



AGENDA

Planning & Development Committee

Monday, December 9, 2019

**Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800
6:45 PM**

Page

(I) CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN SUFFREDIN

(II) APPROVAL OF MINUTES OF REGULAR MEETING MINUTES OF NOVEMBER 25, 2019

PM1. Staff recommends approval of the Minutes of the Regular Planning and Development Committee Meeting of November 25, 2019. 4 - 8

For Action

[Draft Planning & Development Committee Minutes - November 25, 2019](#)

(III) PUBLIC COMMENT

(IV) ITEMS FOR CONSIDERATION

P1. Resolution 133-R-19, Approving a Re-subdivision of 2441 Ridge Avenue/840 Milburn Street 9 - 19

Staff does not recommend adoption of Resolution 133-R-19 approving a re-subdivision of 2441 Ridge Avenue/840 Milburn Street.

For Action

[Resolution 133-R-19, Approving a Re-subdivision of 2441 Ridge Avenue/840 Milburn Street](#)

P2. Ordinance 166-O-19, Granting a Special Use for an Educational Institution - Private, and a Religious Institution, St. Athanasius School and Parish, to Expand Off-Street Parking in the R1 Single Family Residential District 20 - 49

The Zoning Board of Appeals recommends denial and staff recommends adoption of Ordinance 166-O-19 granting special use approval for an Educational Institution - Private, and Religious Institution, St. Athanasius School and Parish, to expand off-street parking at 2503 Eastwood Ave./2510 Ashland Ave./1615 Lincoln St. in the R1 Single Family Residential District. The Zoning Board of Appeals found the proposal does not meet all of the Standards for a special use in this district, specifically, the proposed parking expansion would increase the negative cumulative impact on the surrounding residential neighborhood, and may interfere with or diminish the value of property in the neighborhood.

For Introduction

[Ordinance 166-O-19, Granting a Special Use for an Educational Institution - Private, and a Religious Institution, St. Athanasius School and Parish](#)

P3. Ordinance 171-O-19 Amending Title 6, Accessory Dwelling Unit Requirements and Qualifications 50 - 90

Plan Commission and staff recommend City Council adoption of Ordinance 171-O-19, a Zoning Ordinance Text Amendment to revise the definition of coach house and regulations related to accessory dwelling units. Staff is requesting reconsideration of the height restriction proposed by Plan Commission which would require that an ADU be shorter than the primary residential structure as this could hinder the ability to expand affordable housing opportunities in an equitable manner.

For Introduction

[Ordinance 171-O-19 Amending Title 6, Accessory Dwelling Unit Requirements and Qualifications](#)

P4. Ordinance 172-O-19 Extending the Time for the Applicant to Obtain a Building Permit for 1815 Ridge Avenue 91 - 183

Staff recommends City Council adoption of Ordinance 172-O-19 to extend the time for commencement of construction of the Planned Development at 1815 Oak Avenue, originally approved on July 25, 2016. The Ordinance would grant an extension of thirty (30) days for foundation permit issuance and ninety (90) days from the date of foundation permit issuance for building permit issuance. *Due to the single City Council meeting in December, Alderman Braithwaite requests suspension of the rules for Introduction and Action at the December 9, 2019 City Council Meeting.*

For Introduction and Action

[Ordinance 172-O-19 Extending the Time for the Applicant to Obtain a Building Permit for 1815 Ridge Avenue](#)

P5. Ordinance 173-O-19, Granting a Special Use for a Cannabis Dispensary at 1804 Maple Ave. in the RP Research Park District 184 - 198

The Zoning Board of Appeals and staff recommend City Council adoption of Ordinance 173-O-19, granting special use approval for a Cannabis Dispensary at 1804 Maple Ave. in the RP Research Park District. The applicant has complied with all zoning requirements and meets all of the Standards for special use for this district. *Due to the single City Council meeting in December, Alderman Braithwaite requests suspension of the rules for Introduction and Action at the December 9, 2019 City Council Meeting.*

For Introduction and Action

[Ordinance 173-O-19, Granting a Special Use for a Cannabis Dispensary at 1804 Maple Ave. in the RP Research Park District](#)

(V) ITEMS FOR DISCUSSION

(VI) ITEMS FOR COMMUNICATION

(VII) ADJOURNMENT



Planning & Development Committee

Monday, November 25, 2019 @ 6:45 PM

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800

**COMMITTEE MEMBER
PRESENT:**

Donald Wilson, 4th Ward Alderman, Eleanor Revelle, 7th Ward Alderman, Judy Fiske, 1st Ward Alderman, Melissa Wynne, 3rd Ward Alderman, Robin Rue Simmons, 5th Ward Alderman, Thomas Suffredin, 6th Ward Alderman, and Ann Rainey, 8th Ward Alderman

**COMMITTEE MEMBER
ABSENT:**

STAFF PRESENT:

Johanna Leonard, Director of Community Development, Michelle Masoncup, Director, Paul D'Agostino, Environmental Services Coordinator, and Scott Mangum, Planning & Zoning Administrator

1. **CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN SUFFREDIN**
A quorum being present, Ald. Suffredin called the meeting to order at 6:47 pm.

2. **APPROVAL OF REGULAR MEETING MINUTES OF OCTOBER 28, 2019**
Staff recommends approval of the Minutes of the October 28, 2019 Planning and Development Committee meeting.
For Action

Ald. Revelle moved approval of the minutes of the October 28, 2019 Planning and Development Committee meeting, seconded by Ald. Wilson.

The Committee voted unanimously 6-0 to approve the minutes.

3. **PUBLIC COMMENT**
Gail Weisberg, Hampton Parkway Condominiums, spoke in support of a new City regulation requiring 85% of owners to support condo deconversion and explained issues with proposed deconversion.

Mary Miller, Hampton Parkway Condominiums, spoke in support of a new City regulation requiring 85% of owners to support condo deconversion and noted affordable housing regulations decreasing property value.

Gloria Meza, Hampton Parkway Condominiums, s spoke in support of a new City regulation

requiring 85% of owners to support condo deconversion and suggested additional requirements.

Wendy Pollack, spoke regarding the Tree Preservation Ordinance, supporting additional regulation for trees on private property.

Leslie Shad, spoke regarding the Tree Preservation Ordinance, supporting additional regulation for trees on private property including decreasing the size of trees protected and increasing replacement regulations.

Marina Sharipova, spoke in support of a new City regulation requiring 85% of owners to support condo deconversion and noted issues with proposed deconversion.

4. ITEMS FOR CONSIDERATION

A. Ordinance 157-O-19, Amending the Municipal Use Exemption in Section 6-7-4

The Plan Commission and staff recommend amending Section 6-7-4 of the Zoning Ordinance, Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

For Introduction

Moved by 5th Ward Alderman Robin Rue Simmons
Seconded by 7th Ward Alderman Eleanor Revelle

Ayes: 4th Ward Alderman Donald Wilson, 7th Ward Alderman Eleanor Revelle, 1st Ward Alderman Judy Fiske, 3rd Ward Alderman Melissa Wynne, 5th Ward Alderman Robin Rue Simmons, 6th Ward Alderman Thomas Suffredin, and 8th Ward Alderman Ann Rainey

Carried 7-0 on a recorded vote

B. Ordinance 158-O-19 Application for Major Zoning Relief to locate required parking more than 1000' from a Multifamily Residence at 1570 Oak Ave. in the R6 General Residential District

Staff and the Zoning Board of Appeals recommend adoption of Ordinance 158-O-19 granting major zoning relief to lease 57 required off-street parking spaces more than 1,000 feet from the subject property (multifamily residence at 1570 Oak Ave.), in the R6 General Residential District. The applicant has complied with all zoning requirements, and meets all of the Standards for Major Variations for this district.

For Introduction

In response to Ald. Revelle noting that the memo stated the applicant was to work with current residents regarding pricing and mobility issues, Scott Mangum, Planning and Zoning Manager stated that changes could be made to the proposed Ordinance if so desired.

Al Belmonte, property owner, stated that he had reached out to residents to keep the parking

rate the same through the term of their lease and is working with a resident regarding mobility issues.

In response to Ald. Fiske, Mr. Belmonte confirmed that the difference in pricing between the existing parking and the rate to park in the City parking garage would be born by the applicant, not by the City.

Moved by 7th Ward Alderman Eleanor Revelle
Seconded by 5th Ward Alderman Robin Rue Simmons

Ayes: 4th Ward Alderman Donald Wilson, 7th Ward Alderman Eleanor Revelle, 1st Ward Alderman Judy Fiske, 3rd Ward Alderman Melissa Wynne, 5th Ward Alderman Robin Rue Simmons, 6th Ward Alderman Thomas Suffredin, and 8th Ward Alderman Ann Rainey

Carried 7-0 on a recorded vote

5. ITEMS FOR DISCUSSION

A. Discussion of Aldermanic Reference Regarding Condominium Deconversions

Staff seeks further direction on the reference from Alderman Fiske to review the local ordinances associated with condominium deconversions.

For Discussion

Ald. Fiske expressed concern for elderly and lower-income residents and is in support of the Chicago model with an 85% requirement.

Ald. Rainey stated she is not in favor of 85%, noted the City has a model ordinance regarding conversions, and suggested declaring a moratorium on deconversions.

In response to Ald. Wilson, Corporation Counsel Michelle Masoncupp stated the regulation is within home rule authority, however, Evanston has buildings with a smaller number of units than many buildings in Chicago and noted that condominium boards can currently set their own ratio.

Ald. Wilson noted regulations should address the issue of consideration being given to only one owner but not given to all, noted the concerns with Inclusionary Housing Ordinance fees, and supported a moratorium.

Ald. Revelle empathized with condo owners and supported a moratorium.

Ald. Rainey moved to have a condominium deconversion moratorium placed on the next possible agenda.

Moved by 8th Ward Alderman Ann Rainey

Seconded by 4th Ward Alderman Donald Wilson

Ayes: 4th Ward Alderman Donald Wilson, 7th Ward Alderman Eleanor Revelle, 1st Ward Alderman Judy Fiske, 3rd Ward Alderman Melissa Wynne, 5th Ward Alderman Robin Rue Simmons, 6th Ward Alderman Thomas Suffredin, and 8th Ward Alderman Ann Rainey

Carried 7-0 on a recorded vote

B. Tree Preservation Ordinance Discussion

Staff is requesting that City Council provide direction for modifying the Tree Preservation Ordinance.

For Discussion

Paul D'Agostino, Environmental Services Coordinator gave the staff presentation noting the many benefits of trees, the current regulations in the ordinance, the proposed modifications to include larger trees on private property, regulations in other municipalities, the impact of the proposed regulations on other developments, and the reasoning for the proposed 25-inch threshold.

In response to Ald. Wynne, Mr. D'Agostino noted it was difficult to predict the impact of lowering the threshold to 20 inches without an inventory of how many trees would qualify.

Ald. Wynne was concerned that we are not protecting enough trees and would rather error on the cautious side.

In response to Ald. Wynne, Mr. D'Agostino stated that they could also look at graduated regulations for the age and/or sizes of trees by type.

Ald. Fiske was in favor of a regulation that is graduated by species.

Ald. Revelle concurred with other Ald. and was in favor of adjusting fee-in-lieu and requiring a tree inventory from property owners.

Community Development Director Johanna Leonard stated the item would return at a future meeting.

6. ITEMS FOR COMMUNICATION

Ald. Rue Simmons noted the increased notice requirement as part of the Municipal Use Exemption amendment.

Director Leonard stated the notice requirement would be 500-feet and gave the example of the Civic Center as a Municipal Use Exemption in the R4 District.

7. ADJOURNMENT

Ald. Wilson moved to recommend adjournment of the meeting, seconded by Ald. Rue Simmons. The meeting adjourned at 7:37 pm.



Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Michael Griffith, Development Planner
CC: Johanna Leonard, Director of Community Development; Scott Mangum, Planning and Zoning Manager
Subject: Resolution 133-R-19, Approving a Re-subdivision of 2441 Ridge Avenue/840 Milburn Street
Date: December 9, 2019

Recommended Action:

Staff does not recommend adoption of Resolution 133-R-19 approving a re-subdivision of 2441 Ridge Avenue/840 Milburn Street.

Council Action:

For Action

Summary:

The applicant, property owner of 2441 Ridge Avenue, Jack Lander, would like to combine the primary parcel at 2441 Ridge and a parcel containing a landscape wall in order to obtain a single tax ID number. Several years ago, the owners of 840 Milburn Street quit-claimed a small piece of their property to the applicant. The land was transferred for tax purposes so that the 2441 Ridge property owner would pay the taxes for that portion of land where a small portion of a landscape wall was constructed by the property owner of 2441 Ridge north of the shared property line. The land transferred is approximately 2' x 21'. The land under common ownership by the applicant is two parcels with separate tax ID numbers, with a zig-zag property ownership line (PINS: 11-07-106-002-0000 and -031-0000).

The Cook County Assessor will not combine these parcels into a single tax ID number since both parcels are not within the same recorded plat of subdivision.

The proposed subdivision moves both parcels into one lot of record, therefore, one tax ID number can be assigned. No new lots are being created, no new structures are proposed. The proposed lots will exceed the minimum lot width and size dimension requirements for the district:

2441 Ridge Subdivision	Minimum Required	2441 Ridge Ave.	840 Milburn St.
Lot Width	35 ft.	54.3 ft.	62.4 ft.
Lot Size	Residential use: 7,200 sq. ft.	8,502 sq. ft.	7,663 sq. ft..

Per Section 4-11-1, "Subdivisions," of the City Code, the Director of the Public Works Agency and the City Engineer have reviewed the proposed subdivision and determined that all required City infrastructure already exists in the neighborhood and no new public infrastructure is needed. However, the Public Works Agency is not recommending approval of the proposed subdivision, memo attached.

Staff does not recommend approval of the resolution to approve the proposed plat of subdivision. The proposed plat of subdivision changes the zoning lot, creating a zig-zag lot line, which is not a best practice. Best practice is to provide simple, straight property lines when feasible. Instead, an easement could be provided to provide access to the property owner of 2441 Ridge for maintenance of the landscape wall.

Background:

The property is zoned R1 Single-Family Residential District.

The plats of survey for both properties show an easement adjacent to the zig-zag property line and the landscape wall.

Attachments:

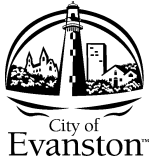
[Public Works Agency Director memorandum dated November 12, 2019](#)

[Resolution 133-R-19 Approving a Resubdivision OF 2441 Ridge Ave](#)

[Plat of Subdivision - 2441 Ridge Ave](#)

[GIS Map Showing Current Lot Lines - 2441 Ridge Ave](#)

[Google Street View - 2441 Ridge Ave](#)



Memorandum

To: Johanna Leonard, Community Development Director

From: David Stoneback, Public Works Agency Director
Lara Biggs, P.E., Bureau Chief – Capital Planning / City Engineer

Subject: Subdivision of 2441 Ridge Avenue
Public Works Director Report

Date: November 12, 2019

Upon review of the proposed subdivision, and as required by Section 4-11-1 of the City Code, the Public Works Agency Director and the City Engineer submit the following report for the new subdivision located at 2441 Ridge Avenue.

Recommendation

This subdivision should be denied. The purpose of the subdivision appears to be to clarify the ownership of landscaping and hardscape elements. A portion of this is simultaneously being clarified with an easement in addition to the minor modification of the property line.

This methodology is unnecessarily complicated. The best practice is to provide simple, straight property lines where feasible. In this particular case, the easement should be extended to include the necessary area for landscaping/hardscaping maintenance, and the property line should remain in its existing straight configuration.

Alternatively, the subdivision should encompass the entire area including the easement. The new property lines should not be drawn to be both a zig-zag and have an easement.

Right-of-Way to be Dedicated to the City of Evanston

None.

Infrastructure Easements to be Granted to the City of Evanston

None.

Public Improvements to be Constructed on Behalf of the City of Evanston

None.

Bond Requirements to Guarantee Future Infrastructure Improvements

None.

Other Requirements

None.

133-R-19

A RESOLUTION

Approving a Plat of Resubdivision for 2441 Ridge Avenue

WHEREAS, pursuant to Subsection 4-11-1(B) of the Evanston City Code of 2012, as amended (the "City Code"), the City Council may approve of a plat by means of a resolution; and

WHEREAS, the City intends to resubdivide the property located at 2441 Ridge Avenue, Evanston, Illinois (the "Subject Property"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, the City Council hereby finds that the proposed plat complies with all applicable provisions of Title 4, Chapter 11 of the City Code, subject to certain conditions,

NOW, THEREFORE, BE IT RESOLVED 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: Pursuant to Title 4, Chapter 11 of the City Code, the City Council hereby approves the proposed Plat of Resubdivision, attached hereto as Exhibit B and incorporated herein by reference, subject to the following conditions:

- (A)** The final plat of resubdivision must substantially conform to the resubdivision plat prepared by Gremley and Biedermann and dated September 16, 2019, attached as Exhibit B, except as such plat may be modified to conform to the City Code, Resolution, and Ordinance;

SECTION 3: The City Manager and/or her designee(s) is/are hereby authorized and directed to sign, and the City Clerk hereby authorized and directed to attest, any documents necessary to implement the terms of this resolution.

SECTION 4: This resolution shall be in full force and effect from and after the date of its passage and approval in the manner required by law.

Stephen H. Hagerty, Mayor

Approved as to form:

Attest:

Devon Reid, City Clerk

Michelle L. Masoncup, Corporation Counsel

Adopted: _____, 2019

EXHIBIT A

Legal Description

LOT 10 IN NELSON'S SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 1 IN STOKES' SUBDIVISION OF LOT 9 IN NELSON'S SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 50 MINUTES 56 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 1 WHICH HAS AN ASSUMED BEARING OF NORTH 89 DEGREES 50 MINUTES 56 SECONDS EAST A DISTANCE OF 22.29 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 04 SECONDS WEST 1.91 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 28 SECONDS WEST 0.94 FEET; THENCE NORTH 89 DEGREES 17 MINUTES 41 SECONDS WEST 20.71 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE SOUTH 16 DEGREES 06 MINUTES 13 SECONDS WEST ALONG SAID WEST LINE 2.27 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN(s): 11-07-106-002-0000
11-07-106-031-0000

COMMONLY KNOWN AS: 2441 Ridge Avenue, Evanston, Illinois.

EXHIBIT B

Plat of Resubdivision

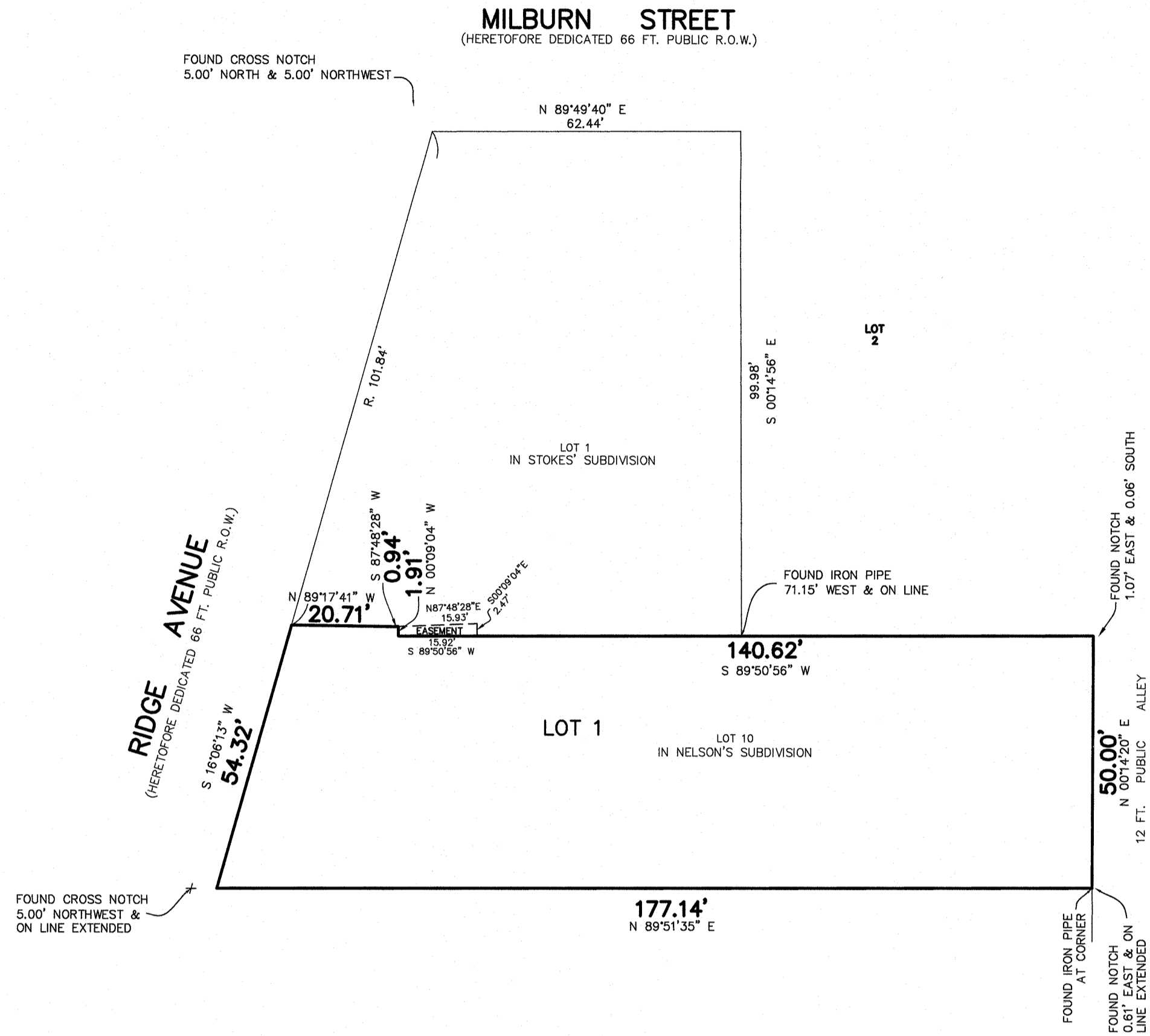
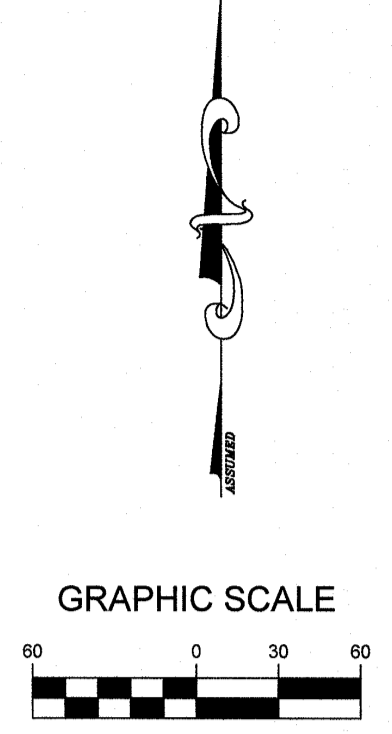
2441 Ridge Subdivision

OF PART OF THE NORTH HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PLAT ORDERED BY:
Jack Lander
2441 Ridge Avenue,
Evanston, Illinois 60201

AFTER RECORDING RETURN PLAT TO:

PINS:
11-07-106-002
11-07-106-031



PROPERTY OWNER CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
I, (WE) _____ DO HEREBY CERTIFY THAT I AM THE TITLE OWNER OF RECORD OF THE PROPERTY DESCRIBED HEREON, AND THAT I HAVE CAUSED THE SAME TO BE SURVEYED FOR THE PURPOSE OF SUBDIVIDING IT INTO ONE LOT, AS SHOWN HEREON.
DATED THIS _____ DAY OF _____ A.D., 20____
BY: _____
BY: _____

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
I, _____ A NOTARY PUBLIC, IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED THE FOREGOING INSTRUMENT AS OWNER OF THE PROPERTY DESCRIBED HEREON, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT S/HE SIGNED AND DELIVERED THE SAME INSTRUMENT AS AND HIS/HER OWN FREE AND VOLUNTARY ACT, FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ A.D., 20____
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

MORTGAGEE CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
AS MORTGAGEE UNDER THE PROVISIONS OF A CERTAIN MORTGAGE RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, AS DOCUMENT NO. _____, DOES HEREBY CONSENT TO THE PLAT OF SUBDIVISION HEREON DRAWN.
DATED THIS _____ DAY OF _____ A.D., 20____
ATTEST: _____

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
I, _____ A NOTARY PUBLIC, IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED THE FOREGOING INSTRUMENT AS OWNER OF THE PROPERTY DESCRIBED HEREON, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT S/HE SIGNED AND DELIVERED THE SAME INSTRUMENT AS AND HIS/HER OWN FREE AND VOLUNTARY ACT, FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____ A.D., 20____
NOTARY PUBLIC
MY COMMISSION EXPIRES: _____

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
I, _____ COOK COUNTY CLERK DO NOT FIND ANY DELINQUENT GENERAL TAXES UNPAID, CURRENT GENERAL TAXES DELINQUENT, SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND IN THE ABOVE PLAT.
DATED THIS _____ DAY OF _____ A.D., 20____
COUNTY CLERK

ZONING ADMINISTRATOR CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
APPROVED THIS _____ DAY OF _____ A.D., 20____
BY: _____

DIRECTOR OF PUBLIC WORKS AGENCY CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
APPROVED THIS _____ DAY OF _____ A.D., 20____
BY: _____

CORPORATE COUNSEL CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
APPROVED THIS _____ DAY OF _____ A.D., 20____
BY: _____

CORPORATE COUNSEL CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
APPROVED BY THE COUNCIL OF THE CITY OF EVANSTON, ILLINOIS AT A MEETING HELD ON THE _____ DAY OF _____ A.D., 20____, IN WITNESS WHEREOF, I SET MY HAND AND AFFIX THE CORPORATE SEAL OF SAID CITY, THIS _____ DAY OF _____ A.D., 20____.
BY: _____

CITY COLLECTOR CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
I, _____ COLLECTOR FOR THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT I FIND NO DELINQUENT GENERAL TAXES, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS DUE AGAINST THE LAND IN THE PLAT HEREON DRAWN.
DATED THIS _____ DAY OF _____ A.D., 20____
BY: _____

LAND SURVEYOR CERTIFICATE

STATE OF ILLINOIS))
COUNTY OF COOK))
I, ROBERT G. BIEDERMANN, A PROFESSIONAL ILLINOIS LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED:
LOT 10 IN NELSON'S SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTH WEST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
ALSO
THAT PART OF LOT 1 IN STOKES' SUBDIVISION OF LOT 9 IN NELSON'S SUBDIVISION OF PART OF THE NORTH HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1; THENCE NORTH 89 DEGREES 50 MINUTES 56 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 1 WHICH HAS AN ASSUMED BEARING OF NORTH 89 DEGREES 50 MINUTES 56 SECONDS EAST A DISTANCE OF 22.29 FEET; THENCE NORTH 00 DEGREES 09 MINUTES 04 SECONDS WEST 1.91 FEET; THENCE SOUTH 87 DEGREES 48 MINUTES 28 SECONDS WEST 0.94 FEET; THENCE NORTH 89 DEGREES 17 MINUTES 41 SECONDS WEST 20.71 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE SOUTH 16 DEGREES 06 MINUTES 13 SECONDS WEST ALONG SAID WEST LINE 2.27 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.
CONTAINING 8,543 SQUARE FEET OR 0.20 ACRES MORE OR LESS.

I FURTHER CERTIFY THAT THE PROPERTY DESCRIBED HEREON IS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF MOUNT PROSPECT, COOK COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT ALL OF THE PROPERTY APPEARS IN "OTHER AREAS" ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER THE FLOOD INSURANCE RATE MAP, COOK COUNTY, ILLINOIS, COMMUNITY PANEL NO. 17031C 0260J, EFFECTIVE DATE OF AUGUST 19, 2008.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 62° FAHRENHEIT.

FIELD MEASUREMENTS COMPLETED ON SEPTEMBER 14, 2018.

SIGNED ON _____
BY: _____

PROFESSIONAL ILLINOIS LAND SURVEYOR NO. _____
MY LICENSE EXPIRES NOVEMBER 30, 2020

State of Illinois)
County of Cook)ss

I, _____, a Notary Public in and for said County in the State aforesaid, do hereby certify that _____ (and _____), who is (are) personally known to me to be the same person whose name is subscribed, to the foregoing Certificate of Ownership, who acknowledge that at the time of such appearance his or her (their) ownership of the property described hereon and that he or she (they) signed said certificate as his or her (their) own free and voluntary act and deed individually or jointly, for the uses and purposes therein set forth.
WITNESS by Hand and Notarial Seal this _____ day of _____, 20____.

Notary Public Commission Expires _____

REVISED SEPTEMBER 16, 2019 PER #2019-27178 [RJ]
REVISED CERTIFICATES JULY 30, 2019 PER ORDER #2019-27003 [RL]
REVISED 5/31/19 #2019-26720 (BB)
REVISED 1/2/19 #2018-26300 (BB)

ORDERED BY: CHICAGO TITLE INSURANCE COMPANY	CHECKED: BB	DRAWN: BB
ADDRESS: 2441 RIDGE AVENUE		

GREMLEY & BIEDERMANN
PLCS, CORPORATION
LICENSE NO. 184-05532
PROFESSIONAL LAND SURVEYOR
4505 NORTH ELSTON AVENUE, CHICAGO, IL 60630
TELEPHONE: (773) 685-5102 FAX: (773) 286-4184 EMAIL: INFO@PLCS-SURVEY.COM

ORDER NO. **2018-25874-001** DATE: SEPTEMBER 14, 2018 SCALE: 1" = 10 FEET PAGE NO. **1 of 1**

© \CAD\2018\2018-25874\2018-25874-001.dwg

SURVEY NOTES:

THIS PLAT IS EXEMPT UNDER THE PLAT ACT PURSUANT TO 765 ILCS 205/1(B) (2), AS "THE DIVISION OF LOTS OR BLOCKS IN ANY RECORDED SUBDIVISION WHICH DOES NOT INVOLVE ANY NEW STREETS OR EASEMENTS OF ACCESS", AND SO IS NOT REQUIRED BY STATE STATUTE, BUT IS REQUIRED BY CITY OF EVANSTON CODE.

MONUMENTATION AT ALL LOT CORNERS INDICATED BY SYMBOL OR NOTATION ESTABLISHED PRIOR TO PLAT RECORDATION.

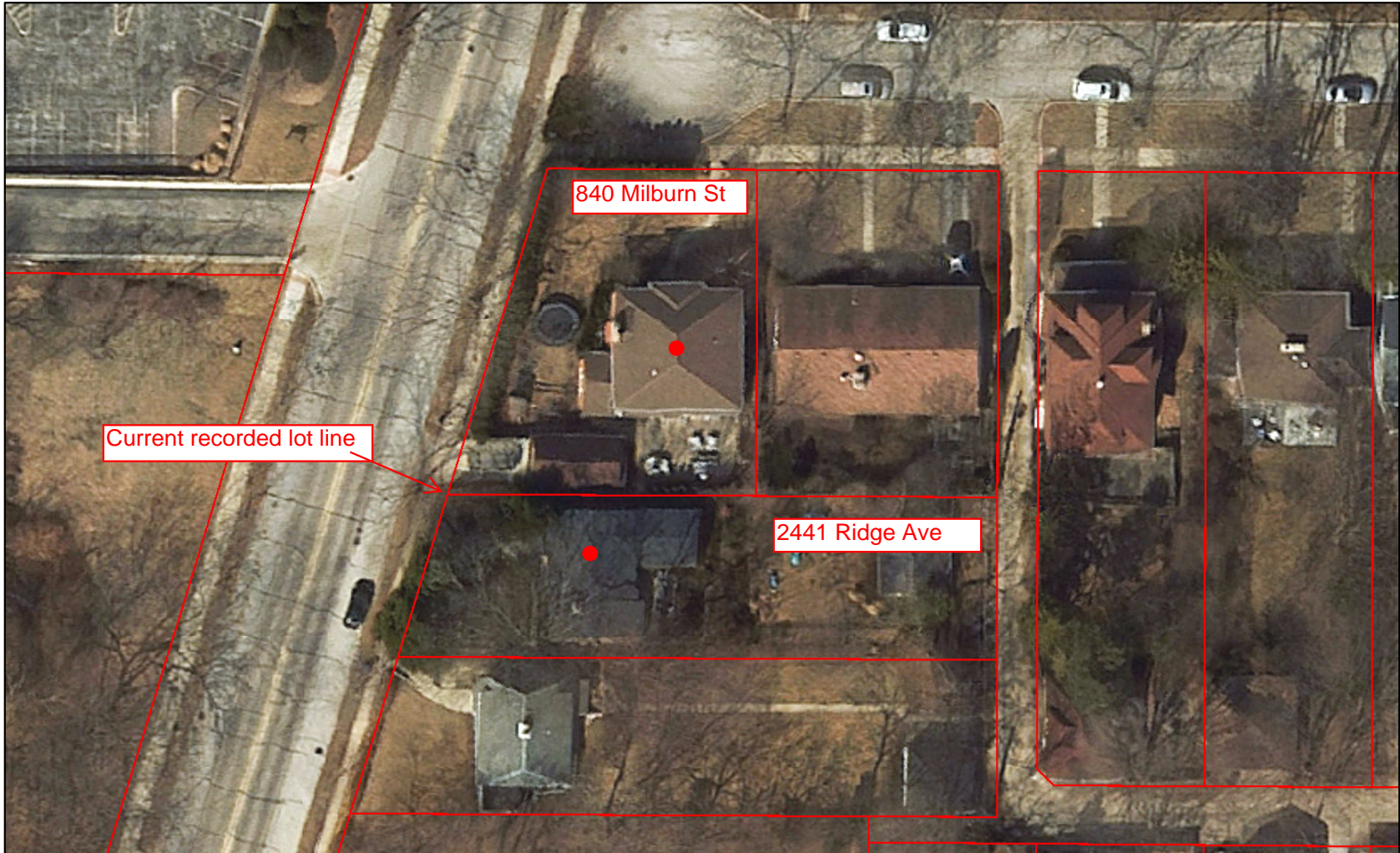
IRON PIPE IS TO BE SET AT REMAINING LOT CORNERS AFTER PLAT RECORDATION UNLESS OTHERWISE INDICATED OR NOTED HEREON.

NO DIMENSIONS SHALL BE ASSUMED BY SCALE MEASUREMENT UPON THIS PLAT.

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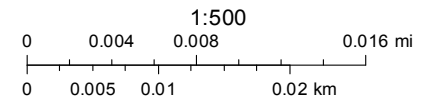
PRELIMINARY

2441 Ridge Ave/840 Milburn St



November 25, 2019

- User drawn points
- Tax Parcels



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Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Melissa Klotz, Zoning Administrator
CC: Johanna Leonard, Community Development Director
Subject: Ordinance 166-O-19, Granting a Special Use for an Educational Institution - Private, and a Religious Institution, St. Athanasius School and Parish, to Expand Off-Street Parking in the R1 Single Family Residential District
Date: December 9, 2019

Recommended Action:

The Zoning Board of Appeals recommends denial and staff recommends City Council adoption of Ordinance 166-O-19 granting special use approval for an Educational Institution - Private, and Religious Institution, St. Athanasius School and Parish, to expand off-street parking at 2503 Eastwood Ave./2510 Ashland Ave./1615 Lincoln St. in the R1 Single Family Residential District. The Zoning Board of Appeals found the proposal does not meet all of the Standards for a special use in this district, specifically, the proposed parking expansion would increase the negative cumulative impact on the surrounding residential neighborhood, and may interfere with or diminish the value of property in the neighborhood.

Council Action:

For Introduction

Summary:

The applicant proposes to expand parking for St. Athanasius School and Parish by increasing the parking at 2503 Eastwood Ave. from 14 to 22 spaces (previous single-family residence on the lot was demolished). Existing parking is located at the north lot as well as the south 2503 Eastwood Ave. lot, with access via the alley.

The demand and challenges associated with parking are consistent with most neighborhood schools, although the campus experiences unique challenges due to the use of the alley as the primary stacking for drop-off and pick-up. The peak periods for the school occur during weekday drop-offs between 8 and 8:30 am, and more predominantly during after school pick-up, when more severe congestion is experienced. Stacking and loading primarily utilize the public-alley, often causing significant congestion and conflict points for vehicles and

pedestrians, as well as three alley-facing garages. The Parish's peak periods occur during weekend Mass services and other large events such as weddings. Parking challenges for the campus are most acute when the Parish and school uses overlap on weekday mornings when Mass is offered during the peak drop-off time for the school. This causes significant loading and congestion issues, not only for the school and Parish, but the surrounding neighborhood at large as it intersects with commuting times for many households. Neighbors who utilize the alley are often faced with significant delays due to its use as a loading zone and parking queue.

The applicant proposes to expand the existing parking and modify the layout of existing spaces at the south lot. The applicant believes the changes will improve ingress/egress during peak periods as well as improve safety for students and congregants by minimizing conflict points between pedestrians and cars. In total with the new parking layout, a net increase of 12 spaces will be provided on the campus. Staff parking in the north will move to the expanded south parking area at 2503 Eastwood Ave. The spaces in the north lot will thereafter be dedicated for temporary parking during peak periods. During school hours, the north parking lot will be vehicle-free to be used as a flexible play space. Neighbors have documented the north parking area is often less than 25% occupied except during large events and when the lot is leased for Northwestern football games on weekends. Currently, most vehicles that park in the north lot during school hours are illegally parked vehicles from surrounding multifamily residences.

In addition to the proposed parking expansion, the applicant proposes relocating the garbage enclosure to a more efficient and accessible location. A full operations summary and circulation plan is provided within the ZBA packet.

City Staff has received correspondence from neighboring property owners, including letters of concern and testimony regarding the vehicular demands on the alley during peak hours which leads to vehicles blocking garages of surrounding residents, and nuisance tailgating issues during NU football games. Following a negative recommendation by DAPR, the ZBA, and concerns from residents, the applicant submitted additional information (attached) that agrees to the conditions for approval stated by the ZBA, describes the rules and regulations in place for tailgating during NU events, and details for a meeting planned with St. Athanasius staff, neighbors, and Alderman Revelle, on December 5, 2019 to address any remaining concerns.

Comprehensive Plan:

The Evanston Comprehensive General Plan encourages enhancing the existing assets of neighborhoods while recognizing that each neighborhood contributes to the overall social and economic quality of Evanston. The Comprehensive Plan specifically includes:

Objective: Recognize the benefits of mixing residential, commercial, and institutional uses in neighborhoods.

Policy: Minimize the adverse effects of such circumstances as traffic and parking congestion...

Objective: Assure that institutional development enhances surrounding neighborhoods as well as the economic development of Evanston.

Policy: Monitor institutional development and evolution using land use regulations to guide effects and limit negative impacts on the surrounding community and adjoining land uses.

Legislative History:

October 15, 2019: The Zoning Board of Appeals unanimously recommended denial of the special use with the following Standards for Approval not met:

#3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use. Standard not met: The cumulative effect of continued expansion of an institutional land-use, particularly uses accessory to the principal structures, has eroded the residential fabric of the neighborhood, particularly the frontage along Eastwood Avenue between Lincoln Street to the south and the alley north of Harrison Street.

#4. Does not interfere with or diminish the value of property in the neighborhood. Standard not met: The expansion of the south parking lot for an institutional use in between residential properties along with the already stressed ingress/egress via the alley during drop-off and pick-up times, increases vehicular congestion and nuisances, and interferes with access to residential parking that is accessed off of the alley.

However, the ZBA found that if the City Council chooses to approve the special use, the following conditions should be included:

1. The south parking lot shall not be rented out for non-St. A's events such as NU games.
2. A traffic study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, etc.
3. The applicant shall work with the Alderman and neighbors to have a productive conversation that addresses the problems.
4. The north parking lot can be rented out but a management plan for tailgating issues shall be enacted.

[ZBA Packet - October 15, 2019](#)

Attachments:

[Ordinance 166-O-19 Granting Special Use Permit to St Athanasius to Expand Off Street Parking in R1 District](#)

[Public Comments submitted after ZBA packet](#)

[Additional Information from Applicant - submitted November 22, 2019](#)

[Findings For Special Use - 2503 Eastwood Ave](#)

[ZBA Meet Minutes Excerpt - October 15, 2019](#)

166-O-19

AN ORDINANCE

Granting a Special Use Permit to Saint Athanasius Parish to Expand Off-Street Parking at 2503 Eastwood Avenue/2510 Ashland Avenue/1615 Lincoln Street in the R1 Single-Family Residential District

WHEREAS, Saint Athanasius Parish, (the “Applicant”), owner of the properties commonly known as 2503 Eastwood Avenue, 2510 Ashland Avenue, and 1615 Lincoln Street (the “Subject Properties”), located within the R1 Single-Family Residential Zoning District and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application for a Special Use permit to expand off-street parking pursuant to Subsection 6-8-2-4 of the Evanston City Code of 2012, as amended (“the Zoning Code”); and

WHEREAS, on October 15, 2019, the Zoning Board of Appeals (“ZBA”), pursuant to proper notice, held public hearings in case no. 19ZMJV-0073 to consider the application, received testimony, and made written records and findings that the application did not meet the standards for Special Uses set forth in Subsection 6-3-5 of the Zoning Code and unanimously recommended City Council denial thereof; and

WHEREAS, at its meeting on December 9, 2019, the Planning and Development (“P&D”) Committee of the City Council considered the ZBA’s recommendation and recommended City Council approve the Special Use permit, as requested; and

WHEREAS, at its meeting on January 13, 2020, the City Council considered and adopted the recommendation of the P&D Committee,

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 fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit to expand off-street parking and construct a play area as applied for in case no. 19ZMJV-0073.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variations granted hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (A) Compliance with Requirements:** The Applicant shall develop and use the Subject Properties in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and the approved plans and documents on file in this case.
- (B) South Lot Rental Prohibition:** The south parking lot shall not be rented out for non-St. Athanasius events.
- (C) Traffic Study:** A traffic study shall be conducted that addresses concerns raised by neighbors by means including, but not limited to, signage, one-way traffic, and no waiting.
- (D) Community Engagement:** The applicant shall work with the Alderman and neighbors to have a productive conversation that addresses the problems discussed at the October 15, 2019 ZBA hearing.
- (E) North Lot Rental:** The existing north parking lot may be rented out for non-St. Athanasius events, but a management plan for addressing and monitoring tailgating issues shall be enacted.
- (F) Recordation:** 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 construction permits pursuant to the Special Use authorized hereby.

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: 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.

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

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: 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 9: The findings and recitals 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: _____, 2019

Approved:

Adopted: _____, 2019

_____, 2019

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Devon Reid, City Clerk

Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A

Legal Description

Lots 9 thru 16, both inclusive, East 40 feet of Lot 17, the South 10 feet of the vacated alley adjacent to the North of Lots 16 and 17, Lots 22, 24, 25, and 26 in Block 8 in North Evanston, a subdivision of Lots 11 to 16 and the West 4.3 acres of Lot 17 in George Smith's Subdivision of the South part of Archang's Qulimette Reserve and also of Lots 1 and 3 and that part of Lot 2 lying between the Chicago & Milwaukee Railroad and the West line of Lot 3 produced to the West line of Section 14, Township 41 North, Range 13 of Assessors Plat of Evanston, East of the Third Principal Meridian in Cook County, Illinois.

ALSO

Lots 1 and 2 in the Resubdivision of Lots 14 and 15 of Block 8 of North Evanston, a subdivision of Lots 11 to 16 and the West 4.3 acres of Lot 17 in George Smith's Subdivision of the South part of Archang's Qulimette Reserve and also of Lots 1 and 3 and that part of Lot 2 lying between the Chicago & Milwaukee Railroad and the West line of Lot 3 produced to the West line of Section 14, Township 41 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

PINs:

- 10-12-203-015-0000
- 10-12-203-016-0000
- 10-12-203-017-0000
- 10-12-203-025-0000
- 10-12-203-026-0000
- 10-12-203-012-0000
- 10-12-203-014-0000

Commonly known as: 2503 Eastwood Avenue; 2510 Ashland Avenue; 1615 Lincoln Street

Re: 2503 Eastwood

Dear Members of the Zoning Board,

I am writing to express my disappointment in the special use application for property at 2503 Eastwood. At the last public meeting of the DAPR, this application was denied. In the interim, plans were modified and presented to city staff who subsequently reversed their recommendation. Neighbors were not notified about new plans, meetings with city staff, or the reversal of the previous decision. I do not see how a plan developed in this fashion can be supported. In addition, a process like this does not build trust.

Our family moved to 2424 Eastwood 19 years ago. It was a small, friendly neighborhood with a handful of houses. Our daughter played with the children living at 2503. We were delighted to be part of a cozy neighborhood.

Now two of the houses are gone. 2503 was torn down with little notice. Healthy trees were cut down to create the vacant lot now in need of improvement.

It is difficult to see the loss of a family home, zoned R1, for a parking lot. It is difficult to see this as an improvement to the neighborhood. It directly impacts the residential nature of the neighborhood.

This proposal seeks to establish a dangerous precedent about reclassifying R-1 designated property to special use, for a parking lot.

Nevertheless, we all want kids to have a place to play away from traffic. I could be more enthusiastic if:

- The issues were viewed as neighborhood issues rather than Church issues,
- Plans had been developed collaboratively,
- I understood the budget and timeline for paving and landscaping,
- I understood how striped areas by garages will safeguard garages access and how striping and two-way traffic will be enforced,
- I understood the long-term plan for the St. A's campus and how the current request is part of that, and
- Was confident that the plan will not negatively impact the residential character of the neighborhood.

I encourage you to deny this request, or at least defer a decision until the neighborhood can learn more about the plan. Thank you for your consideration.

Susan LeBailly
2424 Eastwood



Melissa Klotz <mklotz@cityofevanston.org>

Re: ZBA CANCELED - St. A's case rescheduled

1 message

kaari roberts <kaari6@gmail.com>
To: Melissa Klotz <mklotz@cityofevanston.org>

Mon, Oct 14, 2019 at 11:18 AM

Melissa,

I understand that the zoning meeting for the St As parking lot is tomorrow night. I just wanted to reiterate my support for the parking lot, which will back up to our house at 1619 Lincoln.

More parking will ensure a safe place for the kids to play and to keep cars off the street.

Additionally, if it is a parking lot, it will not become unnecessary apartments, avoiding a more crowded neighborhood.

Unfortunately, we can not be at the meeting.

Please let me know if you need anything else.

Kaari and Bill Roberts
1619 Lincoln
773.485.5665

On Tue, Sep 17, 2019 at 3:20 PM Melissa Klotz <mklotz@cityofevanston.org> wrote:
Good afternoon,

Due to unforeseen circumstances, the ZBA is unable to make quorum for tonight's meeting where the St. A's parking request would be discussed. The meeting is canceled, and the St. A's case has been rescheduled to the next ZBA hearing on October 15th at 7pm in Council Chambers.

You are receiving this email because you submitted a letter of support or opposition. **Please attempt to spread the word among the neighborhood that tonight's meeting has been canceled.**

Thank you,

Melissa Klotz
Zoning Administrator
Planning & Zoning Division
Community Development Department
Morton Civic Center
City of Evanston

2100 Ridge Ave. | Evanston, IL 60201 | 847-448-4311
mklotz@cityofevanston.org | cityofevanston.org

Note: The contents of this electronic mail to/from any recipient hereto, any attachments hereto, and any associated metadata pertaining to this electronic mail, is subject to disclosure under the Illinois Freedom of Information Act, 5 ILCS 140/1 *et. seq.*

Re: 2503 Eastwood

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Now two of the houses are gone. 2503 was torn down with little notice. Healthy trees were cut down to create the vacant lot now in need of improvement.

It is difficult to see the loss of a family home, zoned R1, for a parking lot. It is difficult to see this as an improvement to the neighborhood. It directly impacts the residential nature of the neighborhood.

This proposal seeks to establish a dangerous precedent about reclassifying R-1 designated property to special use, for a parking lot.

Nevertheless, we all want kids to have a place to play away from traffic. I could be more enthusiastic if:

- The issues were viewed as neighborhood issues rather than Church issues,
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- I understood the budget and timeline for paving and landscaping,
- I understood how striped areas by garages will safeguard garages access and how striping and two-way traffic will be enforced,
- I understood the long-term plan for the St. A's campus and how the current request is part of that, and
- Was confident that the plan will not negatively impact the residential character of the neighborhood.

I encourage you to deny this request, or at least defer a decision until the neighborhood can learn more about the plan. Thank you for your consideration.

Susan LeBailly
2424 Eastwood

**St. Athanasius – 2503 Eastwood Avenue, Evanston
West Campus - Archdiocesan Property
November 23, 2019 version**

**City of Evanston Review: In preparation for Planning and
Development and City Council Meeting on December 9, 2019
New Documents and Commentary from St. Athanasius Parish**

SCOPE OF ACTION

Saint Athanasius Parish has applied for a Special Use application related to a proposed reconfiguration and modest expansion of its existing surface parking lot at 2503 Eastwood Avenue. The proposed changes would bring the subject property into conformance with the City's parking design guidelines and zoning standards, and help to alleviate peak period congestion on the Parish's main parking lot to the north. More importantly, the proposal would allow the School to provide its students with a consolidated, outdoor play area unimpeded by parked cars or moving vehicles on its north lot. The existing conditions are shown in *EXHIBIT A*.

General site and landscaping enhancements on the 2503 Eastwood property and operational measures intended to help manage drop-off efforts and mitigate impacts on neighboring properties are also included in the proposed plan.

ZBA Hearing Recommendations

During the ZBA hearing on October 15th, 2019 a series of conditions were recommended should Special Use be granted by the City Council. The following are St. Athanasius's responses to those conditions.

- 1. The South Parking Lot shall not be rented out for non-St. A's events such as NU Games** – *St. A's comment; will use the South Parking Lot only for Parish Related Events*
- 2. A traffic Study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, for the entire campus.** – *St. A's comment; the City and NU completed a study approximately 10 years ago to refine and improve the traffic flow through the neighborhood and the campus, essentially removing drop-off and pick-up activity from the streets and embedding it in the alley and parking lot. PLAN DISCUSSION SUBMITTED: EXHIBIT B. Alderman and staff on site for visual confirmation of successful plan on October 7, 2019. MEMO ATTACHED: EXHIBIT C. FYI and supporting a continued success with this process; Student population has decreased approximately 25% in past 5 years, assisting in traffic control efforts*

3. **The applicant shall work with Alderman and neighbors to have a productive conversation addressing problems before next City event** – *St. A's comment; Meeting is scheduled for December 5th at 5.30-6.30PM with Alderman Revelle, neighbors of St. A's and the St. A's staff and Committee Members. Agenda for this meeting is ATTACHED: EXHIBIT D*

4. **The north parking lot can be rented out but a management plan for tailgating issues shall be enacted** – *St. A's comment; St. A's has had standards of behavior posted and in place on campus for many years, pictures ATTACHED: EXHIBIT E. Additional management structure was defined for the recent NU Football-only parking regulations and is appropriate for future parking lot use - ATTACHED: EXHIBIT F.*

Closing Comments

St. Athanasius is proposing a small, incremental change to an existing parking lot in support of improvements to our campus and our neighborhood. The proposed plan would provide for meaningful enhancements to the safety and wellbeing of the Parish's students and support the evolution of our institution.

As stated in Chapter 6 of the Evanston's Comprehensive Plan, an overarching goal of the City is to *"support the growth and evolution of institutions while recognizing that they are part of their mostly residential surroundings"*. Furthermore, in order to meet that stated goal, the City's top policy recommendation is to *"monitor institutional development and evolution **using land use regulations** to guide effects and limit negative impacts on the surrounding community and adjoining land uses."*

St. Athanasius Parish recognizes the need to work toward a balance between institutional needs and the quality of the surrounding neighborhoods, and believes that this proposal meets this goal. To that end, the proposed plan meets all applicable land use regulations and would bring the Parish campus into greater alignment with the City's zoning standards.

The Parish appreciates your review and consideration of our proposal for 2503 Eastwood and looks forward to further discussing our efforts to improve the Parish Campus, wellbeing of its students, and overall conditions of the neighborhood.

Sincerely,

Paul Harvey
St. Athanasius Facilities and Maintenance Committee

**Exhibit A – Current Play and
Parking Area – North Lot**



**St. Athanasius – 2503 Eastwood Avenue, Evanston
West Campus**

**EXHIBIT B – Traffic Flow and Previous Study with City and
NU**

Condition as outlined at ZBA meeting of October 15, 2019

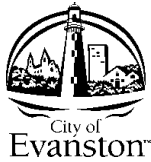
A traffic Study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, for the entire campus – St. A's comment: the City and NU completed a study approximately 10 years ago to refine and improve the traffic flow through the neighborhood and the campus, essentially removing access from the streets and embedding in the alley and parking lot. PLAN DISCUSSION SUBMITTED: EXHIBIT B.

Copies of this study are not readily available.

Discussion of this study with City officials, Staff from St. A's and Families attending School supports the following points of interest:

- Goal was to move off of public Streets
- Ashland and Eastwood Streets are on the East and West side of St. A's campus and had been used exclusively for drop-off and pick-up of children attending school at St. A's. The one-way nature of the streets caused additional safety and congestion concerns
- Changes to the traffic flow was sought and expert assistance from Northwestern Engineering Students and City of Evanston Traffic Control staff were asked to assist
- Use of the St. A's parking lots for pick-up and drop-off was employed, with queuing managed in the public alleys running through the St. A's property and removed from the City Streets
- On site review in September, 2019 by City Staff, Alderman viewed traffic flow and found this to be effective, other changes recommended and in progress
- This plan continues to be effective to date as Enrollment at St. A's has trended down over recent years with less flow in all passageways:
2015 – 290 students, pre-K thru 8th Grade
2019 – 210 students, pre-K thru 8th Grade

EXHIBIT C



Memorandum

To: Zoning Board of Appeals

From: Lara Biggs, Bureau Chief – Capital Planning/City Engineer

Subject: 2503 Eastwood Avenue

Date: October 15, 2019

An on-site meeting was held at St. Athanasius on October 7, 2019. Attendees included

- Lara Biggs, City Engineer
- Rajeev Dahal, Senior Project Manager / Traffic Engineer
- Alderman Eleanor Revelle
- Paul Harvey, St. Athanasius Parish
- Mike Kritzman, The Lakota Group

A discussion about the goal of improving the children's play area located in the north parking lot, and how to improve the queueing impacts to the adjacent residents. In that discussion, St. Athanasius agreed to the following additional improvements, which were not part of the discussion at Design and Plan Review committee on 9/11/19:

1. Implementing a ticketing/towing program to limit the number of cars parked in their lot. Combined with moving some cars to the new proposed south parking area, this frees up the south half of the north parking lot to utilized as a car-free play area during school hours. Basketball and other play features (such as four-square courts) can then be installed. This is a substantial safety improvement for the school operations.
2. Widening the south leg of the alley by two feet to make it safer for two-way traffic.
3. Cross-hatching the two areas of the south leg of the alley that are adjacent to neighbor's garages to discourage blocking of the garages by queued cars at school pick-up time
4. If blocking of the garages is still occurring, sending a St. Athanasius staff member to direct traffic to not block garages during school pick-up time.
5. If residents are unable to pull out of the garages with the widened alley, cross-hatching the parking spaces opposite the garages to make it easier for navigation.

Based on the substantial improvement to children's safety during outdoor play time and the commitment to both infrastructure and operations improvements to reduce the impact on the neighbors during school pick-up time, engineering staff is recommending approval for these improvements.

Exhibit D



Invitation From St. Athanasius

Thursday, December 5, 2019 5:30-6:30PM

Location; St. A's Hartke Room

(located at the east end of the Eastwood Alley, behind the playground and up the stairs, door will be open at 5.15PM)

Pastor Father Hernan, Principal Carol McClay

Operations Manager Kelly Fierro

Parishioner Paul Harvey

**Discussion: Eastwood Avenue and Parking,
West Lot Improvements Review**

Please save this date and plan to attend this discussion with Alderman Eleanor Revelle, St. A's Staff and also Paul Harvey (Paul has been managing this Review of our West Lot and the White House Project as Past Finance Council Chair and current member of Facilities / Maintenance Committee). Other members from the St. A's Community and all Neighbors are welcome.

Thanks for considering attending, we look forward to seeing you.

No RSVP necessary

AGENDA

- ❖ Opening comments by St. A's and Ms. Revelle**
- ❖ Review current conditions on 2503 Eastwood**
- ❖ Review of Plans as submitted to City of Evanston for 2503 Eastwood**
- ❖ Current Status and ongoing City Process for Approval**
- ❖ St. A's Proposals and Adjustments to reach City Approval**
- ❖ Neighbors comments and discussion on all aspects of Plans**
- ❖ Closing comments by all**

Exhibit E
St. A's Sign Posting



St. Athanasius Parish Memo Exhibit F (page 1 of 5)

maintain such personal property in good repair and condition and repair all damage to such property caused by Licensee.

C. Impermissible Behaviors. In connection with its Use, Licensee shall not permit any of the following at or around any portion of Licensor's Property:

- i) Use, possession, and/or concealment of a firearm/destructive device or other weapon;
- ii) Sale or offer for sale of any alcoholic or intoxicating beverages or the consumption of alcohol by individuals under the age of twenty-one (21) years;
- iii) Use, possession, and/or concealment of illegal substances;
- iv) Aggravated assault;
- v) Trespassing;
- vi) False activation of a fire alarm;
- vii) Assault;
- viii) Vandalism or criminal damage to property;
- ix) Fighting;
- x) Disorderly conduct or disruptive behavior around Licensor's Property;
- xi) Use of tobacco products; and
- xii) Any criminal behavior not specifically described above.

D. Compliance with Law. Licensee shall, at Licensee's sole cost and expense, fully comply with all applicable laws, codes, statutes, ordinances and regulations applicable to the Use and Licensor's Property hereunder, including but not limited to:

- (i) Zoning and business laws, ordinances and regulations requiring a permit, license, tax or Fee payment, certificate or other authorization and any renewals, extensions or continuance of the same, and property tax if Licensor's Property or a percentage thereof is deemed subject to property tax as a result of this License for which Licensee shall be responsible to pay in its entirety for the entire period of its Use. Licensee's obligations under this Section shall survive the expiration or termination of this License.
- (b) Prohibition against the bringing, storing, disturbing, discharging or maintaining Hazardous Substances (as defined below) onto any portion of Licensor's Property. For purposes of this License, "Hazardous Substances" shall mean asbestos, suspect asbestos, lead-based paint, polychlorinated biphenyls as these terms are defined in the Toxic Substances Control Act, 15 U.S.C. Section 2601-2692, or regulations

St. Athanasius Parish Memo Exhibit F (page 2 of 5)

EXHIBIT B

Rules & Regulations

- Prohibited items include: kegs, drones, deep fryers, grills with open flames (except that small personal charcoal grills such as “Smokey Joe” grills or propane grills with cylinders under 20 lbs. are allowed)
- Each Parking Pass Holder shall only tailgate within the boundaries of his or her assigned striped parking space.
- No drilling of holes in the Parking Lot shall be permitted.
- No tents shall be anchored into the ground of the Parking Lot or any other part of Licensor’s Property.
- No large speakers or amplification of sound (registering more than 80 decibels) shall be permitted in the Parking Lot or Licensor’s Property.
- Vehicles shall access the Parking Lot from Eastwood Avenue only.
- The drive aisles and lanes must be clear and free of obstructions at all times.
- No signage displaying offensive words or slogans shall be allowed in the Parking Lot.

St. Athanasius Parish Memo Exhibit F (page 3 of 5)

EXHIBIT C

Licensee's Parking Lot Reminders

- You must remove your vehicles from the Parking Lot no later than two (2) hours after the end of the game.
- **ALCOHOL POLICY:**
 - Underage drinking is prohibited.
 - Northwestern University's "Policy of Drugs and Alcohol" for students will be strictly enforced.
 - Kegs or other large containers holding alcohol are prohibited.
 - Drinking games or other abusive drinking practices are prohibited.
 - Alcohol may not be carried on to public walkways.
- **GRILLING POLICY:**
 - Prohibited items: deep fryers, grills with open flames (except that small personal charcoal grills such as "Smokey Joe" grills or propane grills with cylinders under 20 lbs. are allowed)
 - If you are using a grill, a minimum of ½ inch plywood base or other protective device must be used to protect the pavement from heat.
 - Dispose of cooled coals in the labeled containers.
- Respect neighbors at all times: curtail noise, properly dispose of all trash, demonstrate civil behavior, comply with all laws, and do not play loud music (registering more than 80 decibels), etc.

St. Athanasius Parish Memo Exhibit F (page 4 of 5)

to the parking spaces within the Parking Lot for the parking of automobiles and certain tailgating activities that are supervised by Licensor's security staff and/or contractors and for no other use or purpose ("Use"); provided, however, that the Use shall be subject to the following terms and conditions: (i) the Use shall expressly exclude the two handicap accessible parking spaces between Eastwood Avenue and the school building on Licensor's Property, and Licensee shall ensure the handicap accessible parking spaces are not used by Licensee Group; (ii) Licensee's Use shall be limited to the Saturday dates of Northwestern University home football games as listed in Exhibit A, attached hereto and incorporated herein ("Game Day(s)") and the following Sunday after each Game Day for clean-up, repair and maintenance as required under this Section 3(A) and Section 7 which must be complete at or before 7:30 a.m. CST of each Sunday following a Game Day; (iii) Licensee shall only allow vehicles in the Parking Lot which belong to authorized individuals of Licensee Group who have purchased a parking pass through Northwestern University ("Parking Pass Holders"); (iv) Licensee and Parking Pass Holders access to the Parking Lot shall not commence until four (4) hours prior to the kickoff of Northwestern University's home football game ("Kickoff") on the Game Days and no earlier; (v) Licensee shall ensure that Licensee Group's vehicles have vacated the Parking Lot two (2) hours after the end of the Northwestern University home football game; (vi) Licensee shall ensure that Licensee Group complies with the City of Evanston Code of Ordinances and all other applicable governmental laws, rules and regulations or as set forth under Section 5(D); (vii) Licensee shall ensure that Licensee Group follows all of the rules and regulations as set forth in Exhibit B, attached hereto and incorporated herein; (viii) Licensee shall ensure that Licensee Group follows all of the rules and regulations set forth in "Licensee's Parking Reminders" as set forth in Exhibit C, attached hereto and incorporated herein; (ix) Licensee shall provide receptacles for charcoal, receptacles for trash, and portable toilets for Licensee Group's use in amounts and logistical placement as required by Licensor; (x) Licensee shall supply a maintenance crew to clean, maintain and repair the Parking Lot at the conclusion of each home football game on Game Day and again the following Sunday so that the Parking Lot forming part of the Use is in good, clean and safe condition no later than 7:30 am CST each Sunday following each Game Day; (xi) Licensee shall comply with the Security & Supervision Obligations as set forth in Section 3(B) below; (xii) no member of Licensee Group shall enter any portion of Licensor's Property (including but not limited to any green space on Licensor's Property, except for the Parking Lot for purposes of the Use and except for the church building for sole purpose of attending Mass and worship services during regular operating hours; and (xiii) upon not less than twenty-four (24) hour written notice from Licensor to Licensee and without reduction of the Fee, Licensor shall have the express right to temporarily or permanently relocate the Use to other comparable space within Licensor's Property or any other real property owned by Licensor in Licensor's sole and absolute discretion.

- B. Security & Supervision Obligations. Licensee agrees that it shall provide no less than four (4) professionals trained in security and no less than two (2) parking attendants present in the Parking Lot during all times of the Use to ensure that: (i) alcohol is

St. Athanasius Parish Memo Exhibit F (page 5 of 5)

consumed in a lawful and safe manner; (ii) inebriated individuals are safely escorted from the Parking Lot; (iii) all rules and regulations set forth herein are followed; (iv) only vehicles belonging to Parking Pass Holders are allowed to park and tailgate in the Parking Lot; (v) only one entrance/exit into the Parking Lot is open and available at any one time; and (vi) any damage caused to Licensor's Property from the Use is reported on the same day in which the damage occurs, subject at all times to Licensee's obligation to clean, repair and restore all areas damaged in accordance with this License.

4. EFFECT OF LICENSE, NON-ASSIGNABILITY, REVOCABILITY

- A. **Personal Right.** The license granted to Licensee under this License shall constitute a personal right and privilege of Licensee and Licensee shall not assign this License or any right or privilege hereunder, or authorize the use of any portion of Licensor's Property by anyone other than Licensee or Licensee's Group.
- B. **Not Lease.** The license granted to Licensee under this License shall not create in or convey to Licensee any interest, including that of an easement or a lease, in any portion of Licensor's Property whatsoever.
- C. **Revocability.** Licensor may immediately revoke this License at any time and for any reason upon prior written notice to Licensee. Licensee may terminate this License upon ninety (90) days prior written notice to Licensor; provided, however, Licensee shall not be entitled to the refund of any portion of the Fee.

5. COVENANTS REGARDING USE. In connection with its Use, Licensee agrees, for itself and its contractors, agents, officers, directors, employees, invitees, Parking Pass Holders and their invitees ("Licensee Group") to comply with all reasonable rules and regulations that Licensor may from time to time make and to observe the following covenants at all times when on or around Licensor's Property:

- A. **Licensor's Real Property.** Licensee Group shall not enter areas of Licensor's Property other than those areas specifically allowed pursuant to the Use hereunder unless Licensee obtains the prior written consent of Licensor or the pastor or administrator who oversees operations at Licensor's Property ("Pastor"). Licensee shall take all measures necessary to prevent Licensee Group from entering areas of Licensor's Property other than those areas specifically allowed pursuant to the Use hereunder.
- B. **Licensor's Personal Property.** Licensee shall not use personal property of Licensor without obtaining the prior written consent of Licensor. If Licensee receives such prior written consent, Licensor is providing any property in "as-is," "where-located" condition without warranties of any kind and Licensee shall use such property at Licensee's sole risk, cost and expense and further provided that Licensee agrees to



FINDINGS

FOR STANDARDS OF
SPECIAL USE PERMITS

In the case of

Case Number: 19ZMJV-0073
Address or Location: 2503 Eastwood Ave./2510 Ashland Ave./1615 Lincoln St.
Applicant: St. Athanasius Parish
Proposed Special Use: Educational Institution – Private, and Religious Institution, St. Athanasius School and Parish

After conducting a public hearing on October 15, 2019, the Zoning Board of Appeals makes the following findings of fact, reflected in the audio-visual recording of the hearings, based upon the standards for special uses specified in Section 6-3-5-10 of the Zoning Ordinance:

<u>Standard</u>	<u>Finding</u>
(A) It is one of the special uses specifically listed in the zoning ordinance;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 4-0
(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;	<input type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 2-2
(C) 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;	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met Vote 0-4
(D) It does not interfere with or diminish the value of property in the neighborhood;	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Not Met Vote 1-3

(E) It can be adequately served by public facilities and services	<u> X </u> Met <u> </u> Not Met Vote 4-0
(F) It does not cause undue traffic congestion;	<u> X </u> Met <u> </u> Not Met Vote 3-1
(G) It preserves significant historical and architectural resources;	<u> X </u> Met <u> </u> Not Met Vote 4-0
(H) It preserves significant natural and environmental features; and	<u> X </u> Met <u> </u> Not Met Vote 4-0
(I) 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.	<u> X </u> Met <u> </u> Not Met Vote 4-0

and, based upon these findings, and upon a vote

 0 in favor & 4 against

Recommends to the City Council

 approval without conditions
 X denial of the proposed special use

If granted approval by City Council, the ZBA recommends the following conditions:

1. The south parking lot shall not be rented out for non-St. A's events such as NU games.
2. A traffic study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, etc.
3. The applicant shall work with the Alderman and neighbors to have a productive conversation that addresses the problems.
4. The north parking lot can be rented out but a management plan for tailgating issues shall be enacted.

Attending:

 X Violetta Cullen
 X Myrna Arevalo

Vote:

<i>Aye</i>	<i>No</i>
<u> </u>	<u> X </u>
<u> </u>	<u> X </u>

_____	Scott Gingold	_____	_____
<u> X </u>	Jill Zordan	_____	<u> X </u>
<u> X </u>	Lisa Dziekan	_____	<u> X </u>
_____	Mary McAuley	_____	_____
_____	Kiril Mirintchev	_____	_____



MEETING MINUTES EXCERPT

ZONING BOARD OF APPEALS

Tuesday, October 15, 2019

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

APPROVED

Members Present: Lisa Dziekan, Myrna Arevalo, Violetta Cullen, Jill Zordan

Members Absent: Kiril Mirintchev, Scott Gingold, Mary McAuley

Staff Present: Melissa Klotz

Presiding Member: Violetta Cullen

Declaration of Quorum

With a quorum present, Chair Cullen called the meeting to order at 7:02 p.m.

Minutes

Ms. Arevalo motioned to approve the meeting minutes of August 27, 2019, which were seconded by Ms. Dziekan and unanimously approved.

New Business

2503 Eastwood Ave./2510 Ashland Ave./1615 Lincoln St.

19ZMJV-0073

Saint Athanasius Parish, lessee, submits for a special use for, Education Institution – Private, and a special use for, Religious Institution, for Saint Athanasius School and Parish to expand off-street parking and construct a play area, in the R1 Single-Family Residential District (Zoning Code Section 6-8-2-4). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record, and noted an updated site plan was received by staff on October 10, 2019, that has led staff to now recommend approval of the special use.

The applicant explained the proposal:

- Plan will increase safety for children at the school.
- Held a neighborhood meeting and incorporated feedback and suggestions.
- Hired the Lakota Group to professionally plan the parking area.
- The south end of the north parking lot will no longer allow parking during school hours so children can use the area for outdoor play without conflicting with vehicles. Those vehicles will park at the new 2503 Eastwood lot.
- Will enforce a “no parking” guideline including towing in the south half of the north lot (not previously done).
- Play areas will be improved with basketball courts, hop scotch, and four square courts.
- Will cross hatch portions of the alley to further deter vehicles from staging in the alley where garages are blocked. Additionally, St. A’s staff will address the issue as many times as it takes until all vehicles comply.

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Zoning Board of Appeals

- There are approximately 12 vehicles that park overnight that are likely from a nearby condo building. Those vehicles will be towed if they park at St. A's in the future.

Mike Kritzman, Lakota Group, explained further:

- Campus is surrounded by single family homes.
- The existing staff lot (south lot) has 14' drive aisles and is not well suited in its current form. Staff parks here largely because of the other unknown vehicles that are in the north lot.
- The plan allows the south half of the north lot to be car free during school hours so that it can safely function as an outdoor play area while allowing the cars (from staff) to fit in the south parking lot.

Ms. Dziekan asked if there will be a future proposal to add play equipment in the green area of the new south parking lot. The applicant responded it is not anticipated to return with that request.

Chair Cullen asked if vehicles will overflow and park on the grass and the applicant stated no, that area is intentionally landscaped and intended to remain green.

Ms. Dziekan asked if the additional parking spaces are intended to be used for stadium events at Northwestern. The applicant stated the lot could be used by anyone else when not during school and church hours - it could be used for a wedding, special event, or event hosted by Northwestern. The applicant clarified the play area on the south half of the north lot may also be used for parking during those events (just like it is used during school drop off).

Ms. Zordan asked if the management company that oversees renting out the parking lot also manages the parking on site, and the applicant responded yes, they manage sanitary issues, cleanup, and safety. However, they do not oversee ingress and egress of vehicles to the lot.

James Davies, 1627 Lincoln, stated the parking is a significant issue to the immediate neighbors, and noted he does not rent his parking out during Northwestern events. He stated it is difficult to believe anything St. A's does because of past issues. There was an instance that Mr. Davies' wife missed a doctor's appointment because a car was blocking their garage and refused to move. Any time neighbors approach St. A's they are rudely dismissed and nothing improves.

Kelsey Davies, 1627 Lincoln, agreed with her husband's comments, and noted the meeting St. A's had last week on site did not include any of the immediate neighbors who are most impacted. Ms. Davies stated she was given a letter from St. A's stating they would not buy any nearby homes to expand their lot because the church does not have any money. However, shortly after that letter, St. A's purchased an adjacent home and demolished it. This shows the distrust and lies that are told to the neighbors. Ms. Davies clarified she has tried to call and email the principal when she is blocked in her garage but has never received a response.

Betsy Baer, 2438 Eastwood, stated not all Standards are met - specifically that there is a significant reduction in values of adjacent properties by demolishing a house and adding a parking lot. This is a residential neighborhood that is turning into vacant lots and parking. The neighborhood meeting was almost a year and a half ago and was organized by the neighborhood, not by St. A's. The neighbors were not invited to the on-site October 7th meeting, and were not made aware of staff's change in recommendation. The proposal clearly impacts the neighborhood, and it does not improve the alley issues. Last year there was a bonfire and a drunken brawl during tailgating in the parking lot with no oversight.

Ann Wambach, 1623 Lincoln, stated she does not sell her lawn as parking on game days, and appreciates that staff needs parking, but it is so difficult with the alley that if she needs her car that day, she moves it out of the garage onto the street early in the morning. The larger concern is the sale of the lot on game days because there is significant alcohol and activities such as grilling, with no oversight.

A letter was submitted from a neighbor who could not attend the meeting. The letter was reviewed by ZBA Members and marked as Exhibit A.

The applicant stated there are signs stating no alcohol and no grilling, and there is a contract with Northwestern, but he is unaware of who should enforce those issues. Today's discussion is about 11 or 12 parking spaces, not about previous demolition. The house that was demolished needed to be taken down and improved the safety of the neighborhood. The alley will be wider since the parking spaces are 2' off of the property line.

Chair Cullen asked how often the parking is rented out, and the applicant responded it is rented out for all NU home games so 6-7 times a year. There are also 2-3 St. A's events throughout the year (but those are not the same type of events).

Ms. Klotz clarified the alley is not increasing in size but the applicant is proposing a required 2' parking setback so there will be 2' additional of pavement that vehicles can use to maneuver through the alley.

Deliberation:

Ms. Klotz clarified the October 7th meeting with staff and the applicant was intended to discuss possible modifications to the proposal that would improve alley circulation. Neighbors were not a part of that meeting.

Ms. Dziekan stated she is uncomfortable that neighbors were not included in the latest proposal or changes, there is no management oversight of tailgating on NU game days, and that there seems to be a lack of communication between the church and immediate neighbors. Chair Cullen agreed and notified the largest issue is due to renting out parking on NU game days.

Ms. Zordan noted a DAPR comment that suggested the entire St. A's campus undergo a planning study to incorporate all future plans and address issues.

With the record reopened, the applicant responded there is not a larger campus plan at this time because the issue at hand is the expansion of the south parking lot. The record was then closed.

Ms. Zordan stated piece-mealing a campus together is not a good approach. She also noted it is not acceptable to rent out the parking lot for NU game days and that oversight of safety, etc. is not their problem.

Ms. Arevalo stated it is understandable to increase parking for the school. The south parking lot should be prohibited from being rented out on NU game days, but the north lot should still be allowed because nothing is changing there.

Standards:

1. Yes
2. Yes; No – Ms. Arevalo, Chair Cullen
3. No
4. No – Chair Cullen, Ms. Arevalo, Ms. Zordan
5. Yes
6. Yes (if managed properly); No – Ms. Arevalo
7. NA
8. NA
9. Yes

Ms. Dziekan motioned to recommend denial of the proposal, which was seconded by Ms. Arevalo and unanimously recommended for denial, and noted that if City Council chooses to grant the proposal, the following conditions should be included:

1. The south parking lot shall not be rented out for non-St. A's events such as NU games.
2. A traffic study shall be conducted that addresses concerns raised by neighbors by means of signage, one-way traffic, no waiting, etc.
3. The applicant shall work with the Alderman and neighbors to have a productive conversation that addresses the problems.
4. The north parking lot can be rented out but a management plan for tailgating issues shall be enacted.



Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Meagan Jones, Neighborhood and Land Use Planner
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning & Zoning Manager
Subject: Ordinance 171-O-19 Amending Title 6, Accessory Dwelling Unit Requirements and Qualifications
Date: December 9, 2019

Recommended Action:

Plan Commission and staff recommend City Council adoption of Ordinance 171-O-19, a Zoning Ordinance Text Amendment to revise the definition of coach house and regulations related to accessory dwelling units. Staff is requesting reconsideration of the height restriction proposed by Plan Commission which would require that an ADU be shorter than the primary residential structure as this could hinder the ability to expand affordable housing opportunities in an equitable manner.

Council Action:
For Introduction

Summary:

At the September 23, 2019 Planning & Development Committee meeting, the Committee discussed proposed amendments relating to Accessory Dwelling Units (ADUs). These amendments, brought forth through a collaboration with the Economic Development Cooperative (EDC) and staff, intend to address inequitable opportunities to develop ADUs based on zoning that have been identified through community outreach and research on ADUs. The Committee referred the proposed amendments to the Plan Commission for further discussion.

At the November 13, 2019 Plan Commission meeting, the Commission discussed the proposed text amendment and suggested some edits to what was presented. These edits addressed accessory structure height compared to principal structure height, distance requirements to transit for the parking waiver, and income requirement validating. Those edits are incorporated into the proposal overview below.

Proposal Overview:

Staff is proposing to amend several sections within the Zoning Code related to Coach Houses and Accessory Structures. This includes: Sections 6-4-6-2, General Provisions for Accessory Uses and Structures; 6-4-6-3, Allowable Accessory Uses and Structures (Detached from Principal Structure); 6-4-6-4, Special Regulations Applicable to Garages; Table 16-B, Schedule of Minimum Off-Street Requirements; and 6-18-3, Definitions as detailed below:

Section 6-18-3. – Definitions

COACH HOUSE:	A single detached secondary or accessory dwelling <u>unit</u> located on the same zoning lot as the principal <u>residential structure</u> dwelling unit including a garage. Tenants of coach houses may be unrelated to the owners of the principal residential structure. A maximum of one (1) coach house is allowed per Single Family Detached Dwelling <u>zoning lot</u> .
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Section 6-4-6-2. – General Provisions for Accessory Uses and Structures

- (G) No accessory building shall exceed fourteen and one-half (14 1/2) feet in height for a flat roof or mansard roof, or twenty (20) feet measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages and coach houses in [Section 6-4-6-4](#) of this Chapter.

Section 6-4-6-3. - Allowable Accessory Uses and Structures (Detached From Principal Structure)

- (B) Table 4-A — Permitted accessory buildings, structures and uses:

	Yard		District
	S	R	
1. Accessory dwelling units <u>to principal residential structure (Coach House)</u> to single family detached homes			Both

Section 6-4-6-4.- Special Regulations Applicable to Garages and Coach Houses

(A) Evanston Landmark Properties and Historic Districts:

Garages and coach houses for Evanston landmarks and structures in City Council designated historic districts shall be subject to the following requirements:

- 1. Height:

(a). For garages and coach houses with flat and mansard roofs, height requirements for accessory buildings apply, as set forth in [Section 6-4-6-2](#) of this Chapter.

(b). All garages and coach houses without flat or mansard roofs shall be no taller than three-fourths (3/4) the height of the principal structure, measured to the roof apex, but in no case shall the height exceed twenty-eight (28) feet.

2. Yards: All garages and coach houses shall meet the setback requirements for accessory structures, as set forth in [Section 6-4-6-2](#) of this Chapter.
3. Roofs: The roof of the garage or coach house shall be compatible in pitch and shape with the roof of the principal structure.

(B) Non-Evanston Landmarks and Properties Outside of Historic Districts: Coach Houses for properties that are not an Evanston landmark nor located in City Council designated historic districts shall be subjected to the following requirements:

1. Height:

(a) For coach houses with a flat or mansard roof, an increase of one (1) foot in height shall be allowed for every one (1) foot in additional setback provided from every property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty (20) feet or exceed the height of the primary structure.

(b) For coach houses without flat or mansard roofs, an increase of one (1) foot in height shall be allowed for every one (1) foot additional setback provided from every property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty-eight (28) feet or exceed the height of the primary structure.

Table 16-B: Schedule of Minimum Off-Street Parking Requirements

Coach house	<p>1 parking space for each dwelling unit within the coach house; if the coach house meets affordability criteria or transit-oriented criteria, no parking space is required.</p> <p><u>Transit-oriented criteria is met if the coach house is within a designated Transit-Oriented Development area or within a one-thousand (1,500) foot distance of a Metra, PACE, or Chicago Transit Authority public transit bus stop or train station.</u></p> <p><u>Affordability criteria is met if, at the time of building permit issuance, the household income of the owner that builds a coach house is at or below 80% of the area median income (AMI), as determined annually by the Illinois Housing Development Authority. Affordability criteria is also met if a unit</u></p>
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	within the principal structure or coach house is rented at or below 80% AMI for a period of ten (10) years.
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Staff requests that the Committee consider omission of the height restriction proposed by Plan Commission which would require that an ADU be shorter than the primary residential structure (Section 6-4-6-4). This proposed height restriction will prevent more than 450 properties with single-story residential structures from building an ADU. Given the City's goal to expand affordable housing options, the proposed proportional height requirement appears to run contradictory to the community's housing needs. Should City Council vote to omit this restriction the attached ordinance would need to be revised to reflect that change and consideration should be given to the existing height regulation that pertains to Evanston Landmarks and properties within historic districts.

The proposed Zoning Ordinance Text Amendment to revise the definition of coach house and regulations related to accessory dwelling units meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the goals, objectives, and policies of the Comprehensive General Plan, specifically: 1) addressing concerns regarding housing cost and affordability and, 2) maintaining the appealing character of Evanston's neighborhoods while guiding change. The regulations would enable homeowners to construct accessory units that would provide affordable housing options that still fit within the context of the existing neighborhood.

The proposal will likely have no negative effects on the overall character of existing development, the value of adjacent properties, or adequacy of public facilities and services. New construction would be reviewed by staff and would need to comply with all building code requirements.

Legislative History:

November 13, 2019 – The Plan Commission voted, 6-0, to recommend approval of the proposed text amendment with revisions. [Plan Commission Packet from November 13, 2019](#)

Attachments:

[Ordinance 171-O-19 Accessory Dwelling Units](#)

[Staff Presentation to Plan Commission on Accessory Dwelling Units, November 13, 2019](#)

[Evanston Development Cooperative Presentation to Plan Commission, November 13, 2019](#)

[Draft Plan Commission Meeting Minutes of November 13, 2019](#)

171-O-19

AN ORDINANCE

Amending Title 6, Accessory Dwelling Unit Requirements and Qualifications

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

SECTION 1: City Code Subsection 6-18-3, "Definitions", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-18-3. – DEFINITIONS.

<p>COACH HOUSE:</p>	<p>A single detached secondary or accessory dwelling <u>unit</u> located on the same zoning lot as the principal <u>residential structure</u> dwelling unit including a garage. Tenants of coach houses may be unrelated to the owners of the principal residential structure. A maximum of one (1) coach house is allowed per Single-Family Detached Dwelling <u>zoning lot</u>.</p>
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SECTION 2: City Code Subsection 6-4-6-2, "General Provisions for Accessory Uses and Structures", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-4-6-2. – GENERAL PROVISIONS FOR ACCESSORY USES AND STRUCTURES.

(G) No accessory building shall exceed fourteen and one-half (14½) feet in height for a flat roof or mansard roof, or twenty (20) feet measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages and coach houses in Section 6-4-6-4 of this Chapter.

SECTION 3: Table 4-A, “Permitted accessory buildings, structures and uses,” of City Code Subsection 6-4-6-3(B), “Allowable Accessory Uses and Structures (Detached From Principal Structure)”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-4-6-3. – ALLOWABLE ACCESSORY USES AND STRUCTURES (DETACHED FROM PRINCIPAL STRUCTURE).

	Yard		DISTRICT
1. Accessory dwelling units to principal residential structure (Coach House) to single family detached homes	S	R	Both

SECTION 4: City Code Subsection 6-4-6-4, “Special Regulations Applicable to Garages”, of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

6-4-6-4. – SPECIAL REGULATIONS APPLICABLE TO GARAGES AND COACH HOUSES

(A) Evanston Landmark Properties and Historic Districts

Garages and coach houses for Evanston landmarks and structures in City Council designated historic districts shall be subject to the following requirements:

- 1 Height:

- (a) For garages and coach houses with flat and mansard roofs, height requirements for accessory buildings apply, as set forth in Section 6-4-6-2 of this Chapter.
 - (b) All garages and coach houses without flat or mansard roofs shall be no taller than three-fourths (3/4) the height of the principal structure, measured to the roof apex, but in no case shall the height exceed twenty-eight (28) feet.
- 2 Yards: All garages and coach houses shall meet the setback requirements for accessory structures, as set forth in Section 6-4-6-2 of this Chapter.
 - 3 Roofs: The roof of the garage or coach house shall be compatible in pitch and shape with the roof of the principal structure.

(B) Non-Evanston Landmarks and properties outside of Historic Districts

Coach Houses for properties that are not an Evanston landmark nor located in City Council designated historic districts shall be subjected to the following requirements:

- 1 Height:
 - (a) For coach houses with a flat or mansard roof, an increase of one (1) foot in height shall be allowed for every one (1) foot in additional setback provided from every property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty (20) feet or exceed the height of the primary structure.
 - (b) For coach houses without flat or mansard roofs, an increase of one (1) foot in height shall be allowed for every one (1) foot additional setback provided from every property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty-eight (28) feet or exceed the height of the primary structure.

SECTION 5: Table 16-B, "Schedule of Minimum Off Street Parking Requirements," of City Code Title 6, Chapter 16, "Off-Street Parking and Loading," of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

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	1 parking space for each dwelling unit
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<p>Coach house</p>	<p><u>within the coach house; if the coach house meets affordability criteria or transit-oriented criteria, no parking space is required.</u></p> <p><u>Transit-oriented criteria is met if the coach house is within a designated Transit-Oriented Development area or within a one thousand five hundred (1,500) foot distance from a Metra, PACE, or Chicago Transit Authority public transit bus stop or train station.</u></p> <p><u>Affordability criteria is met if, at the time of building permit issuance, the household income of the owner that builds a coach house is at or below 80% of the area median income (AMI), as determined annually by the Illinois Housing Development Authority. Affordability criteria is also met if a unit within the principal structure or coach house is rented at or below 80% AMI for a period of ten (10) years.</u></p>
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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 held 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: Ordinance 171-O-19 shall be in full force and effect after its passage and approval.

SECTION 9: 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: _____, 2019

Approved:

Adopted: _____, 2019

_____, 2019

Stephen H. Hagerty, Mayor

Attest:

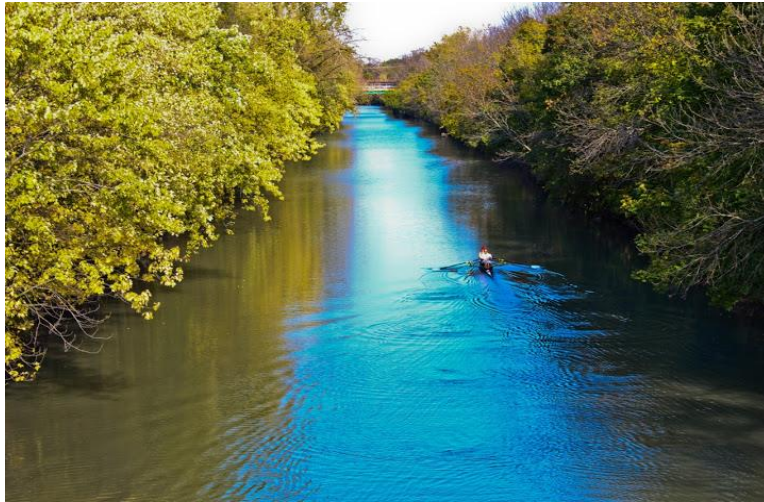
Approved as to form:

Devon Reid, City Clerk

Michelle L. Masoncup, Corporation
Counsel

EVANSTON

PLAN COMMISSION



November 13, 2019



Community Development

EVANSTON ILLINOIS

TEXT AMENDMENT Accessory Dwelling Units (ADUs)

Case # 19PLND-0097

Meagan Jones, Neighborhood and Land Use Planner
Scott Mangum, Planning & Zoning Manager

November 13, 2019

ZONING ORDINANCE TEXT AND MAP AMENDMENT: EMERSON STREET REZONING

Background

At the September 23, 2019 Planning & Development Committee meeting, the Committee discussed proposed amendments relating to Accessory Dwelling Units (ADUs). Through a collaboration with City staff and the Economic Development Cooperative (EDC) these amendments are intended to address inequitable opportunities to develop ADUs based on zoning that have been identified through community outreach and research on ADUs. The Committee referred the proposed amendments to the Plan Commission for further discussion.

Current Regulations

ADUs are permitted primarily as coach houses which are defined as:

COACH HOUSE:	A single detached secondary or accessory dwelling located on the same zoning lot as the principal dwelling unit including a garage. Tenants of coach houses may be unrelated to the owners of the principal residential structure. A maximum of one (1) coach house is allowed per Single-Family Detached Dwelling
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ZONING ORDINANCE TEXT AND MAP AMENDMENT: ACCESSORY DWELLING UNITS

Proposed Amendments:

Section 6-18-3. – Definitions

COACH HOUSE:	A single detached secondary or accessory dwelling <u>unit</u> located on the same zoning lot as the principal <u>residential structure</u> dwelling unit including a garage. Tenants of coach houses may be unrelated to the owners of the principal residential structure. A maximum of one (1) coach house is allowed per Single Family Detached Dwelling <u>zoning lot</u> .
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Section 6-4-6-2. – General Provisions for Accessory Uses and Structures

- (G) No accessory building shall exceed fourteen and one-half (14 1/2) feet in height for a flat roof or mansard roof, or twenty (20) feet measured from grade to the highest point of said structure for all other roofs, except as otherwise provided for garages and coach houses in [Section 6-4-6-4](#) of this Chapter.

ZONING ORDINANCE TEXT AND MAP AMENDMENT: ACCESSORY DWELLING UNITS

Proposed Amendments (continued):

Section 6-4-6-3. - Allowable Accessory Uses and Structures (Detached From Principal Structure)

(B) Table 4-A — Permitted accessory buildings, structures and uses:

	Yard		District
	S	R	
1. Accessory dwelling units <u>to principal residential structure (Coach House)</u> to single-family detached homes			Both

ZONING ORDINANCE TEXT AND MAP AMENDMENT: ACCESSORY DWELLING UNITS

Proposed Amendments (continued):

Section 6-4-6-4.- Special Regulations Applicable to Garages and Coach Houses

Garages and coach houses for Evanston landmarks and structures in City Council designated historic districts shall be subject to the following requirements:

(A) Height:

1. For garages and coach houses with flat and mansard roofs, height requirements for accessory buildings apply, as set forth in [Section 6-4-6-2](#) of this Chapter.
2. All garages and coach houses without flat or mansard roofs shall be no taller than three-fourths (3/4) the height of the principal structure, measured to the roof apex, but in no case shall the height exceed twenty-eight (28) feet.

(B) Yards: All garages and coach houses shall meet the setback requirements for accessory structures, as set forth in [Section 6-4-6-2](#) of this Chapter.

(C) Roofs: The roof of the garage or coach house shall be compatible in pitch and shape with the roof of the principal structure.

ZONING ORDINANCE TEXT AND MAP AMENDMENT: ACCESSORY DWELLING UNITS

Proposed Amendments (continued):

Section 6-4-6-4.- Special Regulations Applicable to Garages and Coach Houses

Coach Houses for properties that are not an Evanston landmark nor located in City Council designated historic districts shall be subjected to the following requirements:

(A) Height:

1. For coach houses with a flat or mansard roof, an increase of one (1) foot in height shall be allowed for every one (1) foot in additional setback provided from every property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty (20) feet.
2. For coach houses without flat or mansard roofs, an increase of one (1) foot in height shall be allowed for every one (1) foot additional setback provided from every property line that directly abuts another property (not including right of way). In no case shall the height of the accessory structure exceed twenty-eight (28) feet.

ZONING ORDINANCE TEXT AND MAP AMENDMENT: ACCESSORY DWELLING UNITS

Proposed Amendments (continued):

Table 16-B: Schedule of Minimum Off-Street Parking Requirements

Coach house	<p>1 parking space for each dwelling unit within the coach house; <u>if the coach house meets affordability criteria or transit-oriented criteria, no parking space is required.</u></p> <p><u>Transit-oriented criteria is met if the coach house is within a designated Transit-Oriented Development area or within a one-thousand (1,000) foot distance of a Metra, PACE, or Chicago Transit Authority public transit bus stop or train station.</u></p> <p><u>Affordability criteria is met if, at the time of coach house construction, the household income of the owner that builds a coach house is at or below 80% of the area median income (AMI), as determined annually by the Illinois Housing Development Authority. Affordability criteria is also met if a unit within the principal structure or coach house is rented at or below 80% AMI for a period of ten (10) years.</u></p>
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ZONING ORDINANCE TEXT AND MAP AMENDMENT: ACCESSORY DWELLING UNITS

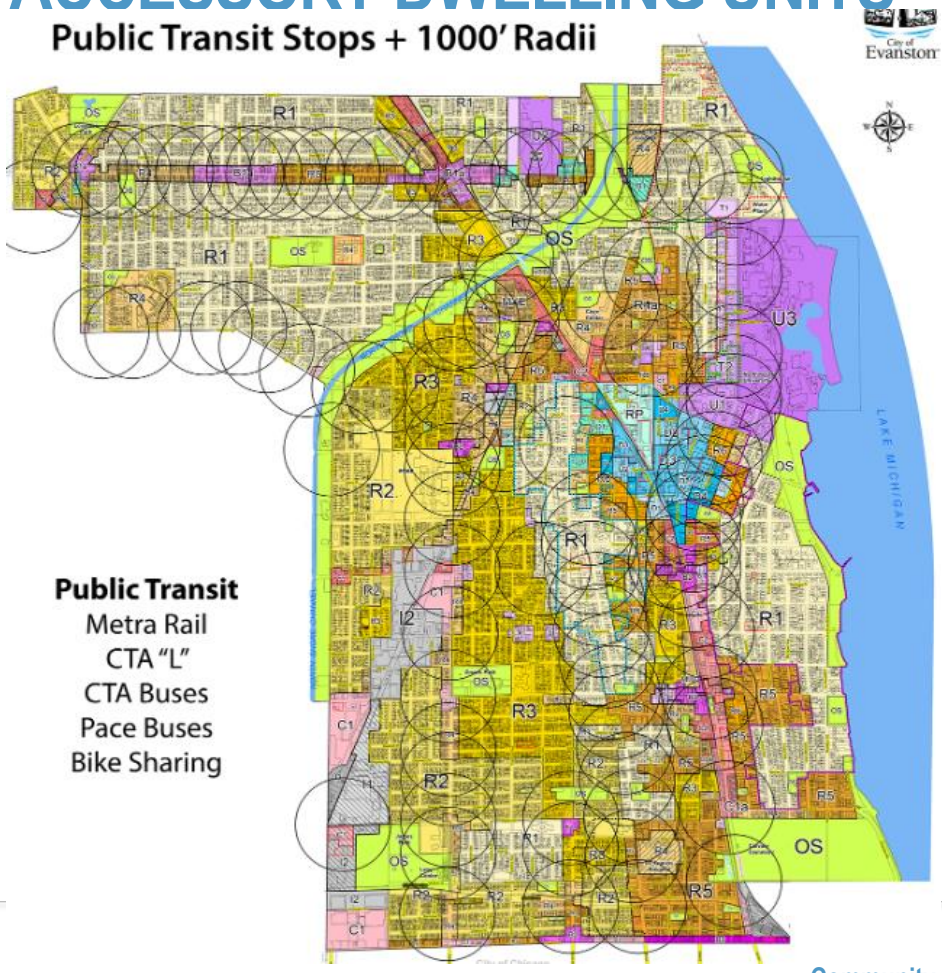
TOD Map:



ZONING ORDINANCE TEXT AND MAP AMENDMENT: ACCESSORY DWELLING UNITS

Public Transit Stops + 1000' Radii

TOD Map:



Public Transit
 Metra Rail
 CTA "L"
 CTA Buses
 Pace Buses
 Bike Sharing



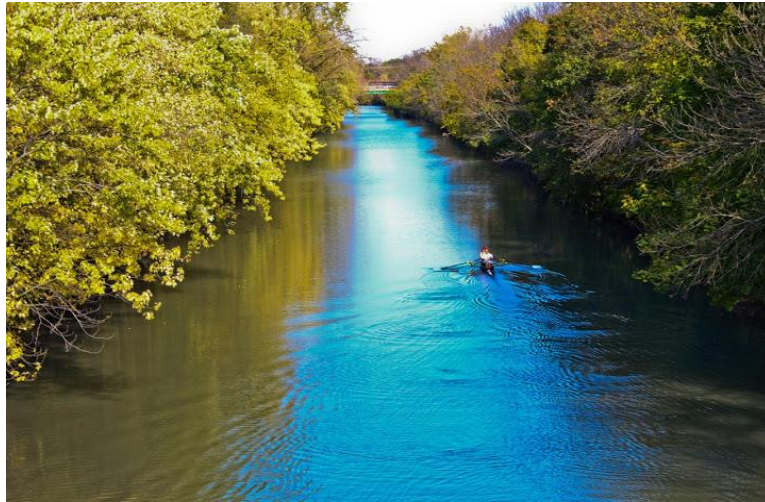
Community Development

ZONING ORDINANCE TEXT AMENDMENT: ACCESSORY DWELLING UNITS

Standards for Amendments	Satisfied	Not Satisfied	Not Applicable
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.			
Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property.			
Whether the proposed amendment will have an adverse effect on the value of adjacent properties.			
The adequacy of public facilities and services.			

EVANSTON

PLAN COMMISSION



November 13 2019



EVANSTON
Development Cooperative

Evanston Development Cooperative

Vision

To engage Evanston residents in meaningful, intergenerational, and collaborative societal progress.

Mission

To construct high-performing, practical ADUs using a locally trained workforce.

Values

Sensible Housing
Job Creation
Community Wealth
Racial Equity
Sustainability
Democratic Ownership

Coach Houses Accessory Dwelling Units (ADUs) Backyard Homes



Why ADUs

The New York Times

Empty Garages: The Answer to California's Housing Shortage?



The bedroom nook area of an accessory dwelling unit built in Los Angeles by LA-Más, a nonprofit design group. Stephen Schauer, via LA-Más

Sections

The Washington Post
Democracy Dies in Darkness

Real Estate

One answer to the lack of affordable apartments might begin at home



Community Momentum

**Oct. 20
90 RSVPs**



**BACKYARD
HOME
WALKING
TOUR**



**HALF OF EVANSTON
PROPERTIES ARE ZONED
FOR A BACKYARD HOME.**
Are you living on one of them?

Join us for a discussion on practical housing:
Wednesday, Nov. 6th • 5:30 pm • Levy Senior Center



Keep your roots in Evanston!
Discover the benefits of sustainably constructed ADUs (Accessory Dwelling Units) – comfortable, affordable and accessible backyard homes on your current property.

#EvanstonBackyardMovement

Event Details:
Wednesday, November 6th, 2019
5:30 pm - 7:00 pm
Levy Senior Center - Linden Room
300 Dodge Ave, Evanston, IL

Learn More:
847-497-0167 - info@evanston.coop

Presented by:
Dr. Dick T. Co - EDC President
Terri Worman - AARP Associate State Director

edc
Evanston Development Cooperative
www.evanston.coop

AARP
Real Possibilities

**Nov. 6
40 People**

Evanston News Release



For Immediate Release

October 22, 2019

Media Contact: Patrick Deignan pdeignan@cityofevanston.org

Phone: 847-448-8234

CITY OF EVANSTON SELECTED TO JOIN NLC'S CITIES OF OPPORTUNITY INITIATIVE

EVANSTON, IL - The City of Evanston is one of six communities nationwide to be selected to participate in the National League of Cities (NLC) Institute for Youth, Education, and Families (YEF Institute) Cities of Opportunity Initiative.



Evanston ADU Zoning Today

- Allowable in all residential zoning districts
- Only behind single-family homes
- Need vehicular access
- Building height
 - 20' slanted roof; 14.5' flat
 - 28' or $\frac{3}{4}$ of main house in historic district
- Need +1 additional parking space

Community Feedback

1. Fairness of “Single-Family Only”
 - 2-flat owners that want to build an ADU
2. Hard to Age In-Place with Parking Requirement
 - Living units on 2nd floor with stairs
3. Construction Complications with Height/Roof
 - Dormers increase construction costs & void manufacturer warranties

Note From a 5th Ward Resident

"I own a 2-flat in Evanston. My family and I live on the first floor. I'm renting out the second floor. I read the article in Evanston Now about EDC looking for Evanston homeowners potentially building coach houses on their property for homeless people.

I'm interested in this. **We have a portion of land on our property that might be just right for a small coach house for a single person to reside.**

There is a shed on that land right now, but we don't use it and don't need it. I'm looking forward to your reply. Thank you."

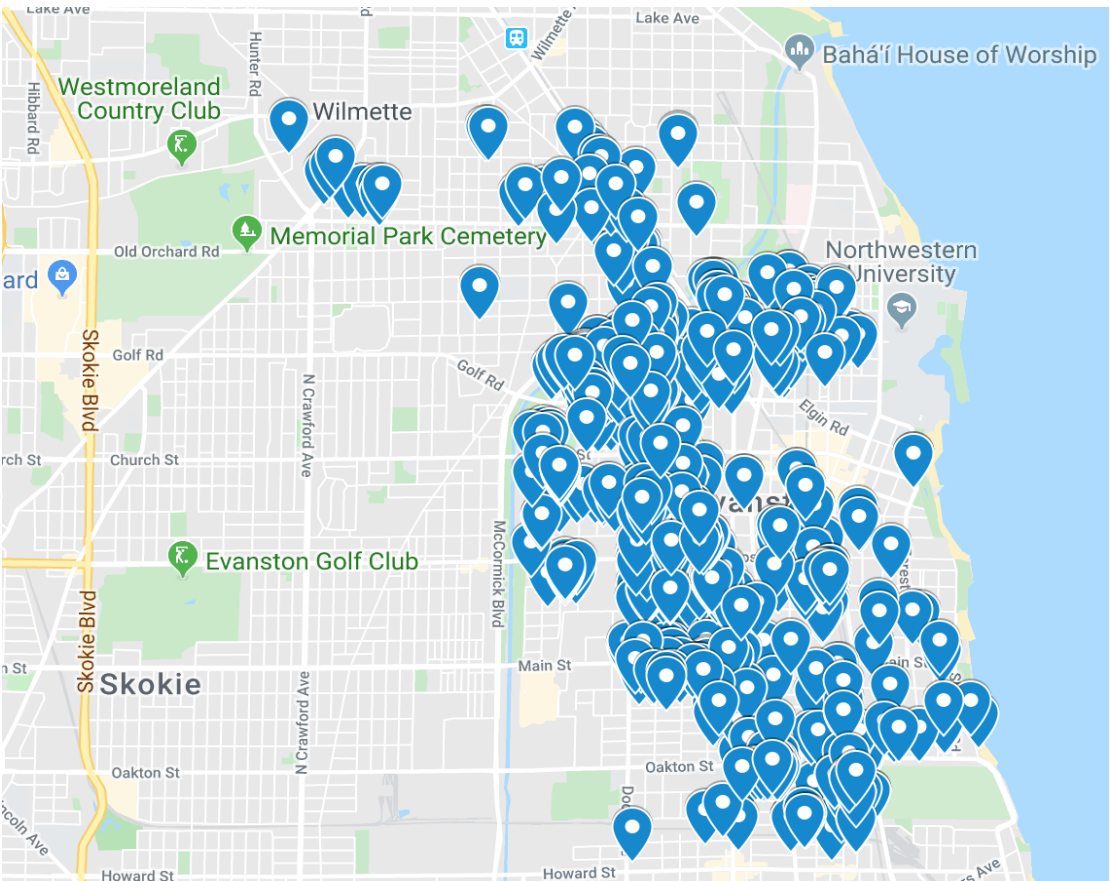
Note From a 1st Ward Resident

“We are at very preliminary family discussions regarding the possibility of constructing a coach house - generated by the article about your company - for my wife and I, and leasing the main house.

The rationale for this project would be so that my wife and I can have a smaller residence in Evanston, i.e., downsizing as seniors, and stay here beyond the 36 years so far.

Please do keep me posted on changes that occur in Evanston regarding the possibility of constructing a coach house for us.”

***With the ADU parking requirement, these aging homeowners do not have the building lot coverage to build a ground-level, accessible ADU.**





EVANSTON
Development Cooperative



MEETING MINUTES

PLAN COMMISSION

Wednesday, November 13, 2019
7:00 P.M.

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

Members Present: Colby Lewis (Chair), Jennifer Draper, Teri Dubin, Carol Goddard, John Hewko, Peter Isaac

Members Absent: George Halik, Andrew Pigozzi, Jane Sloss

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

Presiding Member: Chairman Lewis

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:05 P.M.

2. APPROVAL OF MEETING MINUTES: October 30, 2019

Commissioner Goddard made a motion to approve the minutes from the October 30, 2019 meeting. Seconded by Commissioner Dubin. A voice vote was taken and the minutes were approved unanimously, 6-0.

3. OLD BUSINESS

A. Text Amendment

Municipal Use Exemption

19PLND-0077

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4. Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Ms. Jones provided a brief background on the text amendment and summary of revisions made since the October Zoning Committee meeting. She added that the presentation provided includes additional edits made since the meeting packet was posted.

Chair Lewis opened the hearing to questions from the Commission

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Commissioner Isaac stated that in Section C under (1) and (2) there is language stating that Design and Project Review (DAPR) Committee occurs twice and asked if there is typically a Committee meeting before approval and construction. Ms. Jones responded that depending on the project, DAPR provides feedback at two points, once prior to overall project approval and then once final building permit plans have been submitted for construction.

Commissioner Isaac asked if "if applicable" language should be added. Ms. Jones responded that it might be appropriate for projects where there is no new construction and a municipal use is proposing to locate in an existing building with no additional changes.

Chair Lewis asked if (1) needs to omit City Council if the notice will be for DAPR meetings and not specifically for City Council. Mr. Mangum responded that as it is written the amendment is providing notice of the DAPR meeting. Commissioner Isaac asked if Chair Lewis is suggesting that a minimum notice time frame be added. Chair Lewis responded that sometimes the notice requirement is abused and hoped that if the time period is added that it provides adequate notice. Mr. Mangum responded that DAPR meetings are weekly. There is no stated time for mailed notice but 15-30 days would be reasonable as that is the time frame for legal notices published in a newspaper.

Commissioner Draper asked if there is notice provided prior to City Council review. Mr. Mangum responded that there is one mailed notice sent for a public hearing. Timing on when an item goes to subsequent meetings can be variable so once a notice is received a person can follow-up on additional meetings or review.

Chair Lewis opened the hearing up to questions from the public.

Ms. Joan Safford stated that providing notice earlier in the process is usually the main concern and asked if mailed notice would be coming prior to City Council issuing an RFP or allocating funds and where DAPR would be in relation to that approval. Chair Lewis responded that DAPR meeting typically comes prior to the project being motioned to the City Council. Mr. Mangum responded that, if there are concept plans they could be reviewed. Subsection B within this Section contemplates new construction and would come before DAPR, however, if something is being proposed for an existing building and otherwise compliant it likely would not come to DAPR.

Ms. Safford then asked if a decision is made to utilize a building for City use that does not comply with underlying zoning code, should this section provide language where the City is required to provide notice at an early stage (ex. at the RFP stage).

Chair Lewis then opened the hearing to public testimony.

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Ms. Safford stated that she had submitted a draft of proposed changes that have now been addressed with the revised language presented by staff. She added that the work done since August is important, that DAPR is terrific, however, it meets in the afternoon and there is no major time to present public comment and does not have the same opportunities as Plan Commission. Ms. Safford suggested that if there will be two hearings before DAPR and a project review will convert to being similar to a Planned Development review, there should still be a hearing before DAPR then a second one before Plan Commission.

Mr. Mangum responded that all requirements for the planned development process would be followed if a project meets those thresholds including recommendations from DAPR and the Plan Commission. Chair Lewis clarified that there is notice built in to that process and would be redundant to put into this section. Ms. Safford then said that adding in the word "notice" for the planned development process would still be helpful.

Chair Lewis then closed the public hearing and the Commission began deliberation.

Commissioner Isaac provided a brief summary of the Zoning Committee meeting and stated that the changes presented represent a consensus regarding the issues. There was some talk of all municipal uses following all established procedures and the timing of notices could still be added.

Chair Lewis added that the size of a proposed project was also discussed. Commissioner Isaac agreed and stated that the Zoning Committee discussion lead to a general agreement that the City should present larger proposed projects as other developers do for planned developments.

The Commission then reviewed the standards for approval of amendments and agreed that with standard 2, language that is added helps protect adjacent properties, in standard 3, additional notice would not have an adverse effect on other properties and that standard 4 would be reviewed for compliance on a case by case basis by staff.

Commissioner Isaac made a motion to recommend approval of the text amendment as presented by staff. Commissioner Goddard seconded the motion.

Commissioner Isaac proposed an amendment to subsections C(1) and C(2) to add language stating that the City will issue notice of the Design and Project Review Committee meeting at least 15 days prior to the meeting. Commissioner Goddard seconded the motion.

A roll call vote was taken on the amendment and the motion passed, 6-0. A roll call vote was then taken on the main motion for the text amendment, as

amended, and the motion passed, 6-0.

Ayes: Draper, Dubin, Goddard, Hewko, Isaac, Lewis

Nays:

4. NEW BUSINESS

A. Text Amendment

Accessory Dwelling Units

19PLND-0097

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to revise the definition of coach house and regulations related to accessory dwelling units.

Dick Co of the Evanston Development Cooperative (EDC) provided an overview of the organization and its mission. He explained that its focus is accessory dwelling units (ADUs) and backyard homes and highlighted efforts in California and Portland,OR. He added that EDC engaged the public regarding this issue and hosted a backyard home walking tour that was well attended. He then explained the existing regulations and challenges.

Chair Lewis opened the hearing to questions from the Commission.

Commissioner Isaac asked if any consideration had been made as to whether or not an existing primary building is nonconforming. Mr. Mangum responded that the language as written does not make that distinction.

Mr. Mangum provided staff's overview of where the proposed came from and proposed changes, adding that the coach house definition was initially changed last year. He then stated that the Planning & Development Committee reviewed what was proposed and stated some concern regarding the waiver of parking requirements in parking impacted areas in the 1st Ward.

Chair Lewis then asked for questions from the Commission.

Commissioner Hewko stated that he supports the proposed changes and asked at what point the income is looked at to prove compliance with the affordability requirement. Mr. Mangum responded that the most practical way would be to request proof prior to permit issuance.

Commissioner Hewko then asked what happens if the parking waiver is granted but the AMI increases some years later. Mr. Mangum replied that a covenant could be provided and penalties could be applied if needed.

Chair Lewis asked how rates are monitored. Mr. Mangum responded that one could

DRAFT- NOT APPROVED

work with Housing & Grants staff and look into the compliance side.

Commissioner Isaac asked if he had a neighbor with a home built to the lot line and a garage 3 feet from the property line that does not currently meet setback requirements, would he be able to change it into a coach house. Mr. Mangum replied that if the conversion of the garage will not increase the nonconformity then it would be fine, for example, if there was only interior work being done.

Chair Lewis asked what the current parking requirements are. Mr. Mangum responded that single family homes are required to have 2 parking spaces and 1 space for the coach house. Chair Lewis then asked if duplexes will always apply to one zoning lot with 2 residential units or could one duplex structure on a split pin be considered one lot. Additionally, how many coach houses could be built. Mr. Mangum replied that the zoning lot could consist of multiple parcels and the zoning lot dictates the number of coach houses, not the individual parcels.

Chair Lewis then stated that if there is the ability of residents to request a continuance. No continuance was requested.

Chair Lewis then opened the hearing to questions from the public. Hearing none he then opened the hearing to public testimony.

Mr. Ben Shapiro stated that he is remodeling his home as income property. He stated that higher ceilings allow for more headroom and that the historic district height requirements should be implemented across the board. He added that he believes the distance requirement from transit stops should be expanded to 1,500 or 2,000 feet where it could expand to the West End where there are a number of 2-flat residences.

Chair Lewis then closed the hearing and the Commission began deliberations.

Commissioner Dubin stated that the amendment should expand the area for not needing additional parking spaces as requiring the extra space could create a hardship for property owners.

Chair Lewis stated that the counter-argument is where the cars would then go to park. There are some residents who may not use their car often but still own one that needs a parking space.

Commissioner Dubin stated that parking can be an issue, giving the area around the Chicago & Main intersection as an example. She added that she hated to sound harsh but if the goal is to provide affordable housing and people have cars, they will have to work that out somehow as many already do.

Chair Lewis asked if any tests had been done on height benefits, using Mr. Shapiro's property as an example. Mr. Shapiro responded that he had done some research and

DRAFT- NOT APPROVED

found that a 9 foot ceiling height is recommended. He was planning tandem parking spaces in his garage but without the recommended height building a second story is difficult to do.

Chair Lewis stated that the amendment would encourage 2nd story additions. Commissioner Isaac pointed out that the changes would not just apply to coach houses but to regular garages as well. The Commission should think of unintended consequences of adding additional height.

Chair Lewis agreed that it could be a greater concern in some areas of the City and added that there is nothing that speaks to ground floor ADUs since the parking requirement still exists. He asked if any other location had solved the issue of parking with ground floor living area.

Mr. Robinson Markus, Vice President and Co-Founder of EDC, explained that in 2017 Los Angeles passed legislation on ADUs with parking waived if within half-mile of public transit. He has not seen much in his research parking waivers or standards specifically geared to aging in place but stated that Santa Cruz, CA could be used as an example in concentrating on the aging population. Mr. Markus added that based on EDC's research, in Evanston, about 1/3 of homes would be able to build ground floor dwelling units and that EDC would be happy to do more detailed research.

Commissioner Draper asked if no parking is currently on a property, a garage is added then later taken out, would that be a problem. Mr. Mangum stated that a property would not be permitted to come into compliance then go back to noncompliance.

Chair Lewis pointed out that homes tend to be larger further east in Evanston and smaller as one goes west.

Dick Co stated that EDC looked at single family lots in Evanston and lot coverage and found that 1,600 square feet would provide space for three parking spaces and an ADU. If the additional parking space was not required, approximately 450 more homeowners would be able to do build an ADU.

Commissioner Isaac stated that lot coverage does not take into account what is behind the ADU. Available land may not be in the right place on a lot. Dick Co responded that rear yards were not specifically looked at. EDC met with 60 homeowners who meet requirements.

Commissioner Isaac stated that changes proposed are an improvement. Problems have been identified in practice and he does not feel they are prepared to vote today. He feels a height limitation vote may be premature.

Mr. Mangum stated that new language is not changing height requirements within

DRAFT- NOT APPROVED

historic districts but is doing so for non-historic district lots. Additional height would be permitted with additional setback provided from other properties.

Chair Lewis stated that due to existing configuration of many lots, additional height may not be feasible and he wondered if this is the correct way to go about offering additional height.

Commissioner Hewko asked how much the Commission wants to incentivize ADUs. If being aggressive changes should be adopted, if not then regulations should be left as is. Chair Lewis stated that there is a general interest in having it done.

The Commission then reviewed the standards and found them to generally be met. For the second standard language could be changed to mitigate possible impact and for the third standard in most cases there will be no adverse impact, ADUs are not adjacent to homes.

Commissioner Goddard made a motion to recommend approval of the text amendment as presented by staff. Commissioner Isaac seconded the motion.

Commissioner Hewko proposed an amendment to table 16-B to add that affordability is met if at the time of building permit issuance, AMI is at 80%. Commissioner Isaac seconded the motion. A roll call vote was taken on the amendment and the motion passed, 6-0.

Commissioner Dubin proposed an amendment to the distance requirement to within a TOD area or within 1,500 feet of a transit stop or station. Commissioner Hewko seconded the motion. A roll call vote was taken on the amendment and the motion passed, 6-0.

Commissioner Isaac proposed an amendment to Section 6-4-6-4 to put a limitation that accessory structure height may not be taller than the primary structure. Commissioner Goddard seconded the motion. A roll call vote was taken on the amendment and the motion passed, 5-1.

Commissioner Hewko asked if that would negatively impact what is sought to be achieved. Dick Co responded that it could potentially limit the number of affordable units if, for example, a ranch style house could not build a coach house.

Chair Lewis stated that the amendment is looking out for neighborhood context and that the maximum height should not be 28 feet for all accessory structures. It is reasonable to limit in certain areas.

Commissioner Isaac stated that the amendment does not limit to $\frac{3}{4}$ of height (as in historic districts) but full height. Commissioner Draper added that accessory

structure height is a good point to raise context-wise.

Ms. Safford expressed that permitted use for ADUs is a concern versus making them special uses. Chair Lewis stated that that is a relevant point as is Commissioner Isaac's. A special use permit is an expensive and cumbersome process. He believes that the current proposed amendments help with potential issues, especially height changes.

A roll call vote was then taken on the main motion for the text amendment, as amended, and the motion passed, 6-0.

Ayes: Draper, Dubin, Goddard, Hewko, Isaac, Lewis

Nays:

4. PUBLIC COMMENT

Chair Lewis and Commissioner Dubin gave parting words to the Commissioners and staff regarding their time on the Commission. Mr. Mangum thanked Chair Lewis and Commissioner Dubin for their service.

5. ADJOURNMENT

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

A voice vote was taken and the motion was approved by voice vote 6-0. The meeting was adjourned at 9:08 pm.

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



Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Meagan Jones, Neighborhood and Land Use Planner
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning and Zoning Manager
Subject: Ordinance 172-O-19 Extending the Time for the Applicant to Obtain a Building Permit for 1815 Ridge Avenue
Date: December 9, 2019

Recommended Action:

Staff recommends City Council adoption of Ordinance 172-O-19 to extend the time for commencement of construction of the Planned Development at 1815 Oak Avenue, originally approved on July 25, 2016. The Ordinance would grant an extension of thirty (30) days for foundation permit issuance and ninety (90) days from the date of foundation permit issuance for building permit issuance. *Due to the single City Council meeting in December, Alderman Braithwaite requests suspension of the rules for Introduction and Action at the December 9, 2019 City Council Meeting.*

Council Action:

For Introduction and Action

Summary:

On July 25, 2016, the City Council adopted Ordinance 47-O-16 granting approval of the Planned Development for construction of a 10-story senior living facility with 102-dwelling units, 31 assisted living with cognitive impairment units, 30 memory care units and 67 parking spaces on site. The development included one site development allowance. Per Ordinance 47-O-16, the applicant had eighteen months, until January 25, 2018, to obtain a building permit and start the construction of the project and two years to complete the project from the time of building permit issuance.

On March 15, 2017, a minor adjustment to the planned development to increase upper level building setbacks from 0 to 26 feet 6 inches at a height of 44 feet, add a 4th floor terrace, and relocate stairway and mechanical equipment on the north end of the building was administratively approved by the Zoning Administrator with the review and recommendation of the Design and Project Review (DAPR) Committee.

The applicant submitted a letter, requesting a 12-month extension for the building permit issuance due to modifications to the structural system because of the costs and availability of construction systems and labor. This request was approved on January 8, 2018 by Ordinance 3-O-18. This extension gave the applicant until January 8, 2019 to obtain a building permit for the project. The applicant submitted plans for a foundation permit in April of 2018 with revisions submitted in September of 2018.

In October 2018, the applicant submitted a letter requesting an additional extension for the building permit due to the need to obtain a major amendment to the planned development. The request was approved on December 10, 2018, by Ordinance 158-O-18.

On August 5, 2019 City Council adopted Ordinance 82-O-19, granting approval of an amendment to the planned development which increase in FAR to 4.47 (originally approved at 4.35 and subsequently reduced via a Minor Adjustment to 3.97 in 2017); an increase in parking spaces from 67 to 70 (including 2 compact spaces); an increased side yard setback (south) from 4 feet to 5 feet, and a reduction of dwelling units from 102 to 43 (for a reduced total of 161 units/rooms from 163), eliminating the site development allowance for maximum number of dwelling units in the building approved by Ordinance 46-O-16 and the previous extensions.

A foundation permit application was submitted in April of 2018 and revised plans from September 2019 were approved on November 5, 2019, but not yet issued. The applicant has also submitted for a permit to construct the superstructure of the building in August of 2019 but has not yet submitted for the full building permit. The attached letter dated October 31, 2019, requests an extension due to a change in General Contractor.

The property has remained vacant for many years. Staff recommends a shorter extension for several reasons. First, the stated reasons for the extension are administrative in nature and are associated with the selection of a General Contractor for the construction and should not require additional reviews or approvals (e.g. zoning or plan drawing). Second, since the prior occupant and structure were removed and the property became a vacant lot, staff has to monitor the property for snow removal and removal of weeds/maintenance of grass as well as other large vacant property compliance issues such as fly dumping or illegal parking. Third, the approval of developments and then approval of continued extensions means that an applicant is allowed to remain subject to the laws, regulations, and rules in place at the time of first approval. This development was approved prior to the establishment of the inclusionary housing ordinance (IHO) and is therefore not subject to the requirements set forth in the original IHO or the current IHO (Note: the applicant is providing two on-site affordable units at 80% Area Median Income and a one-time payment of \$400,000 to the Affordable Housing fund). Based on these considerations and in an effort to encourage permit issuance, staff recommends that an extension be granted that provides 30 days for the applicant to obtain a foundation permit and 90 days from the issuance of the foundation permit for the applicant to obtain a building permit.

Attachments:

[Ordinance 172-O-19 Extending time to obtain a Building Permit at 1815 Ridge Ave Extension Request Letter Dated October 31, 2019](#)

172-O-19

AN ORDINANCE

**Extending the Time for the Applicant to Obtain a Foundation Permit
and Building Permit to Construct the Planned Development at 1815
Ridge Avenue Authorized by Ordinance 47-O-16**

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 legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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 2012, as amended, (“the Zoning Ordinance”); and

WHEREAS, on July 25, 2016, the City Council enacted Ordinance 47-O-16, incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the “Planned Development”) at 1815 Ridge Avenue (the “Subject Property”), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 47-O-16 approved the construction of a 10-story

independent and assisted living facility with 102 dwelling units, 31 assisted living units for residents with cognitive impairments, 30 memory care rooms at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, per Section 6-3-6-12(B), a minor adjustment to the Planned Development was approved by the Zoning Administrator on March 15, 2017 with the recommendation of the Design and Project Review Committee ("DAPR") to reduce the Floor Area Ratio from 4.35 to 3.97, to increase the upper level building setbacks from zero feet to twenty six and a half feet at a height of forty-four feet, to relocate the stairway and mechanical equipment on the north end of the building, and for the addition of a fourth floor terrace; and

WHEREAS, on January 8, 2018, the City Council enacted Ordinance 3-O-18, incorporated herein by reference, which granted an extension of time for the Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16; and

WHEREAS, by letter to the City dated October 12, 2018, the Developer and Applicant, Michael McLean (the "Applicant") requested an extension of the one-year time period to obtain a building permit and start construction for the Planned Development; and

WHEREAS, in order to remain in compliance with the terms of Ordinance 47-O-16 and provide for Applicant to obtain a building permit and start construction, the Applicant requested an amendment to the Planned Development; and

WHEREAS, on December 10, 2018, the City Council enacted Ordinance 158-O-18, incorporated herein by reference, which granted an extension of time for the

Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16; and

WHEREAS, the Applicant requested amendments to the previously approved ordinances in order to approve a requested major adjustment that included an increase in FAR to 4.47, an increase in parking spaces, an increased side yard setback, and a reduction of dwelling units; and

WHEREAS, on August 5, 2019, the City Council enacted Ordinance 82-O-19, attached hereto as Exhibit 1 and incorporated herein by reference, which granted an amendment to the Special Use Permit authorized by the previously approved ordinances; and

WHEREAS, by letter to the City dated October 31, 2019, Applicant, through his attorney, requested an extension of time of the Planned Development because of a change in the General Contractor; and

WHEREAS, in order to remain in compliance with the terms of Ordinance 47-O-16 and provide for the Applicant to obtain the proper permits and start construction, it is necessary to amend the Planned Development; and

WHEREAS, on December 9, 2019, the Planning and Development Committee (“P&D Committee”) held a meeting, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), during which it retained jurisdiction over the Planned Development Amendment request; and

WHEREAS, during said meetings, the P&D Committee received input from the public, and carefully deliberated on the Extension request and the Applicant was given notice and the opportunity to be heard at the P&D and City Council meetings;

and

WHEREAS, at its meeting of December 9, 2019 held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's deliberations and recommendations, heard public comment, made findings and considered this Ordinance 172-O-19,

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 fact and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 47-O-16 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted for the Planned Development, 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 following: the terms of this Ordinance 172-O-19; terms of Ordinance 82-O-19; terms of Ordinance 158-O-18; terms of Ordinance 3-O-18; terms of Ordinance 47-O-16 which have not been amended by this Ordinance; all applicable City Code requirements; the Applicant's testimony to the P&D Committee, and the City Council; and the approved documents on file in this case.

(b) Changes in Property Use: Any change as to the property's use in the future must be processed and approved as an additional amendment to the Planned Development.

(c) Construction Schedule: Construction Schedule: Pursuant to Subsection 6-11-1-10(A)(4) of the Zoning Ordinance, the Applicant must obtain a foundation permit within thirty (30) days of the passing of this Ordinance. Additionally, the Applicant must obtain a building permit within ninety (90) days from the date the foundation permit is issued.

(d) Recording: 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 4: Except as otherwise provided for in this Ordinance 172-O-19, all applicable regulations of the Ordinance 82-O-19 and Ordinance 158-O-18 and Ordinance 3-O-18 and Ordinance 47-O-16, 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/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 172-O-19 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Michael McLean, and any and all successors, owners, and operators of the Subject Property.

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

SECTION 7: 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 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 10: 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.

<p>Introduced: _____, 2019</p> <p>Adopted: _____, 2019</p> <p>Attest:</p> <p>_____</p> <p>Devon Reid, City Clerk</p>	<p>Approved:</p> <p>_____, 2019</p> <p>_____</p> <p>Stephen H. Hagerty, Mayor</p> <p>Approved as to form:</p> <p>_____</p> <p>Michelle Masoncup, Corporation Counsel</p>
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EXHIBIT 1
ORDINANCE 82-O-19

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7/24/2019

82-O-19

AN ORDINANCE

**Granting An Amendment to the Approved Planned Development
Located at 1815 Oak Avenue**

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 2012, as amended, ("the Zoning Ordinance"); and

WHEREAS, on July 25, 2016, the City Council enacted Ordinance 47-O-16,

attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1815 Oak Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 47-O-16 approved the construction of a 10-story independent and assisted living facility with 102 dwelling units, 31 assisted living units for residents with cognitive impairments, and 30 memory care rooms at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, per Section 6-3-6-12(B), a minor adjustment to the Planned Development was approved by the Zoning Administrator on March 15, 2017 with the recommendation of the Design and Project Review Committee ("DAPR") to reduce the Floor Area Ratio from 4.35 to 3.97, to increase the upper level building setbacks from zero feet to twenty six and a half feet at a height of forty-four feet, to relocate the stairway and mechanical equipment on the north end of the building, and for the addition of a fourth floor terrace; and

WHEREAS, on January 8, 2018, the City Council enacted Ordinance 3-O-18, attached hereto as Exhibit 2 and incorporated herein by reference, which granted an extension of time for the Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16; and

WHEREAS, on December 10, 2018, the City approved Ordinance 158-O-18, attached hereto as Exhibit 3 and incorporated herein by reference, which granted an extension of time for the Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16 and 3-O-18; and

WHEREAS, the Developer and Applicant, Michael McLean (the "Applicant") requested a major adjustment that includes an increase in FAR to 4.47 (originally approved at 4.35 and subsequently reduced via a Minor Adjustment to 3.97 in 2017); an increase in parking spaces from 67 to 70 (including 2 compact spaces); an increased side yard setback (south) from 4 feet to 5 feet, and a reduction of dwelling units from 102 to 43 (for a reduced total of 161 units/rooms from 163); eliminating the site development allowance for maximum number of dwelling units in the building approved by Ordinance 46-O-16, 3-O-18 and 158-O-18 (revised plans depicting this major adjustment are attached hereto as Exhibit 4); and

WHEREAS, in order to approve the major adjustment requested, the Applicants request amendments to Ordinances 46-O-16, 3-O-18, and 158-O-18 (the "Previously Approved Ordinances"); and

WHEREAS, the Previously Approved Ordinances are pieces of legislation enacted by the City Council of the City of Evanston, subject to revision only by said City Council; and

WHEREAS, on August 5, 2019, the Planning and Development Committee ("P&D Committee") held a meeting, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), during which it considered the Applicants' request and voted to retain jurisdiction over said request; and

WHEREAS, during said meeting, the P&D Committee received input from the public, carefully deliberated on the major adjustment, and recommended approval thereof by the City Council; and

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WHEREAS, at its meeting on August 5, 2019, held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's recommendation, heard public comment, made findings, and adopted said recommendation; and

WHEREAS, it is well-settled law in Illinois 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) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124),

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 fact and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 47-O-16, 3-O-18, and 158-O-18 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: The conditions on the Special Use Permit imposed pursuant to Subsection 6-3-5-12 of the Zoning Ordinance by City Council in Ordinances 47-O-16, 3-O-18, and 158-O-18 remain applicable to the Planned Development,

SECTION 4: Except as otherwise provided for in this Ordinance 82-O-19, all applicable regulations of the Ordinances 47-O-16, 3-O-18, and 158-O-18, the Zoning Ordinance, and the entire City Code shall apply to the Subject Property and remain in

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full force and effect with respect to the use and development of the same. To the extent that the terms and/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 82-O-19 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Michael McLean, and any and all successors, owners, and operators of the Subject Property.

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

SECTION 7: 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 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 10: The findings and recitals herein are hereby declared to be

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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: August 5th, 2019

Adopted: August 5th, 2019

Approved:

August 14, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:

Eduardo Gomez
Devon Reid, City Clerk

Eduardo Gomez, Deputy City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup,
Corporation Counsel

EXHIBIT 1
Ordinance 47-O-16

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4/14/2016
6/17/2016
7/6/2016

47-O-16

AN ORDINANCE

**Granting Special Use Approval for a Planned Development and
Special Use Approval for an Independent and Assisted Living Facility
Located at 1815-1823 Ridge Avenue and Amending the Zoning Map
to Re-Zone Certain Properties from the C2 Commercial Zoning
District to the D4 Downtown Transition Zoning 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, 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, 174-75 (1992)); 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 2012, as amended, ("the Zoning Ordinance"); and

WHEREAS, Michael McLean ("Applicant"), the Applicant for the proposed development located at 1815-1823 Ridge 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," 6-3-5, "Special Uses," Section 6-3-6, "Planned Developments," and Section 6-11-1-10, "Planned Developments," to place certain properties within the D4 Downtown Transition Zoning District ("D4 District") and permit the construction and operation of a Planned Development with an Independent and Assisted Living Facility located at the Subject Property in the D4 District; and

WHEREAS, the Applicant sought approval to re-zone the Subject Property from the current C2 Commercial Zoning Districts to the proposed D4 Downtown Transition Zoning District; and

WHEREAS, the Applicant sought approval to construct a new eleven (11) -story one hundred five (105) foot tall independent and assisted living facility consisting of up to one hundred forty (140) dwelling units and twenty-five (25) memory care rooms, with a floor area ratio of approximately 5.4, approximately one hundred forty-six thousand, six hundred forty-three (146,643) square feet of residential space, seventy (70) open on-site parking spaces, zero (0) foot front setback along the west property line, four (4) foot side setback along the south property line, zero (0) foot rear setback along the east property line, and two (2) short loading docks; 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 the number of dwelling units; and

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

WHEREAS, on March 9, 2016 and April 6, 2016, 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 Special Use Approval for a Planned Development with an Independent and Assisted Living Facility and Rezoning from the C2 Zoning Districts to the D4 Zoning District, case no. 15PLND-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 meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the D4 Downtown Transition District per Subsection 6-11-1-10 of the Zoning Ordinance and Map Amendments per Subsection 6-3-4-5 of the Zoning Ordinance; and

WHEREAS, on April 6, 2016, the Plan Commission recommended the City Council approve the application with conditions; and

WHEREAS, on June 15, 2016, the Applicant submitted revised plans seeking approval for the following: approval to construct a ten (10) -story one hundred five (105) foot tall independent and assisted living facility consisting of up to one

hundred two (102) dwelling units, thirty-one (31) assisted living with cognitive impairments units, and thirty (30) memory care rooms, with a floor area ratio of approximately 4.35, approximately one hundred forty-six thousand, six hundred forty-three (146,643) square feet of residential space, sixty-seven (67) on-site parking spaces; and

WHEREAS, on July 11, 2016, 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 the Plan Commission’s record and findings, the Applicant’s amended application dated June 15, 2016, and recommended the City Council accept and approve the amended application; and

WHEREAS, at its meetings on July 11, 2016 and July 25, 2016, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, 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) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass’n v. City of Chicago*, 45 F.3d 1124),

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 C2 Commercial Districts and place them within the D4 Downtown Transition District.

SECTION 3: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Approval applied for in case no. 15PLND-0112, to allow construction and operation of the Planned Development for a ten (10) - story one hundred five (105) foot tall independent and assisted living facility consisting of up to one hundred two (102) dwelling units, thirty-one (31) assisted living with cognitive impairments units, and thirty (30) memory care rooms, with a floor area ratio of approximately 4.35, approximately one hundred forty-six thousand, six hundred forty-three (146,643) square feet of residential space, sixty-seven (67) open on-site parking spaces.

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

(A) Number of Dwelling Units: A Site Development Allowance is hereby granted for one hundred forty (102) residential dwelling units, whereas subsection 6-11-2-4(B) of the Zoning Ordinance allows for a maximum of eighty-four (84) residential dwelling units in the D4 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 Approval 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 following: the terms of this ordinance; the Site and Landscape Plans in Exhibit D and E, attached hereto and incorporated herein by reference; all applicable City Code requirements; 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) **Affordable Housing Contribution:** The Applicant shall pay a one-time contribution of four hundred thousand dollars (\$400,000) to the City's Affordable Housing Fund. The contribution will be made in two (2) equal installments. The first installment shall be made within ten (10) business days of the issuance of the Temporary Certificate of Occupancy (TCO) and the second installment shall be made within one (1) year of the TCO issuance date.
- (C) **Affordable Housing Units:** The Applicant shall have two (2) on site affordable housing units at eighty percent (80%) of the area median income ("AMI").
- (D) **Alley Reconstruction:** The Applicant shall reconstruct the public alley to the south adjacent to the Subject Property.
- (E) **Oak Avenue Streetscape Improvements:** The Applicant shall construct the streetscape improvements and roadway widening from the Subject Property to Clark Street and modify the island in the Clark Street and Oak Avenue intersection per proposed development plans and landscape plans in Exhibit B and Exhibit C.
- (F) **Traffic Signal Improvements:** The Applicant shall upgrade existing traffic signals located at Church Street and Oak Avenue intersection to include pedestrian countdown timers.
- (G) **Street Crosswalk Improvements:** The Applicant shall install the following crosswalks: (1) east side of the intersection at Ridge Avenue and Clark Street; (2) east side of the intersection at Clark Street and Oak Avenue; and (3) all sides of the intersection at Church Street and Oak Avenue.
- (H) **Ridge Avenue Streetscape Improvements:** The Applicant must construct the streetscape improvements along Ridge Avenue, including the new eight (8) foot wide parkway, five (5) foot wide public sidewalk, increased landscaping and two (2) public seating areas with water feature or art installation per proposed development plans and landscape plans in Exhibit B and Exhibit C.
- (I) **On-Site Bicycle Parking:** The Applicant must install twenty-eight (28) bicycle parking spaces for visitors located on the west and south portions of the development.

- (J) **Bike Share Membership:** The Applicant must provide a ten thousand dollar (\$10,000.00) sponsorship for the Divvy bike share program prior to the issuance of the building permit.
- (K) **Public Art Contribution:** The Applicant must install an art installation within the pocket park north of the proposed building.
- (L) **Landscape Maintenance:** The Applicant must submit a three (3) year maintenance agreement for all landscaped areas on site, inclusive of the gardens and green roof, prior to the issuance of the building permit.
- (M) **City of Evanston Employment:** The Applicant agrees to employ at least ten (10) Evanston residents during construction. The Applicant also agrees to offer fifty percent (50%) of the permanent jobs to Evanston residents, subject to their qualifications for employment.
- (N) **LEED Silver Certification:** The Applicant agrees to comply with the City of Evanston Green Building Ordinance and obtain a LEED Silver Certification Rating or higher for the Planned Development on the Subject Property.
- (O) **No Further Remediation Letter:** The Applicant must submit a "No Further Remediation" letter prior to the issuance of the Certificate of Occupancy.
- (P) **Changes in Use:** Any changes in use must be approved as an amendment to the Planned Development on the Subject Property.
- (Q) **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 staging plan, on-street and on-site construction parking restrictions, hours of operation, a plan including cross sections showing pedestrian access around the site with the use of curb ramps, signage and/or striping, if necessary, foundation survey of surrounding structures including weekly reporting of seismographs for the duration of construction, submittal of environmental testing report prior to construction, visibility diagram for all construction site access points, proposed schedule for street opening for utility connections with cross section details, and project updates via monthly newsletter and project website.
- (R) **Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)(4) of the Zoning Ordinance, the Applicant shall obtain a building permit within eighteen (18) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
- (S) **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: July 11, 2016

Adopted: July 25, 2016

Approved:

August 1, 2016

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description**TRACT 1:

Parcel 1:

LOTS 4, 5, 6 AND 7 (EXCEPT THAT PART TAKEN FOR WIDENING RIDGE AVENUE ACCORDING TO DOCUMENT NO. 15800534 RECORDED DECEMBER 28, 1953) IN THE RESUBDIVISION OF BLOCK 1 IN E. A. PRATT'S ADDITION TO EVANSTON, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 3, 1875 AS DOCKET NO. 42276, ALL IN COOK COUNTY, ILLINOIS.

Parcel 2:

THAT PART OF THE VACATED WEST RAILROAD AVENUE (VACATED BY PLAT OF VACATION RECORDED AS DOCUMENT 87518006) ADJACENT TO THE RESUBDIVISION OF BLOCK 1 IN E. A. PRATT'S ADDITION TO EVANSTON, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 6 IN E. A. PRATT'S ADDITION, AFORESAID; THENCE EAST ON THE SOUTH LINE OF SAID LOT 6, EXTENDED EAST, 59.60 FEET TO A POINT IN THE EAST LINE OF SAID WEST RAILROAD AVENUE; THENCE NORTHWESTERLY ON THE EASTERLY LINE OF SAID WEST RAILROAD AVENUE, 302.45 FEET TO A POINT; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID EASTERLY LINE OF RAILROAD AVENUE, 50.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID RAILROAD AVENUE; THENCE SOUTHEASTERLY ON THE WEST LINE OF SAID WEST RAILROAD AVENUE, 270.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN(s): 11-18-116-021-0000
 11-18-116-022-0000
 11-18-116-023-0000

COMMONLY KNOWN AS: 1815-1823 Ridge Avenue; Evanston, Illinois.

TRACT 2:

LOTS 1, 2 AND 3 (EXCEPT THAT PART TAKEN FOR WIDENING OF RIDGE AVENUE ACCORDING TO DOCUMENT NO. 15800534 RECORDED DECEMBER 28, 1953) IN THE RESUBDIVISION OF BLOCK 1 IN ELISA A. PRATT'S ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, LYING EAST OF RIDGE ROAD, AND WEST OF THE MILWAUKEE DIVISION OF THE CHICAGO AND NORTHWESTERN RAILROAD INN SECTION 18, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN.

PIN(s): 11-18-116-018-0000
11-18-116-019-0000
11-18-116-020-0000

COMMONLY KNOWN AS: Ridge Avenue & Green Bay Road, Evanston, Illinois.

EXHIBIT B

**Addresses and PINs of Properties Removed from the C2 Commercial District and
Placed Within the D4 Downtown Transition District**

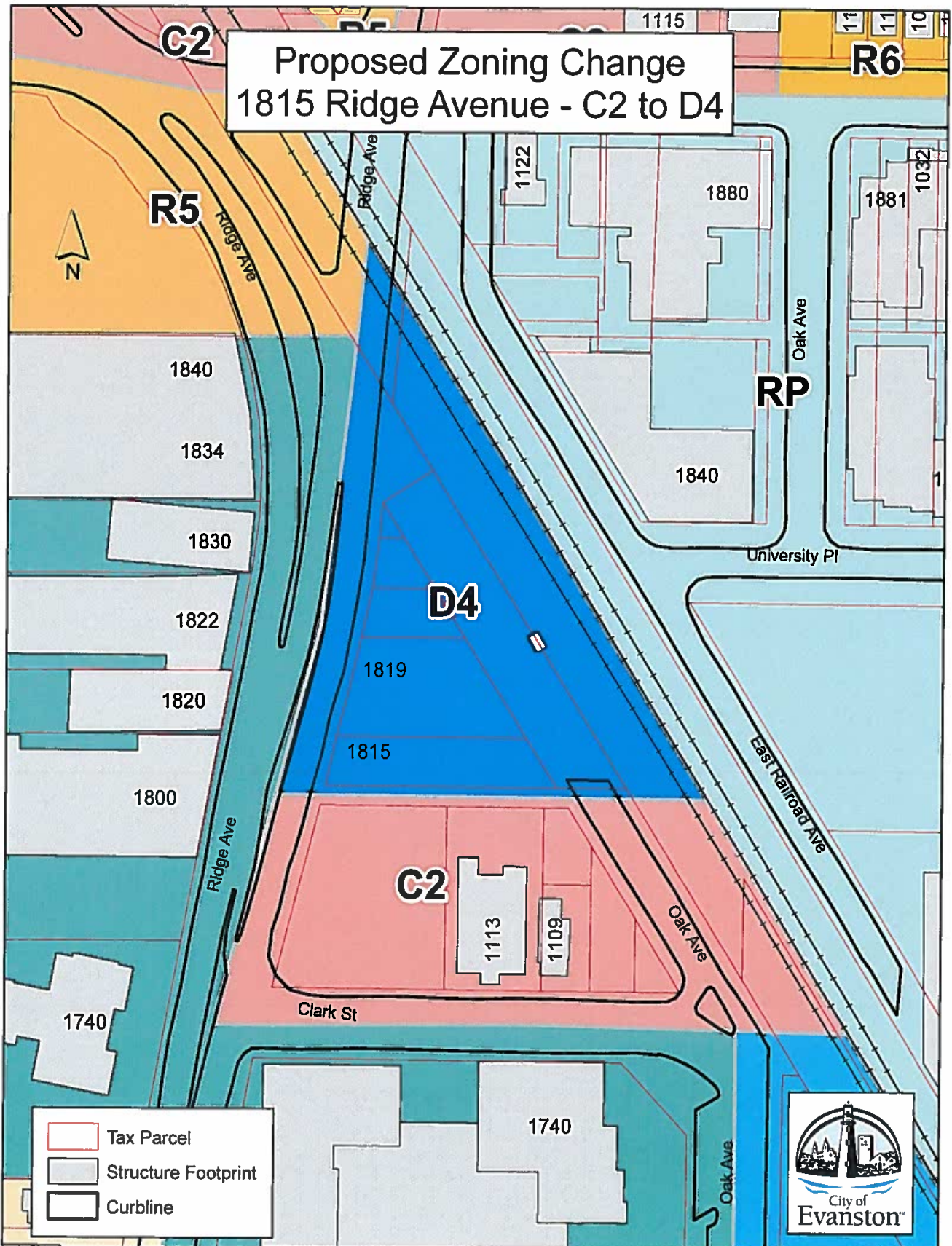
Commonly Known As: 1815-1823 Ridge Avenue

PIN(s): 11-18-116-018-0000
11-18-116-019-0000
11-18-116-020-0000
11-18-116-021-0000
11-18-116-022-0000
11-18-116-023-0000

EXHIBIT C

**Map of Properties Removed from the C2 Commercial District and Placed Within
the D4 Downtown Transition District**

Proposed Zoning Change 1815 Ridge Avenue - C2 to D4



This map is provided "as is" without warranties of any kind.
See www.cityofevanston.org/mapdisclaimers.html for more information.

Ridge1815_C2toD4_Map.mxd
4/21/2016

EXHIBIT D

Development Plans



1815 OAK AVENUE - SENIOR HOUSING

E v a n s t o n , I l l i n o i s

Centrum Partners LLC
15 June, 2016

Hirsch Associates LLC
Architecture + Planning



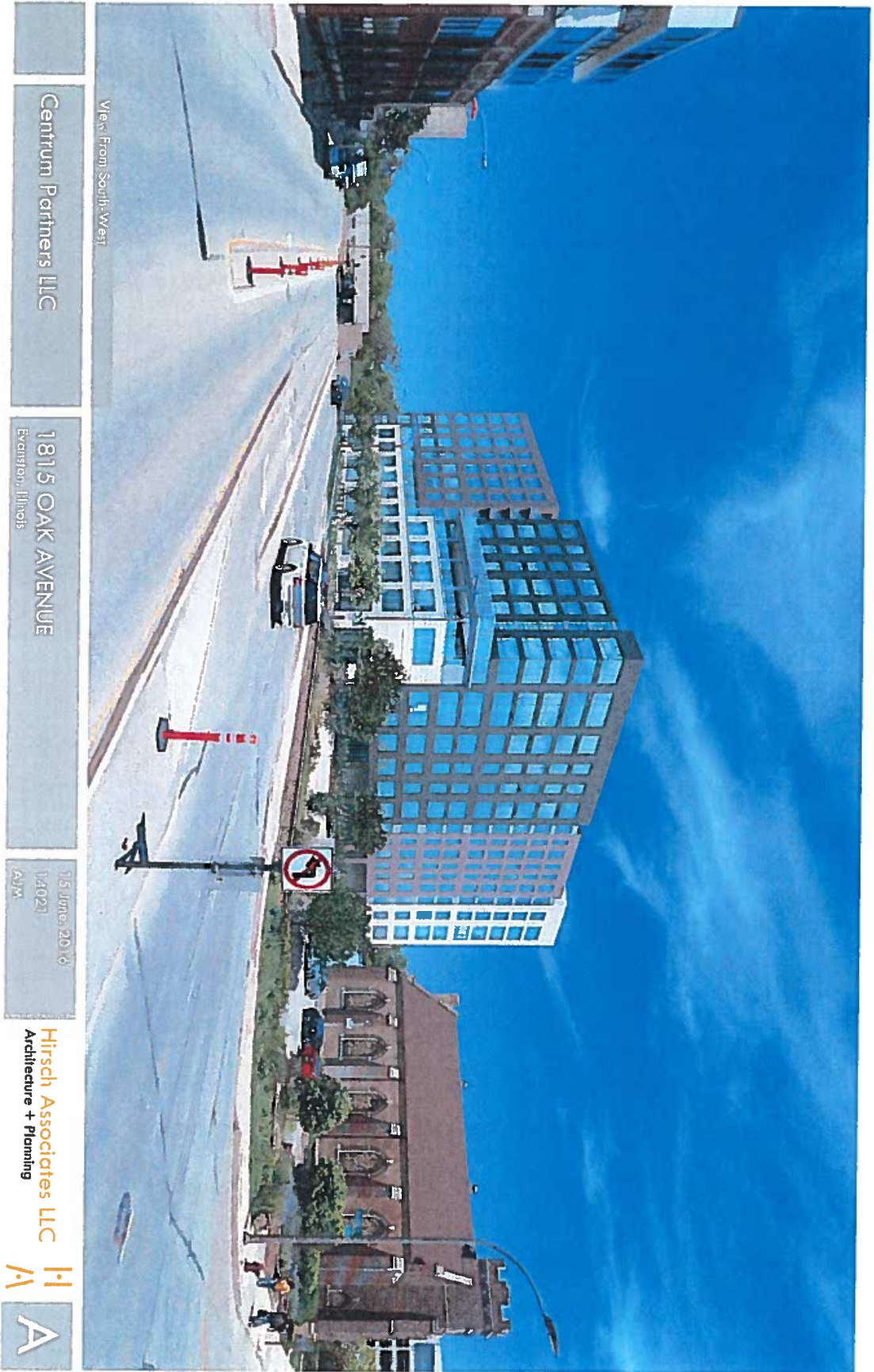
Centrum Partners LLC

1815 OAK AVENUE
Evansville, Illinois

115 June, 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning





View From South West

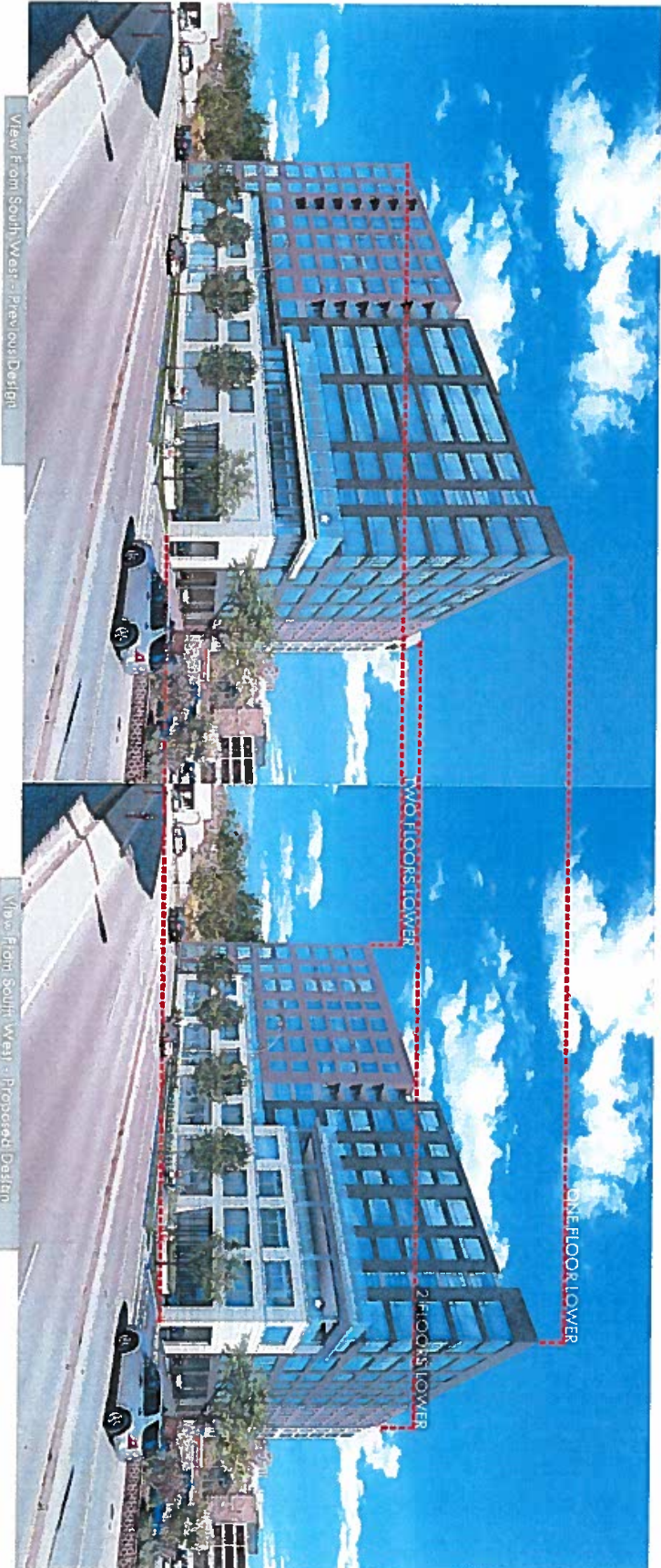
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

11/5 June, 2016
1/4/21
AJM

Hirsch Associates LLC
Architecture + Planning





Centrium Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning






Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AM

Hirsch Associates LLC
Architecture + Planning





Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AMM

Hirsch Associates LLC
Architecture + Planning





Close View From West

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A/JM

Hirsch Associates LLC
Architecture + Planning





View From North-West

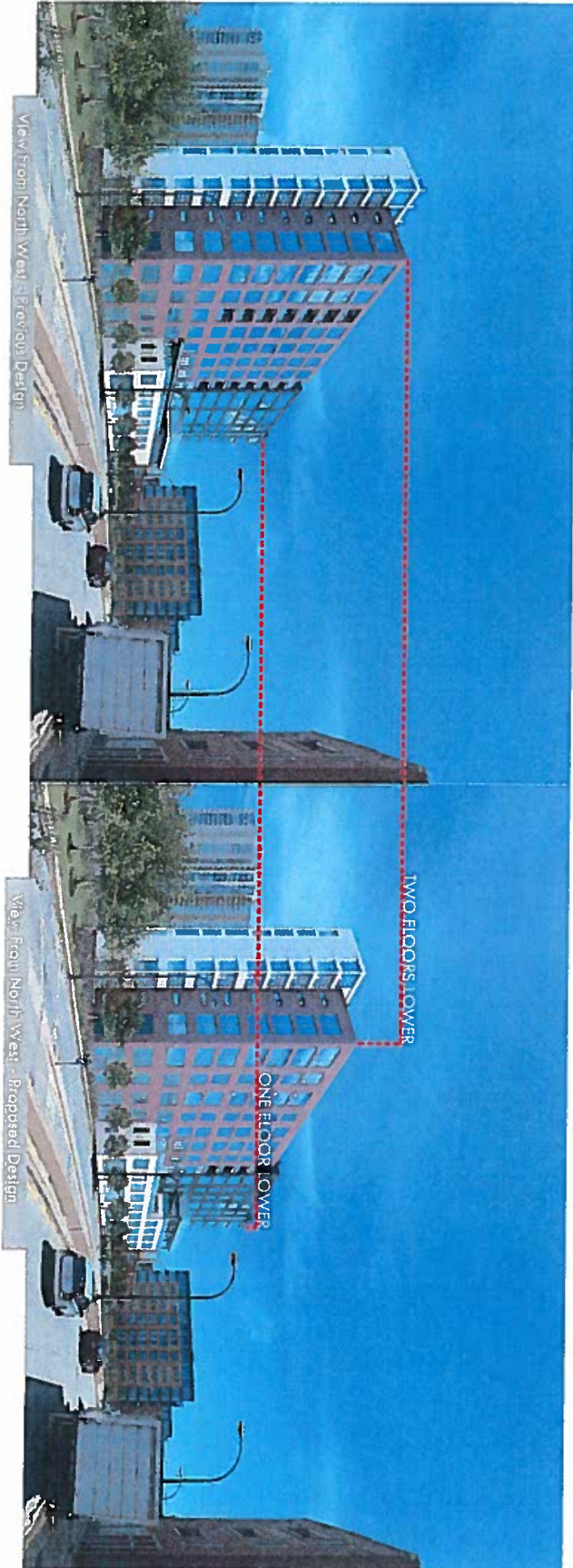
Centrum Partners LLC

18115 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning





Centrum Partners LLC

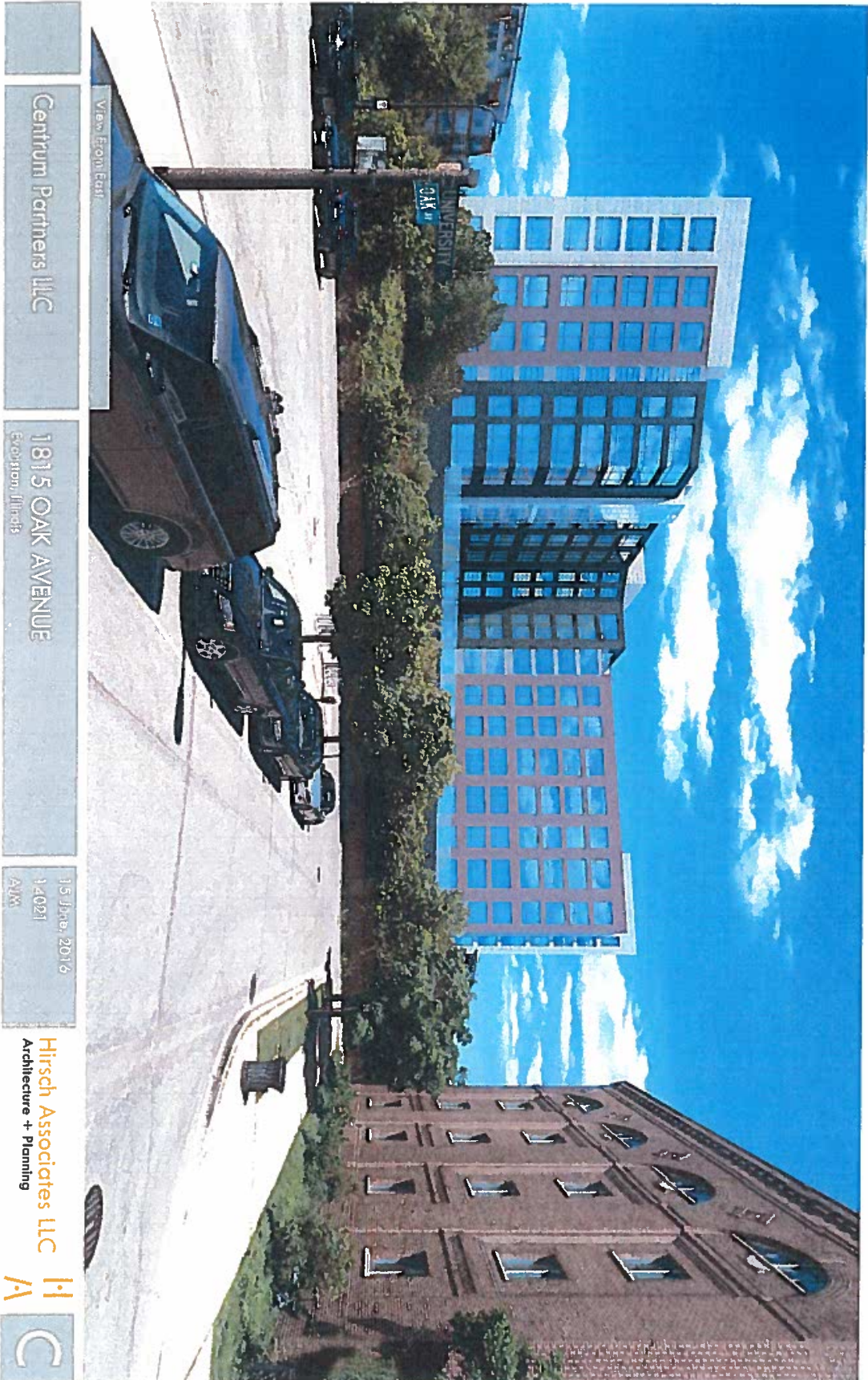
1815 OAK AVENUE
 Extension, Illinois

15 June, 2016
 1:40:21
 A1M

Hirsch Associates LLC
 Architecture + Planning



B.5



View From East

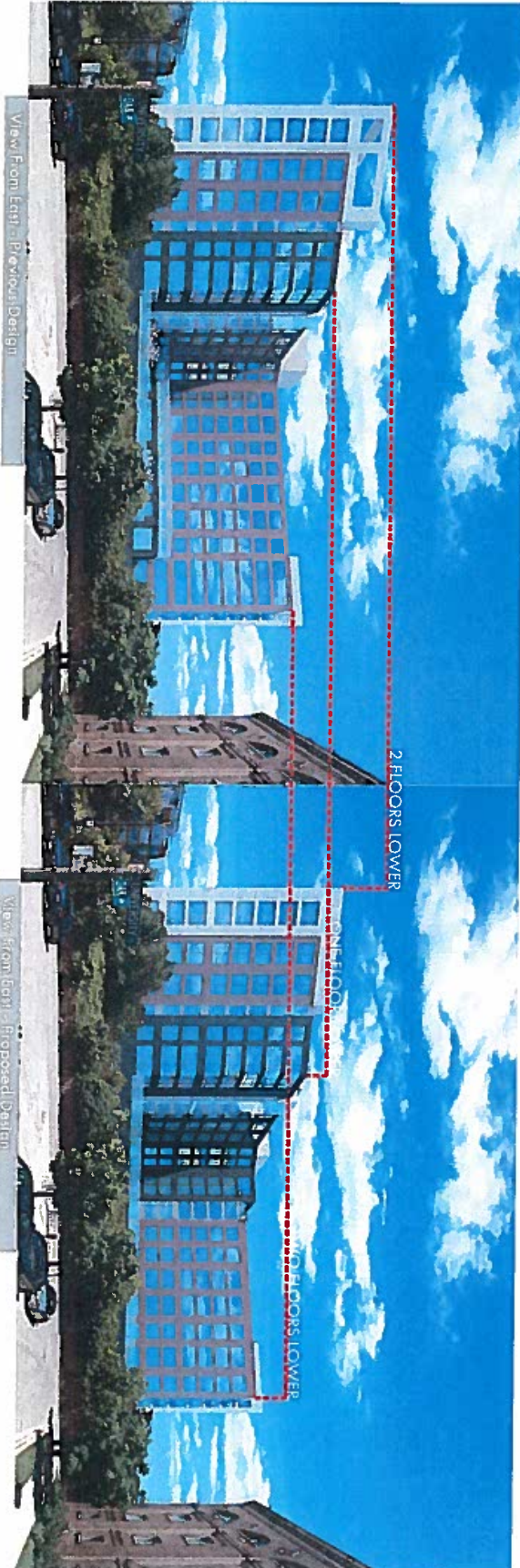
Centrum Partners LLC

1815 OAK AVENUE
Evolution/Innovis

15 June, 2016
14021
ALM

Hirsch Associates LLC
Architecture + Planning





Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning





Views From South East

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning





View From South East - Previous Design

View From South East - Proposed Design

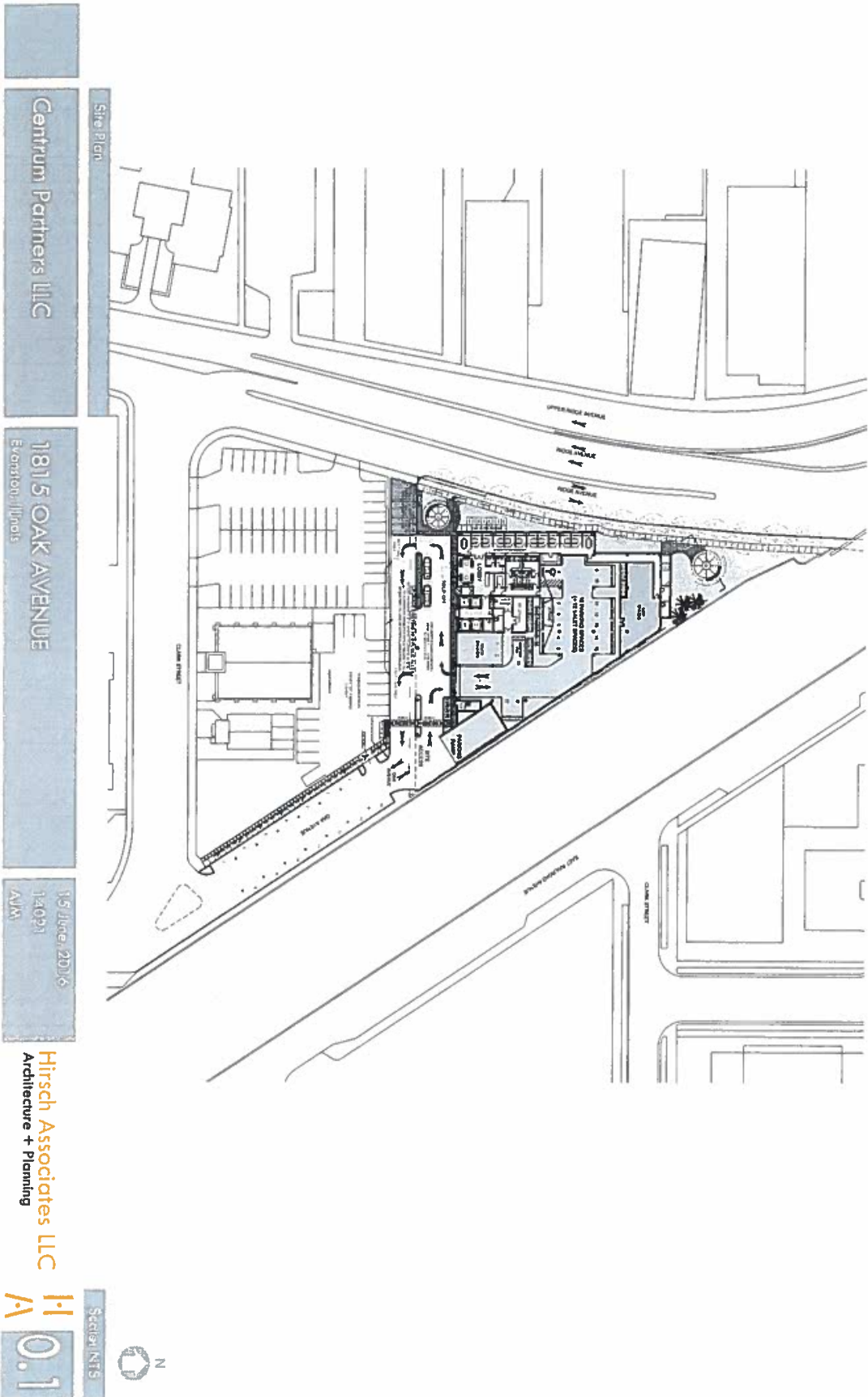
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
AJM

Hirsch Associates LLC
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Site Plan

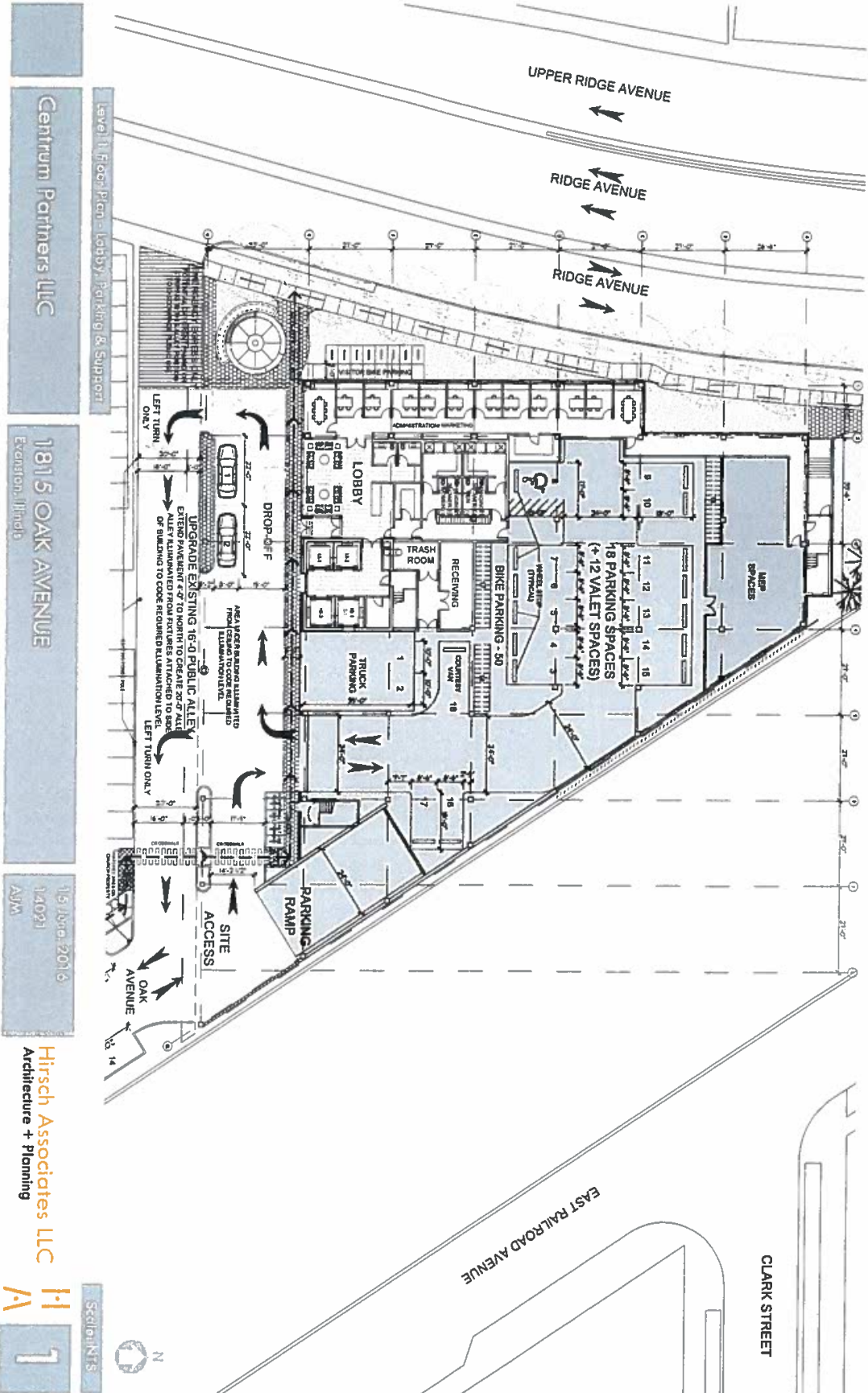
Centrum Partners LLC

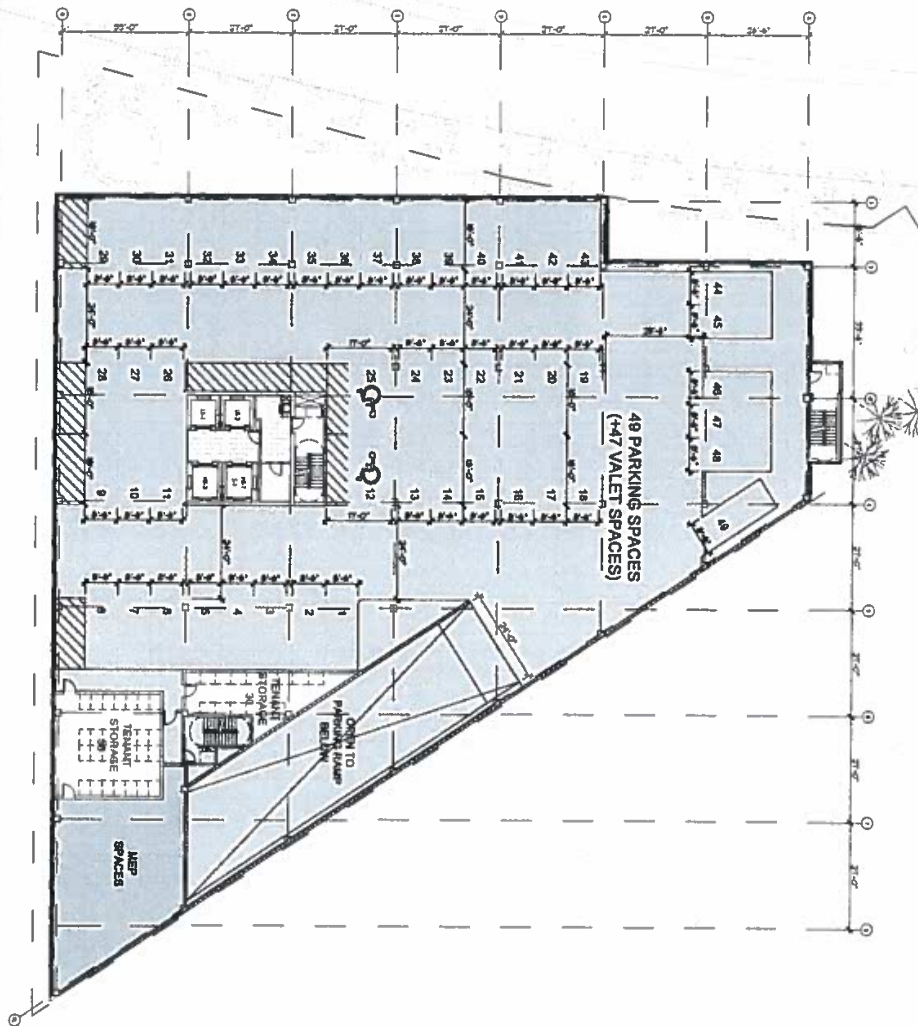
18115 OAK AVENUE
Evanston, Illinois

19 June 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning







Level 2 (Floor Plan - Parking)

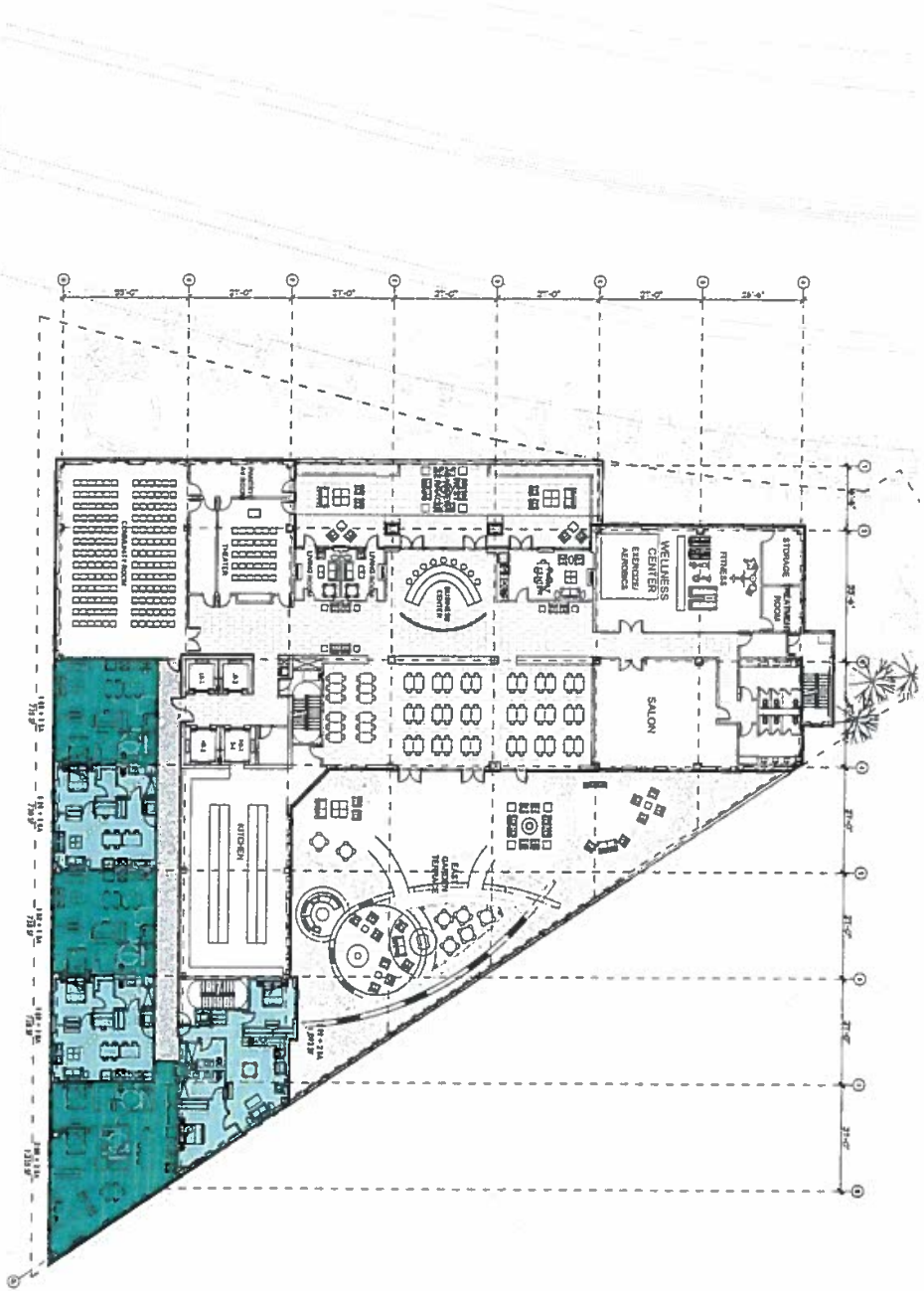
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14023
AJM

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Level 3 Floor Plan - Town Square

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2015
14021
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Architecture + Planning



Scale: NTS

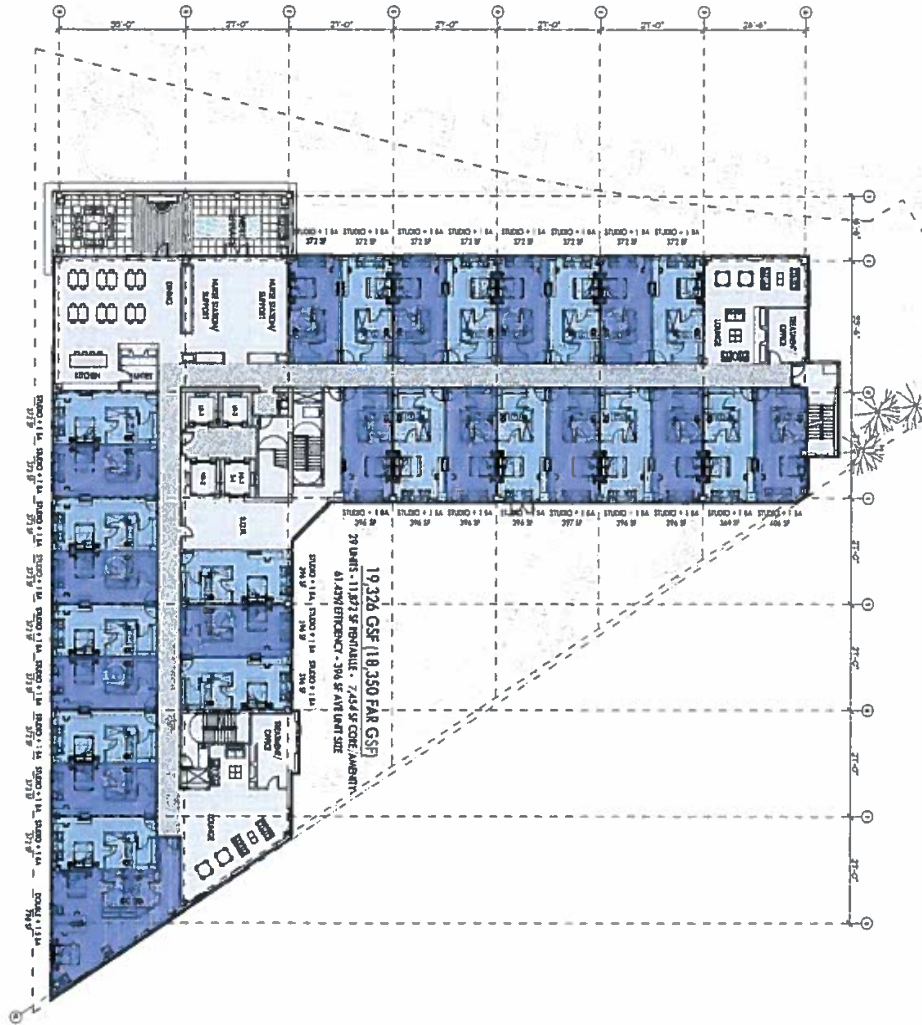


Level 4: Floor Plan - Memory Care

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15th Feb, 2016
14021
A/1/1



Schiller INT'S

4

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Level 5 Floor Plan - Assisted Living CL

Centrum Partners LLC
Evanston, Illinois

1815 OAK AVENUE

15 June, 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning





Level 0/8 Fiber Plan - Assisted Living
 Centrum Partners LLC

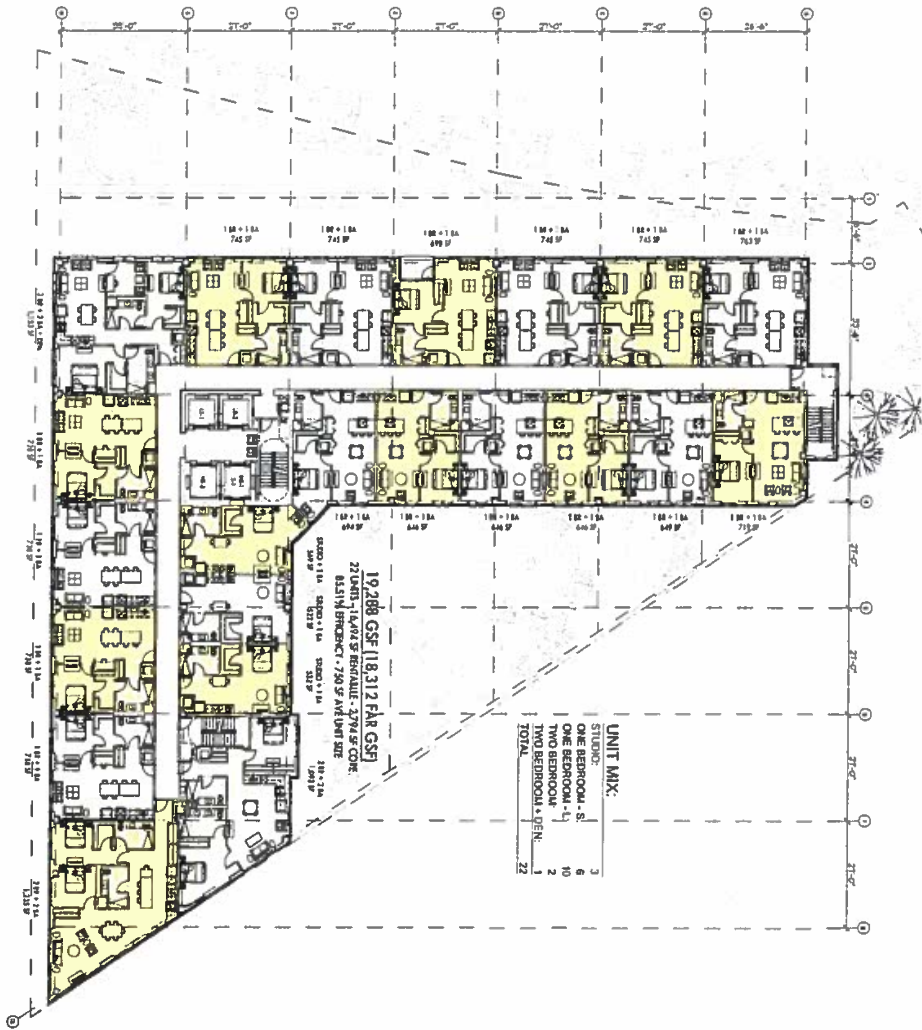
1815 OAK AVENUE
 Evanston, Illinois

15 June, 2016
 14021
 A/M

Hirsch Associates LLC
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6
 Scaled: NTS





Level 9 Floor Plan - Independent Living

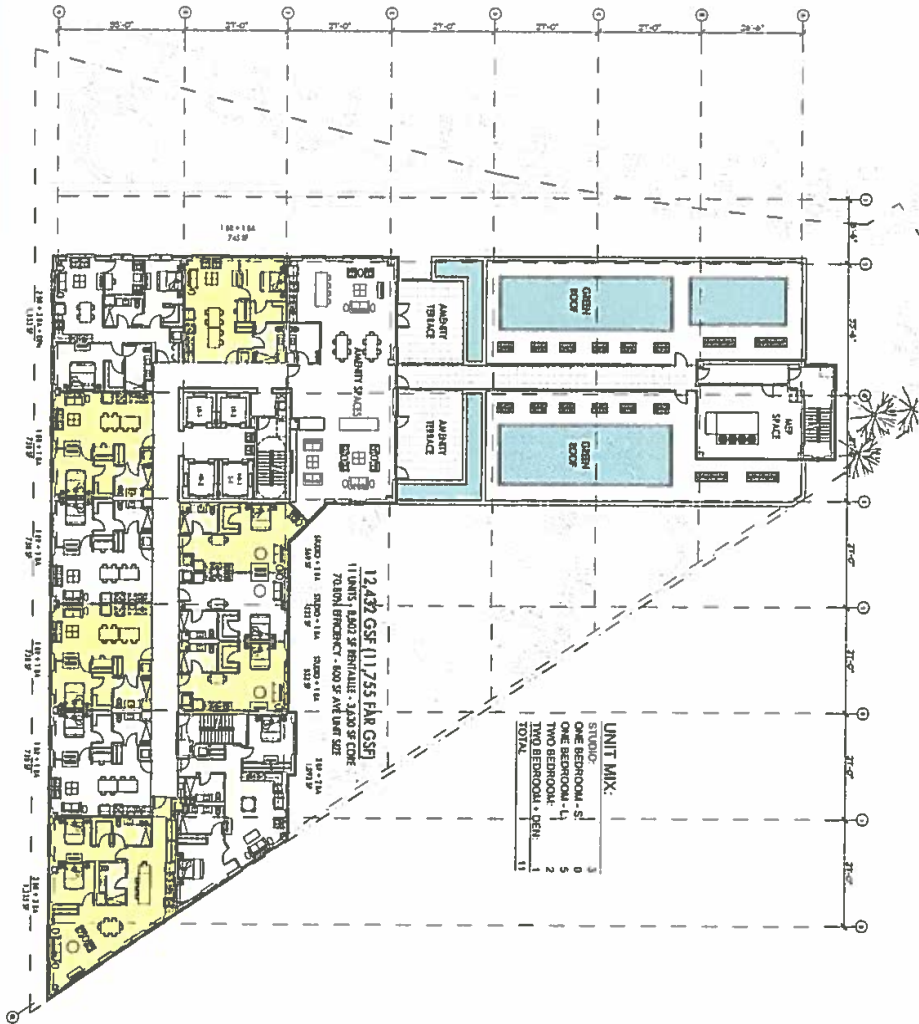
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

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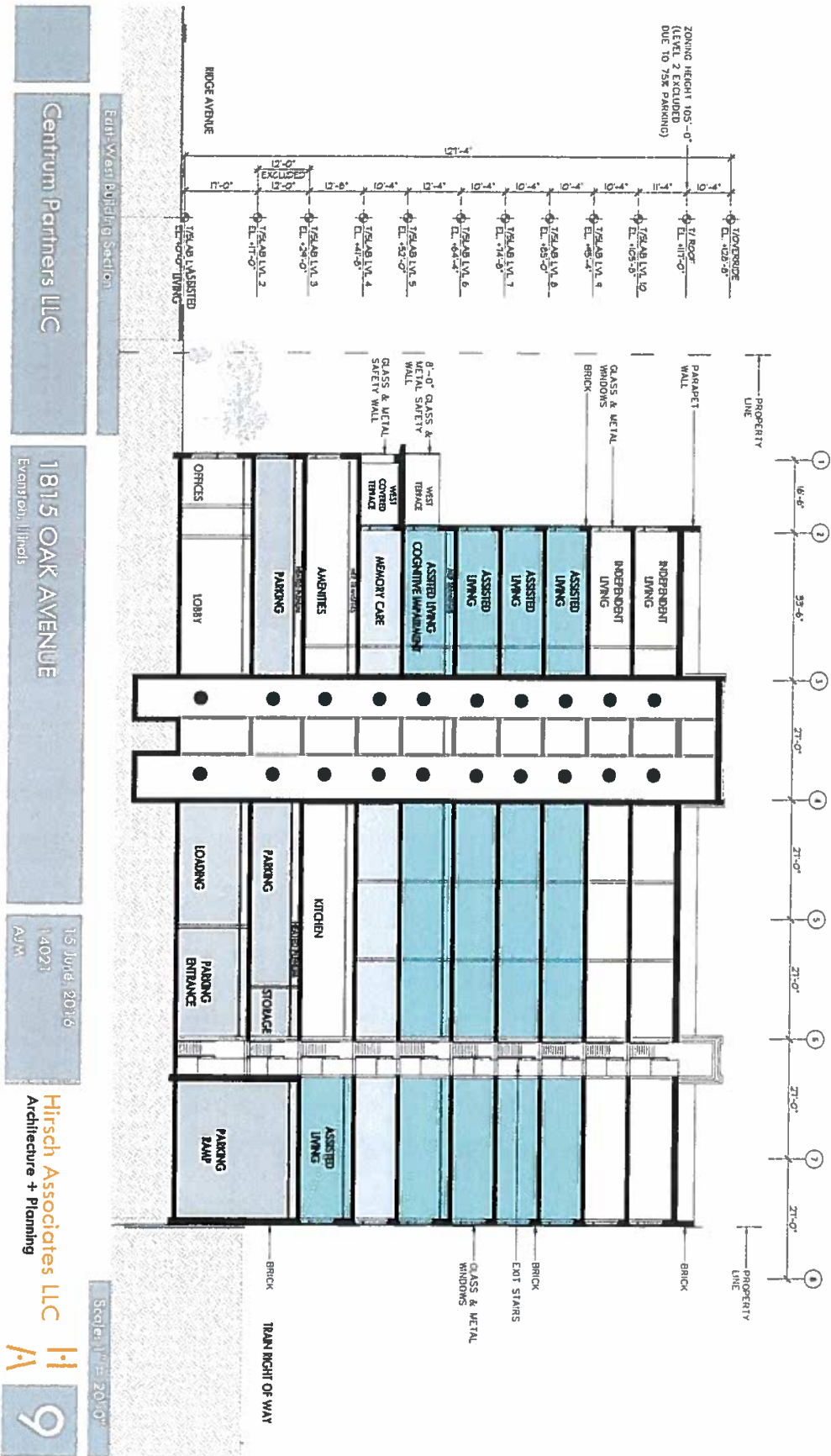
Centrum Partners LLC

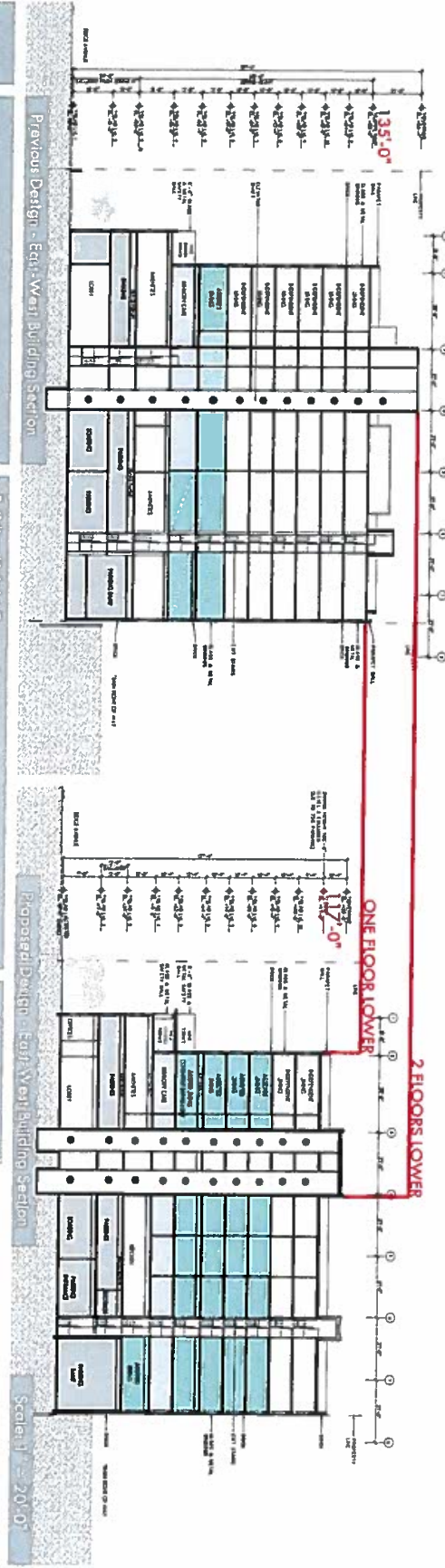
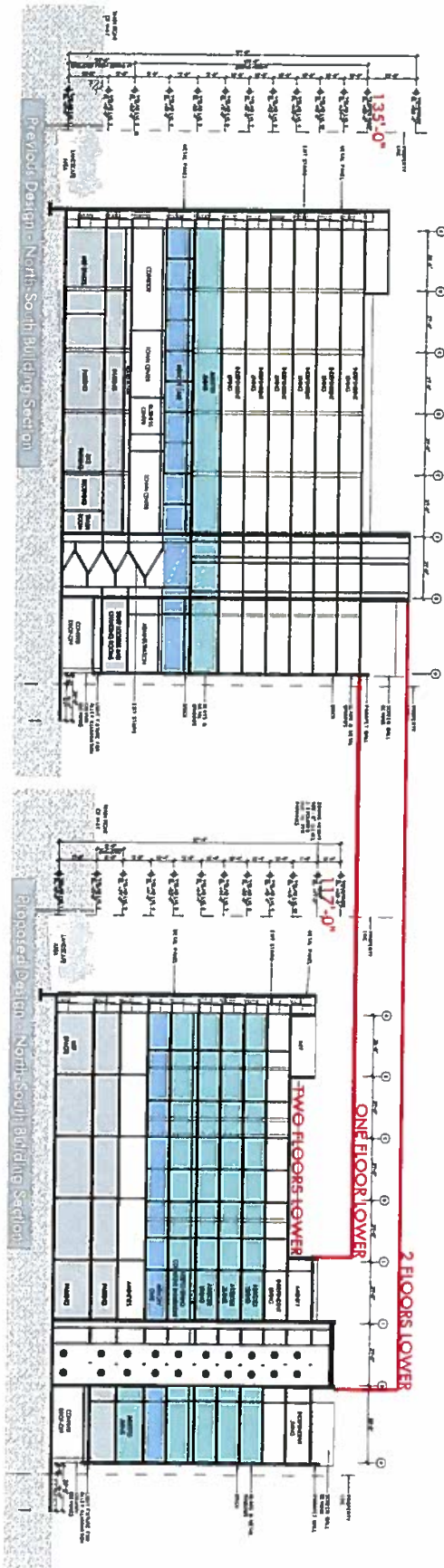
1815 OAK AVENUE
 Evanston, Illinois

15 June 2016
 14021
 A/M

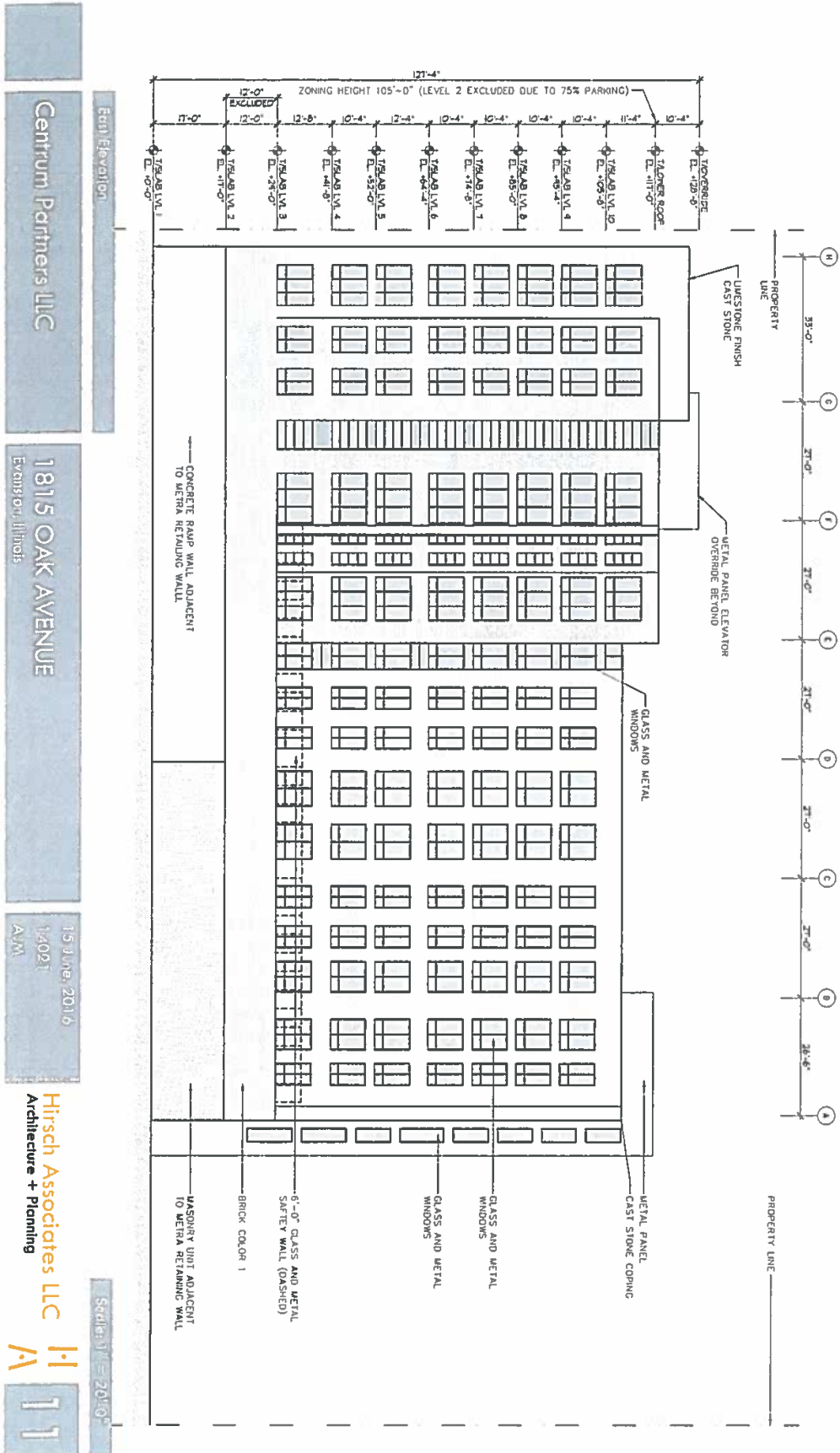
Hirsch Associates LLC
 Architecture + Planning







Centrum Partners LLC
 Building Height Comparison
 1815 OAK AVENUE
 Evanston, Illinois
 15 June, 2016
 (402) 421-1421
 Hirsch Associates LLC
 Architecture + Planning
 Scale: 1" = 20'-0"



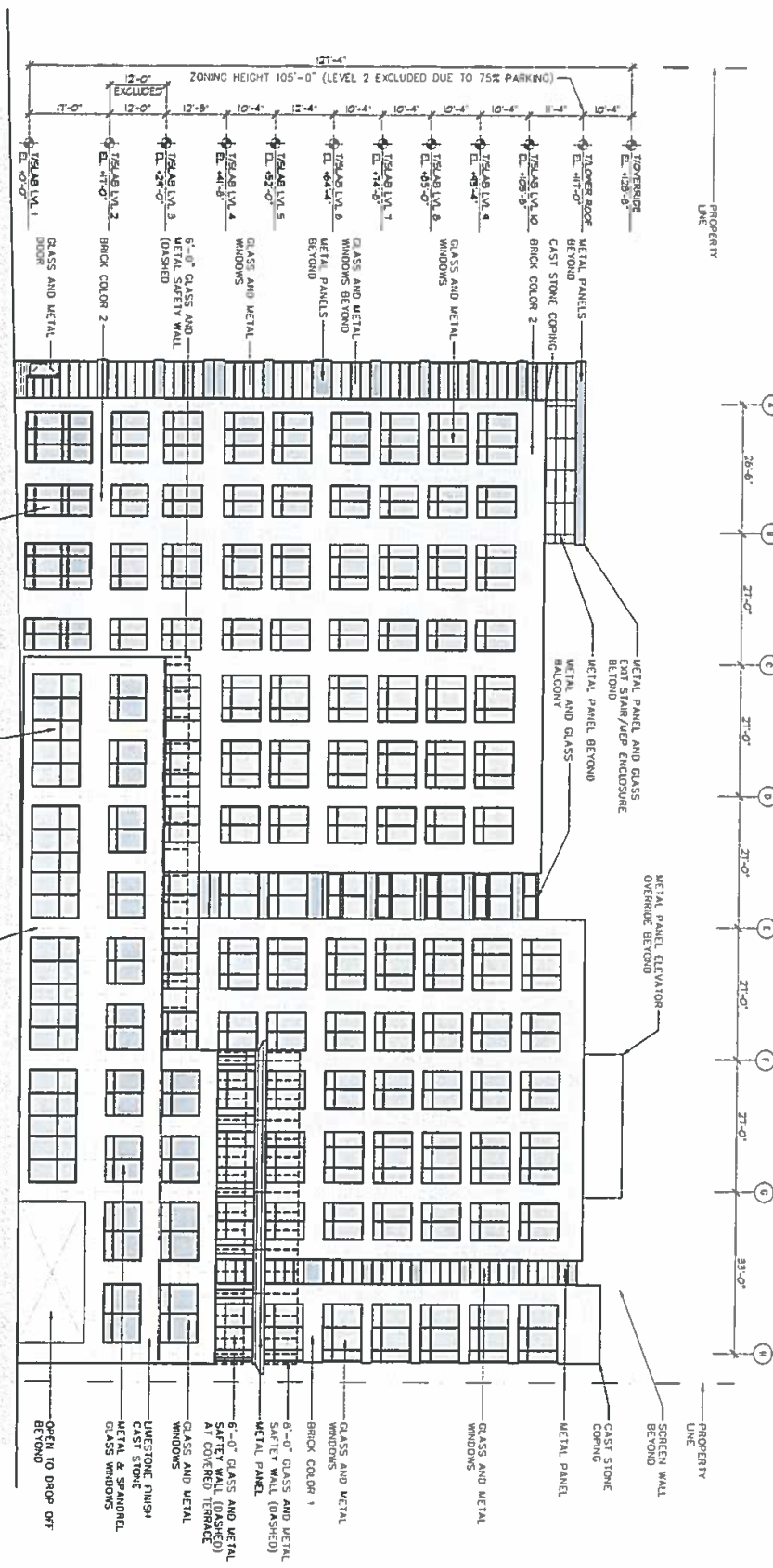
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A.M.

Hirsch Associates LLC
Architecture + Planning





Centrum Partners LLC

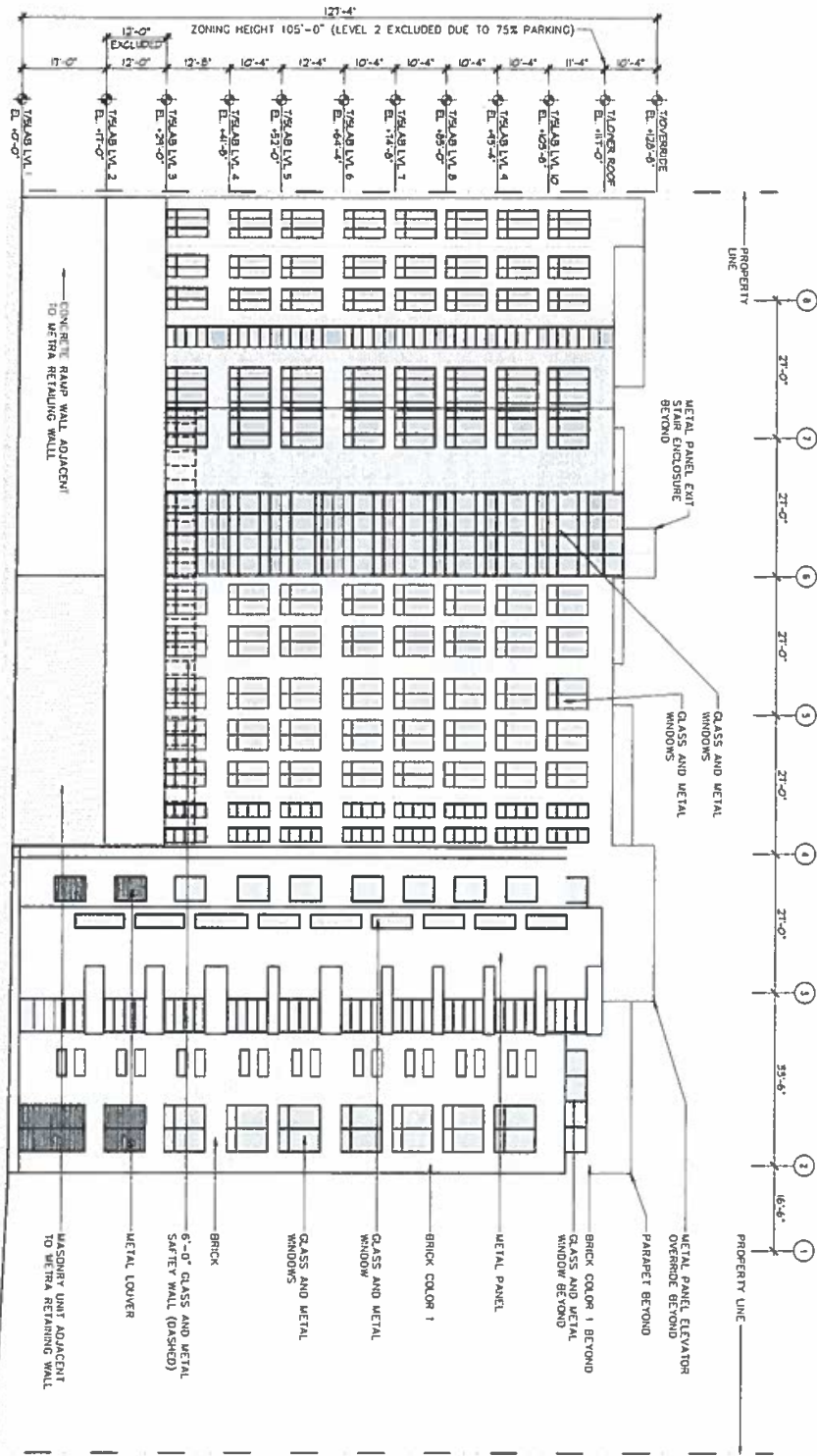
1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
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Scale: 1" = 20'-0"



North Elevation

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

16 June 2016
14021
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Architecture + Planning

Section 1' = 20'-0"



South Elevation

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

1/5 June, 2011
14021
AJM

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Architecture + Planning

14

Scale: 1/4" = 20'-0"

1815 OAK AVENUE - 22 JUNE 2016 - REQUIRES RE-ZONING TO D4 (MAX FAN IN D4 IS 5.0)
HIRSCH ASSOCIATES

SITE AREA: 33,728 SF		FAN ALLOWED: 5.00		187,131 SF	
FAN USED: 35,488		AREA EXCLUDED: 4.35		146,643 SF	
FAN USED: 35,488		ELEVATION ABOVE LOBBY: 5.00		187,131 SF	
FAN USED: 35,488		FLR/FUR: 107		GROSS ENC. 187,131 SF	
FAN USED: 35,488		ROOF: EL+ 127'-4"		GROSS ENC. 187,131 SF	

FLR #	USE	ELEVATION ABOVE LOBBY	FLR/FUR	# OF UNITS	GROSS ENC.	Parking Loading	Elevators Shafts	Mechanical Accessory	TOTAL	FAN USE	APART AREA	CORR/ LOBBY B.O.H	AMENITY	UNIT AVE.	PARKING SPACES	STUDIO + 1 BA (MC)	DOUBLE + 1.5 BA (MC)	STUDIO + 1 BA	1BR+1BA + 1 BA	1BR+1BA + 1 BA	2BR+2BA + 1 BA	2BR+2BA + 1 BA	TOTAL	STUB-TOTALS
10	APARTMENTS (AU)	2 EL+ 105'-4"	11'-8"	11	12,432 SF	0 SF	564 SF	113 SF	677 SF	11,755 SF	8,802 SF	3,600 SF	70,800 SF	800 SF	(AU)	3	0	0	5	2	2	1	11	(AU)
9	APARTMENTS (AU)	1 EL+ 95'-0"	10'-4"	22	19,278 SF	0 SF	603 SF	113 SF	976 SF	18,312 SF	16,494 SF	2,794 SF	85,516 SF	750 SF	(AU)	6	0	6	10	2	2	1	22	(AU)
8	APARTMENTS (AU)	3 EL+ 84'-0"	10'-4"	21	19,278 SF	0 SF	603 SF	113 SF	976 SF	18,312 SF	15,925 SF	3,363 SF	82,566 SF	758 SF	(AU)	2	2	6	6	10	2	1	21	(AU)
7	APARTMENTS (AU)	2 EL+ 74'-4"	10'-4"	21	19,278 SF	0 SF	603 SF	113 SF	976 SF	18,312 SF	15,925 SF	3,363 SF	82,566 SF	758 SF	(AU)	2	2	6	6	10	2	1	21	(AU)
6	APARTMENTS (AU)	1 EL+ 64'-0"	10'-4"	21	19,278 SF	0 SF	603 SF	113 SF	976 SF	18,312 SF	15,925 SF	3,363 SF	82,566 SF	758 SF	(AU)	2	2	6	6	10	2	1	21	(AU)
5	APARTMENTS (AU)	2 EL+ 51'-8"	12'-4"	31	19,326 SF	0 SF	603 SF	113 SF	976 SF	18,360 SF	11,935 SF	7,391 SF	61,796 SF	385 SF	(AU)	30	1	0	0	0	0	0	31	(AU)
4	AMENITY/ APT. (AU)	1 EL+ 41'-4"	10'-4"	30	19,326 SF	0 SF	603 SF	113 SF	976 SF	18,360 SF	11,872 SF	7,454 SF	61,436 SF	396 SF	(MC)	29	1	0	0	0	0	0	30	(MC)
3	PARKING	EL+ 29'-0"	12'-4"	6	19,954 SF	0 SF	603 SF	113 SF	976 SF	18,978 SF	1,693 SF				49								61	(MC)
2	PARKING	EL+ 17'-0"	12'-4"	6	19,954 SF	0 SF	603 SF	113 SF	976 SF	18,978 SF	1,693 SF				18								61	(MC)
1	LOBBY/PARKING/LOADING	EL+ 0'-0"	17'-0"	0	21,047 SF	12,415 SF	8,095 SF	6,903 SF	49,412 SF	146,643 SF	96,879 SF	31,358 SF			67	59	2	12	24	49	12	5	163	
					21,047 SF	12,415 SF	8,095 SF	6,903 SF	49,412 SF	146,643 SF	96,879 SF	31,358 SF			67	59	2	12	24	49	12	5	163	
					21,047 SF	12,415 SF	8,095 SF	6,903 SF	49,412 SF	146,643 SF	96,879 SF	31,358 SF			67	59	2	12	24	49	12	5	163	

NOTES:
* Zoning height = 105'-0" - Level 2 not counted in height calculations due to having 75% parking
** PARKING REQUIREMENTS FOR SENIOR LIVING:
1 parking space per 4 employees: 100 x 25
1 parking space per 4 rooming units: 61 x 16
1 parking space per 3 dwelling units: 102 x 26

Ayad Ghafari

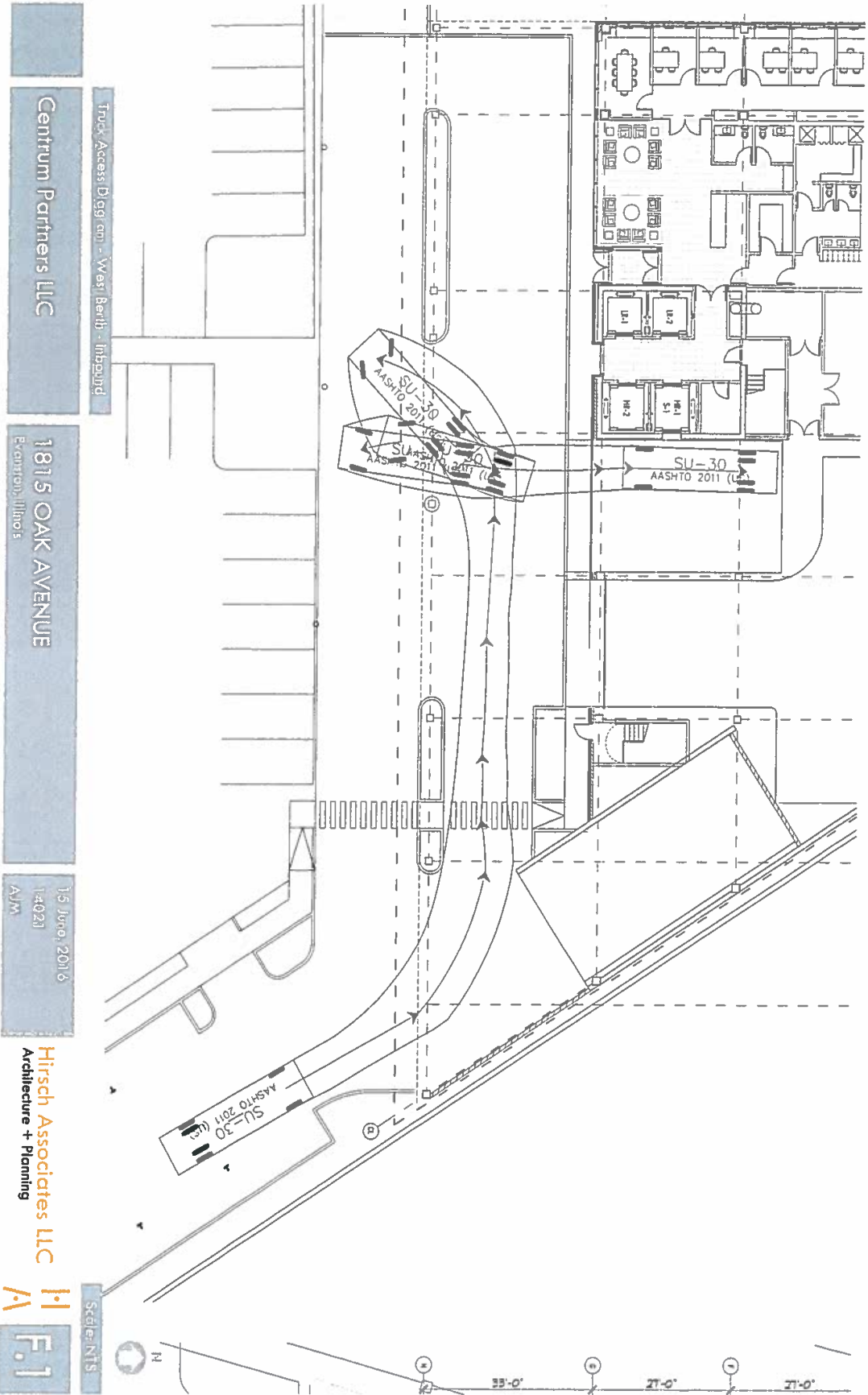
Centrum Partners LLC

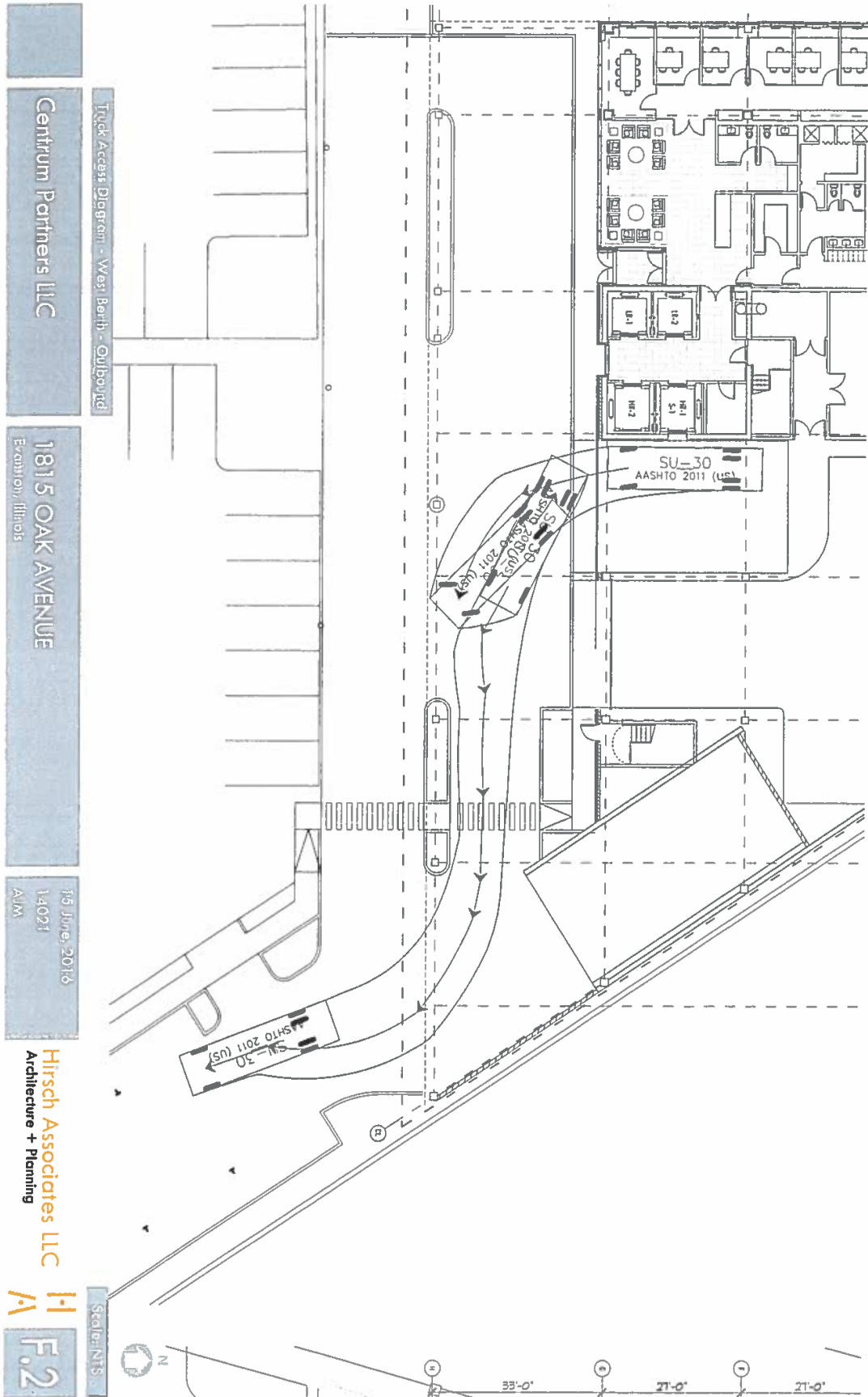
1815 OAK AVENUE
Evanston, Illinois

22 June 2016
14021 AIA

Hirsch Associates LLC
Architecture + Planning

H A E





Truck Access Diagram - West Berth - Outboard

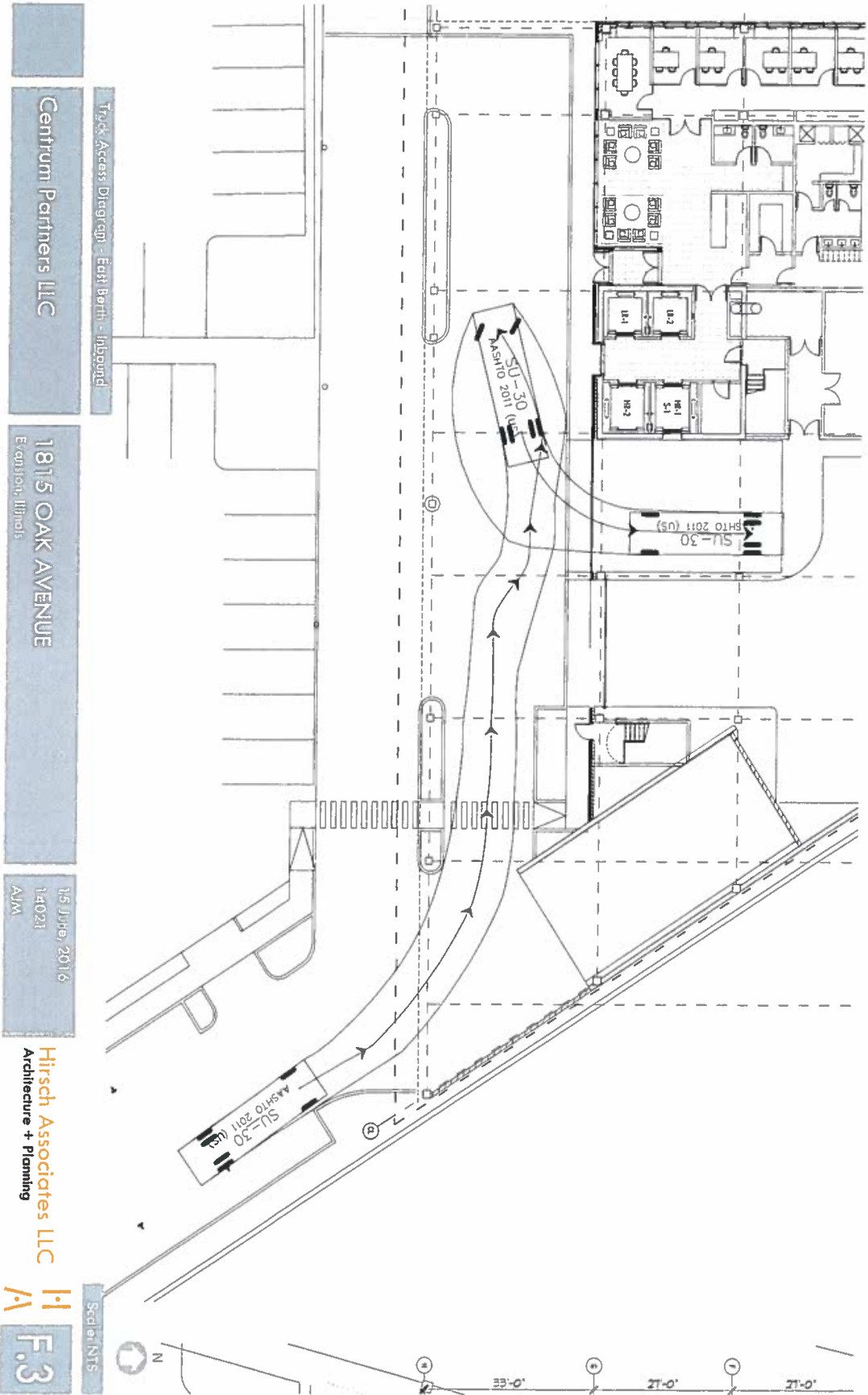
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AUM

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Scale: N.T.S.
F.2



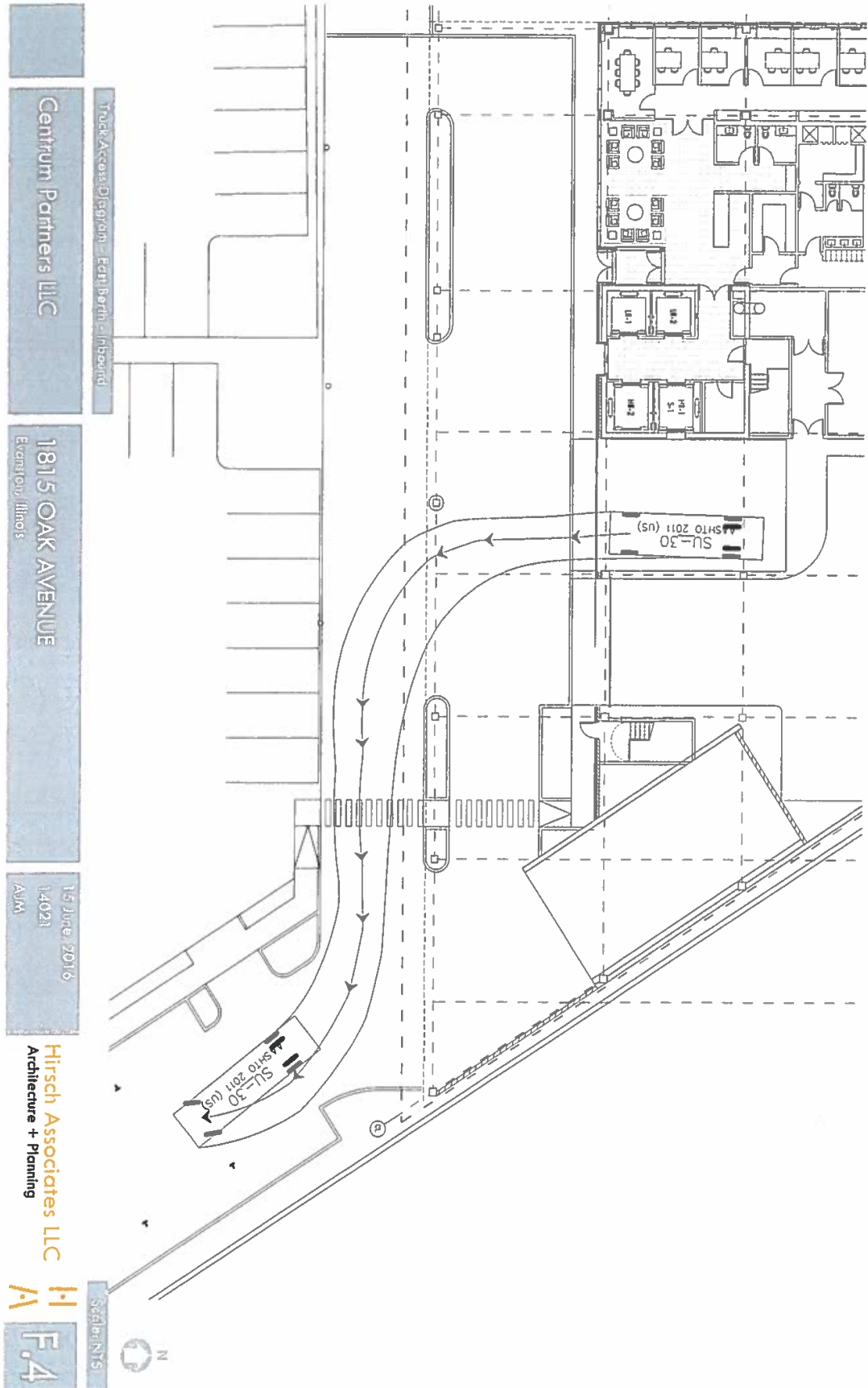
Track Access Diagram - East Berth - Inbound

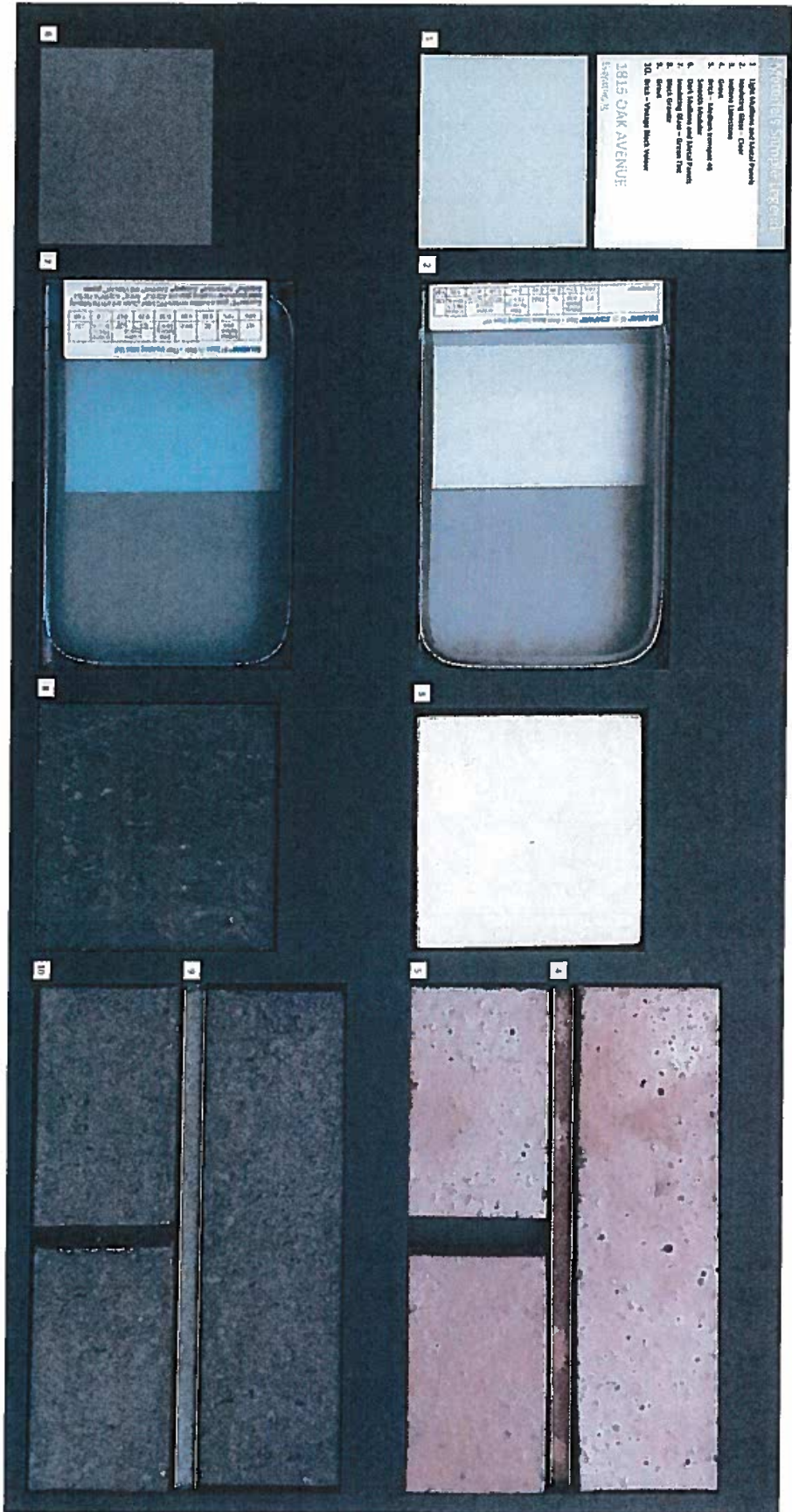
Centrum Partners LLC
1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A/M

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Section NTS
F.3





Exterior Materials

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

11.5 JUNE, 2014
14021
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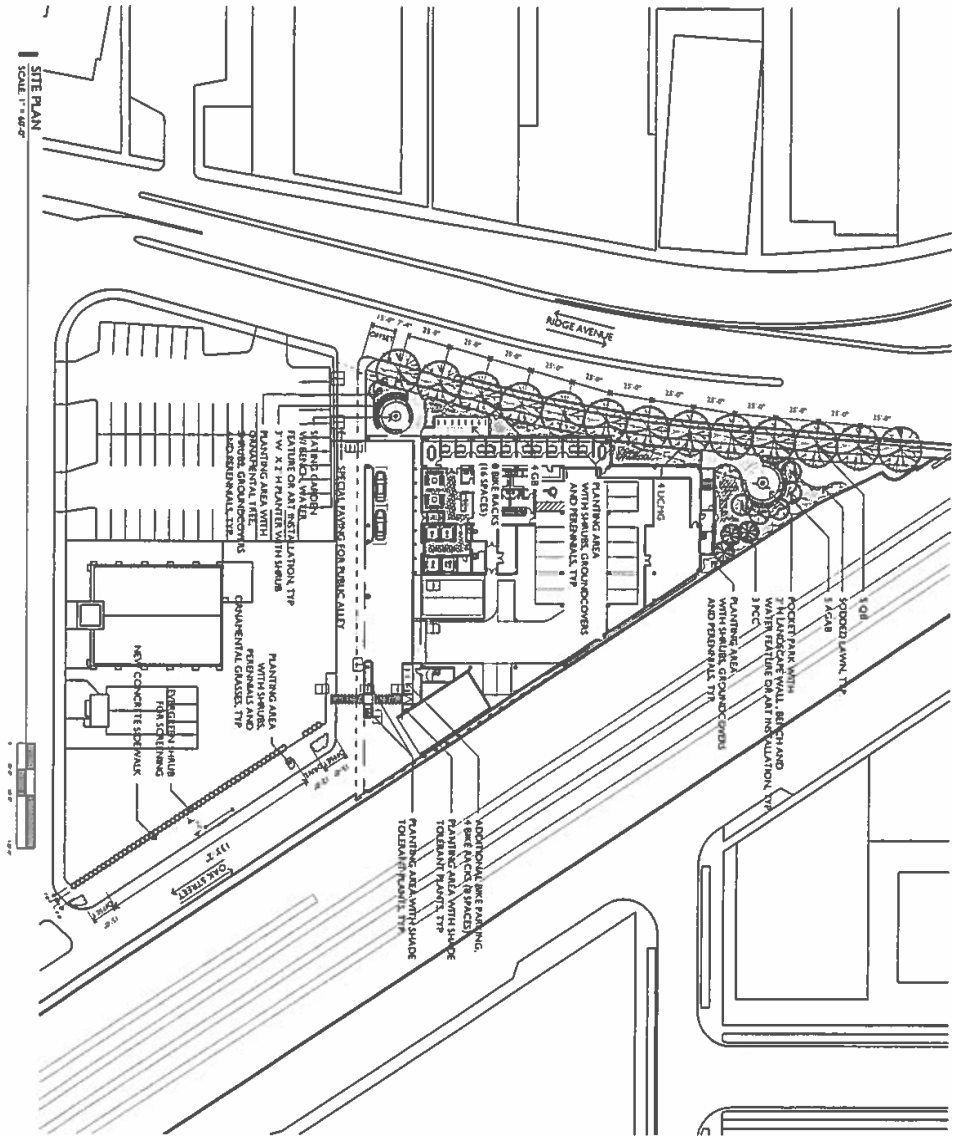
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 JUNE, 2016
14021

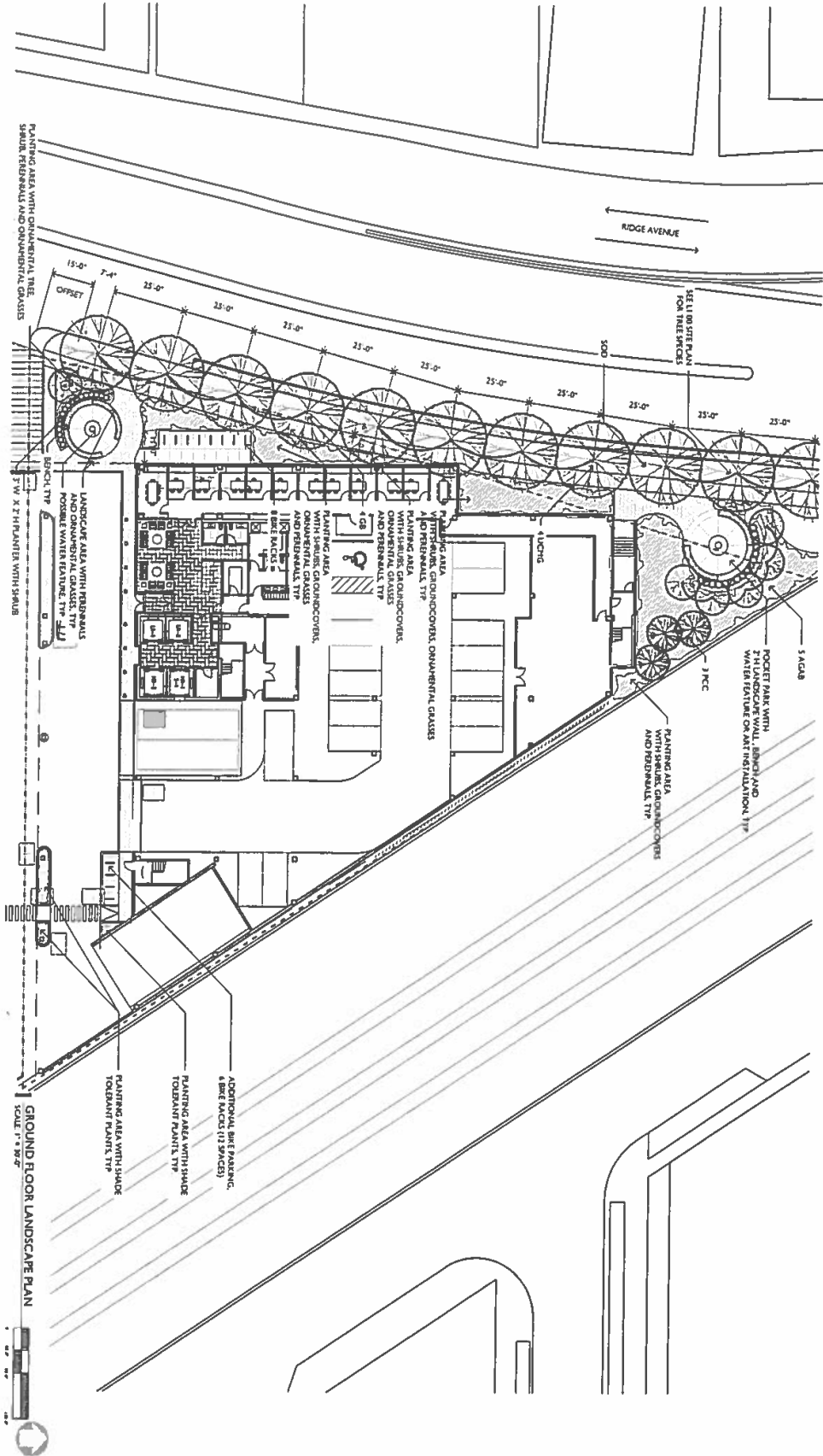
WOLFF LANDSCAPE ARCHITECTURE

L1.00



SITE PLAN
SCALE 1" = 8'-0"





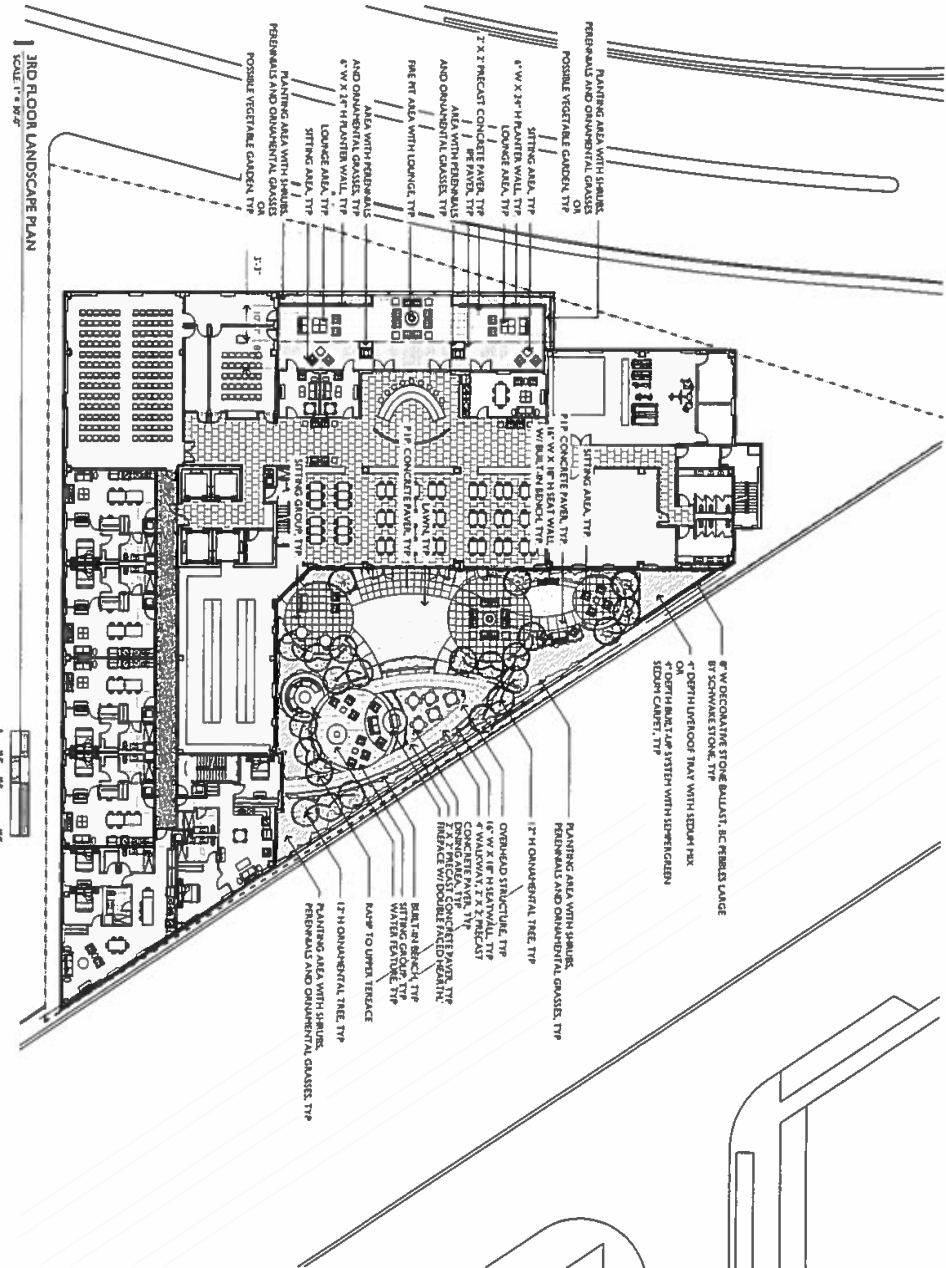
Centium Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 JUNE, 2016
14021

WOLF LANDSCAPE ARCHITECTURE

L1.01



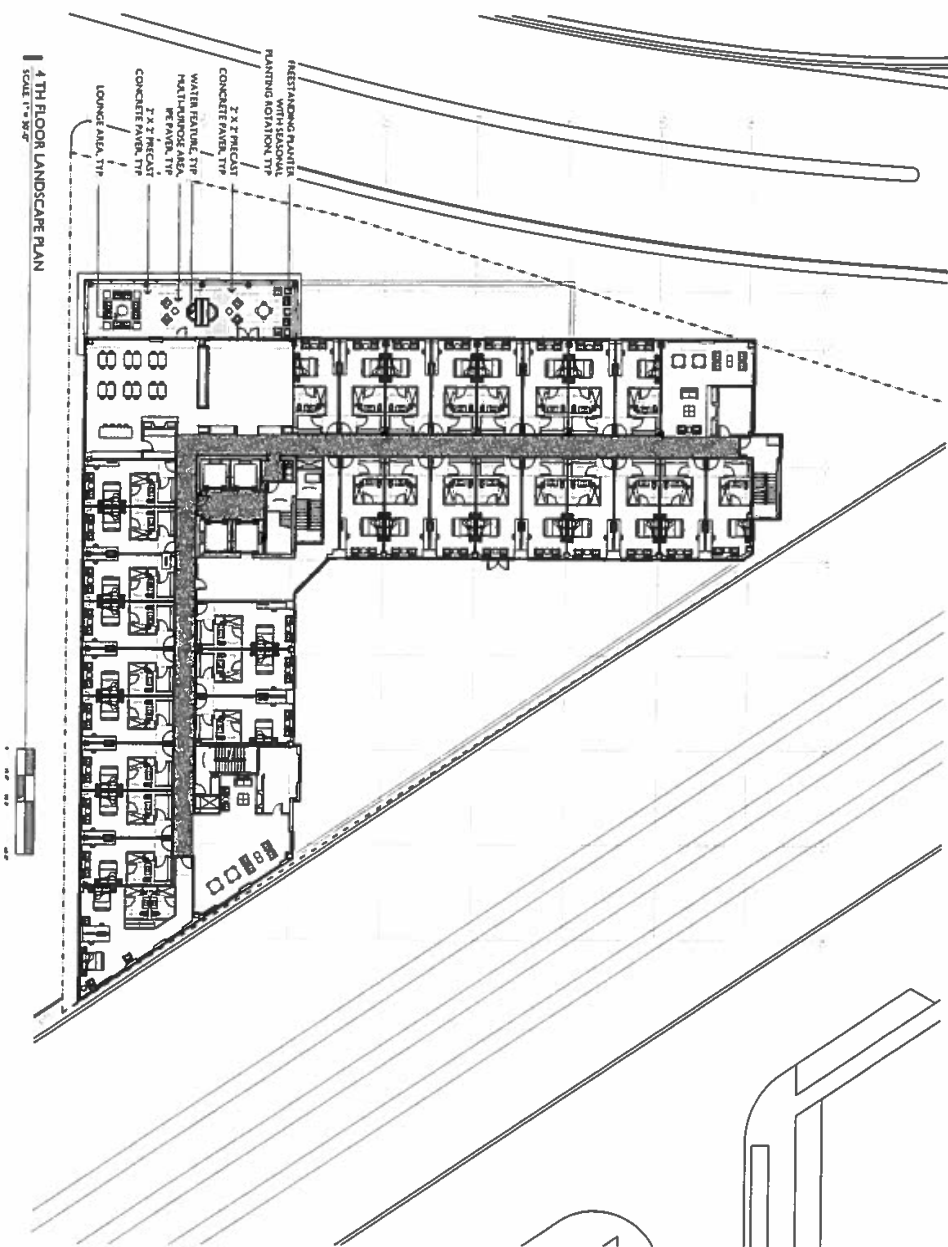
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 JUNE 2016
14021

WOLFF LANDSCAPE ARCHITECTURE

L1.02



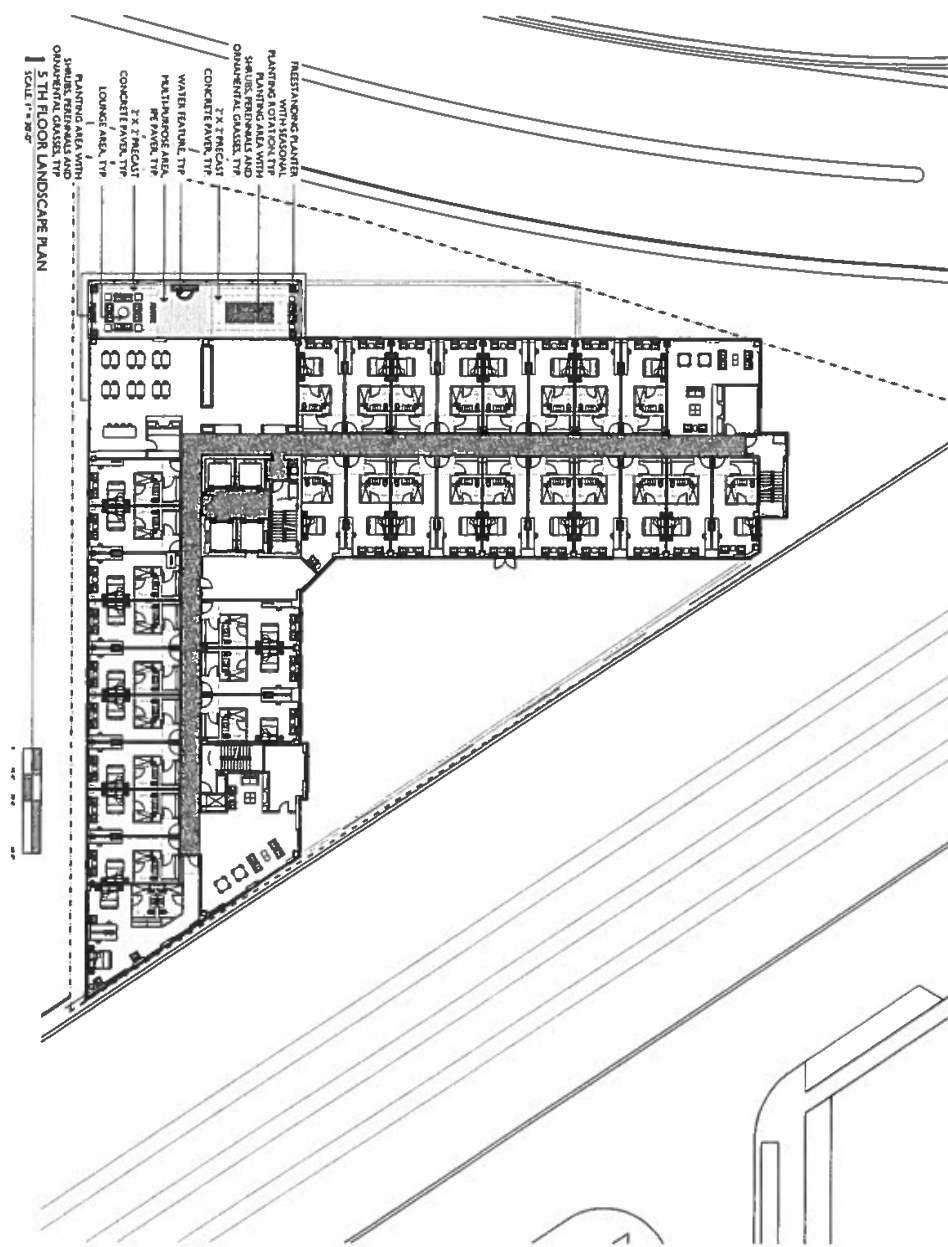
Centium Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 JUNE 2016
14021

WOLFF LANDSCAPE ARCHITECTURE

L1.03



Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 JUNE 2018
14021

WOLFF LANDSCAPE ARCHITECTURE

LI.04

1815 OAK AVENUE
SCALE: 1" = 32'-0"

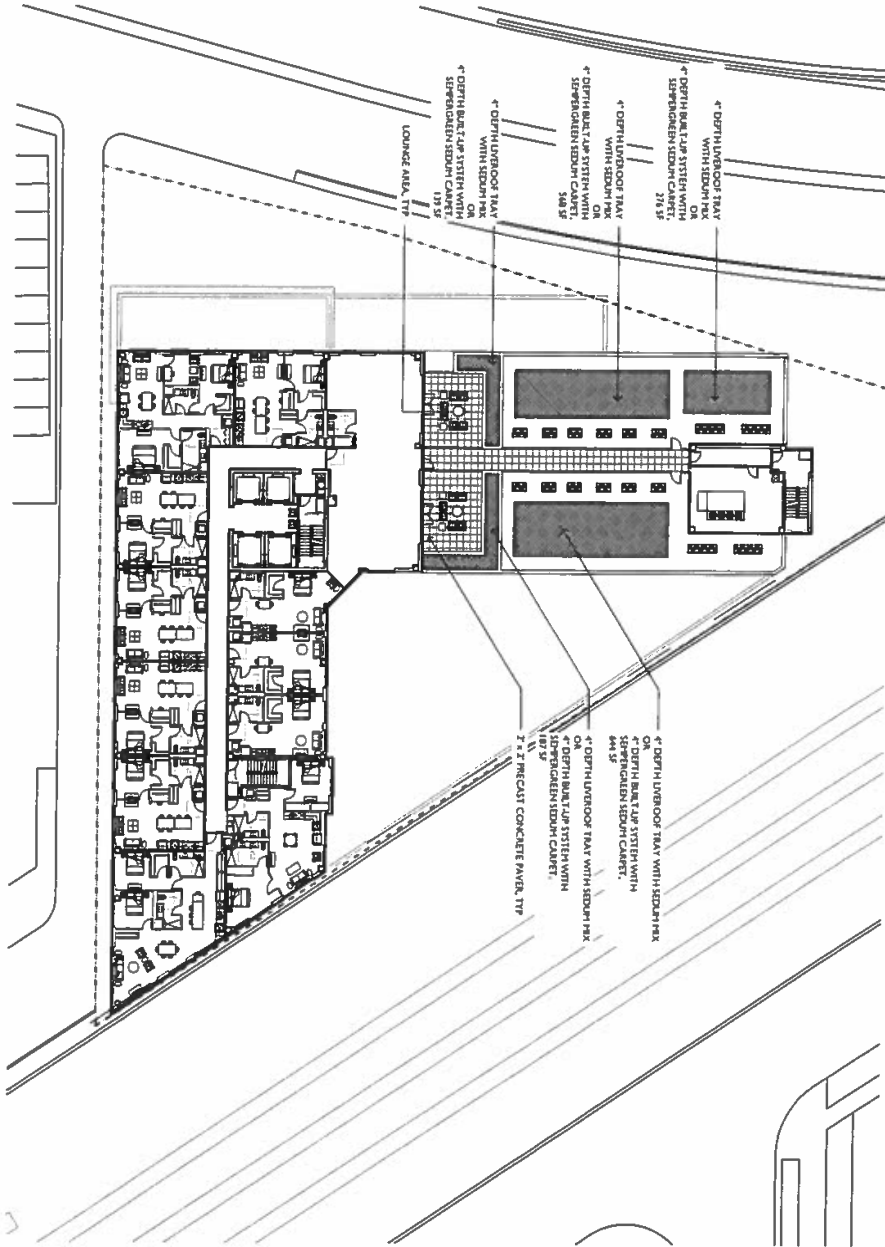
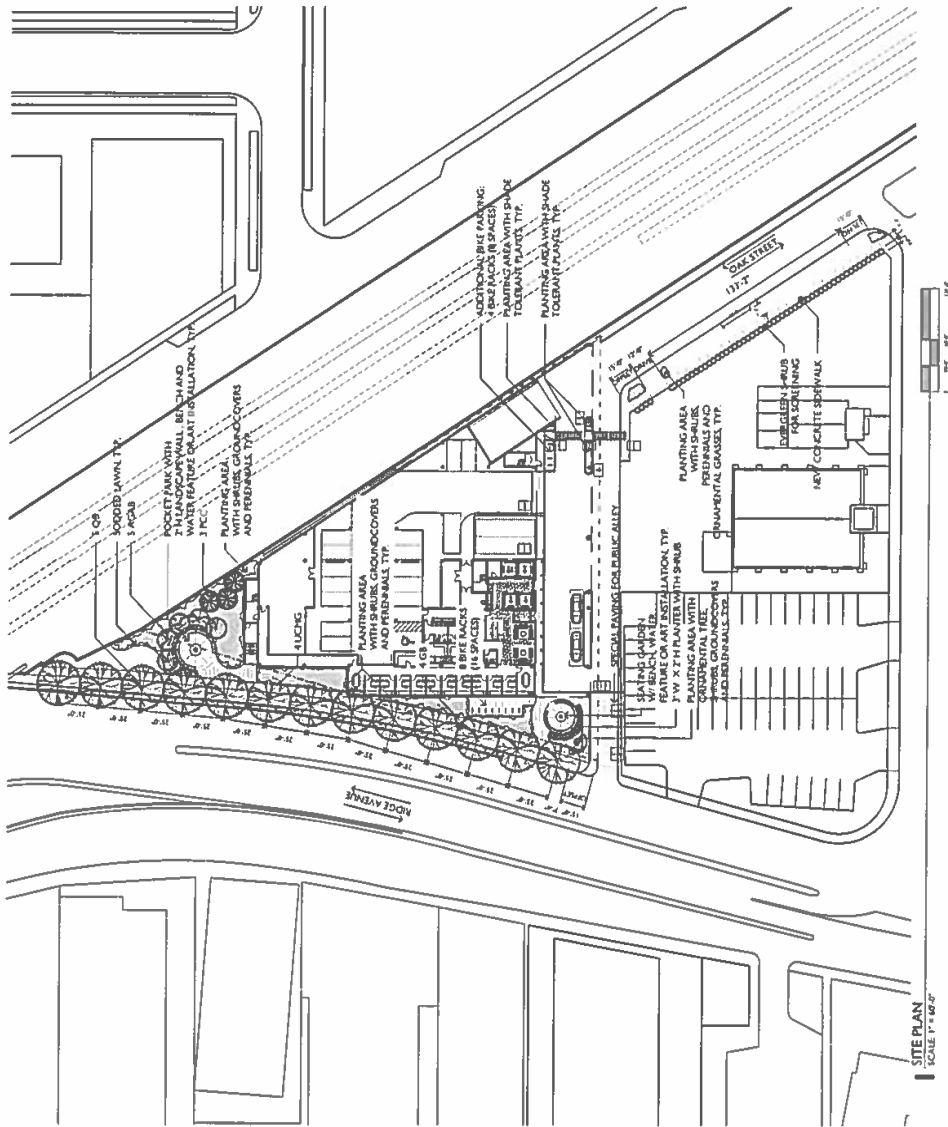


EXHIBIT E

Landscape Plans



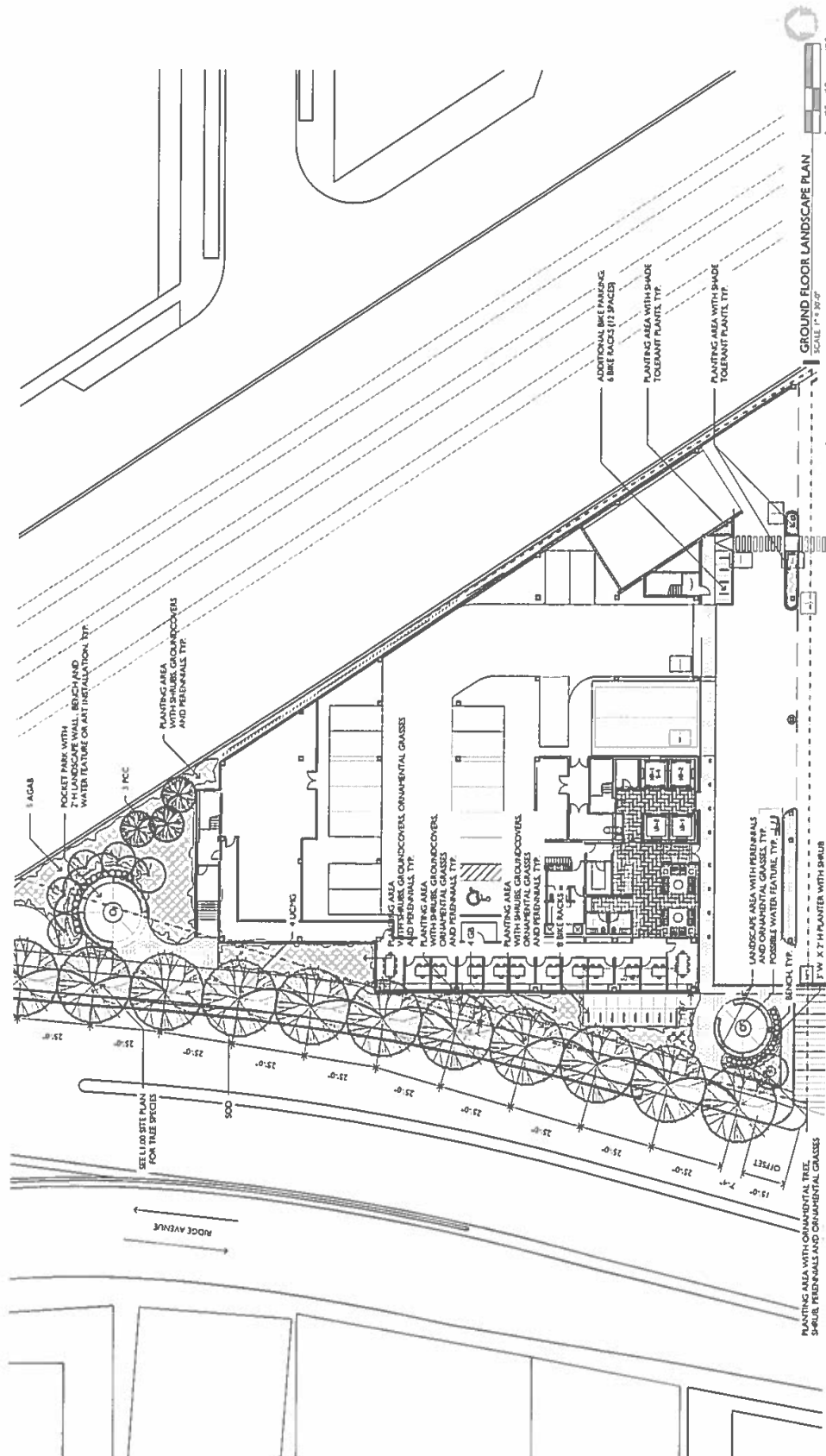
SITE PLAN
SCALE 1" = 40'-0"

15 JUNE, 2016
14021

1815 OAK AVENUE
Evanston, Illinois

Centrum Partners LLC

WOLFF LANDSCAPE ARCHITECTURE
L1.00



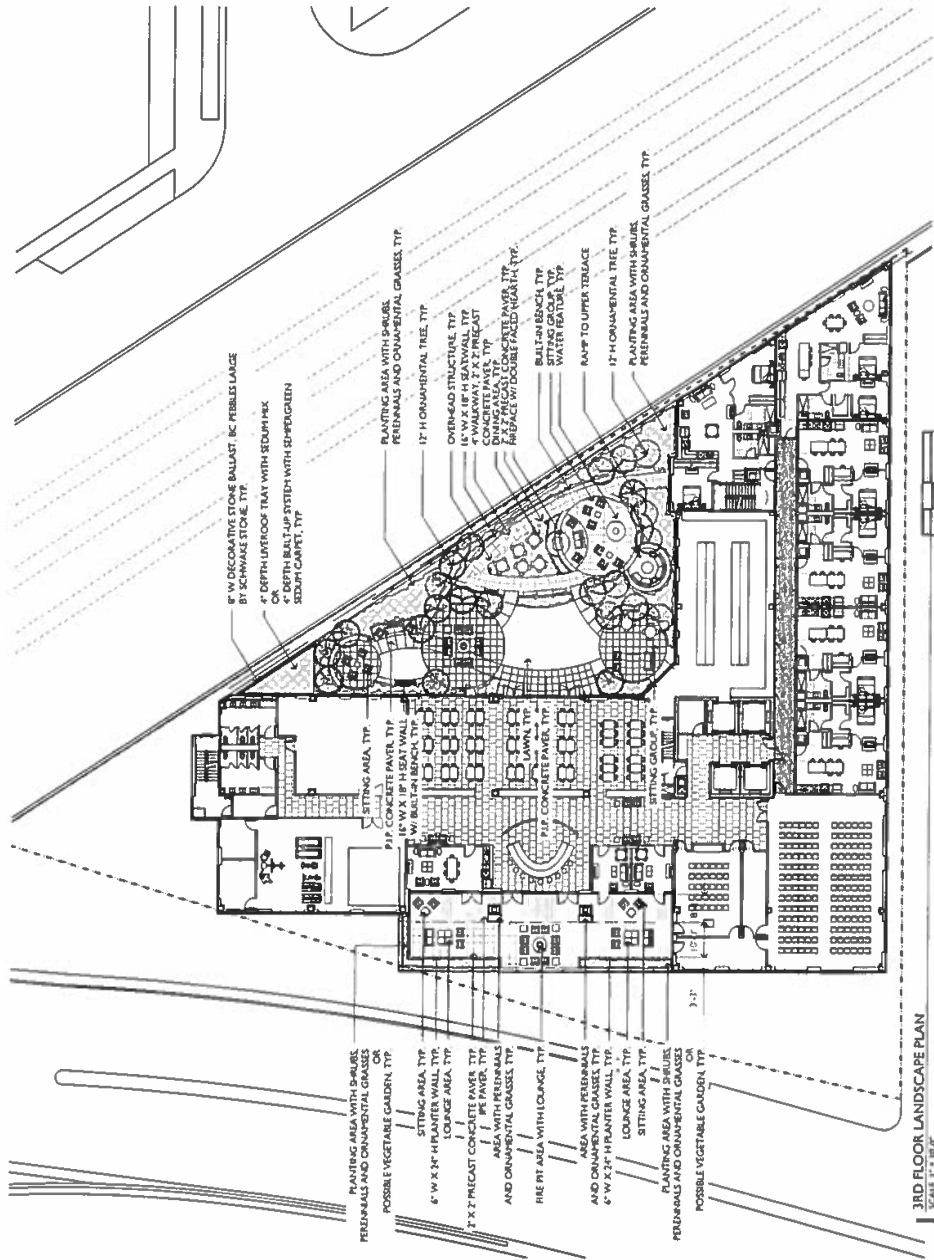
GROUND FLOOR LANDSCAPE PLAN
SCALE: 1" = 20'-0"

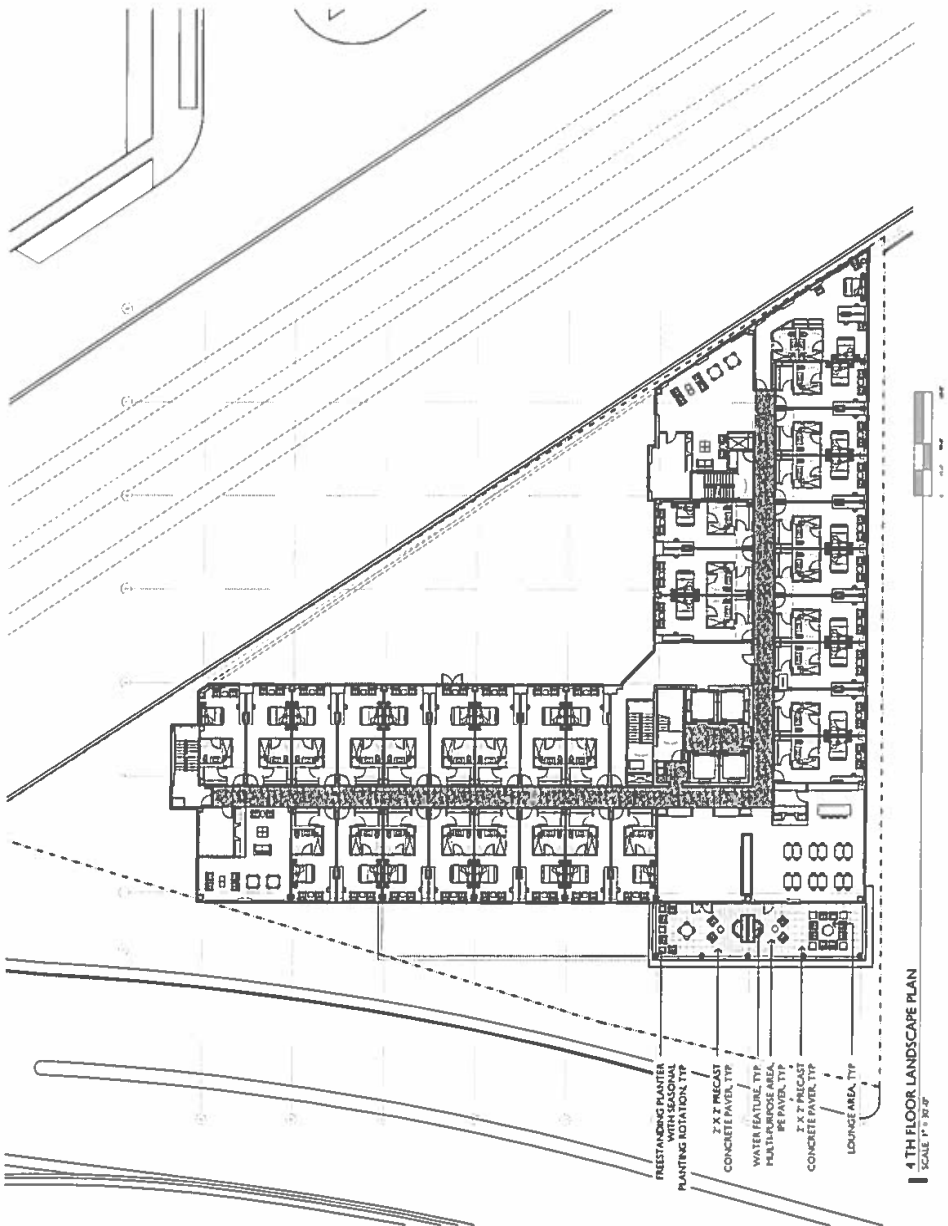
15 JUNE, 2016
14021

1815 OAK AVENUE
Evanston, Illinois

Centrum Partners LLC

WOLFF LANDSCAPE ARCHITECTURE
LI.01





4 TH FLOOR LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

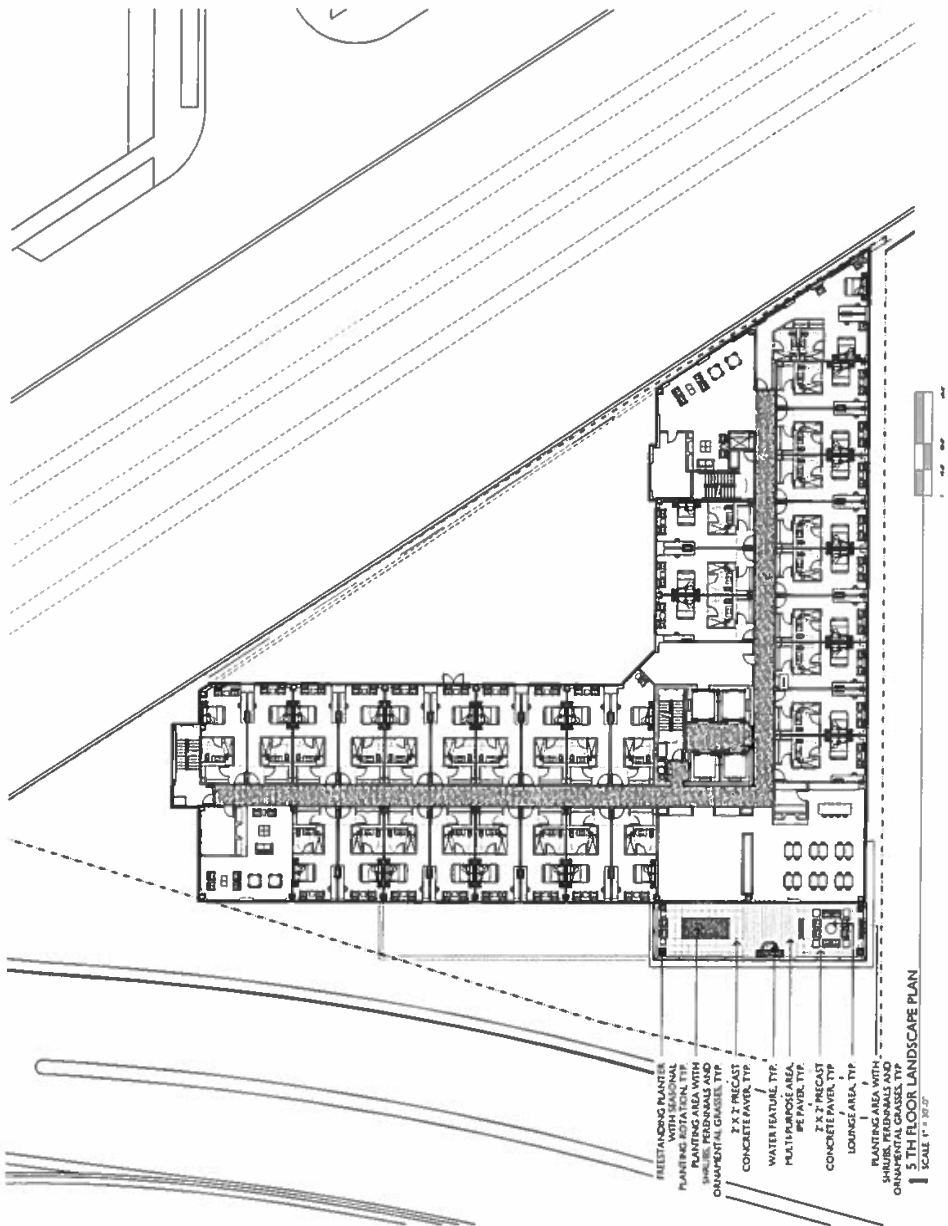
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WOLFF LANDSCAPE ARCHITECTURE

15 JUNE, 2016
14021

1815 OAK AVENUE
Evanston, Illinois

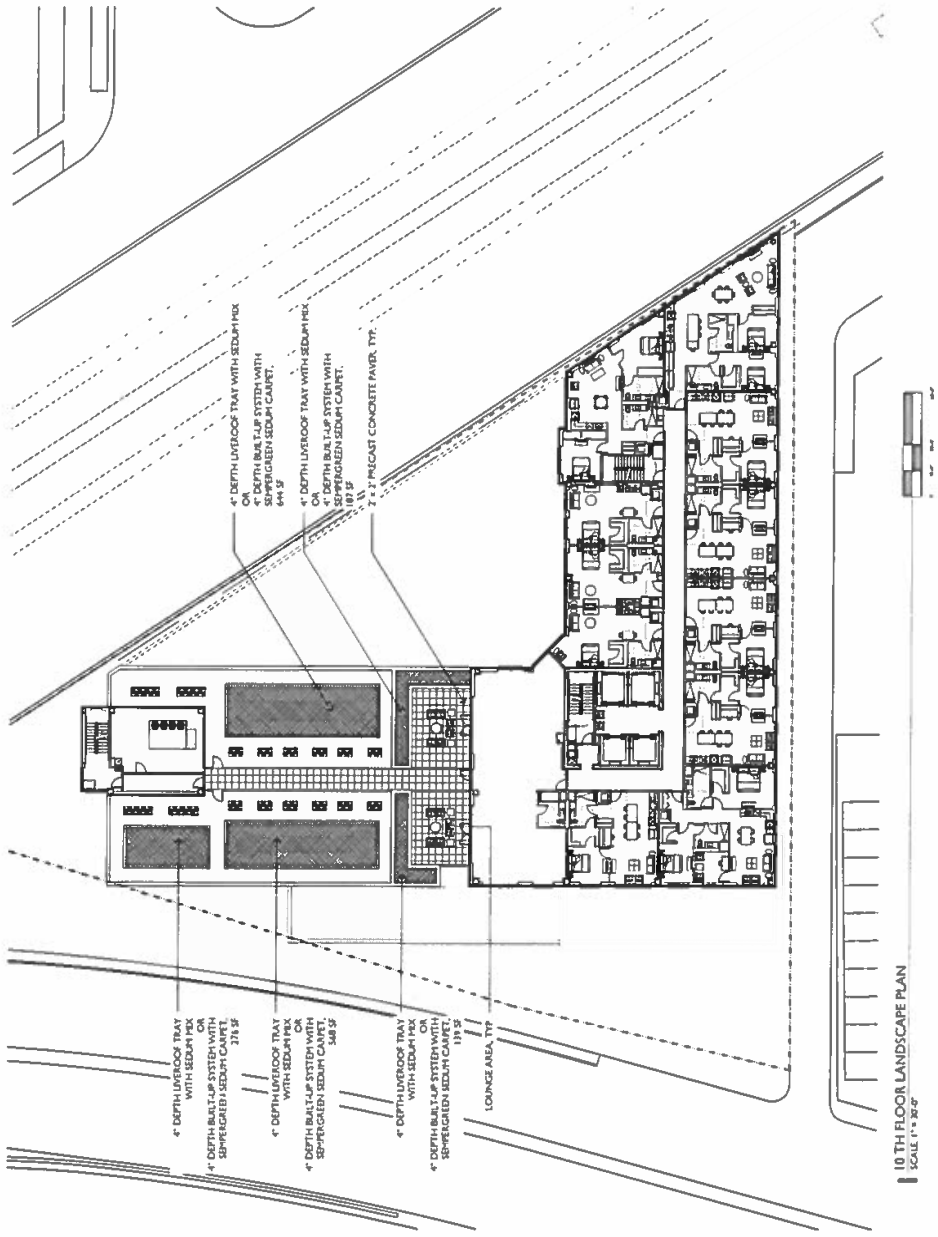
Centrum Partners LLC



- FRONT PORCH IN AREA WITH SEASONAL PLANTING ROTATION, TYP
- PLANTING AREA WITH SEASONAL PLANTING, TYP
- ORNAMENTAL GRASS, TYP
- 2' X 2' PRECAST CONCRETE PAVEMENT, TYP
- WATER FEATURE, TYP
- PLANTING AREA WITH SEASONAL PLANTING, TYP
- 2' X 2' PRECAST CONCRETE PAVEMENT, TYP
- LOUNGE AREA, TYP
- PLANTING AREA WITH SEASONAL PLANTING, TYP
- ORNAMENTAL GRASS, TYP

5 TH FLOOR LANDSCAPE PLAN
SCALE: 1" = 30'-0"

Centrum Partners LLC
 1815 OAK AVENUE
 Evanston, Illinois
 15 JUNE, 2016
 14021
 WOLFF LANDSCAPE ARCHITECTURE
L1.04



Centrum Partners LLC

1815 OAK AVENUE
 Evanston, Illinois

15 JUNE, 2016
 14021

WOLFF LANDSCAPE ARCHITECTURE

LI.05

EXHIBIT 2
Ordinance 3-O-18

3-O-18

AN ORDINANCE

Extending the Time for the Applicant to Obtain a Building Permit to Construct the Planned Development at 1815 Oak Authorized by Ordinance 47-O-16

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 legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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 2012, as amended, ("the Zoning Ordinance"); and

WHEREAS, on July 25, 2016, the City Council enacted Ordinance 47-O-16, attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1815 Oak Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 47-O-16 approved the construction of a 10-story

independent and assisted living facility with 102 dwelling units, 31 assisted living units for residents with cognitive impairments, 30 memory care rooms at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, per Section 6-3-6-12(B), a minor adjustment to the Planned Development was approved by the Zoning Administrator on March 15, 2017 with the recommendation of the Design and Project Review Committee ("DAPR") to reduce the Floor Area Ratio from 4.35 to 3.97, to increase the upper level building setbacks from zero feet to twenty six and a half feet at a height of forty-four feet, to relocate the stairway and mechanical equipment on the north end of the building, and for the addition of a fourth floor terrace; and

WHEREAS, by letter to the City dated November 21, 2017, the Developer and Applicant, Michael McLean (the "Applicant") requested an extension of the one-year time period to obtain a building permit and start construction for the Planned Development (the "Amendment"); and

WHEREAS, Section 6-11-1-10(A) of the City Code and Section 5(R) of Ordinance 47-O-16 provides that the Applicant must obtain a building permit and start construction within eighteen (18) months and has not obtained a building permit to date; and

WHEREAS, in order to remain in compliance with the terms of Ordinance 19-O-16 and provide for Applicant to obtain a building permit and start construction, the Applicant requests an amendment to the Planned Development; and

WHEREAS, on January 8, 2018, the Planning and Development Committee ("P&D Committee") held a meeting, in compliance with the provisions of the

Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), during which it retained jurisdiction over the Planned Development Amendment request; and

WHEREAS, during said meetings, the P&D Committee received input from the public, and carefully deliberated on the Extension request and the Applicant was given notice and the opportunity to be heard at the P&D and City Council meetings; and

WHEREAS, at its meeting of January 8, 2018 held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's deliberations and recommendations, heard public comment, made findings and considered this Ordinance 3-O-18,

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 fact and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 47-O-16 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted for the Planned Development, 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 following: the terms of this Ordinance 3-O-18; terms of Ordinance 47-O-16 which have not been amended by this Ordinance; all applicable City Code requirements; the Applicant's testimony to the P&D Committee, and the City Council; and the approved documents on file in this case.

- (b) Changes in Property Use:** Any change as to the property's use in the future must be processed and approved as an additional amendment to the Planned Development.
- (c) Construction Schedule: Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant must obtain a building permit within twelve (12) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
- (d) Recording:** 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 4: Except as otherwise provided for in this Ordinance 3-O-18, all applicable regulations of the Ordinance 47-O-16, 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/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 3-O-18 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Michael McLean, and any and all successors, owners, and operators of the Subject Property.

SECTION 6: This ordinance shall be in full force and effect from and after

its passage, approval, and publication in the manner provided by law.

SECTION 7: 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 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 10: 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.

Ayes: 7

Nays: 0


Introduced: January 8th, 2018

Adopted: January 8th, 2018

Attest: 

Devon Reid, City Clerk

Approved:

January 16, 2018, 2018


Stephen H. Hagerty, Mayor

Approved as to form:



W. Grant Farrar, Corporation Counsel

EXHIBIT 3

Ordinance 158-O-18

11/28/2018

158-O-18

AN ORDINANCE

Extending the Time for the Applicant to Obtain a Building Permit to Construct the Planned Development at 1815 Ridge Authorized by Ordinance 47-O-16

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 legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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 2012, as amended, ("the Zoning Ordinance"); and

WHEREAS, on July 25, 2016, the City Council enacted Ordinance 47-O-16, attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1815 Oak Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 47-O-16 approved the construction of a 10-story

independent and assisted living facility with 102 dwelling units, 31 assisted living units for residents with cognitive impairments, 30 memory care rooms at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, per Section 6-3-6-12(B), a minor adjustment to the Planned Development was approved by the Zoning Administrator on March 15, 2017 with the recommendation of the Design and Project Review Committee ("DAPR") to reduce the Floor Area Ratio from 4.35 to 3.97, to increase the upper level building setbacks from zero feet to twenty six and a half feet at a height of forty-four feet, to relocate the stairway and mechanical equipment on the north end of the building, and for the addition of a fourth floor terrace; and

WHEREAS, on January 8, 2018, the City Council enacted Ordinance 3-O-18, attached hereto as Exhibit 2 and incorporated herein by reference, which granted an extension of time for the Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16; and

WHEREAS, by letter to the City dated October 12, 2018, the Developer and Applicant, Michael McLean (the "Applicant") requested an extension of the one-year time period to obtain a building permit and start construction for the Planned Development (the "Amendment"); and

WHEREAS, Section 6-11-1-10(A) of the City Code and Section 3(c) of Ordinance 3-O-18 provides that the Applicant must obtain a building permit and start construction within twelve (12) months of the passing Ordinance 3-O-18 and has not obtained a building permit to date; and

WHEREAS, in order to remain in compliance with the terms of Ordinance

47-O-16 and provide for Applicant to obtain a building permit and start construction, the Applicant requests an amendment to the Planned Development; and

WHEREAS, on December 10, 2018, the Planning and Development Committee (“P&D Committee”) held a meeting, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), during which it retained jurisdiction over the Planned Development Amendment request; and

WHEREAS, during said meetings, the P&D Committee received input from the public, and carefully deliberated on the Extension request and the Applicant was given notice and the opportunity to be heard at the P&D and City Council meetings; and

WHEREAS, at its meeting of December 10, 2018 held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee’s deliberations and recommendations, heard public comment, made findings and considered this Ordinance 158-O-18,

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 fact and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 47-O-16 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted for

the Planned Development, 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 following: the terms of this Ordinance 158-O-18; terms of Ordinance 3-O-18; terms of Ordinance 47-O-16 which have not been amended by this Ordinance; all applicable City Code requirements; the Applicant's testimony to the P&D Committee, and the City Council; and the approved documents on file in this case.
- (b) **Changes in Property Use:** Any change as to the property's use in the future must be processed and approved as an additional amendment to the Planned Development.
- (c) **Construction Schedule: Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant must obtain a building permit within twelve (12) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
- (d) **Recording:** 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 4: Except as otherwise provided for in this Ordinance 158-O-18, all applicable regulations of the Ordinance 3-O-18 and Ordinance 47-O-16, 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/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 158-O-18 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and

purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Michael McLean, and any and all successors, owners, and operators of the Subject Property.

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

SECTION 7: 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 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 10: 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.

Ayes: _____

Nayes: _____

Approved:

January 8, 2018/9

Introduced: December 10, 2018


Adopted: December 10, 2018

Attest: 

Devon Reid, City Clerk



Stephen H. Hagerty, Mayor

Approved as to form:


Michelle Masoncup, Corporation Counsel



55 East Monroe Street
37th Floor
Chicago, IL 60603

312 346 7500 main
312 580 2201 fax
thompsoncoburn.com

Bernard I. Citron
312 580 2209 direct
bcitron@thompsoncoburn.com

October 31, 2019

VIA U.S. FIRST CLASS MAIL

Meagan Jones
Neighborhood and Land Use Planner
Community Development
City of Evanston
2100 Ridge Ave
Evanston, Illinois 60201

Re: 1815 N. Ridge

Dear Ms. Jones:

On behalf of the Owner and Developer of the project at 1815 N. Ridge we need to request an additional extension of the Planned Development. We recently had to fire our general contractor and this will cause a delay in our permit process. Please advise us of what will be required in order to have this extension request placed on an agenda of the City Council.

Very truly yours,

Thompson Coburn

A handwritten signature in black ink, appearing to read "BIC", written over a horizontal line.

Bernard I. Citron
BIC/mse

cc: Scott Mangum
Michael McLean



Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Melissa Klotz, Zoning Administrator
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning and Zoning Manager
Subject: Ordinance 173-O-19, Granting a Special Use for a Cannabis Dispensary at 1804 Maple Ave. in the RP Research Park District
Date: December 9, 2019

Recommended Action:

The Zoning Board of Appeals and staff recommend City Council adoption of Ordinance 173-O-19, granting special use approval for a Cannabis Dispensary at 1804 Maple Ave. in the RP Research Park District. The applicant has complied with all zoning requirements and meets all of the Standards for special use for this district. *Due to the single City Council meeting in December, Alderman Braithwaite requests suspension of the rules for Introduction and Action at the December 9, 2019 City Council Meeting.*

Council Action:

For Introduction and Action

Summary:

The property, 1804 Maple Ave. is currently occupied by PharmaCann, a medical cannabis dispensary. The facility is located within a ground-floor commercial space at the City-owned Maple Ave. Public Parking Garage. The site features the only Cannabis Dispensary within Evanston, and is therefore not within 1,500 feet of another. Additionally, the subject property is not within 750 feet of a pre-existing public or private educational institution. The applicant proposes to expand into the adjacent space that is currently occupied by Enterprise Rent-A-Car (who is relocating) to provide additional space for recreational cannabis sale in addition to the existing medical cannabis sale once recreational dispensaries are allowed under the Illinois Cannabis Regulation and Tax Act, which becomes effective January 1, 2020.

Items sold will be limited to cannabis flower, tinctures, topicals, edibles, vape pens, devices, and apparel. All deliveries to the site will be conducted outside of hours of operation to not disrupt customer, pedestrian, or vehicular traffic.

Safe dispensing will operate pursuant to 68 IAC 1290.425(c) (4) and HB1438 15-65. Inventory will be stored by type and batch and distributed in a first-in, first-out basis. The applicant will follow inventory control procedures including tracking purchases and denials of sale, disposal of unusable or damaged cannabis, and providing purchaser education and support. Any voluntary or mandatory recalls will occur in accordance to state law. In addition, the applicant has a robust corporate crisis management plan including policies and procedures for management of incidents including criminal activity and natural disasters.

Security Measures

The dispensary will use an approved private security contractor, GSG Protective Services, to provide adequate security. Additional security measures will include an electronic monitoring video surveillance system with unobstructed interior and exterior monitoring, including the common interior corridor where purchasers will come from to enter the dispensary, as well as one camera on the exterior of the building where delivery agents will enter the building from off-site cultivation facilities. The cameras shall be directed so all areas are captured, including, but not limited to, safes, vaults, sales areas, and areas where cannabis is stored, handled, dispensed, or destroyed. Day and night cameras will be utilized if needed and operation will be ensured in all conditions during hours of operation and non-operation.

A locked door barrier between the facility's entrance and the limited access area will be established. Upon arrival, all persons seeking access to the dispensary will enter into a public waiting room. The room will be monitored by a security agent, who will check identification of all persons entering, who must be 21 years or older. Authorized visitors and vendors, including service personnel and delivery agents, must present proper identification and be listed on the dispensary visitor list. Purchasers must present a state or federally issued photo identification card for verification. Authorized personnel and vendors will receive a visitor ID badge and be escorted by an agent at all times, and a check-in and check-out written log will remain on-site for 5 years.

The dispensary will have a closed-circuit alarm system monitoring all access points, delivery areas, restricted access areas, and storage rooms containing safes or vaults. Additionally, a perimeter alarm will contain glass break protection on all perimeter windows and shatterproof film on the exterior windows and doors. Stand-by batteries will operate electrically controlled doors, alarm systems, and video surveillance equipment during power failures. When closed for operation, all cannabis and currency will be stored in a safe that is secured to the wall or floor and locked in the vault room. Cannabis will not be stored on-site in excess of the quantity needed to meet the demands of operations.

Crowd Mitigation:

The applicant has dealt with and addressed large crowds at dispensaries across the United States, including locations in more densely populated locations. The operator will utilize crowd control by both trained employees and uniformed contract security officers to monitor and patrol the interior and exterior of the building. Pedestrian controls will use stanchions or similar crowd control equipment allowing the creation of controlled lines while ensuring continued use of the sidewalk for pedestrian traffic. The average transaction time takes five minutes once the consumer has identified what they want. The operator anticipates utilizing 10-15 registers within this store, creating a consistent flow of customers in and out of the dispensary. Measures of foot traffic within the store including waiting times, and number of

pedestrian conflicts will be inventoried and analyzed to refine crowd control methods as required. Customers who do not need consultation with dispensary employees to determine which products to purchase may submit their order online, which will decrease the possibility of crowds or longer wait times. The operator is open to the possibility of off-site parking and utilization of a shuttle bus, if needs necessitate upon opening.

Additional operations summary, security measures, site plans, floor plans, and elevations have been provided by the applicant and are available for review within the November 19, 2019 ZBA Packet. Staff received one letter of objection from a neighboring property owner. There was no opposition present at the ZBA hearing.

Comprehensive Plan:

The Comprehensive General Plan encourages the retention and expansion of businesses to enable Evanston's business, commercial, and industrial areas as desirable locations of economic activity.

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

Special Use approval for the expansion of the existing medical cannabis dispensary at 1804 Maple Ave. to include recreational sales will allow for the expansion of an existing business and utilization of an active storefront in the downtown area.

Legislative History:

November 19, 2019 Zoning Board of Appeals: Following testimony by the applicant and no opposition from the audience present, the ZBA recommended approval 5-1 with the following conditions:

- A. Substantial compliance with the documents and testimony on record.
- B. The hours of operation of the cannabis dispensary authorized by this ordinance may not exceed 10 A.M. to 8 P.M., seven days a week.
- C. Employees of the cannabis dispensary shall not be permitted to park their vehicles on the street.
- D. MedMen shall complete the State license transfer and become the lessee of the property with the City.

Note: The ZBA included condition D specifically to limit the operator to the MedMen corporation only. If in the future the dispensary operator changes, a Substitution of Special Use or new Special Use is required in order to modify the condition, which will allow for staff oversight of the new operator's security measures.

[November 19, 2019 ZBA Packet](#)

Attachments:

[Ord. 173-O-19 Special Use for a Cannabis Dispensary 1804 Maple](#)

[Letter of Objection submitted after ZBA packet](#)

[Findings For Special Use - 1804 Maple Ave](#)

[ZBA Meeting Minutes Excerpt - November 19, 2019](#)

173-O-19

AN ORDINANCE

**Granting a Special Use Permit for a Cannabis Dispensary Located at
1804 Maple Avenue in the RP Research Park District (“VeriLife”)**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on November 19, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0093, an application filed by PharmaCann LLC (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1804 Maple Avenue (the “Subject Property”) and located in the RP Research Park District, for a Special Use Permit to establish, pursuant to Subsection 6-12-2-3 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”), a cannabis dispensary, “VeriLife,” 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 cannabis dispensary met the standards for Special Uses in Section 6-3-5-10 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of December 9, 2019, 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 approve the application in case no. 19ZMJV-0093; and

WHEREAS, at its meeting of December 9, 2019, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee,

**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 cannabis dispensary on the Subject Property as applied for in case no. 19ZMJV-0093.

SECTION 3: Pursuant to Subsection 6-3-5-12 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 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** 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 and testimony on file in this case, including those concerning crowd management and security.
- B. Hours of Operation:** The hours of operation of the cannabis dispensary authorized by this ordinance may not exceed 10 A.M. to 8 P.M., seven days a week.
- C. Parking:** Employees of the cannabis dispensary shall not be permitted to park their vehicles on the street.
- D. License Transfer:** Medmen shall complete the State license transfer and become the lessee of the property with the City.
- E. Recordation:** 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: _____, 2019

Approved:

Adopted: _____, 2019

_____, 2019

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Devon Reid, City Clerk

Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A**LEGAL DESCRIPTION**

Part of Lot 4 of the Church Maple Resubdivision, being a Resubdivision of part of Dempster's Subdivision of Block 66 of the Village of Evanston, Cook County, Illinois, part of the Chicago and Northwestern Railroad Right of Way (formerly Chicago, Milwaukee and St. Paul Right of Way); part of Block 18 in the Village of Evanston; all of Blocks 2 and 3 in the Circuit Court Subdivision in partition of Lot 22 in the County Clerk's Division of Unsubdivided Lands; and part of vacated Clark Street and East Railroad Avenue; being in the Northwest Quarter and the Southwest Quarter of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois.

PIN: 11-18-117-015-0000

COMMONLY KNOWN AS: 1804 Maple Avenue, Evanston, Illinois.



Melissa Klotz <mklotz@cityofevanston.org>

cannabis dispensary

1 message

JH Magin <joanhm228@yahoo.com>
To: mklotz@cityofevanston.org

Mon, Nov 18, 2019 at 2:23 PM

To Ms. Klotz

My husband and I live at 1111 Church Street but will not be in Evanston for the public meeting on November 19 at 7 PM. I would like to express my feelings about the possibility of a new cannabis dispensary at 1804 Maple Avenue.

We are completely against this proposal:

-The location is within walking distance of Northwestern University. I believe this is a mistake and should be located, if at all in Evanston or Skokie, at a place that would be more difficult for NU students to access. (They could easily walk to this clinic.)

-Since there is no regulation of the cannabis products by the federal government (who still view the substance as illegal) there is no telling what is exactly in each "dose." Likewise, there is no current objective measure to determine if anyone, child, teenager, adult, has been impaired and to what degree by the product ingested. Based on our understanding, the younger the user is, the more problematic the use of cannabis will be for the user. Most university undergraduate students are under the age of 21 and still have brain development occurring. It should be more difficult for them to obtain these products.

-In this current climate, I believe that since many physicians will wish to help patients, they may perceive that cannabis is harmless and will give prescriptions for its use. For young people, the risk is higher that they might share these products with friends not suffering from medical problems and not the ones intended to receive the and use the medications.

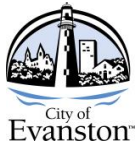
-Perhaps the clinic could be further from the university in order to take these concerns into consideration. What about Skokie Hospital?

We hope that you give fair consideration to the possible negative impacts of this clinic in an area for entertainment, shopping, and dining.

Please acknowledge that you have received this email. If you produce a summary of the testimony at the hearings would you let me know how I could access it?

Thank you for considering our opinions.

Joan and Ed Magin



FINDINGS

FOR STANDARDS OF
SPECIAL USE PERMITS

In the case of

Case Number: 19ZMJV-0093
Address or Location: 1804 Maple Ave.
Applicant: PharmaCann LLC
Proposed Special Use: Cannabis Dispensary

After conducting a public hearing on November 19, 2019, the Zoning Board of Appeals makes the following findings of fact, reflected in the audio-visual recording of the hearings, based upon the standards for special uses specified in Section 6-3-5-10 of the Zoning Ordinance:

<u>Standard</u>	<u>Finding</u>
(A) It is one of the special uses specifically listed in the zoning ordinance;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 6-0
(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 6-0
(C) 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;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 5-1
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PLANNING AND ZONING DIVISION
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(E) It can be adequately served by public facilities and services	<u> X </u> Met <u> </u> Not Met Vote 6-0
(F) It does not cause undue traffic congestion;	<u> X </u> Met <u> </u> Not Met Vote 6-0
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(I) 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.	<u> X </u> Met <u> </u> Not Met Vote 6-0

and, based upon these findings, and upon a vote

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 approval without conditions
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 X approval with conditions *specifically*:

- A. Substantial compliance with the documents and testimony on record.
- B. The hours of operation of the cannabis dispensary authorized by this ordinance may not exceed 10 A.M. to 8 P.M., seven days a week.
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- D. MedMen shall complete the State license transfer and become the lessee of the property with the City.

Attending:

 X Violetta Cullen
 X Myrna Arevalo
 X Scott Gingold

Vote:

<i>Aye</i>	<i>No</i>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>

<u> </u>	Jill Zordan	<u> </u>	<u> </u>
<u> X </u>	Lisa Dziekan	<u> </u>	<u> X </u>
<u> X </u>	Mary McAuley	<u> X </u>	<u> </u>
<u> X </u>	Kiril Mirintchev	<u> X </u>	<u> </u>



DRAFT NOT APPROVED

MEETING MINUTES EXCERPT

ZONING BOARD OF APPEALS

Tuesday, November 19, 2019

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Lisa Dziekan, Myrna Arevalo, Violetta Cullen, Mary McAuley, Kiril Mirintchev, Scott Gingold

Members Absent: Jill Zordan

Staff Present: Melissa Klotz

Presiding Member: Violetta Cullen

Declaration of Quorum

With a quorum present, Chair Cullen called the meeting to order at 7:00 p.m.

Minutes

Ms. Dziekan motioned to approve the meeting minutes of October 15, 2019, which were seconded by Mr. Gingold and unanimously approved with 3 abstentions.

Ms. Klotz stated 1224 Oak Ave., 2715 Hurd St., and 1031 Sherman Ave. will not be heard tonight.

Ms. Arevalo arrived.

New Business

1804 Maple Ave.

19ZMJV-0093

PharmaCann LLC, lessee, submits for a special use for a Cannabis Dispensary, to establish sales of recreational cannabis and expand the existing medical cannabis space in the RP Research Park District (Zoning Code Section 6-12-2-3). The Zoning Board of Appeals makes a recommendation to City Council, the determining body for this case.

Ms. Klotz read the case into the record.

Katrina McGuire, attorney, introduced the proposal, and Don Williams of MedMen explained details:

- Current medical cannabis facility at 1804 Maple Ave.
- Will expand into neighboring Enterprise space and Enterprise is relocating.
- Maximum occupancy is 115 people.

Pierre Delgado, MedMen, explained the audit checklist is based on guidelines from the IL IDR and covers issues such as regulating and checking inventory, purchase limits, and ID checking. The audit is done on a weekly basis by the dispensary, the State does quarterly, and an outside firm does periodically.

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Zoning Board of Appeals

Ms. McAuley asked if large crowds are anticipated similar to what happened in Los Angeles. The applicant stated 40 transactions per hour are anticipated, and there will be staff and GSG Security firm on site to manage any crowd control, check IDs, stopping loitering, and ensuring products are not consumed in the store or on the street. GSG Security will be on site at all times the facility is open.

Mr. Williams continued:

- Will have live security video feed to the police department at all times.
- Medical and recreational customers will be in the same space, not separated areas.
- There will be a retail area with dummy products.
- Hours of operation are 10am-8pm, 7 days a week.
- Illinois does not allow consumption outside so there will be no smoking outdoors (violators could be arrested).
- No on-site consumption at the location.
- 20-28 employees will work per day. Most use public transportation.

Ms. Dziekan noted Oakton Community College has a new cannabis program, and the applicant responded yes, this business took part in a job fair there and is involved with the community college.

The applicant continued:

- People cannot enter the store unless they are 21 years or older.
- There is a different purchase amount limit for non-Illinois residents.
- Product deliveries will occur approximately 7 times per week. There are 14 different vendors that are rotated through in shipments. Delivery times vary and are done by unmarked vehicles similar to armored vehicles. Delivery vehicles call the dispensary when they are 20 minutes away to prepare for arrival.
- Deliveries are via the rear within the parking garage.
- All product providers are within Illinois.
- The State tracks product from seed to final product at cultivation facilities through the Department of Agriculture.
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Ms. Arevalo asked what the difference will be with the current medical facility to when it expands to recreational, and the applicant responded the medical gets priority per the State so 30% of product is set aside for medical only. Over time, the medical cards will be used less since it is easier to be a recreational consumer. There is no difference in the products or amounts.

The applicant explained their business is currently in over 30 markets. Community events/education has been done through municipalities and chambers of commerce.

Mr. Gingold asked for clarification on how PharmaCann LLC owns the state license. The applicant explained the license will be transferred to MedMen by the State, but PharmaCann will remain the lessee for the space and sublease the space to MedMen (likely within the next few months).

Matt Rodgers, 133 Clyde Ave., stated he is a medical card holder. There is a concern that medical card holders will have a harder time obtaining product, so it is good to hear the space is expanding and there is a set-aside for medical customers. Staff at the dispensary is very knowledgeable and considers the medical condition to determine what products are best for the customer. Every product purchased states the ingredients, effects, etc. on the packaging. Within the dispensary, no one is ever left alone. The use and regulation is very similar to alcohol. Mr. Rodgers specified that he is not a zoning consultant to the applicant and does not know the applicant.

The applicant explained medical users will get priority in the line if there is one. Purchases can be made online if consultations are not needed, which will help alleviate lines.

Deliberation:

Mr. Gingold stated the State legalized the use and the City allows it as an eligible use, therefore the ZBA needs to determine if the location and operational details are appropriate.

Ms. Dziekan stated she does not have an issue with the use, but prefers if the special use be revisited in the future so that if there are problems, the special use can be denied. Mr. Gingold stated a condition regarding violations, law enforcement, etc. should be enacted so that the special use could be revoked if necessary, but there is no need to make the applicant re-apply for a new special use. Ms. Dziekan asked what would happen if the City decided cannabis facilities should no longer be allowed, and Ms. Klotz responded the business would become legally nonconforming and could continue to operate, but since the City is the landlord they could end the lease.

Standards:

1. Yes
2. Yes
3. Yes; No - Ms. Dziekan
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Mr. Gingold motioned to recommend approval of the special use with conditions, which was seconded by Ms. McAuley and recommended for approval 5-1.

1. Hours of operation shall not exceed 10am-8pm, 7 days a week.
2. Employees shall not park on the street.
3. MedMen complete the state license and become lessee with the City.

4. Substantial compliance with the documents and testimony on record including crowd management and security.



Memorandum

To: Honorable Mayor and Members of the City Council
CC: Members of the Planning and Development Committee
From: Melissa Klotz, Zoning Administrator
CC: Johanna Leonard, Community Development Director; Scott Mangum, Planning and Zoning Manager
Subject: Ordinance 173-O-19, Granting a Special Use for a Cannabis Dispensary at 1804 Maple Ave. in the RP Research Park District
Date: December 9, 2019

Recommended Action:

The Zoning Board of Appeals and staff recommend City Council adoption of Ordinance 173-O-19, granting special use approval for a Cannabis Dispensary at 1804 Maple Ave. in the RP Research Park District. The applicant has complied with all zoning requirements and meets all of the Standards for special use for this district. *Due to the single City Council meeting in December, Alderman Braithwaite requests suspension of the rules for Introduction and Action at the December 9, 2019 City Council Meeting.*

Council Action:

For Introduction and Action

Summary:

The property, 1804 Maple Ave. is currently occupied by PharmaCann, a medical cannabis dispensary. The facility is located within a ground-floor commercial space at the City-owned Maple Ave. Public Parking Garage. The site features the only Cannabis Dispensary within Evanston, and is therefore not within 1,500 feet of another. Additionally, the subject property is not within 750 feet of a pre-existing public or private educational institution. The applicant proposes to expand into the adjacent space that is currently occupied by Enterprise Rent-A-Car (who is relocating) to provide additional space for recreational cannabis sale in addition to the existing medical cannabis sale once recreational dispensaries are allowed under the Illinois Cannabis Regulation and Tax Act, which becomes effective January 1, 2020.

Items sold will be limited to cannabis flower, tinctures, topicals, edibles, vape pens, devices, and apparel. All deliveries to the site will be conducted outside of hours of operation to not disrupt customer, pedestrian, or vehicular traffic.

Safe dispensing will operate pursuant to 68 IAC 1290.425(c) (4) and HB1438 15-65. Inventory will be stored by type and batch and distributed in a first-in, first-out basis. The applicant will follow inventory control procedures including tracking purchases and denials of sale, disposal of unusable or damaged cannabis, and providing purchaser education and support. Any voluntary or mandatory recalls will occur in accordance to state law. In addition, the applicant has a robust corporate crisis management plan including policies and procedures for management of incidents including criminal activity and natural disasters.

Security Measures

The dispensary will use an approved private security contractor, GSG Protective Services, to provide adequate security. Additional security measures will include an electronic monitoring video surveillance system with unobstructed interior and exterior monitoring, including the common interior corridor where purchasers will come from to enter the dispensary, as well as one camera on the exterior of the building where delivery agents will enter the building from off-site cultivation facilities. The cameras shall be directed so all areas are captured, including, but not limited to, safes, vaults, sales areas, and areas where cannabis is stored, handled, dispensed, or destroyed. Day and night cameras will be utilized if needed and operation will be ensured in all conditions during hours of operation and non-operation.

A locked door barrier between the facility's entrance and the limited access area will be established. Upon arrival, all persons seeking access to the dispensary will enter into a public waiting room. The room will be monitored by a security agent, who will check identification of all persons entering, who must be 21 years or older. Authorized visitors and vendors, including service personnel and delivery agents, must present proper identification and be listed on the dispensary visitor list. Purchasers must present a state or federally issued photo identification card for verification. Authorized personnel and vendors will receive a visitor ID badge and be escorted by an agent at all times, and a check-in and check-out written log will remain on-site for 5 years.

The dispensary will have a closed-circuit alarm system monitoring all access points, delivery areas, restricted access areas, and storage rooms containing safes or vaults. Additionally, a perimeter alarm will contain glass break protection on all perimeter windows and shatterproof film on the exterior windows and doors. Stand-by batteries will operate electrically controlled doors, alarm systems, and video surveillance equipment during power failures. When closed for operation, all cannabis and currency will be stored in a safe that is secured to the wall or floor and locked in the vault room. Cannabis will not be stored on-site in excess of the quantity needed to meet the demands of operations.

Crowd Mitigation:

The applicant has dealt with and addressed large crowds at dispensaries across the United States, including locations in more densely populated locations. The operator will utilize crowd control by both trained employees and uniformed contract security officers to monitor and patrol the interior and exterior of the building. Pedestrian controls will use stanchions or similar crowd control equipment allowing the creation of controlled lines while ensuring continued use of the sidewalk for pedestrian traffic. The average transaction time takes five minutes once the consumer has identified what they want. The operator anticipates utilizing 10-15 registers within this store, creating a consistent flow of customers in and out of the dispensary. Measures of foot traffic within the store including waiting times, and number of

pedestrian conflicts will be inventoried and analyzed to refine crowd control methods as required. Customers who do not need consultation with dispensary employees to determine which products to purchase may submit their order online, which will decrease the possibility of crowds or longer wait times. The operator is open to the possibility of off-site parking and utilization of a shuttle bus, if needs necessitate upon opening.

Additional operations summary, security measures, site plans, floor plans, and elevations have been provided by the applicant and are available for review within the November 19, 2019 ZBA Packet. Staff received one letter of objection from a neighboring property owner. There was no opposition present at the ZBA hearing.

Comprehensive Plan:

The Comprehensive General Plan encourages the retention and expansion of businesses to enable Evanston's business, commercial, and industrial areas as desirable locations of economic activity.

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

Special Use approval for the expansion of the existing medical cannabis dispensary at 1804 Maple Ave. to include recreational sales will allow for the expansion of an existing business and utilization of an active storefront in the downtown area.

Legislative History:

November 19, 2019 Zoning Board of Appeals: Following testimony by the applicant and no opposition from the audience present, the ZBA recommended approval 5-1 with the following conditions:

- A. Substantial compliance with the documents and testimony on record.
- B. The hours of operation of the cannabis dispensary authorized by this ordinance may not exceed 10 A.M. to 8 P.M., seven days a week.
- C. Employees of the cannabis dispensary shall not be permitted to park their vehicles on the street.
- D. MedMen shall complete the State license transfer and become the lessee of the property with the City.

Note: The ZBA included condition D specifically to limit the operator to the MedMen corporation only. If in the future the dispensary operator changes, a Substitution of Special Use or new Special Use is required in order to modify the condition, which will allow for staff oversight of the new operator's security measures.

[November 19, 2019 ZBA Packet](#)

Attachments:

[Ord. 173-O-19 Special Use for a Cannabis Dispensary 1804 Maple](#)

[Letter of Objection submitted after ZBA packet](#)

[Findings For Special Use - 1804 Maple Ave](#)

[ZBA Meeting Minutes Excerpt - November 19, 2019](#)

173-O-19

AN ORDINANCE

**Granting a Special Use Permit for a Cannabis Dispensary Located at
1804 Maple Avenue in the RP Research Park District (“VeriLife”)**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on November 19, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0093, an application filed by PharmaCann LLC (the “Applicant”), lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1804 Maple Avenue (the “Subject Property”) and located in the RP Research Park District, for a Special Use Permit to establish, pursuant to Subsection 6-12-2-3 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”), a cannabis dispensary, “VeriLife,” 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 cannabis dispensary met the standards for Special Uses in Section 6-3-5-10 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of December 9, 2019, 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 approve the application in case no. 19ZMJV-0093; and

WHEREAS, at its meeting of December 9, 2019, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee,

**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 cannabis dispensary on the Subject Property as applied for in case no. 19ZMJV-0093.

SECTION 3: Pursuant to Subsection 6-3-5-12 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 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** 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 and testimony on file in this case, including those concerning crowd management and security.
- B. Hours of Operation:** The hours of operation of the cannabis dispensary authorized by this ordinance may not exceed 10 A.M. to 8 P.M., seven days a week.
- C. Parking:** Employees of the cannabis dispensary shall not be permitted to park their vehicles on the street.
- D. License Transfer:** Medmen shall complete the State license transfer and become the lessee of the property with the City.
- E. Recordation:** 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: _____, 2019

Approved:

Adopted: _____, 2019

_____, 2019

Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

Devon Reid, City Clerk

Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A**LEGAL DESCRIPTION**

Part of Lot 4 of the Church Maple Resubdivision, being a Resubdivision of part of Dempster's Subdivision of Block 66 of the Village of Evanston, Cook County, Illinois, part of the Chicago and Northwestern Railroad Right of Way (formerly Chicago, Milwaukee and St. Paul Right of Way); part of Block 18 in the Village of Evanston; all of Blocks 2 and 3 in the Circuit Court Subdivision in partition of Lot 22 in the County Clerk's Division of Unsubdivided Lands; and part of vacated Clark Street and East Railroad Avenue; being in the Northwest Quarter and the Southwest Quarter of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in the City of Evanston, Cook County, Illinois.

PIN: 11-18-117-015-0000

COMMONLY KNOWN AS: 1804 Maple Avenue, Evanston, Illinois.



Melissa Klotz <mklotz@cityofevanston.org>

cannabis dispensary

1 message

JH Magin <joanhm228@yahoo.com>
To: mklotz@cityofevanston.org

Mon, Nov 18, 2019 at 2:23 PM

To Ms. Klotz

My husband and I live at 1111 Church Street but will not be in Evanston for the public meeting on November 19 at 7 PM. I would like to express my feelings about the possibility of a new cannabis dispensary at 1804 Maple Avenue.

We are completely against this proposal:

-The location is within walking distance of Northwestern University. I believe this is a mistake and should be located, if at all in Evanston or Skokie, at a place that would be more difficult for NU students to access. (They could easily walk to this clinic.)

-Since there is no regulation of the cannabis products by the federal government (who still view the substance as illegal) there is no telling what is exactly in each "dose." Likewise, there is no current objective measure to determine if anyone, child, teenager, adult, has been impaired and to what degree by the product ingested. Based on our understanding, the younger the user is, the more problematic the use of cannabis will be for the user. Most university undergraduate students are under the age of 21 and still have brain development occurring. It should be more difficult for them to obtain these products.

-In this current climate, I believe that since many physicians will wish to help patients, they may perceive that cannabis is harmless and will give prescriptions for its use. For young people, the risk is higher that they might share these products with friends not suffering from medical problems and not the ones intended to receive the and use the medications.

-Perhaps the clinic could be further from the university in order to take these concerns into consideration. What about Skokie Hospital?

We hope that you give fair consideration to the possible negative impacts of this clinic in an area for entertainment, shopping, and dining.

Please acknowledge that you have received this email. If you produce a summary of the testimony at the hearings would you let me know how I could access it?

Thank you for considering our opinions.

Joan and Ed Magin



FINDINGS

FOR STANDARDS OF
SPECIAL USE PERMITS

In the case of

Case Number: 19ZMJV-0093
Address or Location: 1804 Maple Ave.
Applicant: PharmaCann LLC
Proposed Special Use: Cannabis Dispensary

After conducting a public hearing on November 19, 2019, the Zoning Board of Appeals makes the following findings of fact, reflected in the audio-visual recording of the hearings, based upon the standards for special uses specified in Section 6-3-5-10 of the Zoning Ordinance:

<u>Standard</u>	<u>Finding</u>
(A) It is one of the special uses specifically listed in the zoning ordinance;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 6-0
(B) It is in keeping with purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 6-0
(C) 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;	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Not Met Vote 5-1
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(F) It does not cause undue traffic congestion;	<u> X </u> Met <u> </u> Not Met Vote 6-0
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(I) 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.	<u> X </u> Met <u> </u> Not Met Vote 6-0

and, based upon these findings, and upon a vote

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 X Myrna Arevalo
 X Scott Gingold

Vote:

<i>Aye</i>	<i>No</i>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>
<u> X </u>	<u> </u>

<input type="checkbox"/>	Jill Zordan	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Lisa Dziekan	<input checked="" type="checkbox"/>
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DRAFT NOT APPROVED

MEETING MINUTES EXCERPT

ZONING BOARD OF APPEALS

Tuesday, November 19, 2019

7:00 PM

Civic Center, 2100 Ridge Avenue, Council Chambers

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Members Absent: Jill Zordan

Staff Present: Melissa Klotz

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Zoning Board of Appeals

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The applicant explained their business is currently in over 30 markets. Community events/education has been done through municipalities and chambers of commerce.

Mr. Gingold asked for clarification on how PharmaCann LLC owns the state license. The applicant explained the license will be transferred to MedMen by the State, but PharmaCann will remain the lessee for the space and sublease the space to MedMen (likely within the next few months).

Matt Rodgers, 133 Clyde Ave., stated he is a medical card holder. There is a concern that medical card holders will have a harder time obtaining product, so it is good to hear the space is expanding and there is a set-aside for medical customers. Staff at the dispensary is very knowledgeable and considers the medical condition to determine what products are best for the customer. Every product purchased states the ingredients, effects, etc. on the packaging. Within the dispensary, no one is ever left alone. The use and regulation is very similar to alcohol. Mr. Rodgers specified that he is not a zoning consultant to the applicant and does not know the applicant.

The applicant explained medical users will get priority in the line if there is one. Purchases can be made online if consultations are not needed, which will help alleviate lines.

Deliberation:

Mr. Gingold stated the State legalized the use and the City allows it as an eligible use, therefore the ZBA needs to determine if the location and operational details are appropriate.

Ms. Dziekan stated she does not have an issue with the use, but prefers if the special use be revisited in the future so that if there are problems, the special use can be denied. Mr. Gingold stated a condition regarding violations, law enforcement, etc. should be enacted so that the special use could be revoked if necessary, but there is no need to make the applicant re-apply for a new special use. Ms. Dziekan asked what would happen if the City decided cannabis facilities should no longer be allowed, and Ms. Klotz responded the business would become legally nonconforming and could continue to operate, but since the City is the landlord they could end the lease.

Standards:

1. Yes
2. Yes
3. Yes; No - Ms. Dziekan
4. Yes
5. Yes
6. Yes
7. Yes
8. Yes
9. Yes

Mr. Gingold motioned to recommend approval of the special use with conditions, which was seconded by Ms. McAuley and recommended for approval 5-1.

1. Hours of operation shall not exceed 10am-8pm, 7 days a week.
2. Employees shall not park on the street.
3. MedMen complete the state license and become lessee with the City.

4. Substantial compliance with the documents and testimony on record including crowd management and security.