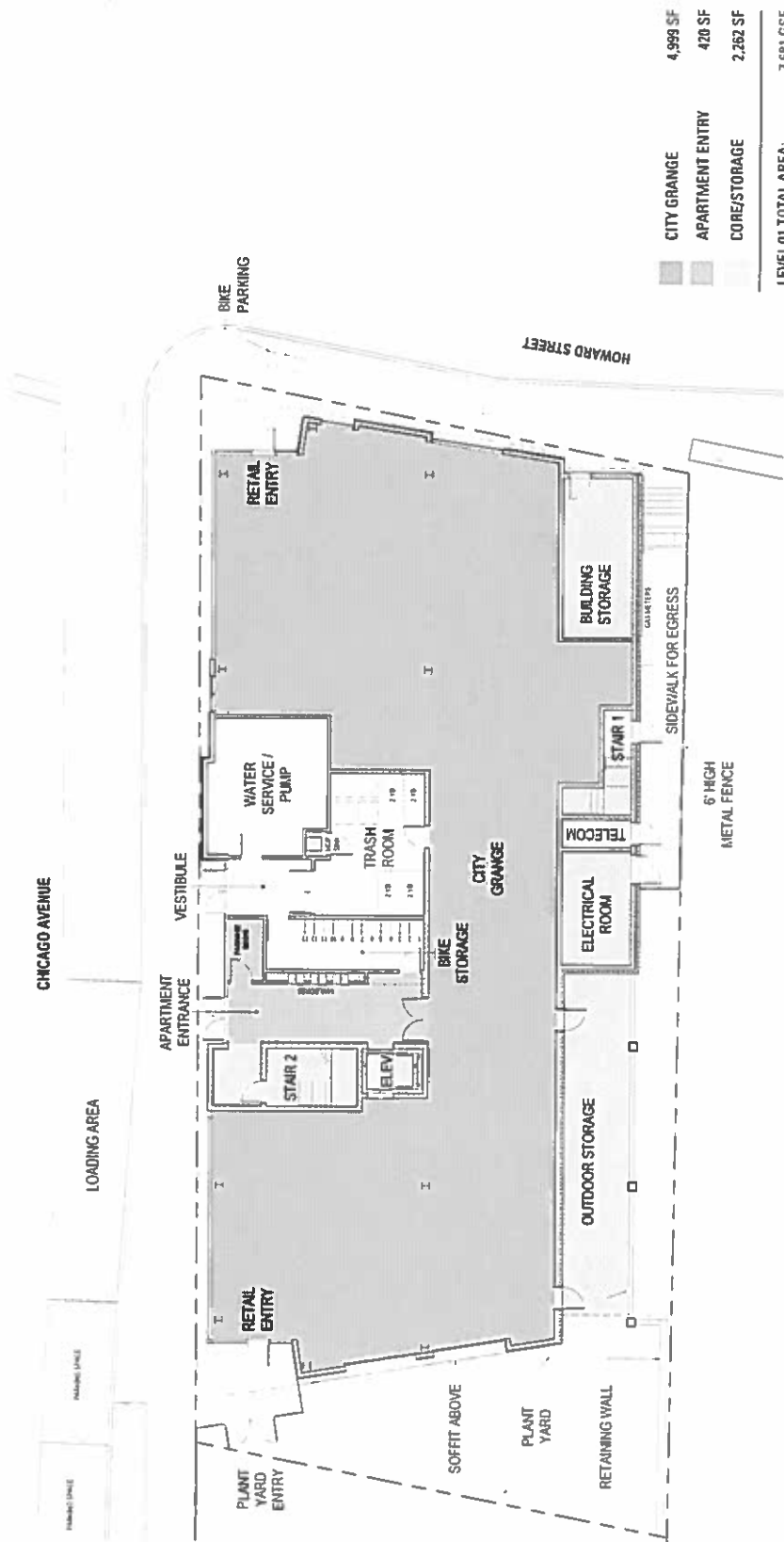


EVANSTON GATEWAY, LLC I 100 CHICAGO AVENUE # 17.03 | March 27, 2018

site plan



LEAP CONSULTING GROUP, INC. 100 CHICAGO AVENUE, SUITE 100, EVANSTON, IL 60120



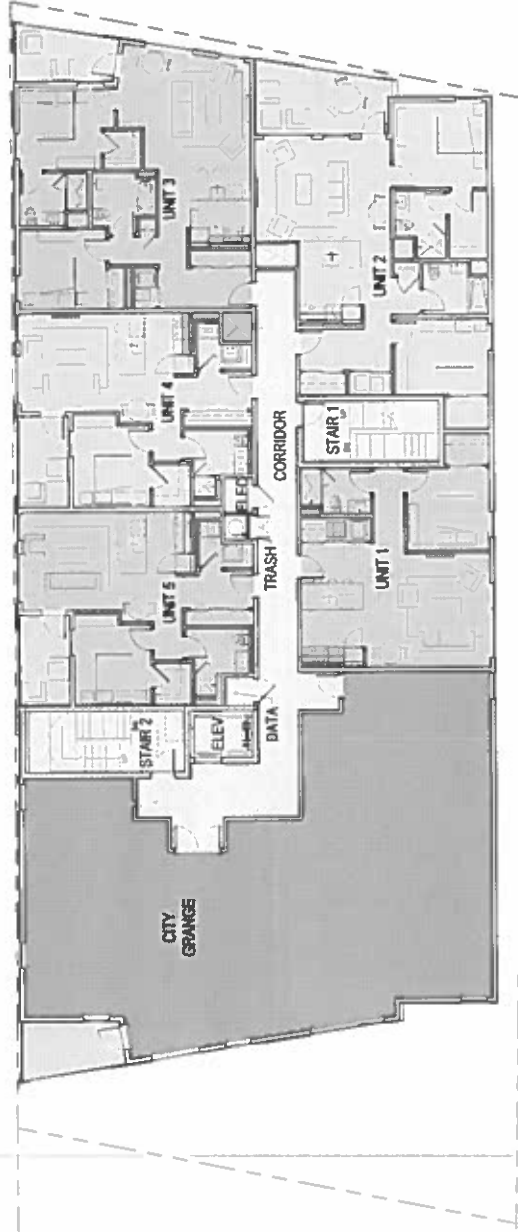
CITY GRANGE	4,999 SF
APARTMENT ENTRY	470 SF
CORE/STORAGE	2,262 SF
LEVEL 01 TOTAL AREA:	7,681 GSF

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

level 01



LEVEL ARCHITECTURE INCORPORATED | CHICAGO, ILLINOIS



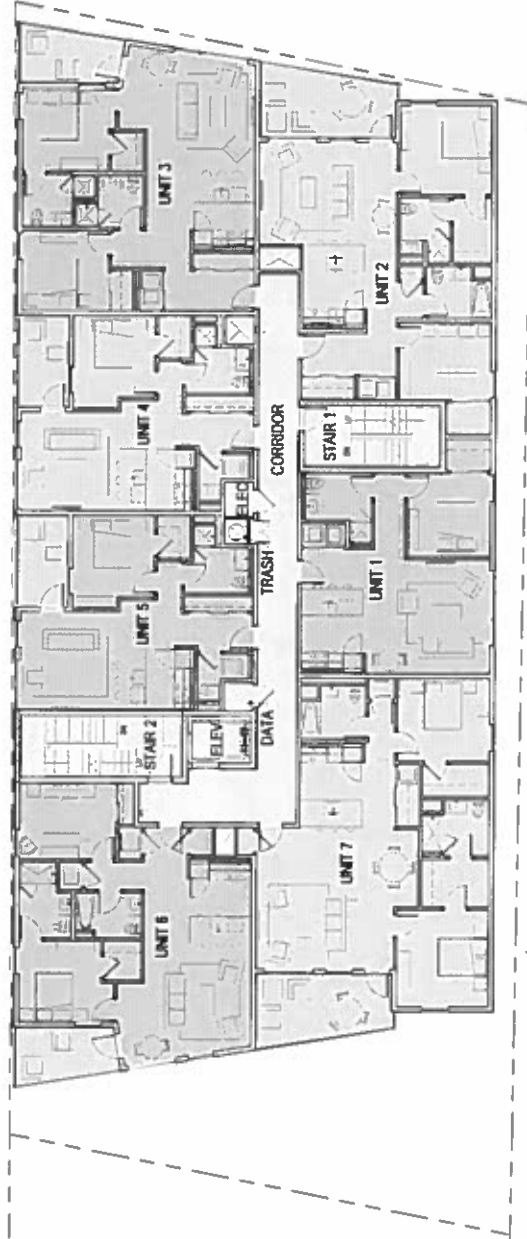
CITY GRANGE	2,374 SF
UNIT 1 - 1 BED / 1 BATH	765 SF
UNIT 2 - 2 BED / 2 BATH	1,125 SF
UNIT 3 - 2 BED / 2 BATH	1,076 SF
UNIT 4 - 1 BED / 1 BATH	732 SF
UNIT 5 - 1 BED / 1 BATH	741 SF
COVERED BALCONIES	511 SF
CORRIDOR	540 SF
CDRE	518 SF

LEVEL 02 TOTAL AREA: 8,382 GSF

EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | March 28, 2018

level 02





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

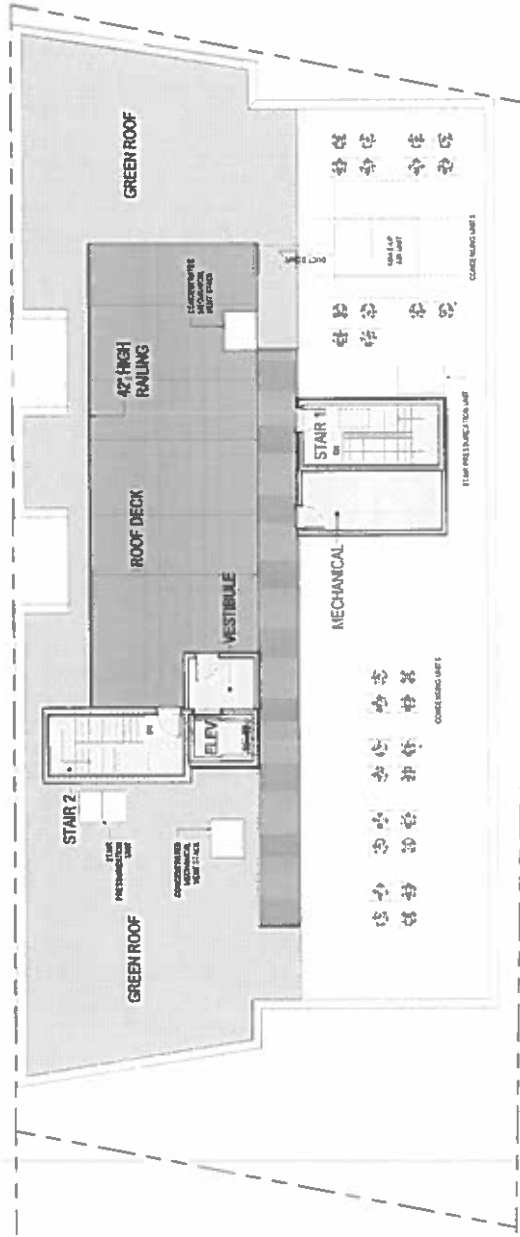
LEVEL 03-05, TYP AREA: 8,382 GSF

EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | March 28, 2018

Level 03-05, typical



ENEL ARCHITECTURE INCORPORATED | CHICAGO, ILL. 60611



ROOF DECK	1,733 SF
GREEN ROOF	2,562 SF
CORE + VESTIBULE	709 GSF

TOTAL ROOF AREA
OPEN TO SKY: 7,374 GSF

EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | March 28, 2018



LEAP ARCHITECTURE AND INTERIORS, LLC | CHICAGO, ILL. 60611



roof

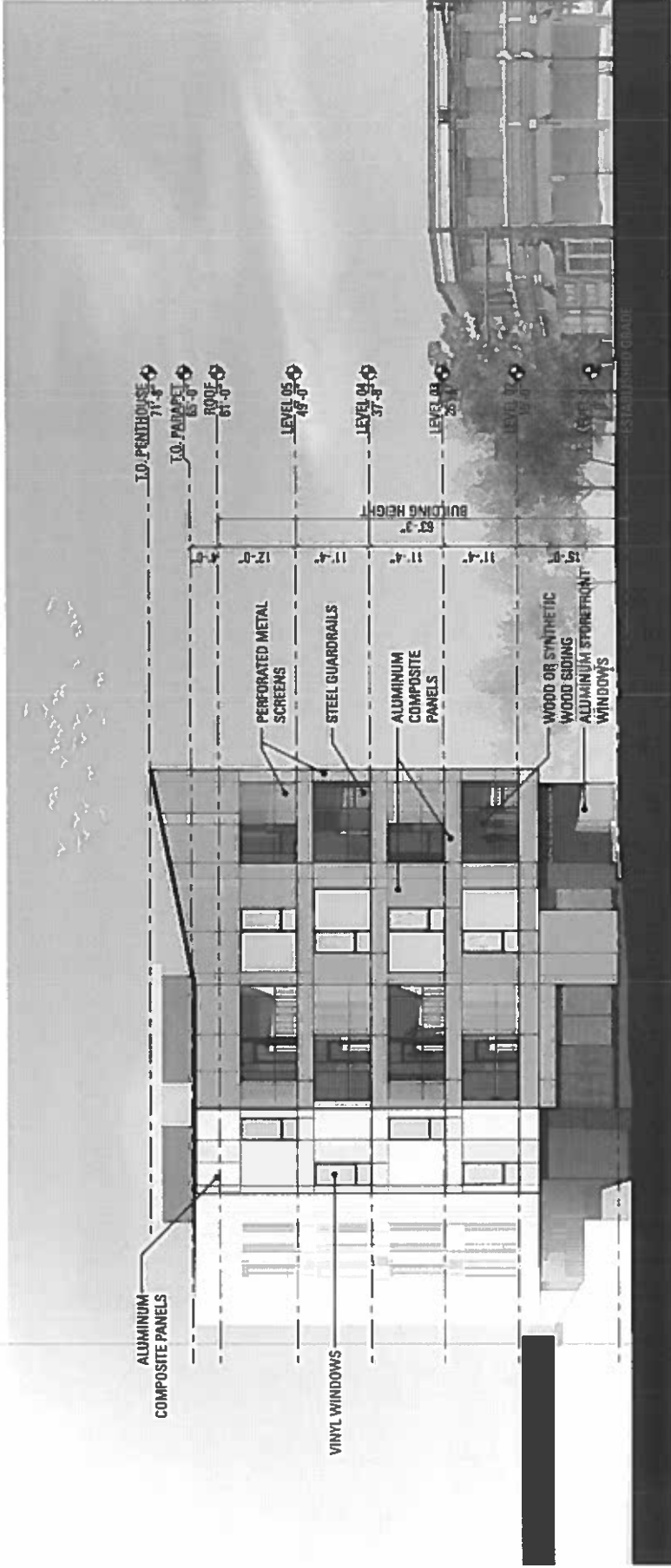




VIEW LOOKING WEST AT HOWARD/CHICAGO INTERSECTION

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

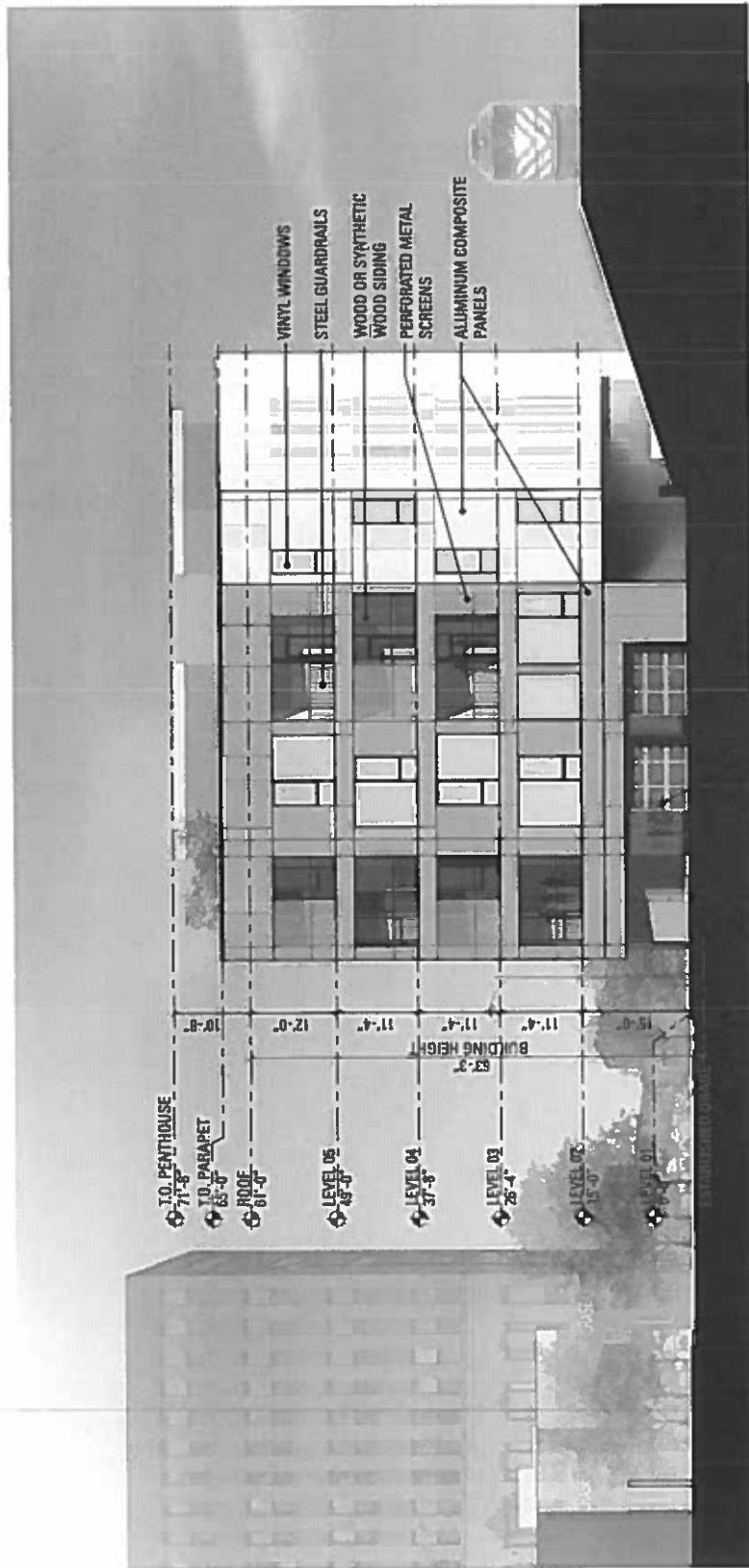
renderings of proposed project



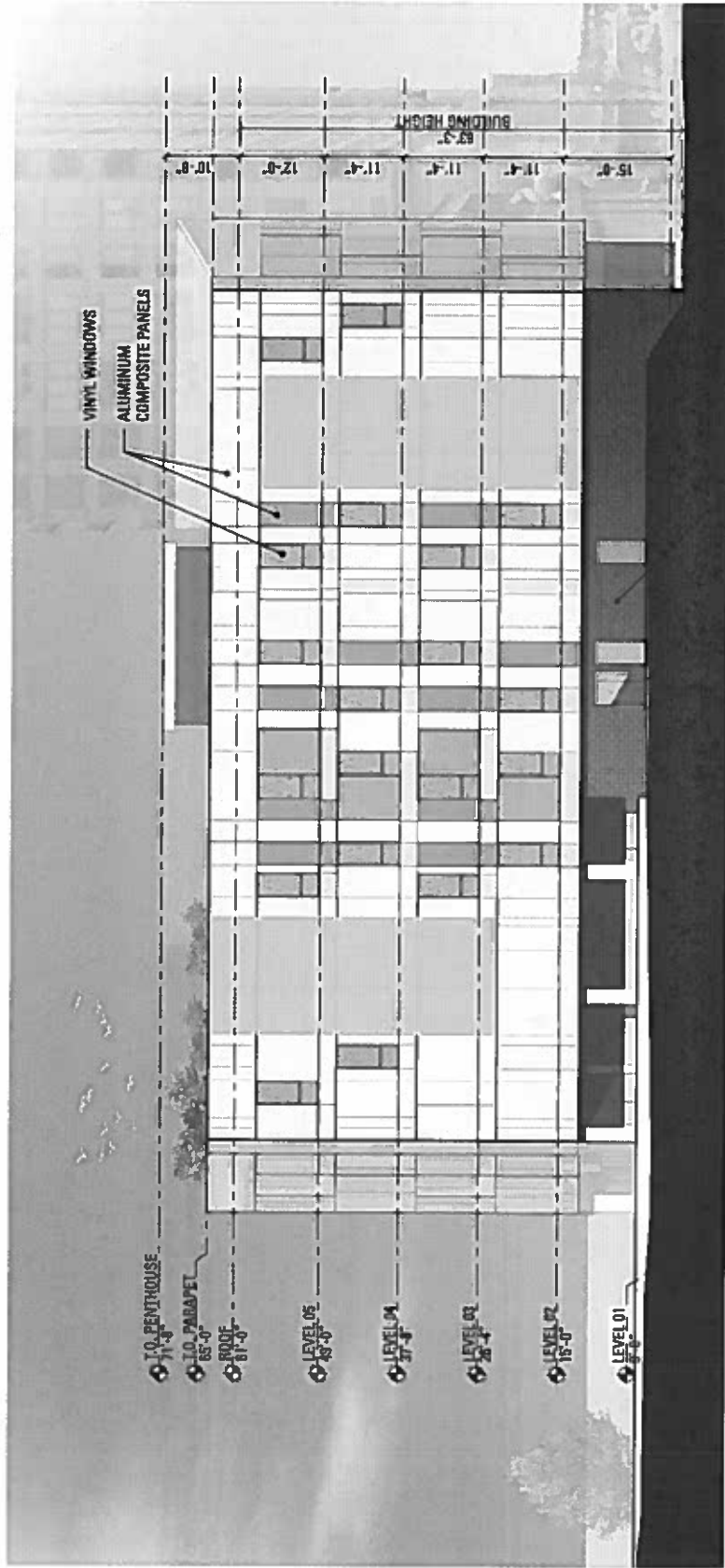
EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | April 11, 2018
 exterior elevation - south



1000 N. LAKE STREET, SUITE 1000, EVANSTON, IL 60201 | (708) 833-1100



EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | April 11, 2018
 exterior elevation - north



EVANSTON GATEWAY, LLC | 100 CHICAGO AVENUE #17.03 | April 11, 2018
 exterior elevation - west

Project Name:
 Project Location:
 Project Number:
 Date:

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

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

Included in FAR

Building GSF		Total Leasable Residential												Total Leasable Residential	Corridors	Retail/office
Enclosed Area		1B				2B				Enclosed Balconies				Residential		
GSF		1B	2B	1B	2B	1B	2B	1B	2B	1B	2B	1B	2B	GSF	GSF	GSF
		nsf	nsf	nsf	nsf	nsf	nsf	nsf	nsf	nsf	nsf	nsf	nsf			
05	penthouse															
	residential	765	1,125	732	1,076	741	1,034	741	1,238	741	1,238	741	1,238	7,380	479	82
04	residential	765	1,125	732	1,076	741	1,034	741	1,238	741	1,238	741	1,238	7,380	479	
03	residential	765	1,125	732	1,076	741	1,034	741	1,238	741	1,238	741	1,238	7,380	479	
02	residential	765	1,125	732	1,076	741	0	741	0	741	0	741	0	4,950	540	2,374
01	ground floor														345	4,999
	Subtotals	4	4	4	4	4	4	4	3	4	3	3	3	27,090	2,404	7,373



Not Included in FAR

Summary

	Loading	Bike Parking	Mech, elec, data, water	Trash	Storage + BOH	Stairs, elev, and shafts	
	GSF	GSF	GSF	GSF	GSF	GSF	
penthouse			185			442	penthouse
05 residential			45	17		461	05 residential
04 residential			45	17		461	04 residential
03 residential			45	17		461	03 residential
02 residential			45	17		456	02 residential
01 ground floor	0	172	589	301	962	313	01 ground floor
Subtotals	0	172	954	369	962	2,594	Subtotals

SUBTOTAL:
NON-FAR

627
523
523
523
518
2,337
5,051

Total GSF	Subtotal attributable to FAR	Fir.
709	82	
8,382	7,859	05
8,382	7,859	04
8,382	7,859	03
8,382	7,864	02
7,681	5,344	01
41,918	36,867	Subtotals

TOTAL GSF 41,918

FAR
allowable FAR area 76,220
proposed FAR area 36,867
proposed FAR 1.45

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



E&M CONSULTING INCORPORATED | CHICAGO, ILL. 60611

EXHIBIT E
Landscape Plans

