

9/15/2019

115-O-19

AN ORDINANCE

**Granting a Special Use Permit for a Planned Development
Located at 1215 Church Street and 1726-1730 Ridge Avenue in the R4
General Residential 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, Evanston/Northshore YWCA (“Applicant”), the Applicant for the proposed development located at 1215 Church Street and 1726-1730 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 6-3-5, “Special Uses”, Section 6-3-6, “Planned Developments”, and Subsection 6-8-5-3 “Planned Developments” in the R4 General Residential District (“R4 District”), to permit the further construction and operation of a Planned Development with a Community Center (Public) and Recreation Center (Public) at the Subject Property in the R4 District; and

WHEREAS, the Applicant sought approval for an addition and expansion of the existing special use, and for a Planned Development to demolish the single family residential structure and construct a two (2) story entrance on the south facade to the existing administration center and pool building; demolish another single family residential structure and construct a four (4) story addition for a Shelter for Abused Persons and administration offices at the north end of the property; construct a second-story addition to provide connection between the two structures; and expand and reconfigure the existing parking lots to provide seventy (78) parking spaces, in the R4 District.; 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 (1) parking located within the required twenty-seven (27) foot front yard setback where parking is not permitted, (2) parking (loading zone) located within the required ten (10) foot west interior side yard setback where parking is not permitted, (3)

impervious surface coverage of seventy-five and one half (75.5) percent where fifty-five (55) percent is the maximum permitted, (4) a building height of forty-two (42) feet and four (4) inches and four (4) stories where only thirty-five (35) feet and two and one half (2.5) stories are permitted, and (5) an open loading zone located in the front yard where the Code only permits open loading zones to be located in rear yards; 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 July 23, 2019, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) and the Preservation Ordinance, the Preservation Commission held a meeting on the Certificate of Appropriateness for the demolition of the single family residential structure located in the Ridge Historic District, a Certificate of Appropriateness for the construction of the two (2) story entrance on the south facade, and an advisory review of the application for a Special Use Permit for a Planned Development, case no. 19PLND-0069, heard extensive testimony and public comment, made written minutes, findings, and recommendations; and

WHEREAS, the Preservation Commission's written findings state that the application for the proposed Planned Development does meet the applicable standards set forth for a Certificate of Appropriateness in Subsection 2-8-9 of the Preservation Ordinance; and

WHEREAS, on July 23, 2019, the Preservation Commission granted the Certificate of Appropriateness and recommended the Plan Commission and City Council approve the application; and

WHEREAS, on August 7, 2019, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) and the Zoning Ordinance, the Plan Commission held a public hearing on the application for a Special Use Permit for a Planned Development, case no. 19PLND-0069, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed Planned Development does meet applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the R4 District per Subsection 6-8-5-3 of the Zoning Ordinance; and

WHEREAS, on August 7, 2019, the Plan Commission recommended the City Council approve the application; and

WHEREAS, on September 23, 2019, the Planning and Development ("P&D") Committee of the City Council held a meeting, in compliance with the provisions of the Open Meetings Act, the Preservation Ordinance, and the Zoning Ordinance, received input from the public, carefully considered the findings and recommendation for approval of the Preservation Commission and Plan Commission, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings of September 23, 2019 and October 14, 2019, 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: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 19PLND-0069, to allow the demolition of the single family residential structure and construction of a two (2) story entrance on the south facade to the existing administration center and pool building, demolition of a single family residential structure and construction of a four (4) story addition for a Shelter for Abused Persons and administration offices at the north end of the property, construction of a second-story addition to provide connection between the two structures, and expansion and reconfiguration of the parking lots to provide seventy (78) parking spaces, in the R4 General Residential District.

SECTION 3: The City Council hereby grants the following Site Development Allowances:

- (A) Parking within the setback:** A site development allowance is hereby granted to permit parking located within the required twenty-seven (27) foot front yard setback on Church Street where parking is not permitted pursuant to Section 6-8-5-7(B) of the Zoning Code.
- (B) Loading Berth Location:** A site development allowance is hereby granted to permit parking (loading zone) located within the required ten (10) foot west

interior side yard setback where parking is not permitted under Section 6-8-5-7 (B) of the Zoning Code.

- (C) **Impervious Surface Coverage:** A site development allowance is hereby granted to permit impervious surface coverage of seventy-five and one half (75.5) percent where fifty-five (55) percent is the maximum permitted by Section 6-8-5-9 of the Zoning Code.
- (D) **Building Height:** A site development allowance is hereby granted to permit a building height of forty-two (42) feet and four (4) inches and four (4) stories where only thirty-five (35) feet and two and one half (2.5) stories are allowed under Section 6-8-5-8 of the Zoning Code.
- (E) **Unenclosed Loading Berth:** A site development allowance is hereby granted to permit an open loading zone located in the front yard where Zoning Code section 6-16-4-1(B) only permits loading zones to be located in rear yards

SECTION 4: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted hereby, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (A) **Compliance with Applicable Requirements:** The Applicant shall develop and operate the Planned Development authorized by the terms of this Ordinance in substantial compliance with: the terms of this Ordinance; the Site Plan in Exhibit B, attached hereto and incorporated herein by reference; all applicable legislation; the Applicant's testimony and representations to the Preservation Commission, Design and Project Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (B) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction phasing/staging plans; construction hours; site access including traffic and pedestrian safety plans; contractor parking; damage control and vibration monitoring; construction exhibits; project communication and signage.
- (C) **Demolition Permit:** The applicant shall obtain all necessary permits for demolition of structures including but not limited to municipal, county, and federal demolition permits for the removal of the single family residences and specifically

the single family residential structure that is located within the Federal Historic District and National Register of Historic Places that requires Section 106 Review.

- (D) **Streetscaping:** The applicant shall improve the Church St. and Ridge Ave. right-of ways as depicted in Exhibit B. attached hereto and incorporated herein by reference, including the removal and reconfiguration of curb cuts, and removal of concrete steps and replacement with matching limestone wall.
- (E) **Green Building Ordinance:** The development shall comply with the City of Evanston Green Building Ordinance.
- (F) **Preservation Commission:** The portion of the building located within the local Ridge Historic District shall be reviewed for compliance with the Standards of the Preservation Ordinance and is subject to a final Certificate of Appropriateness.
- (G) **Waste:** Refuse pickup shall be prohibited at the property between the hours of 9pm - 9am daily.
- (H) **MBE Hiring:** A commitment to hiring and working with Minority Business Enterprises (MBE) Women Business Enterprises (WBE), Disadvantaged Business Enterprises (DBE) and Small Business Enterprises (SBE) on this project. The project will include MBE/WBE subcontractors and suppliers with a goal that in aggregate make up 10% of the construction budget.
- (I) **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 5: 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 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.

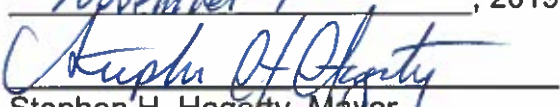
SECTION 9: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, 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.


Introduced: September 23, 2019

Adopted: October 14, 2019

Approved:

November 4, 2019

Stephen H. Hagerty, Mayor

Attest:


~~Devon Reid, City Clerk~~
Eduardo Gomez, Deputy City Clerk

Approved as to form:


Michelle L. Masoncup, Corporation Counsel

EXHIBIT A**Legal Description**

PARCEL 1 (1730 RIDGE AVE.): THE NORTH HALF (EXCEPT THE WEST 25 FEET THEREOF AND EXCEPT THE SOUTH 10 FEET) OF LOT 8 IN CIRCUIT COURT PARTITIONS OF LOTS 23 AND 25 IN COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LAND IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
PIN: 11-18-121-010-0000

PARCEL 2 (1726 RIDGE AVE.): THE SOUTH HALF OF LOT 8 AND THE SOUTH 10 FEET (EXCEPT THE WEST 25 FEET) OF THE NORTH HALF OF LOT 8 IN CIRCUIT COURT PARTITION OF LOTS 23 AND 25 IN COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.
PIN: 11-18-121-011-0000

PARCEL 3 (1215 CHURCH ST.): LOT 1 IN YOUNG WOMEN'S CHRISTIAN ASSOCIATION CONSOLIDATION IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 11-18-121-010-0000, 11-18-121-011-0000, 11-18-121-018-0000

COMMONLY KNOWN As: 1215 Ridge Avenue & 1726-1730 Ridge Avenue, Evanston, IL 60201

EXHIBIT B

Site Plan/Landscape Plan

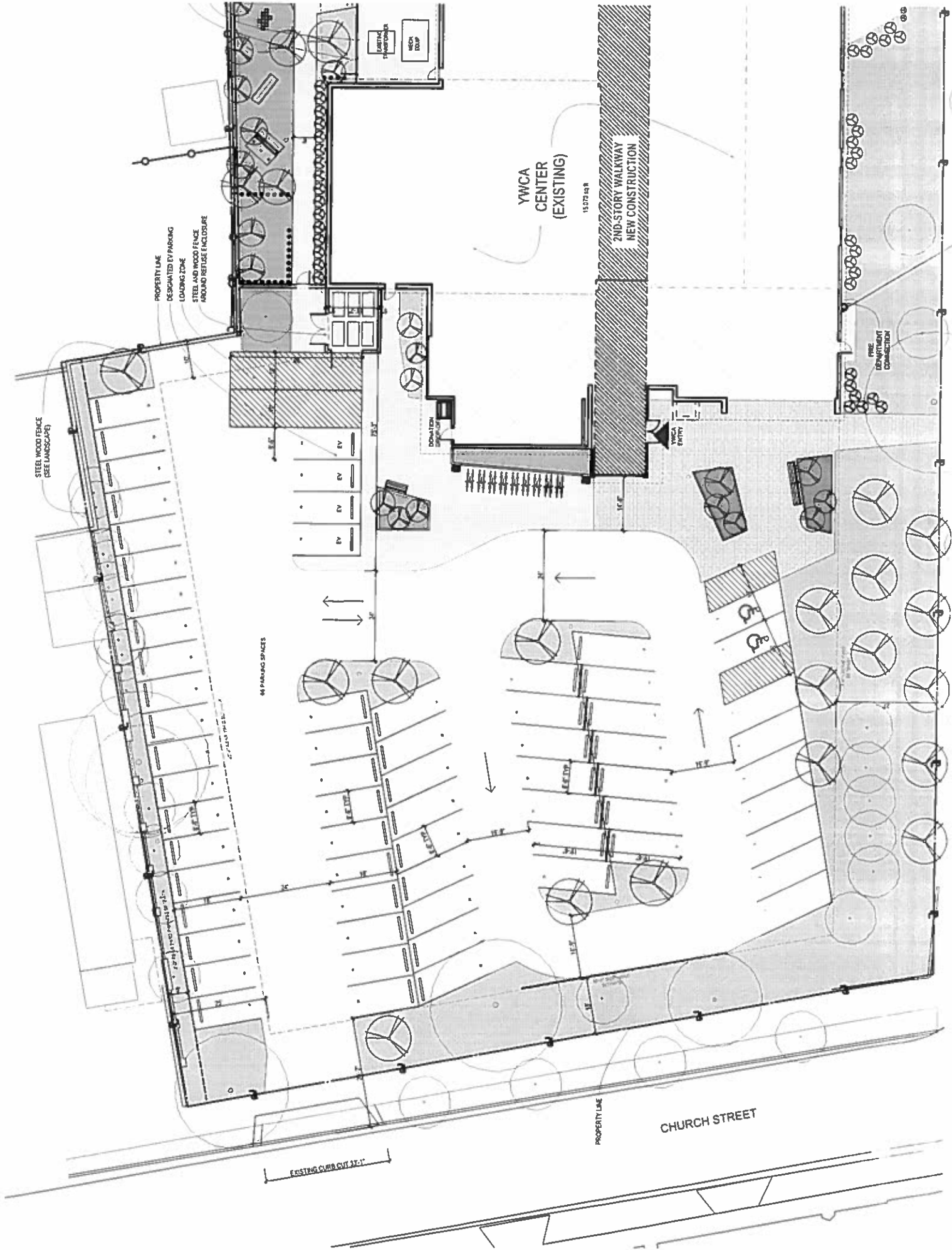


EXHIBIT C

Elevations/Renderings

