



**AGENDA**  
**Planning & Development Committee**  
**Monday, October 26, 2020**  
**Lorraine H. Morton Civic Center, Virtual**  
**5:00 PM**

Due to public health concerns, residents will not be able to provide public comment in-person at the meeting. Those wishing to make public comments at the Administrative & Public Works Committee, Planning & Development Committee or City Council meetings may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at [www.cityofevanston.org/government/city-clerk/public-comment-sign-up](http://www.cityofevanston.org/government/city-clerk/public-comment-sign-up) or by calling/texting 847-448-4311.

Community members may watch the City Council meeting online at [www.cityofevanston.org/channel16](http://www.cityofevanston.org/channel16) or on Cable Channel 16

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

1. Suspension of the Rules Allowing for Remote Participation

Due to an executive order issued by Governor J.B. Pritzker, staff recommends a suspension of the rules regarding in-person attendance requirements for public meetings, allowing for City Council members and City staff to participate in this meeting remotely.

For Action

**(II) APPROVAL OF MINUTES**

- M1. **Approval of the minutes of the regular meeting of October 12, 2020** 4 - 7  
Staff recommends approval of the minutes of October 12, 2020.  
**For Action**  
[Planning & Development Committee - Oct 12 2020 - Minutes - Pdf](#)

**(III) PUBLIC COMMENT**

**(IV) ITEMS FOR CONSIDERATION**

- P1. **Resolution 87-R-20, Approving a Plat of Resubdivision for 1605-1631 Chicago Avenue** 8 - 63  
Plan Commission and Staff recommend City Council adoption of Resolution 87-R-20 for approval of a two-lot Subdivision at 1605-1631 Chicago Avenue.  
**For Action**  
[Resolution 87-R-20 for a Two-Lot Subdivision and Ordinance 98-O-20 for a Major Adjustment to a Planned Development, 1605-1631 Chicago Avenue - Attach - Pdf](#)
- P2. **Ordinance 98-O-20, Approving a Major Adjustment to a Planned Development at 1605-1631 Chicago Avenue** 64 - 87  
Plan Commission and staff recommend City Council adoption of a Ordinance 98-O-20 granting a Major Adjustment to a Planned Development originally approved by Ordinance 86-O-13. The adjustment includes an increased Floor Area Ratio (FAR) from 3.15 to 4.2, increased number of parking spaces from 32 (23 on-site, 9 leased) to 38 (all leased off-site), and decrease the total number of units from 205 to 186 (including 65 dwelling units). No new site development allowance will be needed.  
**For Introduction**  
[Ordinance 98-O-20, Approving a Major Adjustment to a Planned Development at 1605-1631 Chicago Avenue - Attachment - Pdf](#)
- P3. **Ordinance 97-O-20, Special Use for a Planned Development at 1621-1631 Chicago Avenue** 88 - 143  
The Plan Commission and staff recommend denial of Ordinance 97-O-20 for approval of a Special Use for a Planned Development to construct a 17-story apartment building with 215 units, 85 subterranean parking spaces, and approximately 3,289 sq. ft. of ground-floor retail space in the D4 Downtown Transition District. The proposal includes the following Site Development Allowances: 1) A building height of 185 ft. where 105 ft. is allowed; 2) An FAR of 10.38 where a maximum of 5.4 is allowed; 3) 215 dwelling units where 54 is the maximum is allowed; and 4) 85

parking spaces where a minimum of 162 are required.

**For Introduction**

[Ordinance 97-O-20, Special Use for a Planned Development at 1621-1631 Chicago Avenue - Attachment - Pdf](#)

**(V) ITEMS FOR DISCUSSION**

**(VI) ITEMS FOR COMMUNICATION**

**(VII) ADJOURNMENT**

**Draft**



## **Planning & Development Committee**

**Monday, October 12, 2020 @ 5:00 PM**

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

**COMMITTEE MEMBER  
PRESENT:**

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

**COMMITTEE MEMBER  
ABSENT:**

Judy Fiske, 1st Ward Alderman

**STAFF PRESENT:**

Scott Mangum, Planning & Zoning Administrator, Johanna Nyden, Director of Community Development, and Sarah Flax, Housing & Grants Administrator

**CALL TO ORDER/DECLARATION OF A QUORUM: ALDERMAN WYNNE**

A quorum being present Ald. Wynne called the meeting to order at 5:48 pm.

Ald. Wilson moved to suspend the rules to allow the meeting to be conducted via Zoom, seconded by Ald. Rue Simmons. The motion carried 6-0.

**APPROVAL OF MINUTES**

**Approval of the minutes of the regular meeting of September 29, 2020**

Staff recommends approval of the minutes of September 29, 2020.

**For Action**

Moved by 5th Ward Alderman Robin Rue Simmons  
Seconded by 4th Ward Alderman Donald Wilson

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

**Carried 6-0 on a recorded vote**

**PUBLIC COMMENT**

Mike Vasilko commented on the City Manager search and expressed concern with loans to businesses.

**ITEMS FOR CONSIDERATION**

**2020 Emergency Solutions Grant Recommendation Allocating Funds to Specific Activities to Assist Homeless and Housing Insecure Evanston Residents**

The Housing & Homelessness Commission and staff recommend City Council adoption of 2020 Emergency Solutions Grant (ESG) allocations totaling \$158,463: \$146,579 to two social services agencies (Connections for the Homeless and the YWCA Evanston/North Shore) that provide housing and services for individuals and families who are homeless or at risk of homelessness, and \$11,884 to the City of Evanston for grant administration. Funding source is the City's 2020 Emergency Solutions Grant entitlement allocation in the amount of \$158,463 from the U.S. Department of Housing & Urban Development (Account 250.21.2128.XXXXX). Individual account numbers will be determined for external agencies and City administrative costs.

**For Action**

Moved by 3rd Ward Alderman Melissa Wynne  
Seconded by 5th Ward Alderman Robin Rue Simmons

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

**Carried 6-0 on a recorded vote**

**Approval of Vacation Rental License for a Coach House at an Owner-Occupied Property, 1131 Darrow Ave.**

Staff recommends City Council adoption of a Vacation Rental License for a coach house at an owner-occupied property at 1131 Darrow Ave. The Vacation Rental meets all of the Standards and Procedures for license approval. Additionally, staff seeks direction on future Vacation Rental Licensing of Accessory Dwelling Units.

**For Action**

Ald. Rue Simmons, Ald. Wllson, Ald. Rainey, and Ald. Revelle expressed support for approving future similar items administratively.

David Becker, homeowner, stated that they live on the premises and want to be good neighbors.

Ald. Rainey noted that if ADUs are used as vacation rentals that limits the goal of providing additional affordable housing but supports this request.

Moved by 3rd Ward Alderman Melissa Wynne  
Seconded by 8th Ward Alderman Ann Rainey

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

**Carried 6-0 on a recorded vote**

**Ordinance 95-O-20, Amending Title 6 of the Evanston Code to Revise Regulations Regarding Domestic Animal Daycare Centers and Kennels**

Plan Commission recommends City Council adoption of Ordinance 96-O-20, Amending Title 6 of the Evanston Code to Revise Regulations Regarding Domestic Animal Daycare Centers and Kennels. The Ordinance provides a text amendment to amend Section 6-18-3 - Definitions to increase the permitted hours of operation for a Domestic Animal Daycare Center and amend Section 6-12-2-3 – Special Uses to add Domestic Animal Daycare Centers and Kennels as Special Uses in the RP Research Park District.

**For Introduction**

Sarah Lewis, spoke in support of P3 and P4 as the prospective business owner.

Moved by 3rd Ward Alderman Melissa Wynne  
Seconded by 5th Ward Alderman Robin Rue Simmons

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

**Carried 6-0 on a recorded vote**

**Ordinance 96-O-20, Authorization to grant a Special Use Permit for a Daycare - Domestic Animal, and Kennel, Located at 900 Clark Street in the RP Research Park District ("Dogtopia of Northshore LLC")**

The Zoning Board of Appeals (ZBA), as well as City staff, recommend City Council adoption of Ordinance 96-O-20, authorization to grant a Special Use Permit for a Daycare - Domestic Animal and Kennel located at 900 Clark Street in the RP Research Park District. The applicant has complied with all zoning requirements and meets all of the standards of a special use for this district contingent on the adoption of concurrent legislation for a proposed text amendment to add said uses to the list of authorized special uses in the RP Research Park District.

**For Introduction**

In response to Ald. Wynne, Ms. Lewis anticipated a 3-month buildout after obtaining building permits.

Moved by 3rd Ward Alderman Melissa Wynne

**Draft**

Planning & Development Committee  
October 12, 2020

Seconded by 8th Ward Alderman Ann Rainey

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

**Carried 6-0 on a recorded vote**

**Ordinance 94-O-20, Granting Major Zoning Variations to Construct an Upper Story Dwelling Unit atop a One-Part Commercial Building in the B1a Business District and oCSC Central Street Corridor Overlay District (1800 Central Street).**

The Zoning Board of Appeals and Planning and Zoning staff recommend adoption, with conditions, of Ordinance 90-O-20, granting major zoning variations at 1800 Central Street to construct an upper story dwelling unit atop a one-part commercial building in the B1a Business District and oCSC Central Street Corridor Overlay District.

**For Introduction**

Ald. Revelle supported the requested variations as the building would fit in and the "missing middle" affordable housing would be a public benefit.

Ald. Wynne concurred and noted the project was a good use of airspace in the area.

Moved by 3rd Ward Alderman Melissa Wynne  
Seconded by 8th Ward Alderman Ann Rainey

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

**Carried 6-0 on a recorded vote**

**ITEMS FOR DISCUSSION**

**ITEMS FOR COMMUNICATION**

**ADJOURNMENT**

Ald. Wilson moved adjournment of the meeting, seconded by Ald. Revelle. The meeting was adjourned at 6:08 pm.



## 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 Nyden, Community Development Director; Scott Mangum,  
Planning and Zoning Administrator  
Subject: Resolution 87-R-20, Approving a Plat of Resubdivision for 1605-1631  
Chicago Avenue  
Date: October 26, 2020

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Recommended Action:

Plan Commission and Staff recommend adoption of Resolution 87-R-20 for approval of a two-lot Subdivision at 1605-1631 Chicago Avenue.

Council Action:

For Action

Summary:

Background

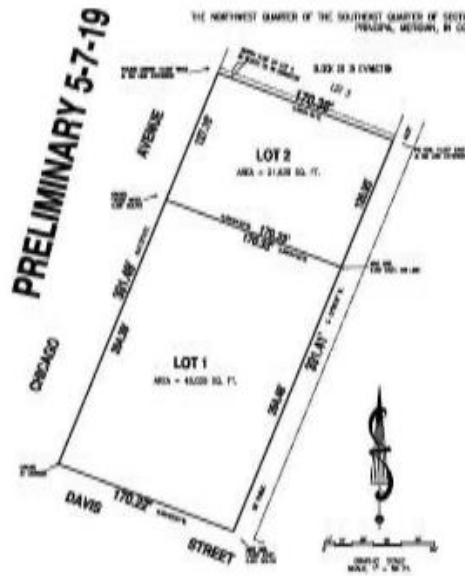
In 2013, the existing Merion building on the northeast corner of Chicago Avenue and Davis Street, was approved for an 8-story addition to the north. The Planned Development for the addition was approved for up to 205 dwelling units, 32 parking spaces (23 on-site, 9 leased), a FAR of 3.15 and established a special use for an Independent Living Facility. No site development allowances were needed and the development was to take place all on one 66,616.2-square foot parcel with 170.2 feet of frontage on Davis Street and 391.49 feet of frontage on Chicago Avenue. The development has since been constructed and is currently operating.

Proposal

No physical change is proposed for this portion of the existing property, however, the proposed subdivision of the parcel would create two parcels: a 21,644-square foot parcel with 127.1 feet of frontage on Chicago Avenue containing the existing one-story commercial building at 1621-31 Chicago Avenue (where new development is proposed); and a 44,972.2-square foot parcel with 264.39 feet of frontage on Chicago Avenue containing the original Merion building and its addition. Each of the two new lots would meet minimum requirements for zoning lots in the D4 Zoning District. The change in zoning lot size does, however, trigger



the need for a Major Adjustment to the 2013 planned development which is proposed for approval by Ordinance 98-O-20. By reducing the lot size the proposed adjustment would increase the FAR of the existing development. The applicant also proposes to increase the total number of parking spaces and reduce the total number of units. No new site development allowances would be needed.



*Proposed Plat of Survey*

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 (sidewalk, sewer, and water services) is needed unless new construction occurs on either lot. No new curb cut would be permitted on Lot 2.

Staff and the Plan Commission find that the proposed subdivision and adjustment maintains the zoning standards for approval as there are no physical changes proposed to the existing structures. No impacts are expected with regards to utilities, environmental features or architectural resources due to the proposed adjustment. The proposal will not interfere with or diminish the value of other properties in the neighborhood and maintains compatibility with the surrounding area.

Legislative History:

September 30, 2020 – Plan Commission voted to recommend approval of the subdivision and adjustment to the planned development at 1605-1631 Chicago Avenue, 6-0. A vote to recommend approval of the associated planned development failed with a 2-4 vote. [Link to Plan Commission Packet for September 30, 2020 Meeting](#)

May 13, 2020 – At the request of the applicant, the Commission voted to continue this item until such a time that a meeting could be held in-person to continue the review of the subdivision, major adjustment and associated planned development.

February 26, 2020 – Plan Commission began a review of the subdivision and major adjustment and then continued the hearing for these items and related planned development at the applicant's request in order to make changes to the planned development.

September 18, 2019 – DAPR Committee unanimously recommended approval of the proposed subdivision and major adjustment to the existing planned development but voted unanimously to recommend denial of the proposed planned development.

July 17, 2019 – DAPR Committee held the subdivision, major adjustment and proposed planned development in order to have the applicant make changes to their proposal

Attachments:

[Resolution 87-R-20 Approving Plat of Resubdivision at 1605-1631 Chicago Ave](#)  
[1605-31 Chicago Ave Subdivision and Major Adjustment Application Forms](#)  
[9.30.20 Plan Commission Meeting Minutes](#)  
[2.26.20 Plan Commission Meeting Minutes Excerpt](#)  
[Public Works Agency Memorandum dated October 19, 2020](#)

**87-R-20**

**A RESOLUTION**

**Approving a Plat of Resubdivision for 1605-1631 Chicago 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 1605-1631 Chicago 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 subdivision must substantially conform to the Preliminary Resubdivision plat prepared by B.H. Suhr & Company, Inc. dated May 7, 2019, except as such plat may be modified to conform to the City Code, Resolution, and Ordinance;

**SECTION 3:** The City Manager and/or his 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

\_\_\_\_\_  
Kelley A. Gandurski, Corporation Counsel

Adopted: \_\_\_\_\_, 2020

**EXHIBIT A**

**Legal Description**

LOT A IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PINS:** 11-18-403-020-0000, 11-18-403-021-0000000

**COMMONLY KNOWN AS:** 521-533 Davis Street & 1605-1631 Chicago Avenue, Evanston, Illinois

**EXHIBIT B**

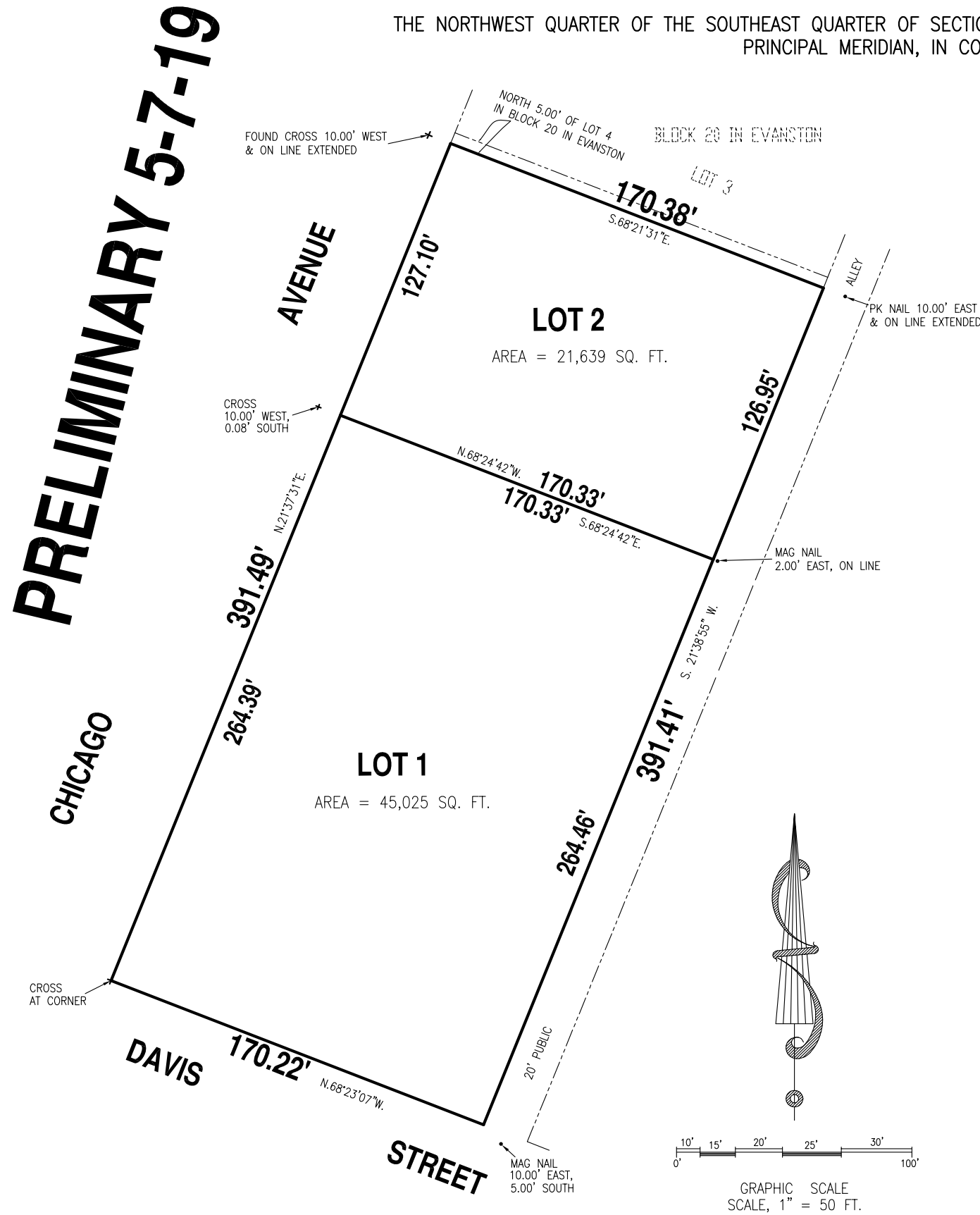
**Plat of Resubdivision**

~4~

# THE MERION SUBDIVISION

## IN

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



**OWNER'S CERTIFICATE:**  
STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

Horizon Group XXIII, LLC, an Illinois limited liability company, does hereby certify that it is the legal owner of the property described hereon, and that it has caused the same to be surveyed for the purpose of subdividing it into two (2) lots as shown hereon.

Dated this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

Horizon Group XXIII, LLC,  
an Illinois limited liability company

MANAGER

**NOTARY'S CERTIFICATE:**  
STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

I, \_\_\_\_\_, a Notary Public, in and for said County, in the State aforesaid, do hereby certify that \_\_\_\_\_, of Horizon Group XXIII, LLC, an Illinois limited liability company, personally known to me the same person whose name is subscribed to the foregoing instrument as such Manager, respectively, appeared before me this day in person and acknowledge that he/she signed and delivered the said instrument as 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

**COUNTY CLERK CERTIFICATE**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

County Clerk

**CITY COLLECTOR CERTIFICATE**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

I, \_\_\_\_\_, City Collector of the City of Evanston, Illinois, do hereby certify that there are no delinquent or unpaid current of forfeited special assessments, or any deferred installments thereon that have been apportioned against the tract of land included in this plat of Consolidation.

Dated this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

City Collector, Evanston, Illinois

**DIRECTOR OF COMMUNITY DEVELOPMENT CERTIFICATE**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

Director of Community Development

**DIRECTOR OF PUBLIC WORKS CERTIFICATE**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

Director of Public Works

**CHIEF FINANCIAL OFFICER CERTIFICATE**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

Chief Financial Officer

**CORPORATION COUNSEL CERTIFICATE**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

Approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

Corporation Council

**CITY CLERK CERTIFICATE**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

Approved by the Council of the City of Evanston, Illinois, at a meeting held on this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_, in witness whereof, I set my hand and affix the Corporate Seal of Evanston, this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

City Clerk

**LAND SURVEYOR'S CERTIFICATE:**

STATE OF ILLINOIS }  
COUNTY OF COOK }<sup>SS</sup>

B. H. SUHR & COMPANY, INC., does hereby certify that it has surveyed the following described property for the purpose of Subdividing it into two (2) Lot as shown hereon.

LOT A IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Dimensions are shown in feet and decimal parts thereof and are correct at 62 degrees Fahrenheit.

It, further certifies that this property is situated in Zone "X", (areas determined to be outside the 0.2% annual chance floodplain) per Insurance Rate Map, No. 17031C0270 J, effective date: August 19, 2008.

It, further certifies that the property shown on the plat hereon drawn is within the City of Evanston, Illinois, which has adopted a City Plan.

It further certifies that the plat hereon drawn is a correct representation of said survey and subdivision.

Dated at Evanston, Illinois, this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

# PRELIMINARY 5-7-19

Raymond R. Hansen  
Illinois Professional Land Surveyor No. 035-002542  
License Expiration Date 11/30/20

<b>B.H. SUHR &amp; COMPANY, INC.</b>	
<b>R. R. HANSEN</b> MEMBER: I.P.L.S.A. N.S.P.S.	SURVEYORS ESTABLISHED 1911 450 SKOKIE BLVD. SUITE 105, NORTHBROOK, ILLINOIS, 60062 TEL. (847) 864-6315 / FAX (847) 864-9341 E-MAIL: SURVEYOR@BHSUHR.COM
LOCATION <u>CHICAGO AVE. &amp; DAVIS ST.</u>	SURVEY DATE, <u>MAY 3,</u> 20 <u>19</u>
ORDER No. <u>19-33-SUB</u>	ORDERED BY: <u>HORIZON REALTY GROUP</u>
FC ©2019 B. H. Suhr & Company, Inc. All rights reserved.	

EXISTING P.I.N. 11-18-403-019-0000
SEND TAX BILL TO: HORIZON REALTY GROUP 1946 WEST LAWRENCE AVENUE CHICAGO, IL 60640

SUBMITTED BY AND RETURN PLAT TO: CITY OF EVANSTON DEPARTMENT OF PUBLIC WORKS 2100 RIDGE AVENUE EVANSTON, ILLINOIS 60204
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# PLAT OF SUBDIVISION APPLICATION

zoning office use only

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

## 1. PROPERTY

Address 1605-1631 Chicago Ave.

Permanent Identification Number(s):

PIN 1: 1 1 - 1 8 - 4 0 3 - 0 2 0 - 0 0 0 0 PIN 2: 1 1 - 1 8 - 4 0 3 - 0 2 1 - 0 0 0 0

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

## 2. APPLICANT

Name: \_\_\_\_\_

Organization: Horizon Realty Group (attn: Jeff Michael)

Address: 1946 West Lawrence Ave.

City, State, Zip: Chicago, IL 60640

Phone: Work: (773) 529-7200 Home: \_\_\_\_\_ Cell/Other: (847) 812-8768

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

E-mail: JMichael@horizonrealtygroup.com

Please circle the primary means of contact.

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

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

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

Name(s) or Organization: Horizon Group XXIII, LLC

Address: 1946 West Lawrence Ave.

City, State, Zip: Chicago, IL 60640

Phone: Work: (773) 529-7200 Home: \_\_\_\_\_ Cell/Other: (847) 812-8768

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

E-mail: JMichael@horizonrealtygroup.com

Please circle the primary means of contact.

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

Property Owner(s) Signature(s) -- REQUIRED

Date

5/31/19

## 4. SIGNATURE

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

Applicant Signature -- REQUIRED

Date

5/31/19



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## 5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

- (This) Completed and Signed Application Form
- Original Plat of Survey (3 copies) Date of Survey: April 17, 2019
- Compliant Zoning Analysis Date: \_\_\_\_\_ Case#: see 19ZONA-0014 (updated)
- Proof of Ownership Document Submitted: Chicago Title Owner's Policy  
(Policy No. 1401-008861207 D1)
- Proposed Plat of Subdivision (3 copies)
- Legal Description of the Proposed Lots
- Electronic version of all documents above (pdf version preferred)
- Application Fee \$330

### Notes:

- **Incomplete applications will not be accepted.** Applications lacking any required documents or materials will not be accepted. Incomplete applications cannot be "held" at the zoning office.
- **Documents, drawings, or other materials submitted as part of other applications** (for example, building permit applications, or applications for Certificates of Appropriateness [Preservation Commission]) cannot be copied by the Zoning Office for submission with this application. Separate copies must be provided.
- **Recorded Plat of Subdivision** - Mylar Plat of subdivision will have to be submitted prior to City Council review of the proposed subdivision. If approved and once recorded, one (1) paper copy of the recorded plat must be submitted to the Community Development Department – Zoning Office.
- **Compliant Zoning Analysis and Certificate of Zoning Compliance** - Prior to filing for subdivision approval, you must first apply for a zoning analysis of the proposed subdivision. Only a compliant zoning analysis can be submitted with the application for approval of the subdivision.
- **Proof of Ownership** - Accepted documents for proof of ownership include: deed, mortgage, contract to purchase, and closing documents (price may be blacked out on submitted documents). **A tax bill cannot be accepted as proof of ownership.**
- **The application and all required additional materials need to be submitted in person to:**

City of Evanston,  
Community Development Department,  
Zoning Office Room 3202  
2100 Ridge Avenue  
Evanston, IL 60201

Hours of Operation:  
Monday – Friday, 8:30am – 5:00 pm  
Excluding holidays

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**6. DESCRIPTION OF PROPOSAL**

A. Describe the proposed subdivision, consolidation or re-subdivision:

The subject property consists of two tax parcels. The proposed subdivision would create 2 lots contiguous with the existing tax parcels. Proposed Lot 1 encompasses the existing Merion buildings at 1605-1619 Chicago Ave. consisting of The Merion non-residential retirement home/independent living use and ground level retail, as permitted in the D4 zoning district and by special use zoning approved by Ordinance No. 86-O-13. Proposed Lot 2 encompasses the existing single-story multi-tenant retail commercial building. This proposed Lot 2 is the site of a proposed Planned Development apartment building to be known as the Merion Legacy at 1621-1631 Chicago Ave.

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B. What is the purpose of the proposed subdivision, consolidation or re-subdivision?

The proposed subdivision is necessitated by the pending proposed Planned Development for an apartment building at 1621-1631 Chicago Avenue. The proposed Merion Legacy apartment PD land area needs to be separated from the land area encompassing the Merion PD. The ordinance approving the Merion PD, Ord. No. 86-O-13, encompasses the all of proposed Lots 1 and 2. This subdivision would (i) separate proposed Lot 1 to encompass only the existing multi-story Merion retirement home/independent living buildings, and (ii) separate Lot 2 for future development as the Merion Legacy apartment PD. With this subdivision, the existing Merion PD could be amended to reduce the land area such that only proposed Lot 1 is subject to Ord. No. 86-O-13. This would remove proposed Lot 2 from Ord. No. 86-O-13 and allow consideration of the proposed Merion Legacy planned development on proposed Lot 2.

CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (2006)  
SCHEDULE A

POLICY NUMBER: 1401 - 008861207 - D1

DATE OF POLICY: SEPTEMBER 12, 2012

AMOUNT OF INSURANCE: ██████████

1. NAME OF INSURED:

HORIZON GROUP XXIII, AN ILLINOIS LIMITED LIABILITY COMPANY

2. THE ESTATE OR INTEREST IN THE LAND THAT IS INSURED BY THIS POLICY IS:  
FEE SIMPLE, UNLESS OTHERWISE NOTED.

3. TITLE IS VESTED IN:  
THE INSURED

4. THE LAND HEREIN DESCRIBED IS ENCUMBERED BY THE FOLLOWING MORTGAGE OR TRUST DEED  
AND ASSIGNMENTS:

COMMERCIAL MORTGAGE (INCLUDING SECURITY AGREEMENT, ASSIGNMENT OF RENTS AND LEASES AND  
FIXTURE FILING) DATED AUGUST 30, 2012 AND RECORDED SEPTEMBER 12, 2012 AS DOCUMENT  
1225601077 MADE BY HORIZON GROUP XXIII, AN ILLINOIS LIMITED LIABILITY COMPANY TO  
THE NORTHERN TRUST COMPANY TO SECURE A NOTE IN THE AMOUNT OF \$██████████

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

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CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (2006)  
SCHEDULE A (CONTINUED)

POLICY NUMBER: 1401 - 008861207 - D1

5. THE LAND REFERRED TO IN THIS POLICY IS DESCRIBED AS FOLLOWS:

LOT "A" IN THE PLAT OF CONSOLIDATION, OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF)  
AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN THE VILLAGE OF EVANSTON, BEING A  
SUBDIVISION OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 41  
NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

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OPLC06 9/11 wlp IL-FA83-TEA-7200306-1-12-METRO-1401-008861207

JL7 03/28/18 15:23:51

CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (2006)  
SCHEDULE B

POLICY NUMBER: 1401 - 008861207 - D1

EXCEPTIONS FROM COVERAGE

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE, THE COMPANY WILL NOT PAY COSTS, ATTORNEY'S FEES OR EXPENSES THAT ARISE BY REASON OF:

GENERAL EXCEPTIONS:

- (1) RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT SHOWN BY PUBLIC RECORDS.
- (2) ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND.
- (3) EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY PUBLIC RECORDS.
- (4) ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT SHOWN BY THE PUBLIC RECORDS.
- (5) TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS.

6.

1. TAXES FOR THE YEAR(S) 2011 AND 2012  
2012 TAXES ARE NOT YET DUE OR PAYABLE.

- 1A. NOTE: 2011 FIRST INSTALLMENT WAS DUE MARCH 1, 2012  
NOTE: 2011 FINAL INSTALLMENT WAS DUE AUGUST 1, 2012

PERM TAX#	PCL	YEAR	1ST INST	STAT
11-18-403-019-0000	1 OF 1	2011	\$368,685.81	PAID

FINAL INSTALLMENT OF 2011 TAXES IN THE AMOUNT OF \$305,002.65 IS PAID

PERM TAX# 11-18-403-019-0000 PCL 1 OF 1 VOLUME 57

- 4A SPECIAL SERVICE AREA NUMBER 4, CITY OF EVANSTON, RECORDED AS DOCUMENT NUMBER 0434404070, ORDINANCE NUMBER 52-0-97.

7. RESTRICTIONS CONTAINED IN DEED RECORDED FEBRUARY 17, 1857 AS DOCUMENT 81567 AND RECORDED MARCH 3, 1863 AS DOCUMENT 63409 PROHIBITING THE MANUFACTURE, SALE OR GIVING AWAY OF LIQUORS

NOTE: SAID INSTRUMENT CONTAINS NO PROVISION FOR A FORFEITURE OF OR REVERSION OF

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CHICAGO TITLE INSURANCE COMPANY  
OWNER'S POLICY (2006)  
SCHEDULE B

POLICY NUMBER: 1401 - 008861207 - D1

EXCEPTIONS FROM COVERAGE (CONTINUED)

TITLE IN CASE OF BREACH OF CONDITION

(AFFECTS LOTS 6, 7, 8 AND 9)

- E 8. COVENANT RECORDED SEPTEMBER 14, 1978 AS DOCUMENT 24627321 MADE BY EXCHANGE NATIONAL BANK AS TRUSTEE UNDER < NO 25168 AND NORTH SHORE HOTEL LTD., THAT THE PRESENT AND FUTURE OWNERS OF THE BUILDING SHALL LEASE OR OTHERWISE PROVIDE ONE OFF-STREET PARKING SPACE FOR EACH VEHICLE OWNED OR REGISTERED TO A RESIDENT OF THE RETIREMENT HOTEL. IN NO EVENT SHALL THE SPECIAL USE PERMITTEE PROVIDE LESS THAN 15 OFF STREET PARKING SPACES.

(AFFECTS LOTS 6, 7, 8, AND 9)

- F 9. ENCROACHMENT OF THE CAR PORT LOCATED MAINLY ON THE LAND ONTO THE PROPERTY WEST AND ADJOINING BY AN UNDISCLOSED AMOUNT, AS SHOWN ON PLAT OF SURVEY NUMBER 12-175 PREPARED BY B.H. SUHR & COMPANY, INC. DATED JULY 10, 2012

- G 10. ENCROACHMENT OF CANOPIES OVER THE WEST LINE AND SOUTH LINE AND ENCROACHMENT OF CONCRETE WALL OVER THE EAST LINE BY 1.10 FEET MORE OR LESS AS DISCLOSED BY SURVEY AFORESAID.

- H 11. ENCROACHMENT OF ONE STORY BRICK BUILDING LOCATED ON PROPERTY NORTH AND ADJOINING OVER AND ONTO THE LAND BY 0.10 FEET AS DISCLOSED BY SURVEY AFORESAID.

- AK 12. EXISTING UNRECORDED LEASES AS DISCLOSED BY THE RENT ROLL ATTACHED TO ALTA STATEMENT DATED AUGUST 30, 2012 WHICH CONTAIN NO RIGHT TO EXTEND OR PURCHASE.

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OPB1C06 9/11 wlp IL-FA83-TEA-7200306-1-12-METRO-1401-008861207

JL7 03/28/18 15:23:52

Plat of Survey

and

proposed 2-lot plat of The Merion Subdivision

Full size copies of the Plat of Survey and the proposed plat of The Merion Subdivision were previously filed with the City of Evanston.

1605-1631 Chicago Ave. - Plat of Subdivision Application

Legal Description of the two proposed lots of The Merion Subdivision:

Lots 1 and 2 in The Merion Subdivision being a subdivision of Lot A in Plat of Consolidation of Lot 4 (except the North 5 feet thereof) and all of Lots 5, 6, 7, 8 and 9 in Block 20 in Evanston, in the Northwest Quarter of the Southeast Quarter of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.



# PLAT of SURVEY

LEGAL DESCRIPTION:  
 LOT A IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

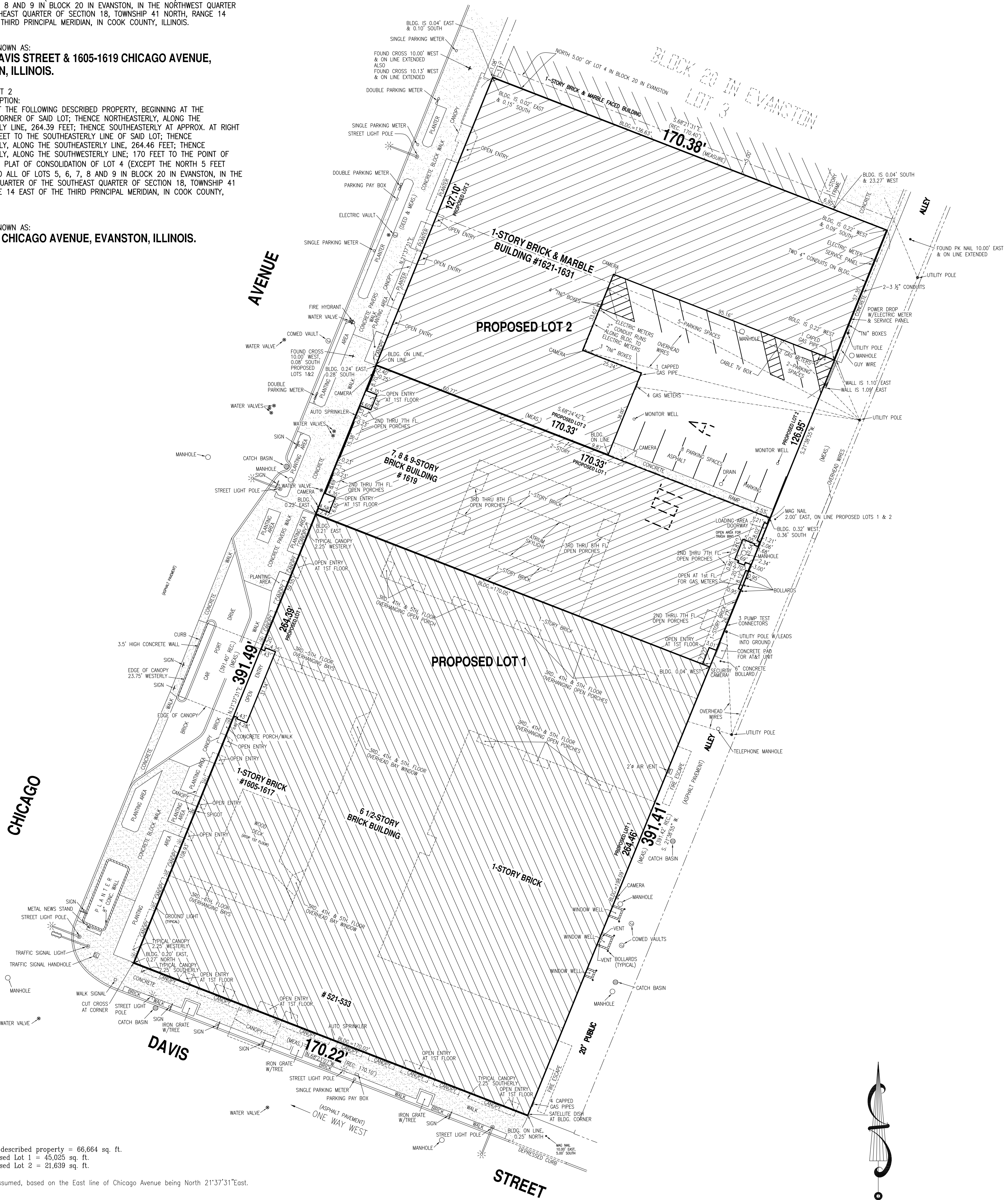
COMMONLY KNOWN AS: 521-533 DAVIS STREET & 1605-1619 & 1621-1631 CHICAGO AVENUE, EVANSTON, ILLINOIS.

PROPOSED LOT 1  
 LEGAL DESCRIPTION:  
 THAT PART OF LOT A DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE, 264.39 FEET; THENCE SOUTHEASTERLY AT APPROXIMATELY AT RIGHT ANGLE, 170 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINE, 264.46 FEET; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY LINE, 170 FEET TO THE POINT OF BEGINNING, IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS:  
 521-533 DAVIS STREET & 1605-1619 CHICAGO AVENUE, EVANSTON, ILLINOIS.

PROPOSED LOT 2  
 LEGAL DESCRIPTION:  
 LOT A EXCEPT THE FOLLOWING DESCRIBED PROPERTY, BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE, 264.39 FEET; THENCE SOUTHEASTERLY AT APPROX. AT RIGHT ANGLE 170 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINE, 264.46 FEET; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY LINE, 170 FEET TO THE POINT OF BEGINNING, IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS:  
 1621-1631 CHICAGO AVENUE, EVANSTON, ILLINOIS.



**SITE NOTES:**  
 Total Area of described property = 66,664 sq. ft.  
 Area of proposed Lot 1 = 45,025 sq. ft.  
 Area of proposed Lot 2 = 21,639 sq. ft.

Bearings are assumed, based on the East line of Chicago Avenue being North 21°37'31" East.

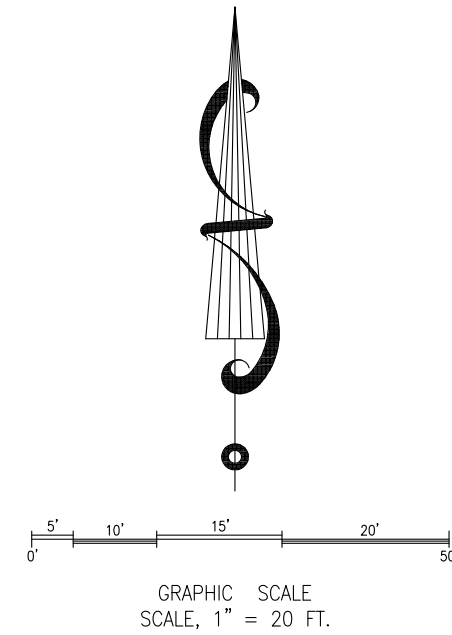
**TEXT LEGEND:**  
 TNI = Telephone Network Interface

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

<b>B.H. SUHR &amp; COMPANY, INC.</b>	
R. R. HANSEN MEMBER: I.P.S.S.A. N.S.P.S.	SURVEYORS ESTABLISHED 1911 450 SKOKIE BLVD., SUITE 105, NORTHBROOK, ILLINOIS, 60062 TEL. (847) 944-3315 / FAX (847) 944-9341 E-MAIL: SURVEYOR@BHSUR.COM
LOCATION 1621-29 CHICAGO AVENUE	SURVEY DATE APRIL 17, 2019
ORDER No. 19-33	ORDERED BY HORIZON REALTY GROUP
5/7/2019 - REVISED ADDRESSES	

FIELD MEASUREMENTS COMPLETED APRIL 17, 2019

STATE OF ILLINOIS )  
 COUNTY OF COOK )  
 This is to certify that a survey of the above described property was performed under my supervision and that the above plat correctly represents said survey. This professional service conforms to the current Illinois Minimum Standards for a boundary survey.  
 By: *Raymond R. Hansen* Dated: MAY 7, 2019  
 Raymond R. Hansen  
 Illinois Professional Land Surveyor No. 035-002542  
 License Expiration Date 11/30/20

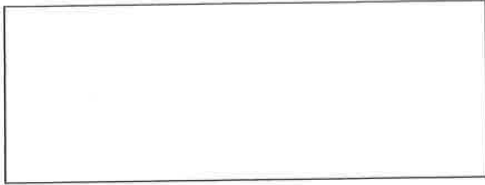








# PLANNED DEVELOPMENT APPLICATION



Case Number: \_\_\_\_\_

## 1. PROPERTY

Address(es)/Location(s)

1605-1631 Chicago Avenue

Brief Narrative Summary of Proposal:

This application is filed as an adjustment of lot size to Ordinance 86-O-13 (Case No. 13PLND-0052) "Granting Special Use Permits for a Planned Development and Independent Living Facility at 1611-1629 Chicago Ave.", commonly known as The Merion. The subject property in Ord. 86-O-13 included a parcel that is currently the subject of a PD application concerning 1621-1631 Chicago Ave., known as the Merion Legacy apartment development. Subsequent to approval of Ord. 86-O-13, the owner, Horizon Group XXIII, LLC, in 2015 obtained a tax parcel division of the subject property. In connection with the currently proposed PD application for 1621-1631 Chicago Ave., and to accomplish a legal separation of the properties, Horizon Group XXIII, LLC has filed a 2 lot plat of subdivision consistent with the tax parcel boundaries. This application is filed to reduce the land area applicable to Ord. 86-O-13. The resulting FAR increases from 3.15 to 4.19 [calculated as: 188,457 sf (existing Merion buildings) / 45,025 sf (reduced site area of Lot 1)]. The resulting 4.19 FAR on Lot 1 is below the maximum 4.5 FAR for the Merion, an existing non-residential retirement home/independent living use in the D4 zoning district. No site development allowance is required by this reduction in lot area.

## 2. APPLICANT

Name: \_\_\_\_\_ Organization: Horizon Realty Group (attn: Jeff Michael)

Address: 1946 West Lawrence Ave. City, State, Zip: Chicago, IL 60640

Phone: Work: (773) 529-7200 Home: \_\_\_\_\_ Cell/Other: (847) 812-8768

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

E-mail: JMichael@horizonrealtygroup.com  
also: David@beckergurian.com

Please circle the primary means of contact.

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

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

## 3. SIGNATURE

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

[Signature]  
Applicant Signature – REQUIRED

5/31/19  
Date

---

#### 4. PRE-SUBMISSION REQUIREMENTS

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

- A. Complete a Zoning Analysis of the Development Plan  
The Zoning Office staff must review the development plan and publish a written determination of the plan's level of compliance with the zoning district regulations. Apply at the Zoning Office.
- B. Present the planned development at a pre-application conference  
Contact the Zoning Office to schedule a conference with the Site Plan and Appearance Review Committee, the alderman of the ward and the chairman of the Plan Commission.

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#### 5. REQUIRED SUBMISSION DOCUMENTS AND MATERIALS

- (This) Completed Application Form
- Application Fee, including postage for required mailing
- Two (2) Copies of Application Binder

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

- Certificate of Disclosure of Ownership Interest Form
- Plan drawing illustrating development boundary and individual parcels and PINs (See tax parcel Division Report of the Cook County Assessor and tax parcel division illustration)
- Plat of Survey of Entire Development Site
- Zoning Analysis Results Sheet **\*\*[see Case No. 19ZONA-0014 (updated)]**
- Preliminary Plat of Subdivision.
- Pre-application Conference Materials.
- Development Plan
- Landscape Plan
- Statement addressing how the planned developments approval will further public benefits
- Statement describing the relationship with the Comprehensive Plan and other City land use plans
- Statement describing the development's compliance with any other pertinent city planning and development policies.
- Statement addressing the site controls and standards for planned developments
- Statement of proposed developments compatibility with the surrounding neighborhood
- Statement of the propose developments compatibility with the design guidelines for planned developments
- Statements describing provisions for care and maintenance of open space and recreational facilities and proposed articles of incorporation and bylaws.
- Restrictive Covenants
- Schedule of Development
- Market Feasibility Statement
- Traffic Circulation Impact Study
- Statement addressing development allowances for planned developments

#### Notes:

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

**6. OTHER PROFESSIONAL REPRESENTATIVE INFORMATION**

**Attorney**

Name: David Meek Organization: The Law Office of David Meek, LLC  
Address: 513 Central Ave., Suite 400 City, State, Zip: Highland Park, IL 60035  
Phone: (847) 579-6943 Fax: (847) 433-2025 Email: david@beckergurian.com

**Architect**

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

**Surveyor**

Name: Raymond R. Hansen Organization: B.H. Suhr & Company, Inc.  
Address: 450 Skokie Blvd., Ste. 150 City, State, Zip: Northbrook, IL 60062  
Phone: (847) 864-6315 Fax: (847) 864-9341 Email: surveyor@bhsuhr.com

**Civil Engineer**

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

**Traffic Engineer**

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

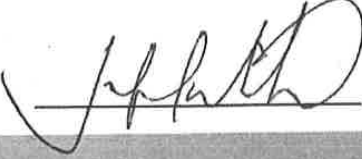
**Other Consultant**

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

**7. MULTIPLE PROPERTY OWNERS**

Use this page if the petition is on behalf of many property owners.

"I understand that the regulations governing the use of my property may change as a result of this petition. By signing below, I give my permission for the named petitioner on page 1 of this form to act as my agent in matters concerning this petition. I understand that 1) the named petitioner will be the City of Evanston's primary contact during the processing of this petition, 2) I may not be contacted directly by City of Evanston staff with information regarding the petition while it is being processed, 3) I may inquire the status of this petition and other information by contacting the Zoning Office, and 4) the property owners listed below may change the named petitioner at any time by delivering to the Zoning Office a written statement signed by all property owners and identifying a substitute petitioner."

NAME and CONTACT INFORMATION (telephone or e-mail)	ADDRESS (es) or PIN(s) of PROPERTY OWNED	SIGNATURE
Horizon Realty Group XXIII, LLC 1946 W. Lawrence Ave.	1621-1631 Chicago Ave. 11-18-403-021-0000	
Chicago, IL 60640 Attn: Jeff Michael JMichael@horizonrealtygroup.com	and also: 1605-1619 Chicago Ave. 11-18-403-020-0000	

Copy this form if necessary for a complete listing.



# City of Evanston DISCLOSURE STATEMENT

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

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

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

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

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

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

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

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

a. Names and addresses of all officers and directors.

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

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

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

*See attached organizational chart.*

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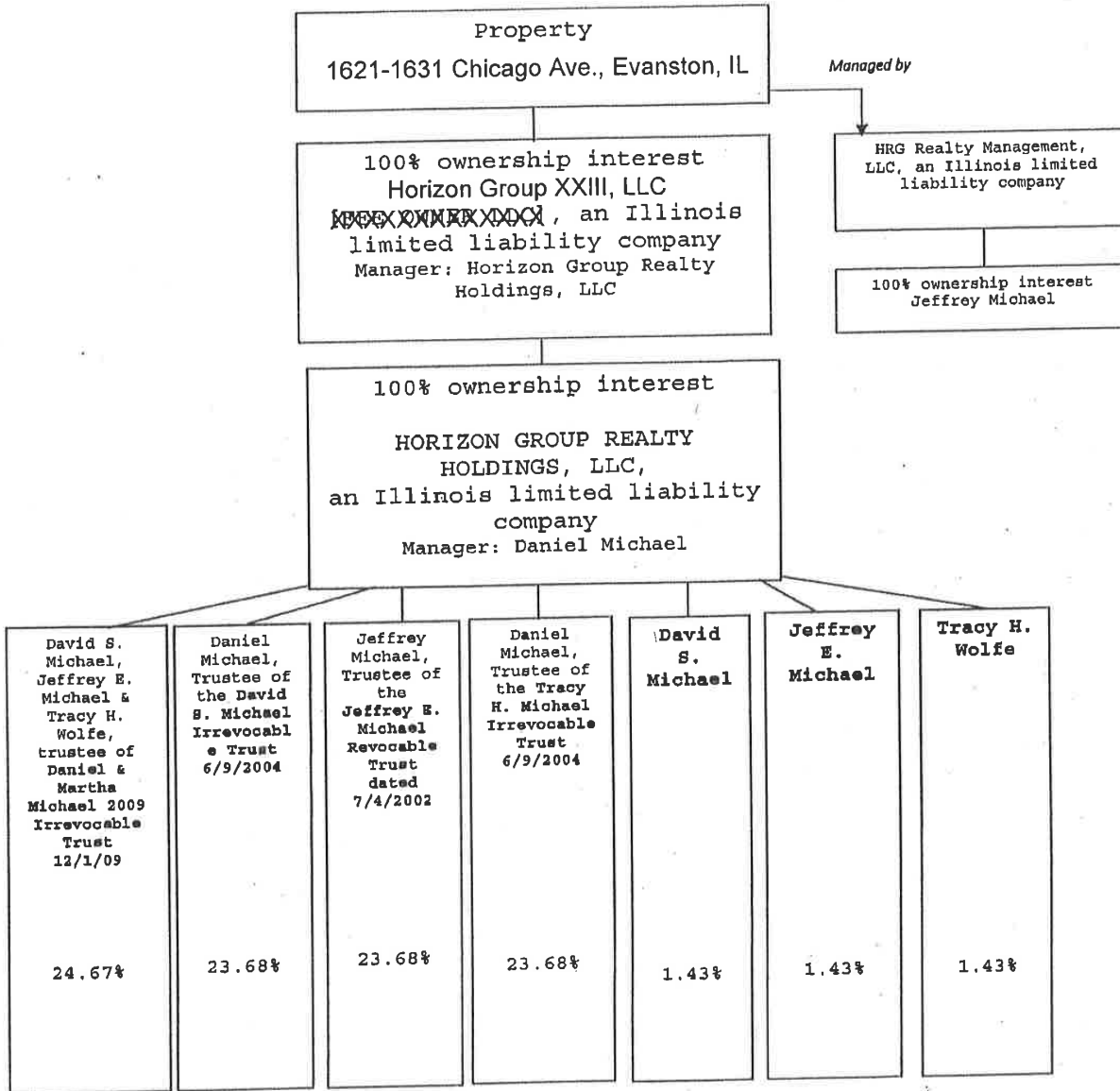
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Current through: 1/1/18

ORGANIZATIONAL CHART:



Development Parcel Boundaries

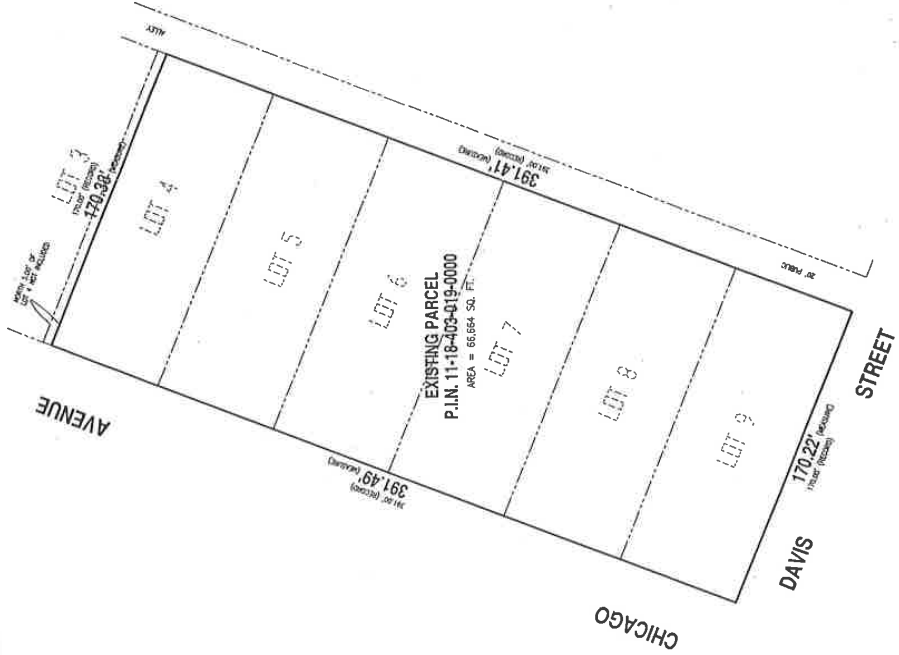
See enclosed records of the tax parcel division of the subject property as it existed when Ord. 86-O-13 was approved. The owner subsequently divided the subject property into 2 separate tax parcels. See also proposed Plat of Subdivision of the subject property, as indicated in the Plat of Subdivision Application filed concurrently with this major adjustment of The Merion Planned Development (Ord. 86-O-13).

1605-1631 Chicago Ave. - Planned Development Application - Major Adjustment (lot size)

**EXISTING TAX PARCEL**

P.L.N. 11-18-403-019-0000:

LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN DIVISION IN THE NORTHWEST QUARTER OF SECTION 14, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



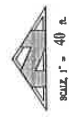
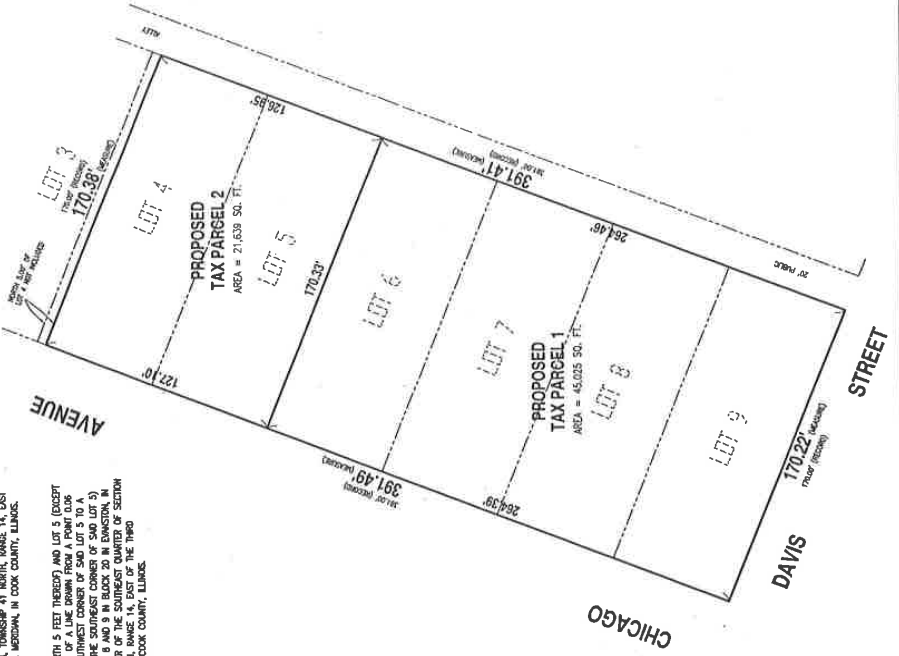
**PROPOSED TAX PARCELS**

TAX PARCEL 1:

LOT 3 (EXCEPT THE PART CONTAINING MORE THAN A ONE HUNDRED FIFTY (150) FEET OF THE NORTH 5 FEET THEREOF) AND THE WESTMOST CORNER OF SAID LOT 3 TO A POINT 0.15' NORTH OF THE SOUTHWEST CORNER OF SAID LOT 5) AND ALL OF LOTS 6, 7, 8 AND 9 IN BLOCK 20 IN DIVISION, IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

TAX PARCEL 2:

LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND LOT 5 (EXCEPT THE PART THEREOF CONTAINING MORE THAN A ONE HUNDRED FIFTY (150) FEET OF THE NORTH 5 FEET THEREOF) AND THE WESTMOST CORNER OF SAID LOT 5 TO A POINT 0.15' NORTH OF THE SOUTHWEST CORNER OF SAID LOT 5) AND ALL OF LOTS 6, 7, 8 AND 9 IN BLOCK 20 IN DIVISION, IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



STATE OF ILLINOIS }  
 COUNTY OF COOK } ss.  
 This is to certify that we have prepared the above sketch from existing plans and records.

By \_\_\_\_\_  
 B.H. SUHR & COMPANY, INC.  
 SURVEYORS

By \_\_\_\_\_  
 Matthew L. Hansen  
 Illinois Professional Land Surveyor No. 035-026542  
 License Expiration Date 11/30/18

EVANSTON, ILLINOIS, OCTOBER 5, 2015

**B.H. SUHR & COMPANY, INC.**  
 PROFESSIONAL SURVEYORS  
 840 CULTEWA AVENUE, EVANSTON, ILLINOIS 60122  
 PHONE: 847.329.1111  
 FAX: 847.329.1111  
 E-MAIL: SURVEY@BHSUHR.COM

LOCATED BY: \_\_\_\_\_ EVANSTON, ILLINOIS, OCTOBER 5, 2015  
 ORDER NO. \_\_\_\_\_ 15-255 ORDERED BY: \_\_\_\_\_ HORIZON REALTY GROUP

150377 - Issue 1.1.1 - Rev. 1.0 - 11/15/14



# COOK COUNTY ASSESSOR'S OFFICE

Joseph Berrios, Cook County Assessor

118 North Clark Street, Chicago, IL 60602

Phone: 312.443.7550 Website: www.cookcountyassessor.com

February 24, 2016

## Division Report

Division: 2016-01046  
Township: EVANSTON

Tax Year: 2016  
Division Date: 12/03/2015

Petition No.	Date	Petitioner
2016-0563	10/20/2015	MICHAEL JOHN PETERS

### Existing PIN(s)

Permanent Index Number: 11-18-403-019-0000

<u>Sec</u>	<u>Twn</u>	<u>Rng</u>	<u>Lot</u>	<u>SubBlk</u>	<u>Outlot</u>
------------	------------	------------	------------	---------------	---------------

Tract

#### Tax Payer

HORIZON REALTY GROUP

1946 W LAWRENCE AVE CHICAGO , IL 60640-4010

P/A: 1611 CHICAGO AVE

EVANSTON , IL 602016019

Assessment Status: Assessable

Exempt Code: 0

Volume: 57

Taxcode: 17021

Legal Description:

### New PIN(s)

Permanent Index Number: 11-18-403-020-0000

<u>Sec.</u>	<u>Twn.</u>	<u>Rng.</u>	<u>Lot</u>	<u>SubBlk</u>	<u>Outlot</u>
18	41	14			

Tract 1

#### Tax Payer

HORIZON GROUP XXIII, LLC

1940 W LAWRENCE AVE CHICAGO, IL 60640

P/A: 0000001611 CHICAGO AVE

EVANSTON, IL 602010000

Assessment Status: Assessable

Exempt Code:

Volume: 57

Taxcode: 17021

Legal Description:

THAT PART OF LOT A DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE, 264.39 FEET; THENCE SOUTHEASTERLY AT APPROXIMATELY A RIGHT ANGLE, 170 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINE, 264.46 FEET; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY LINE, 170 FEET TO THE POB

IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET) AND ALL OF LOTS 5 TO 9 IN BLOCK 20 IN THE VILLAGE OF EVANSTON IN SECTION 13-41-13 AND IN 7, 19 AND OF

Division No. 2016-01046

Page: 1 of 2



# COOK COUNTY ASSESSOR'S OFFICE

**Joseph Berrios, Cook County Assessor**

118 North Clark Street, Chicago, IL 60602

Phone: 312.443.7550 Website: www.cookcountyassessor.com

February 24, 2016

## Division Report

Permanent Index Number: 11-18-403-021-0000

Sec.	Twn.	Rng.	Lot	SubBlk	Outlot
18	41	14			

Tract 2

Tax Payer

HORIZON GROUP XXIII, LLC

1940 W LAWRENCE AVE CHICAGO, IL 60640

P/A: 0000001627 CHICAGO AVE

EVANSTON, IL 602010000

Assessment Status: Assessable

Exempt Code:

Volume: 57

Taxcode: 17021

Legal Description:

LOT A (EXCEPT THAT PART OF LOT A DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE, 264.39 FEET; THENCE SOUTHEASTERLY AT APPROXIMATELY A RIGHT ANGLE, 170 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINE, 264.46 FEET; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY LINE, 170 FEET TO THE POB)

IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET) AND ALL OF LOTS 5 TO 9 IN BLOCK 20 IN THE VILLAGE OF EVANSTON IN SECTION 13-41-13 AND IN 7, 19 AND OF



(See Page 11-18A for Balance of  
& Other Plots in this Tract)

PT-031 N. STAIRWELL (#3)  
(23.5 to 75.48 FLECD)

PT-032 APT Levels 2 to 5 (#4)  
(40.83 to 75.48 FLECD)

PT-033 GARAGE Level 4 (#5)  
(50.8 to 63.44 FLECD)

PT-034 GARAGE Level 5 (A to C)  
(54.77 to 75.48 FLECD)

APT Levels 6 to 9 (#7)  
(Above 75.48 FLECD)

## Zoning Analysis Summary

**Case Number:**

**Case Status/Determination:**

19ZONA-0101

Compliant

**Proposal:**

Subdivision of existing parcel and subsequent Major Adjustment of a Planned Development for the Merion (Case 13PLND-0052 approved by Ordinance 86-O-13). No proposed changes to existing structures.

**Zoning Section:**

**Comments:**

6-11-5-6

FAR increase from 3.15 to 4.5 compliant, no site development allowance needed.

6-16-2-1

38 total parking spaces all leased off-site within 1,000 ft. of the property. 9 required to be leased per 86-O-13. 23 on-site parking spaces will be on different parcel with proposed subdivision and will possibly be removed with a new development. No site development allowance needed.

6-11-5-4

Number of total units is 186 down from 205 as listed in 86-O-13. This includes 65 dwelling units with full kitchens. No site development allowance needed.

Note:

# City of Evanston ZONING ANALYSIS REVIEW SHEET

**APPLICATION STATUS:** June 24, 2019

**RESULTS OF ANALYSIS:** Compliant

**Z.A. Number:** 19ZONA-0101  
**Address:** 1619 Chicago AVE  
**Applicant:** Jeff Michael  
**Phone:** 7735297200

**Purpose:** Plat of Subdivision, Consolidation, etc.  
**District:** D4      **Overlay:**      **Preservation**  
**Reviewer:** Meagan Jones      **District:**

**THIS APPLICATION PROPOSES (select all that apply):**

- |                         |                             |               |
|-------------------------|-----------------------------|---------------|
| New Principal Structure | Change of Use               | Sidewalk Cafe |
| New Accessory Structure | Retention of Use            | Other         |
| Addition to Structure   | X Plat of Resubdiv./Consol. |               |
| Alteration to Structure | Business License            |               |
| Retention of Structure  | Home Occupation             |               |

**ANALYSIS BASED ON:**

**Plans Dated:**  
**Prepared By:** B.H. Suhr  
**Survey Dated:**  
**Existing Improvements:** Independent Living Facility

**Proposal Description:**

Plat of Subdivision and Major Adjustment to existing PD approved by ordinance 86-O-13

## ZONING ANALYSIS

### PLANNED DEVELOPMENT THRESHOLDS

Does not apply to I1, I2, I3, OS, U3, or Excluded T1 & T2 Properties. See Section 6-8-1-10(D) for R's; Section 6-9-1-9(D) for B's; Section 6-10-1-9(D) for C's; Section 6-11-1-10(D) for D's; Section 6-12-1-7(D) for RP; Section 6-13-1-10(D) for MU & MUE; Section 6-15-1-9 for O1, T's, U's, oH, oRE, & oRD.

- |  |     |
|--|-----|
| 1. Is the request for construction of substantially new structures or a substantial rehabilitation or substantial addition as defined by increasing floor area of principal structure by 35% or more? If not, skip to 2 & 4 below. | Yes |
| 2. Does the zoning lot area exceed 30,000 sqft?  | Yes |
| 3. Does the proposal entail more than 24 new residential, commercial, business, retail or office units in any combination?   | Yes |
| 4. Does the proposal entail the new construction of more than 20,000 sqft of true gross floor area at or above grade including areas otherwise excluded from defined gross floor area?   | No  |

### RESIDENTIAL DISTRICT CALCULATIONS

The following three sections apply to building lot coverage and impervious surface calculations in Residential Districts.

<u>Front Porch Exception (Subtract 50%)</u>	<u>Pavers/Pervious Paver Exception (Subtract</u>	<u>Open Parking Debit (Add 200sqft/open space</u>
Total Eligible Front Porch Regulatory Area	Total Paver Area Paver Regulatory Area	# Open Required Spaces Addtn. to Bldg Lot Cov.

### PRINCIPAL USE AND STRUCTURE

	Standard	Existing	Proposed	Determination
<b>USE:</b>		Independent Living Facility	Indep Living Facility	No Change

**Comments:**

<b>Minimum Lot Width (LF)</b>	No Requirement	393.2	266.1	Compliant
<b>USE:</b> Other				

**Comments:**

<b>Minimum Lot Area (SF)</b>		66616.2	44972.2	Compliant
<b>USE:</b>				

**Comments:**

**Dwelling Units:**

**Comments:**

LF: Linear Feet    SF: Square Feet    FT: Feet



	Standard	Existing	Proposed	Determination
<b>Rooming Units:</b> <b>Comments:</b>				
<b>Building Lot Coverage (SF)</b> (defined, including subtractions& additions): <b>Comments:</b>	None			
<b>Impervious Surface Coverage (SF, %)</b>  <b>Comments:</b>				
<b>Accessory Structure Rear Yard Coverage:</b> <b>Comments:</b>	40% of rear yard			
<b>Gross Floor Area (SF)</b> Use: All Uses <b>Comments:</b>		210088.2 3.15	188457.2 4.2	Compliant
<b>Height (FT)</b> <b>Comments:</b>				
<b>Front Yard(1) (FT)</b> Direction: W Street: Chicago Ave <b>Comments:</b>		0	0	No Change
<b>Front Yard(2) (FT)</b> Direction: Street: <b>Comments:</b>				
<b>Street Side Yard (FT)</b> Direction: S Street: Davis St <b>Comments:</b>		0	0	No Change
<b>Interior Side Yard(1) (FT)</b> Direction: N <b>Comments:</b>		0	0	No Change
<b>Interior Side Yard(2) (FT)</b> Direction: <b>Comments:</b>				
<b>Rear Yard (FT)</b> Direction: W <b>Comments:</b>		0	0	No Change

<b>PARKING REQUIREMENTS</b>				
	Standard	Existing	Proposed	Determination
<b>Use(1):</b>		23 off-street + 9 leased	38 (off-site, leased)	Compliant
<b>Comments:</b> 86-O-13 required 9 spaces to be leased to add to onsite open parking.				

LF: Linear Feet SF: Square Feet FT: Feet

	Standard	Existing	Proposed	Determination
--	----------	----------	----------	---------------

Use(2):

Comments:

Use(3):

Comments:

<b>TOTAL REQUIRED:</b>		32	38	Compliant
------------------------	--	----	----	-----------

Comments:

Handicap Parking Spaces                      Sec. 6-16-2-6

Comments:

Access:    Sec. 6-16-2-2

Comments:

Vertical Clearance (LF)                              7'

Comments:

Surfacing:    Sec. 6-16-2-8 (E)

Comments:

Location:    Sec. 6-4-6-2

Comments:

Angle(1):    Comments:

Width(W) (FT)

Comments:

Depth(D) (FT)

Comments:

Aisle(A) (FT)

Comments:

Module (FT)

Comments:

Angle(2):    Comments:

Width(W) (FT)

Comments:

Depth(D) (FT)

Comments:

Aisle(A) (FT)

Comments:

Module (FT)

Comments:

Garage Setback from

Alley Access (FT)

Comments:

**LOADING REQUIREMENTS**

	Standard	Existing	Proposed	Determination
<b>Loading Use:</b> Institutional Living	1 short 10K to 200K, 1 short each addtl. 100K.	1	1	No Change

Comments:

LF: Linear Feet    SF: Square Feet    FT: Feet

	Standard	Existing	Proposed	Determination
TOTAL (long):				
TOTAL (short):				
Long Berth Size (FT)	12' wide x 50' deep			
Comments:				
Short Berth Size (FT)	10' wide x 35' deep	10' X 35'		No Change
Comments:				
Vertical Clearance (FT)	14'			
Comments:				
Location:	Sec. 6-16-4-1			
Comments:				

**MISCELLANEOUS REQUIREMENTS**

	Standard	Existing	Proposed	Determination
Requirement (1):				
Comments:				
Requirement (2):				
Comments:				
Requirement (3):				
Comments:				

**COMMENTS AND/OR NOTES**

Analysis Comments

**RESULTS OF ANALYSIS**

Results of Analysis: This Application is **Compliant**  
 Site Plan & Appearance Review Committee approval is: **Required**  
 See attached comments and/or notes.

\_\_\_\_\_  
 SIGNATURE DATE

**APPROVED**



**MEETING MINUTES**

**PLAN COMMISSION**

Wednesday, September 30, 2020

7:00 P.M.

Virtual Meeting through Zoom Platform

Members Present: Peter Isaac (Chair), George Halik, John Hewko, Brian Johnson, Jeanne Lindwall, Kristine Westerberg

Members Absent: Jennifer Draper

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

Presiding Member: Chair Isaac

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**1. CALL TO ORDER / DECLARATION OF QUORUM**

Chair Isaac called the meeting to order at 7:03 P.M. Ms. Jones called the roll and a quorum was established.

**2. SUSPENSION OF THE RULES** Members participating electronically or by telephone

Commissioner Halik made a motion to suspend the rules to allow for electronic or telephone participation. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed, 6-0.

**3. APPROVAL OF MEETING MINUTES: September 9, 2020.**

Commissioner Halik made a motion to approve the minutes from the September 9, 2020 meeting. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed, 5-0, with one abstention.

**4. OLD BUSINESS**

**A. Subdivision/Major Adjustment to a Planned Development -  
1619 Chicago Avenue**

**19PLND-0059**

**The applicant, Horizon Realty Group, submits for a subdivision and Major Adjustment to a Planned Development in the D4 Downtown Transition District. The requested adjustment will increase FAR from 3.15 to 4.2, increase parking spaces from 32 (23 on-site, 9 leased) to 38 (all leased off-site), and a decrease in total**

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Plan Commission Minutes 9/30/20

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**number of units from 205 to 186 (includes 65 dwelling units). No new site development allowance will be needed.**

- B. Planned Development - 1621 Chicago Avenue 18PLND- 0112**  
The applicant, Horizon Realty Group, submits a planned development application to construct a 17-story apartment building with 215 units, 85 subterranean parking spaces, and approximately 3,539 sq. ft. of ground floor retail space in the D4 Downtown Transition District. Site development allowances are being requested for: 1) a building height of 185 ft. where 105 ft. is allowed), 2) an FAR of 10.38 where a maximum of 5.4 is allowed, 3) 215 dwelling units where 54 is maximum is allowed, and 4) 85 parking spaces where a minimum 162 is required. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances

Mr. Mangum provided a brief review of the subdivision, major adjustment to the existing planned development and a summary of revisions that have been made to the proposed planned development since the project was last before the Commission.

Chair Isaac opened the hearing to question from the Commission.

Commissioner Halik asked for clarification on the allowable building height as it relates to parking levels. Mr. Mangum clarified that up to 4-stories or 40 ft. (whichever is less) of levels that are at least 75% dedicated to parking do not count towards building height in the D4 District. The proposed development is proposing two levels of below grade parking but if those levels were above grade, they would not count towards the building height.

Commissioner Johnson asked how many existing curb cuts are on the block. Mr. Mangum responded that the block-face has an existing circular drive which has two curb cuts. The proposed porte-cochere would add a third two-way curb cut.

Mr. Permann then provided a summary and reasoning for the proposed development stating that it is a culmination of a vision for the Merion property. He explained that the team met with neighbors and stakeholders to find a common ground and in many cases was able to do so. He then referenced a policy article by Benjamin Schneider that pointed to the need for density in cities which would create a smaller carbon footprint and encourage more bicycling and walking and encouraged Evanston to embrace this idea. Mr. Permann pointed out that the project is self-financed. With regards to public benefits, he stated that no formalized formula is in place for determining public benefits and that no other project is providing the quantifiable amount of this project.

Mr. Tim Kent provided a review of the site and proposed changes between the original submission and the current proposal, with concentration on the height. He explained that if four levels of parking were above ground the height could get up to 185 ft. but the proposed project is below ground enabling more activation of the façade.

Chair Isaac opened the hearing to questions from the Commission.

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Commissioner Lindwall inquired about the 12 in. residential window overhang, why they were necessary and if it could cause a hazard with falling ice. Mr. Kent replied that those bay windows are part of the articulation of the building façade and they are similar to the windows on the building to the north. There will likely not be issues with falling snow as the canopies on the ground floor would extend further than the bay windows.

Commissioner Lindwall asked how the valet system would work. Mr. Kent stated there would be 18 hour per day access to valet but residents would also be able to self-park. Commissioner Lindwall then asked how the public would access the electric vehicle charging stations. Mr. Kent responded that the stations would be free and the valet would take the vehicle and plug it into the charging station.

Commissioner Lindwall asked what conflicts are anticipated with the Whole Foods access and traffic turning in and out of that drive, also would there be any difference in peak hours given the difference in a residential use versus a grocery store with steady traffic throughout the day. Mr. Michael Werthmann with KLOA stated that the traffic count conducted showed that the majority of customers follow the “no left turn” that is at the Whole Foods parking lot exit. The Merion would be restricted to right-only exits; left-ins would be ok and would cross the existing bike lane. Mr. Permann added that the owner is willing to accept recommendations on restricting left turns into or out of the porte-cochere.

Commissioner Lindwall then asked how construction will be handled with the protected bike lane and busy alley. Mr. Kent responded that a Construction Management Plan would need to be submitted that outlines specific plans. That is currently in the preliminary stages but will work with the City to minimize impact. Commissioner Lindwall then asked if the City will be compensated for the loss of parking spaces for the porte-cochere. Mr. Kent responded that the City will be compensated for the parking spaces.

Commissioner Halik asked if there will be any additional safety measures installed at the entry to the porte-cochere. Mr. Kent confirmed that there will be and pointed to a preliminary plan for them. There will be a site clearance triangle, raised bike lane and additional signage and lighting at the entry/exit. Mr. Permann added that a tour of the existing curb cuts along the existing bike lane was done and that there are 20 curb cuts, many lacking warning enhancements at conflict points.

Commissioner Halik then asked if any assistance would be offered to the existing businesses in the one story building. Mr. Michael responded that there are currently only two viable businesses in that building due to the ongoing pandemic and other issues. Talks have been entertained with Found to locate in the new development.

Commissioner Westerberg stated that the allowable height could go to 145 ft. and asked if the additional height mentioned could be from parking. Mr. Mangum confirmed that the building could be 145 feet with a site development allowance and if parking was above ground it would not count towards zoning height calculation.

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Commissioner Halik asked if the deduction of height for parking levels was particular to downtown districts. Mr. Mangum confirmed that this was the case for the D2, D3 and D4 Downtown Districts and it is limited to 40 ft. or 4- stories, whichever is less.

Chair Isaac clarified that the base height allowed is 105 ft. with a possible development allowance to get up to 145 ft. and if 4 levels of parking were above ground that would create a 185 ft. building height. The applicant is proposing 185 ft. in height with below grade parking. He then asked if an option with above ground parking was chosen, how that would change the unit count and FAR. Mr. Kent responded that the FAR would go down to approximately 6.7 with the loss of approximately 50 dwelling units.

Chair Isaac then opened the hearing to questions from the public.

Ms. Linda Del Bosque asked what the need is for senior housing and if any type of care will be provided. Mr. Permann responded that the proposed building would be all independent living and they intend to use the new building as a conduit into the existing Merion buildings as they age. He then referenced the Sawgrass study which showed an increasing demand for senior housing and that Evanston would need to meet the demand also taking into account the new senior living/care facilities.

Ms. Del Bosque then inquired if the applicant would be willing to become a CCRC building instead of an active senior living building since that is a need. Mr. Permann responded that the owner and development team are not in the business of CCRC facilities.

Mr. Bob Froetscher asked if the applicant had considered a zoning change as was discussed at the February 26<sup>th</sup> Plan Commission meeting and if citizen comments had been read. Mr. Permann responded that meetings had been arranged with those who made comments and discussions were held with some of those residents. Mr. Meek added that a rezoning had been considered and that the only district that would work would be the D3 District which the team felt would be similar to spot zoning and since the building has a lowered height it was within the reach of the current zoning district.

Mr. Carl Klein asked if the development team had been in consultation with the Preservation Commission staff since the development is close to a designated historic district and may affect the view shed of those properties. Mr. Meek responded that the development team had not been asked to do that by staff and clarified that the team has been in contact with the church which is within the historic district. Mr. Klein stated that the development is supposed to comply with the Comprehensive Plan and historic preservation is a part of that. Mr. Meek replied that the application does not address that directly since the proposal is not in the historic district but it does address general goals of the plan.

Ms. Sue Loellbach, of Connections for the Homeless, stated that the project was introduced in 2017 and asked if there is a limit on how long the old inclusionary housing

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ordinance would apply. Mr. Mangum responded that the application had been submitted prior to the activation of the current IHO regulations. If a project were to be under review for a longer time, the project would have to be analyzed to see what current requirements would be required and if there is a deficient application.

Ms. Kiera Kelly asked if the new building would be age restricted. Mr. Kent replied that it would not be age restricted but marketed to a certain age. Ms. Kelly asked why it would not be designated as such. Mr. Michael responded that there are legal implications with a restriction. The current addition markets to a certain age with amenities that are offered including valet, dining facilities and programming so the senior restriction was not deemed necessary.

Ms. Kelly stated that there is an overabundance of luxury residential high-rises and that it seems it would be possible to have another without the designation. Mr. Michael referred to the offerings provided in the buildings and that a good unit mix is being paid attention to keep the building geared towards seniors.

Ms. Kelly stated that Covid-19 has been shaping senior living and asked if the applicant was concerned with this. Mr. Michael responded that that could probably be said for a variety of markets and that the team is optimistic that we will come out of the pandemic and the demand will be there. There will be design implemented to protect residents including modifying elevators to being touchless and having sanitation stations.

Ms. Kelly then asked if the applicant had considered upping the current inclusionary housing ordinance (IHO) offering to comply with new IHO requirements. Mr. Michael responded no and that the project is offering the second largest contribution to the affordable housing fund in addition to providing 5% of the development's construction costs.

Ms. Kelly asked if there was a tenant for the ground floor building. Mr. Michael mentioned the current European Wax business in the existing building and added that there would be 2,800 sq. ft. of retail proposed in the new building.

Chair Isaac then alerted the public of the ability to request a continuance. Hearing no request, he then opened the hearing to public testimony.

Mr. Matt Feldman read a prepared statement that was submitted in the meeting packet. He mentioned living on the block and asked, given the project was submitted several years ago, when the project should be required to meet current IHO requirements. He then quoted the staff memorandum regarding the lack of public benefits and asked that the Commission consider this and questions regarding the bike lane.

Mr. Dennis Harder stated that he works in the field and understands the developer's perspective. He added that his previously prepared statement still stands explaining that the proposed public benefits are grossly inadequate and the zoning allowances



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requested are out of sync with the underlying zoning parameters. He urged denial of the project.

Ms. Linda Del Bosque stated that she is running for Alderman and is thinking about her constituents. She is concerned about a domino effect of tall development and looking at aging in place. The City should look into organizations that offer more comprehensive care for seniors. She added that she appreciates what the applicant is doing but that she does not see the need in Evanston and that more CCRC offerings should be considered.

Mr. William Brown, Chair of Board of Trustees of First Methodist Church, stated that there are 650 members in the church. He thanked Horizon Realty for sharing their plans and explained that the developer met with the Merion owners and development team over the summer and appreciated it. He expressed concerns about the building being overbearing on the adjacent historic district and being 20 ft. away from the church and it is troubling that it is on the east side of Chicago Avenue. He stated that the real reason for the building height is to maximize return on investment, not construction costs. He then stated that the alley is busy and church members can be locked into or out of the parking lot for up to 20 minutes when there are trucks blocking access. Another development would add to the congestion.

Mr. Bob Froetscher stated that he purchased property to enliven the downtown and depends on the zoning to be upheld and protect their health and real estate investments. DAPR voted against the development and it does not meet standards or guidelines. He added that the parking sleight-of-hand should not be allowed to rule the day.

Mr. Carl Klein stated that the development impedes on the church across the alley and asked the Commission please apply the standards to this project. He then provided a review of the applicable plans and historic district details and recommended that the proposed project be denied.

Ms. Bonnie Wilson, who was on the Age Friendly Task Force and currently on the Joining Forces for Affordable Housing Committee of Connections for the Homeless, referenced the Sawgrass report on senior housing and the market demand for more affordable senior units. She expressed that the proposed development should provide 20% on-site affordable units.

Ms. Loellbach stated that there is a projected gap for affordable units for seniors and Jones Lang LaSalle shows 40% vacancy and slower absorption rate for market rate units. There is an opportunity to provide affordable housing for seniors with those available units. She then expressed that since the application submission, new information has been provided and the project should be denied or insist that affordable units be provided on-site

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Ms. Kelly referred to the May memo review and stated that she does not want this project to be left to Council to decide as they do not fully review or know the code. She continued, saying that the zoning district is D4 a transition district, not D3, that the site development allowances are too high and that the public benefits are too limited. The intent of the D4 district is not met and the development is essentially extending the D3. She added that she uses the existing bike path with her children and the development is not worth the damage and safety issues that could come from it. Developers should not guide downtown planning and Covid-19 has exposed vacancies and encouraged that existing businesses not be removed.

Chair Isaac then closed the hearing and the Commission began deliberation.

Chair Isaac asked for clarification on if IHO payments are considered a public benefit and if the applicant relying on the older version of the IHO would be germane to the Commission's considerations. Mr. Mangum replied that meeting IHO requirements are not considered a public benefit and that it would not be under the purview of the Plan Commission.

Chair Isaac then reminded the Commission that there are two items under consideration, the subdivision and Major Adjustment of the existing planned development and the proposed planned development.

Commissioner Halik inquired about the height consideration and what development allowances exist that allow the height to go from 105 ft. to 145 ft. Mr. Mangum responded that the 40 ft. is the site development allowance that can be requested

Commissioner Lindwall clarified if the adoption of the 2009 Downtown Plan included adoption of the recommended zoning regulations. Mr. Mangum replied that the Plan was adopted but the zoning regulations were not.

Chair Isaac stated that he has no issues with the Subdivision and increased FAR within the proposed adjustment as it is below the maximum allowed. Other Commissioners agreed.

Commissioner Halik stated that he has no strong feelings about the porte-cochere but that the height and FAR are a big ask and this is not enough of a step down in height. He acknowledged that if the parking were above ground, a higher building would be allowed. The proposed development does not follow the spirit of the D4 District zoning.

Chair Isaac stated that the building could go to 145 ft. but 40 ft. would have to be dedicated to parking. The building would probably be thinner and less imposing upon residential property to the east. Additional clarification was provided regarding the calculation of building height.

Commissioner Lindwall stated that she recalled the 1989 Downtown Plan and that one of the reasons for enacting the D4 District was for potential development sites and

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enacting generous allowances to encourage development of these sites. There was some concern from residents but there was a conscious decision of the City Council. The Plan was to have 6 to 10 story buildings. She added that unless there are significant public benefits, the ask is not justified and should not be allowed.

Commissioner Westerberg asked if allowances are allowed when do you actually have a non-abrupt transition. This seems larger and more massive than the public benefits would justify.

Commissioner Hewko inquired about the process for site development allowances. Mr. Mangum responded that section 6-3-6-5 states the ability to request site development allowances but there are no criteria for the site development allowances themselves.

Commissioner Halik stated that given the FAR the architect did a commendable job of arranging the massing and he wanted to compliment the architect on that effort.

Chair Isaac agreed and added that if the building were 10 stories with 1 floor of parking he would feel better about the development. He added that he does not have much of an issue with the porte-cochere and is disappointed that the developer felt the proposed reduction of two floors would address his concerns.

Commissioner Johnson expressed that he is inclined to support the project. It is not within the D3 District but is across the street from it with a similar height. He supports the buried parking with more active ground floor use and the transit oriented development is appropriate character for the site. There is a need for more traditional retail and residents in the downtown and this development could provide that on an underutilized property. He appreciates the changes made but would like to see greater public accommodation.

Chair Isaac questioned the lack of transition. Commissioner Johnson responded that this is a traditional/transitional area must be somewhere and it is incongruent at this site as it is very close to residential zoning. He added that some residents live in those residential districts because they are close to that boundary line.

Chair Isaac stated that he does not think there is an issue with the subdivision and that the one-story parcel is underutilized, a brief discussion of a step-down on the building heights followed. Commissioner Johnson stated that a step down would be better; however, inclined to say the proposal presented today is better even with the consideration of a stepdown.

Chair Isaac stated that being asked to vote separately on the subdivision of the property shows there is a possibility to increase the use of the parcel. This is not an all or nothing decision.

Commissioner Lindwall stated that the Commission should look not just look at the transition from D3 to D4 but also at what else is on the east side of Chicago Avenue as

**APPROVED**

there are already established heights and character on that block. The single-story building has been a redevelopment candidate for decades but does not think this development is the answer.

Clarification was provided on which standards apply to each agenda item.

The Commission then reviewed the standards for item 4A (Subdivision and Major Adjustment to a Planned Development and found that the applicable standards had been met, noting that parking had not substantially changed.

**Commissioner Halik made a motion to recommend approval of the subdivision and major adjustment to the existing planned development. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion was approved, 6-0.**

**Ayes: Isaac, Halik, Hewko, Lindwall, Johnson, Westerberg**  
**Nays:**

The Commission then reviewed the standards for 4B. With regards to the Special Use standards, there was some disagreement on whether or not the proposal fully followed recommendations and guidelines within the Downtown Plan and the D4 district, if the proposal would cause a negative cumulative effect and create additional traffic congestion with regards to the alley. With regards to the Planned Development guidelines in the D4 the standards regarding the proposal meeting bulk standards and being compatible with existing policies and plans were not met.

**Commissioner Lindwall made a motion to recommend denial. There was no second so she withdrew her motion.**

Commissioner Hewko stated he is inclined to support the project if conditions are added and suggested adding amendments.

**Commissioner Hewko then made a motion to approve the proposed planned development. Seconded by Commissioner Johnson.**

**Commissioner Hewko then made a motion to add an amendment that the 9 conditions of approval as presented by staff be added as part of the original recommendation of approval in addition to complying with IHO regulations.**

A brief discussion followed regarding requiring conformance with the current IHO requirements. Mr. Mangum stated that in previous projects, the Legal Department has stated that IHO is not within the purview of the Plan Commission. Mr. George confirmed and stated that with regards to affordable housing he does not have a definitive answer but is leaning towards no.

**APPROVED**

Commissioner Hewko then withdrew language regarding the IHO requirements and made a motion to add an amendment that the 9 conditions of approval as presented by staff be added as part of the recommendation of approval. Seconded by Commissioner Lindwall.

**Ayes:** Isaac, Halik, Hewko, Lindwall, Johnson, Westerberg  
**Nays:**

Commissioner Lindwall made a motion to amend the previous motion to include a 10<sup>th</sup> condition for the applicant work with staff to resolve any issues related to left turns conflicting with the Whole Foods drive. Commissioner Hewko seconded the motion. A roll call vote was taken and the motion passed, 5-1.

**Ayes:** Isaac, Hewko, Lindwall, Johnson, Westerberg  
**Nays:** Halik

A roll call vote was then taken on the original motion as amended and the vote failed, 2-4.

**Ayes:** Hewko, Johnson  
**Nays:** Isaac, Halik, Lindwall, Westerberg

#### **5. PUBLIC COMMENT**

There was no public comment.

#### **6. ADJOURNMENT**

Commissioner Westerberg made a motion to adjourn the meeting. Chair Isaac seconded the motion.

A roll call vote was taken and the motion was approved by voice vote 6-0. The meeting was adjourned at 10:02 pm.

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

**APPROVED**



**MEETING MINUTES**

**PLAN COMMISSION**

Wednesday, February 26, 2020

7:00 P.M.

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

Members Present: Peter Isaac (Chair), Carol Goddard, George Halik, Brian Johnson, Andrew Pigozzi, Jane Sloss

Members Absent: Jennifer Draper, John Hewko

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

Presiding Member: Chair Isaac

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**1. CALL TO ORDER / DECLARATION OF QUORUM**

Chair Isaac called the meeting to order at 7:00 P.M. Ms. Jones called the roll and a quorum was established.

**2. APPROVAL OF MEETING MINUTES: Minutes will be available at the next Plan Commission meeting.**

**3. NEW BUSINESS**

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**B. Subdivision & Major Adjustment to a Planned Development**

**1619 Chicago Avenue**

**19PLND-0059**

The applicant, Horizon Realty Group, submits for a subdivision and Major Adjustment to a Planned Development in the D4 Downtown Transition District. The requested adjustment will increase FAR from 3.15 to 4.2, increase parking spaces from 32 (23 on-site, 9 leased) to 38 (all leased off-site), and a decrease in total number of units from 205 to 186 (includes 65 dwelling units). No new site development allowance will be needed.

**C. Planned Development**

**1621 Chicago Avenue**

**18PLND-0112**

The applicant, Horizon Realty Group, submits a planned development application to construct a 19-story apartment building with 240 units, 85

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**subterranean parking spaces, and approximately 3,540 sq. ft. of ground floor retail space in the D4 Downtown Transition District. Site development allowances are being requested for: 1) a building height of 211 ft. 8 in. where 105 ft. is allowed), 2) an FAR of 11.62 where a maximum of 5.4 is allowed, 3) 240 dwelling units where 54 is maximum is allowed, 4) 85 parking spaces where a minimum 185 is required, and 5) 1 short loading berth where 2 short loading berths are required. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development.**

Mr. Scott Mangum provided an overview of the proposed subdivision, describing the existing Merion development, which includes a 2013 addition, and what zoning characteristics would change as a result of the subdivision. No physical changes would occur to the existing Merion residences. Mr. Mangum then gave an overview of the proposed planned development to be at the site currently consisting of a one-story commercial building.

chair Isaac asked for questions from the Commission to staff. Hearing none, he asked the applicant to provide their presentation

The applicant, Mr. Jeff Michael of Horizon Realty Group, then provided an introduction of the development team including Danny Michael who is the founder of Horizon Realty Group, Tim Kent of Pappageorge Haymes, Michael Werthmann of KLOA, David Meek of Becker Guerian and Jonathan Perman, the public affairs strategist for the project. Mr. Jeff Michael provided an overview of history Horizon Realty Group and of the existing development with the Northshore Hotel Residence celebrating its 100 year anniversary. Horizon Realty Group are long term owners of the site and choose to keep the site for seniors. The proposed development is intended to keep a “senior campus” feel with synergies between the new and existing buildings. The new development will have access to the amenities in the existing buildings. He added that the site is underutilized and there is a demand for additional housing for seniors. The development is expected to generate \$1.6 million in recurring tax revenue and will provide a substantial amount of money for the affordable housing fund.

Mr. Tim Kent then spoke about the development details. He described the existing site and its surroundings and stated that, once built out, the new building will act as a continuation of the existing buildings and their function. He stated that the design of the building is intended to be understated and complementary to existing development with the massing being broken up as the building height increases. He then described the building materials and façade. Mr. Kent then described the 1<sup>st</sup> floor plan which includes retail space, “back of house” uses and a porte-cochere which provides access to the lobby, the below-grade parking levels and a space for pick-ups/drop-offs off of Chicago

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Avenue. He briefly reviewed the floor plans of the additional levels and described the parking which provides .35 parking spaces per dwelling unit.

Mr. Jonathan Perman spoke providing some general demographic information including that Evanston's population has been largely the same since the 1950's and the proposed development will add .5% to the population. He explained that there is demand for senior housing. He added that available parking is 1.2 parking spaces per unit with a .9 parking space per unit demand. He then described the proposed porte-cochere, explaining that it is safer than the narrow shared alley and takes deliveries and pick-ups/drop-offs off of the street. He added that there are a number of existing curb cuts on the block and along the existing bike path and the City does not have a formal policy on curb-cuts. Mr. Perman then briefly reviewed the fiscal impact study and stated that the project fits the character of the block, and stands with Comprehensive Plan's goals for increased housing for seniors. He finished stating that the public benefits proposed meet the site development allowances and the project is a fiscal win.

Chair Isaac stated that there is the opportunity for residents living within 1,000 ft. of the site are able to submit a written request for continuance. None was submitted. He then opened the hearing to questions from the Commission.

Commissioner Halik stated that he understands breaking down the massing and even though building across the street is taller, it looks lighter. He then asked if the applicant had considered a lighter colored base and darker color for the tower as this might give a different impression regarding the size. Mr. Kent replied that that option had been looked at and is being considered. He added that earlier iterations of the project had been taller and thinner. Mr. Halik stated that a lot of the concern is with the height of the building but not having a squat building.

Commissioner Sloss stated that statements were made that the provided benefits are inherent to the development and asked if there had been any consideration of additional public benefits? Mr. Michael stated that the development team believes that they aligned and exceeded what has been done and are proportional to what is proposed. They are open to considering other public benefits.

Commissioner Halik inquired about what the Mather parking ratio is. Mr. Michael responded that he was not certain of the ratio for that development. Mr. Danny Michael stated that transportation is provided at the existing Merion development and the same is intended for the new building. He added that most of the existing residents do not want to deal with cars so transportation is provided.

Mr. Mangum stated that there are 169 units and 139 parking spaces at 1727 Oak which is limited to people 55 years of age and up. Mr. Perman stated that the development team would be open to renting additional spaces at the Church Street garage if they find additional parking is needed. Chair Isaac referred to the earlier statistic regarding 1.2



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parking spaces per unit provided and a point .9 space per unit demand. The proposed building proposed .35 per unit.

Mr. Werthmann stated that the .9 parking space per unit demand statistic is for all of downtown versus for just a 55+ population which tends to not have the same demand. Chair Isaac then pointed out that the proposed building is not being restricted to 55 and over. Mr. Michael added that there is 50% vehicle ownership in all of the 28 buildings Horizon Realty Group owns. The building will target an older population through marketing.

Commissioner Goddard expressed concerns regarding the height. She understands the need to have a certain number of units to justify the investment risk for a mixed-use development and wondered if the building were not for seniors would there be no need for the height? Mr. Michael replied no and revenue needed is based on the number of units and leasable spaces. The margin begins to get too tight. Mr. Meek added that the below grade parking added a significant cost and the porte-cochere creates a loss of leasable space.

Commissioner Johnson inquired about the current alley conditions. Mr. Michael responded that the alley is largely commercial use and is both narrow, congested and in disrepair. Additionally, turning radii would be tight even before factoring in snow. He added that the Davis Street Fishmarket space is currently empty but added to congestion when it was open. Mr. Perman then pointed out the safety of the porte-cochere versus crossing existing bike lanes multiple times if the entry were off of the alley.

Commissioner Johnson then asked if there would be more congestion created with one loading berth versus two which would enable delivery vehicles into a loading berth instead of stopping in the alley. Chair Isaac added to the question, revisiting the statement regarding tight turning radii and inquired how wide the proposed loading berth is and if turning studies had been conducted. Mr. Kent confirmed this had been done and delivery and trash vehicles are able to make that turn. He then stated that the dashed line in the diagram is the required size, the actual space is larger and a door can be chosen which enables easier entry.

Commissioner Johnson asked if there is anything suggesting senior building use of loading is more or less. Mr. Michael replied that turnover is typically less in senior buildings with a retention rate of 80%. They also typically have fewer items. Residents would be able to use the Merion's loading.

Commissioner Halik asked if the retail space would also need loading and if an additional dock would work. Mr. Michael replied that it can be looked at.

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Chair Isaac stated that delivery and loading appears to be in a restricted part of the alley and asked what the plan would be for retail deliveries. Mr. Kent responded that a 2<sup>nd</sup> loading dock may work and that there is a doorway south of the proposed loading dock that is an exit only door and not meant to be an access door that could be used for deliveries. He added that there are 4 to 5 commercial tenants in the existing building; the new building would only have one so delivery amounts would likely be lower.

Chair Isaac asked how many existing spaces are behind the current commercial building. Mr. Michael responded that there are 18 spaces with additional spaces leased at the Church Street garage. Mr. Danny Michael stated that currently many of those spaces are used by the commercial tenants in the one-story building which would be removed should the proposed development be constructed.

Chair Isaac then asked how many current tenants of The Merion have cars. Mr. Michael responded less than 10.

Commissioner Pigozzi stated there are a number of high-rises dealing with deliveries. Mr. Michael stated that the porte-cochere will keep much of these deliveries on-site and off of the street. Mr. Werthmann responded that only smaller vehicles will use the porte-cochere. Larger vehicles will use the loading dock.

Chair Isaac then opened the hearing to questions from the public.

Mr. Bob Froetscher asked if a model was run that would meet the zoning requirements and if so what did it show and why was it not used. Mr. Michael replied that many models had been run but did not meet the rate of return in relation to the risk and fiscal needs. Mr. Froetscher then asked if the applicant knew the existing zoning and if they assumed they could get the City to change the zoning. Mr. Michael responded yes they knew the zoning but did not assume the zoning could be changed. The development is part of a greater vision for the properties.

Ms. Libby Hill stated that a letter was sent to the applicant with questions including if the building will comply with LEED 55 standards and asking for clarification on the balconies and if the lower level glass will reflect greenery. Mr. Kent responded that they intend to comply with LEED 55 standards, that balconies will be wrought iron and that the lower levels will comply with LEED 55 standards.

Chair Isaac opened the hearing to public comment.

Mr. William Brown, a member of First United Methodist Church which has been in existence since 1870, stated that only with this project has there been an issue and there is not one member of the church board that is comfortable with what is proposed; requests show no regard for zoning. The building will begin to create a canyon effect with the building across the street and the alley is bad now and will likely be worse with

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the proposed development. He finished by saying that members of the adjacent Church will be vocal in opposition and encouraged the Commission to be thoughtful.

Ms. Martha Rudy stated that Mr. Perman's comment of no one disagreeing with the project is false and there are many who do not support the proposed development. She expressed that fear tactics are being used in order to get approval for the site development allowances. She added that the east alley was a de facto borderline for downtown with a promise of no taller buildings being built east of Chicago Avenue; if a zoning change is needed then that should be done.

Mr. Bob Froetscher stated that the building height and number of dwelling units are his main concerns as both are well above maximum permitted amounts. Other buildings on the block are 8 or 9 stories with a transition established. He added that he and other residents expected the density to be adhered to and that the carbon footprint would not be an issue if there was not as much density. He then stated that developing housing to fill the City parking garages does not make sense. Chicago is losing residents but Evanston is ok. Do not be confused by "hand waving".

Ms. Ellen Feldman expressed that the zoning requests are a major issue and the east side of Chicago Avenue is not the Chicago lakefront. The building is not in scale or context with the rest of the neighborhood. The area is zoned to be a transition district. Ms. Feldman added that in her building at 522 Chicago Ave there are a number of older residents and most own vehicles. Her building has two garages with a 1 to 1 ratio of units to parking spaces. More density would make exiting her building garage difficult. She then recalled that the original plan was over 30 stories, then was reduced to 14 stories and is now 19 stories.

Chair Isaac closed the public hearing and the Commission began deliberation.

Commissioner Halik stated that there are positive things about the theme, planning, the porte-cochere and possible additional loading dock. He suggested that the applicant still consider shading and color of the building materials. He added that he considered both sides of Chicago Avenue for the massing, although the zoning district changes in the middle of the street. The zoning requests are an issue and a rezoning of the property should be considered as the proposed allowances are too large.

Commissioner Johnson agreed with Commissioner Halik and stated that he likes the project. It is a transit oriented development that will bring potential shoppers but he cannot vote in favor of the project due to the zoning and the large ask for the site development allowances. Allowances should be granted for small variances. A zoning change should be sought.

Commissioner Sloss stated that she generally agrees and that there is a lot being asked for in context of a variance.

**APPROVED**

Chair Isaac stated that there can be an argument made regarding the parking as the building will be geared towards older residents but he feels the parking is still inadequate. The amount of units is not appropriate.

Commissioner Goddard stated that she has not seen such a large scale building proposed with such a small amount of return. The previous proposal was significantly smaller than this and proposed significantly more in public benefits.

Commissioner Pigozzi stated that he felt the 1555 Ridge project was mediocre but was better than the existing parking lot. He then expressed that the design for the proposed Merion development is as good as he has seen but not as tall as the Park Evanston. He stated that it is expensive to construct below-grade parking and that the developer has made that effort. He recalled other projects and mentioned that the building on Elgin Road started off with a good design and as the zoning issues got whittled away the design suffered. He stated that he hoped that the Commission could find a way to approve the project and that the staff report does not provide a rationale for denial.

Mr. Mangum responded that rationale is provided within the staff report, relating to the building height, number of units, FAR, and lack of parking (though below grade parking is good) as well as the lack of public benefits in relation to the site development allowances being requested. It does not align with existing plans. Commissioner Pigozzi stated that recommendations have been inconsistent.

Chair Isaac stated that the property is served by an alley. He would like to move access traffic to the alley but does like the idea of the porte-cochere and does not view it as a negative aspect of the project.

Commissioner Halik stated that recommendations should be based on plans that are in place, giving the proposed Emerson Street rezoning as an example. Though he was in agreement, he did not think the rezoning should occur based on existing plans for the area.

Chair Isaac asked if the applicant would like to move forward, withdraw the application from the meeting or come back at a later meeting date with changes to the design elements. A discussion then followed regarding possible options for the applicant. The applicant opted to look at making revisions and return to the Commission at a future meeting date. Due to the need to possibly revise zoning documents and provide notice, it was recommended that the applicant come back for the April Plan Commission meeting. The applicant requested to come back to the April 8th Plan Commission meeting.

**APPROVED**

**Commissioner Goddard made a motion to continue this item to the April 8th Plan Commission meeting. Seconded by Commissioner Pigozzi. A voice vote was taken and the motion was approved, 6-0.**

**Ayes: Isaac, Goddard, Halik, Johnson, Pigozzi, Sloss  
Nays:**

**5. PUBLIC COMMENT**

Chair Isaac acknowledged that this is the last meeting for Commissioners Goddard and Pigozzi and thanked them for their service. There was no public comment provided.

**6. ADJOURNMENT**

**Commissioner Goddard made a motion to adjourn the meeting. Commissioner Pigozzi seconded the motion.**

**A voice vote was taken and the motion was approved by voice vote 6-0.  
The meeting was adjourned at 10:58 pm.**

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



## 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 1605 – 1631 Chicago Avenue  
Public Works Director Report

Date: October 19, 2020

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 1605-1631 Chicago Avenue.

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

Sidewalk: Any new construction on either of the subdivided lots shall result in the public sidewalk adjacent to the lots being replaced in entirety with new sidewalk meeting the City standard for business districts which is concrete construction with a brick ribbon parallel to the curb line.

Sewer: Lot 1 and Lot shall be served by separate sewer services. There is a 10" combined sewer located on Chicago Avenue and a 12-inch combined sewer located in the alley behind the proposed lot. Utilizing the sewer main on Chicago Avenue is preferred. If the existing sewer service for either lot is not reused, it will need to be capped at the sewer main. If there is any new construction, all stormwater from the entire lot will need to be retained on site and released at a controlled rate of 0.15 cfs to the Chicago Avenue combined sewer in compliance with the City of Evanston Stormwater Control Ordinance.

Water: For Lot 1, the existing building is served from a 24" water main located on Davis Street. For Lot 2, the existing building is served by a 4" tap off of the 8" water main

located in Chicago Avenue. If Lot 2 is developed and this tap is not reused, it will need to be capped at the water main. In addition, a separate tap for the new fire service at Lot 2 will need to be installed off of the Chicago water main.

Bond Requirements to Guarantee Future Infrastructure Improvements

None.

Other Requirements

No curb cut off of Chicago Avenue will be allowed for Lot 2. Vehicular access shall be from the alley behind the building.



## 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 Nyden, Community Development Director; Scott Mangum, Planning and Zoning Administrator  
Subject: Ordinance 98-O-20, Approving a Major Adjustment to a Planned Development at 1605-1631 Chicago Avenue  
Date: October 26, 2020

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Recommended Action:

Plan Commission and staff recommend City Council adoption of a Ordinance 98-O-20 granting a Major Adjustment to a Planned Development originally approved by Ordinance 86-O-13. The adjustment includes an increased Floor Area Ratio (FAR) from 3.15 to 4.2, increased number of parking spaces from 32 (23 on-site, 9 leased) to 38 (all leased off-site), and decrease the total number of units from 205 to 186 (including 65 dwelling units). No new site development allowance will be needed.

Council Action:

For Introduction

Summary:

Background

In 2013, the existing Merion building on the northeast corner of Chicago Avenue and Davis Street, was approved for an 8-story addition to the north. The Planned Development for the addition was approved for up to 205 dwelling units, 32 parking spaces (23 on-site, 9 leased), an FAR of 3.15 and established a special use for an Independent Living Facility. No site development allowances were needed and the development was to take place all on one 66,616.2-square foot parcel with 170.2 feet of frontage on Davis Street and 391.49 feet of frontage on Chicago Avenue. The development has since been constructed and is currently operating.

No physical change is proposed for this portion of the existing property, however, the subdivision of the parcel, proposed for approval by Resolution 87-O-20, would create two parcels: a 21,644-square foot parcel with 127.1 feet of frontage on Chicago Avenue containing the existing one-story commercial building at 1621-31 Chicago Avenue (where a



new development is proposed); and a 44,972.2-square foot parcel with 264.39 feet of frontage on Chicago Avenue containing the original Merion building and its addition.

The change in zoning lot size triggers the need for a Major Adjustment to the 2013 planned development. By reducing the lot size the proposed adjustment would increase the FAR from 3.15 to 4.2. The applicant also proposes to increase the total number of parking spaces from 32 (23 on-site, 9 leased) to 38 (all leased off-site) and reduce the total number of units from the 205 that were originally approved to 186 (including 65 dwelling units) as constructed. No new site development allowance would be needed.

As a result of the proposed change to the number of parking spaces, staff proposes that condition (B) in 86-O-13 be amended to increase the number of required leased spaces from 9 to 38 which would match the applicant's request. This amendment would be stated in the ordinance for the proposed Major Adjustment. All other conditions as stated in ordinance 86-O-13 will still apply should the Major Adjustment be approved.

#### Standards of Approval

The proposed development must follow the procedures for Adjustments to Development Plan in Section 6-3-6-12. It must also maintain the planned development's satisfaction of the Standards for a Special Use (Section 6-3-5-10), the Standard for Planned Development (Section 6-3-6-9) and standards and guidelines established for Planned Developments in the D4 Downtown Transition District. (Section 6-11-1-10). Staff and the Plan Commission find that the proposed adjustment maintains the standards for approval as there are no physical changes proposed to the existing structures.

No impacts are expected with regards to utilities, environmental features or architectural resources due to the proposed adjustment. The proposal will not interfere with or diminish the value of other properties in the neighborhood and maintains compatibility with the surrounding area.

#### Legislative History:

September 30, 2020 – Plan Commission voted to recommend approval of the subdivision and adjustment to the planned development at 1605-1631 Chicago Avenue, 6-0. A vote to recommend approval of the associated planned development failed with a 2-4 vote. [Link to Plan Commission Packet for September 30, 2020 Meeting](#)

May 13, 2020 – At request of the applicant, the Commission voted to continue this item until such a time that a meeting could be held in person to continue review of the subdivision, major adjustment and associated planned development.

February 26, 2020 – Plan Commission began review of the subdivision and major adjustment and then continued the hearing for these items and related planned development at the applicant's request in order to make changes to the planned development.

September 18, 2019 – DAPR Committee unanimously recommended approval of the proposed subdivision and major adjustment to the existing planned development but voted unanimously to recommend denial of the proposed planned development.

July 17, 2019 – DAPR Committee held the subdivision, major adjustment and proposed planned development in order to have the applicant make changes to their proposal.

Attachments:

[Ordinance 98-O-20, Granting Major Adjustment to a Planned Development at 1605-1631 Chicago Ave](#)

98-O-20

AN ORDINANCE

**Granting A Major Adjustment to the Planned Development  
Located at 1605-1631 Chicago 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**, in August 2013, the City Council enacted Ordinance 86-O-13, attached hereto as Exhibit B and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1611-1629 Chicago Avenue (the "Subject Property"), which is legally described in Exhibit B; and

**WHEREAS**, Ordinance 86-O-13 approved the construction of an eight (8) story addition to the north of the existing Merion building with two hundred five (205) units, thirty-two (32) parking spaces (9 leased off-site), an FAR of 3.15, and established a special use for an Independent Living Facility, which is detailed at length in Exhibit B; and

**WHEREAS**, the Applicant, Horizon Realty Group ("the Applicant") has proposed a subdivision of the parcel which would create two (2) parcels: one parcel containing an existing one-story commercial building and another parcel containing the existing Merion building and its addition; and

**WHEREAS**, this change in zoning lot size triggers the need for a major adjustment to the 2013 planned development; and

**WHEREAS**, the Applicant has requested a major adjustment that includes an increase in FAR to 4.2 from 3.15; an increase in parking spaces from thirty-two (32) to thirty-eight (38) (all leased off-site); and a reduction of units from two hundred five (205) to one hundred eighty-six (186) (including sixty-five (65) dwelling units); and

**WHEREAS**, in order to approve the major adjustment requested, the Applicants request amendments to Ordinance 86-O-13 (the “Previously Approved Ordinance”); and

**WHEREAS**, the Previously Approved Ordinance is a piece of legislation enacted by the City Council of the City of Evanston, subject to revision only by said City Council; and

**WHEREAS**, on February 26, 2020, May 13, 2020 and September 30, 2020, 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 Major Adjustment to a Planned Development, case no. 19PLND-0059, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

**WHEREAS**, the Plan Commission recommended City Council approval of the application for a major adjustment; and

**WHEREAS**, on October 26, 2020, 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 Applicant’s 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

**WHEREAS**, at its meetings on October 26, 2020 and November 9, 2020, 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 86-O-13 to allow for the change in the zoning lot.

**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 Ordinance 86-O-13 remain applicable to the Planned Development,

**SECTION 4:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council amends condition (B) of the Special Use Permit granted for the Planned Development in ordinance 86-O-13, as may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or

~4~

revocation of said Special Use Permit pursuant to Subsection 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

**(B) Parking:** Pursuant to Subsection 6-16-2-1-(B)-1 of the Zoning Ordinance the Applicant shall license no less than thirty-eight (38) parking spaces, required for the Special Use Permit authorized by this ordinance, from the City in an off-street parking facility within one-thousand (1,000) feet of the Subject Property. For as long as the applicant operates said Special Use it shall maintain and keep current said licenses and shall comply with all terms thereof and any amendment thereto.

**SECTION 4:** Except as otherwise provided for in this 98-O-20, all applicable regulations of the Ordinance 86-O-13, 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 98-O-20 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."

**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: \_\_\_\_\_, 2020

Approved:

Adopted: \_\_\_\_\_, 2020

\_\_\_\_\_, 2020

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Devon Reid, City Clerk

\_\_\_\_\_  
Kelley A. Gandurski,  
Corporation Counsel



**EXHIBIT A**

**Legal Description**

THAT PART OF LOT A DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE, 264.39 FEET; THENCE SOUTHEASTERLY AT APPROX. AT RIGHT ANGLE 170 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINE, 264.46 FEET; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY LINE; 170 FEET TO THE POINT OF BEGINNING, IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PINs:** 11-18-403-020-0000

**COMMONLY KNOWN AS:** 521-533 Davis Street & 1605-1619 Chicago Avenue, Evanston, Illinois

~7~

**EXHIBIT B**

**Ordinance 86-O-13**

7/11/2013

**86-O-13**

**AN ORDINANCE**

**Granting Special Use Permits for a Planned Development and Independent Living Facility Located at 1611-29 Chicago Avenue in the D4 Downtown Transition District ("North Shore Residence")**

**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**, Horizon Group XXIII, LLC (the "Applicant"), owner of the property located at 1611-29 Chicago Avenue, Evanston, Illinois (the "Subject Property"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-3-5, "Special Uses," Section 6-3-6, "Planned Developments," Subsection 6-11-1-10, "Planned Developments" in Downtown Districts, and Subsection 6-11-5-3, "Special Uses" in the D4 Downtown Transition District ("D4 District"), to permit the construction and operation of a Planned Development and Independent Living Facility located at the Subject Property in the D4 District; and

**WHEREAS**, the Applicant sought said Special Use Permits to replace its status as a legal non-conforming use, "Retirement Hotel," and allow construction of an addition, approximately eighty-five feet (85') tall, with approximately two thousand six hundred square feet (2,600 ft<sup>2</sup>) of first-floor commercial space, yielding no more than two hundred five (205) residential units and zero (0) new on-site parking spaces; and

**WHEREAS**, on July 10, 2013, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) and the Zoning Ordinance, the Plan Commission and Zoning Board of Appeals ("ZBA") held a joint public hearing on the application for Special Use Permits, case no. 13PLND-0052, heard testimony, received other evidence, and made written minutes, findings, and recommendations; and

**WHEREAS**, the Plan Commission and ZBA's written findings state that the application for the proposed Planned Development meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the D4 District per Subsection 6-11-1-10 of the Zoning Ordinance; and

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

**WHEREAS**, on July 22, 2013, the Planning and Development ("P&D") Committee of the City Council held a meeting, in compliance with the provisions of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered and adopted the findings and recommendations of the Plan Commission and ZBA, and recommended approval thereof by the City Council; and

**WHEREAS**, at its meetings of July 22 and August 12, 2013, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee and ZBA, 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 fact and incorporated herein by reference.

**SECTION 2:** Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permits applied for in case no. 13PLND-0052, to allow construction and operation as 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 Permits granted hereby, violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permits 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 Special Uses authorized by the terms of this ordinance in substantial compliance with: the terms of this ordinance; the Site Plans in Exhibit B, attached hereto and incorporated herein by reference; all applicable legislation; the Applicant's testimony and representations to the Site Plan and Appearance Review Committee, the Plan Commission, ZBA, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (B) **Parking:** Pursuant to Subsection 6-16-2-1-(B)-1 of the Zoning Ordinance, the Applicant shall license no fewer than nine (9) parking spaces, required for the Special Use Permits authorized by this ordinance, from the City in an off-street parking facility within one thousand feet (1000') of the Subject Property. For as long as the Applicant operates said Special Uses, it shall maintain and keep current said license(s), and shall comply with all terms thereof and any amendments thereto.
- (C) **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 Special Use Permits authorized by the terms of this ordinance.

**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. 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 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 that are in conflict with the terms of this ordinance 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 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 22, 2013

Adopted: August 12, 2013

Approved:

August 15, 2013

Elizabeth B. Tisdahl  
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene  
Rodney Greene, City Clerk

Approved as to form:

Approved as to form:  
W. Grant Farrar  
Corporation Counsel

W. Grant Farrar, Corporation Counsel

By: Michelle Mason  
Deputy City Attorney

**EXHIBIT A**

**Legal Description**

LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON IN THE NORTHWEST  $\frac{1}{4}$  OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN:** 11-18-403-019-0000

**COMMONLY KNOWN AS:** 1611-29 Chicago Avenue, Evanston, Illinois



86-O-13

**EXHIBIT B**

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**Site Plans**

~7~

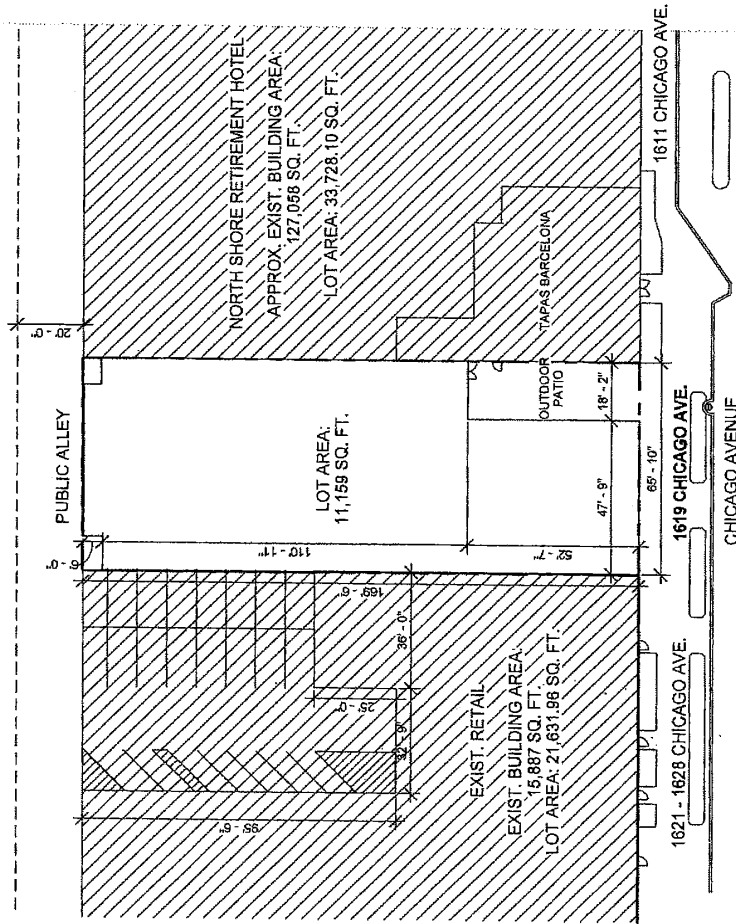


EXHIBIT 3(a)  
 SCHEMATIC SITE PLAN  
 1" = 30'-0"  
 0 15' 30' 60'

**NORTH SHORE RESIDENCE ADDITION**  
 1619 CHICAGO AVE | EVANSTON, IL


**MEYER ARCHITECTS, INC.**  
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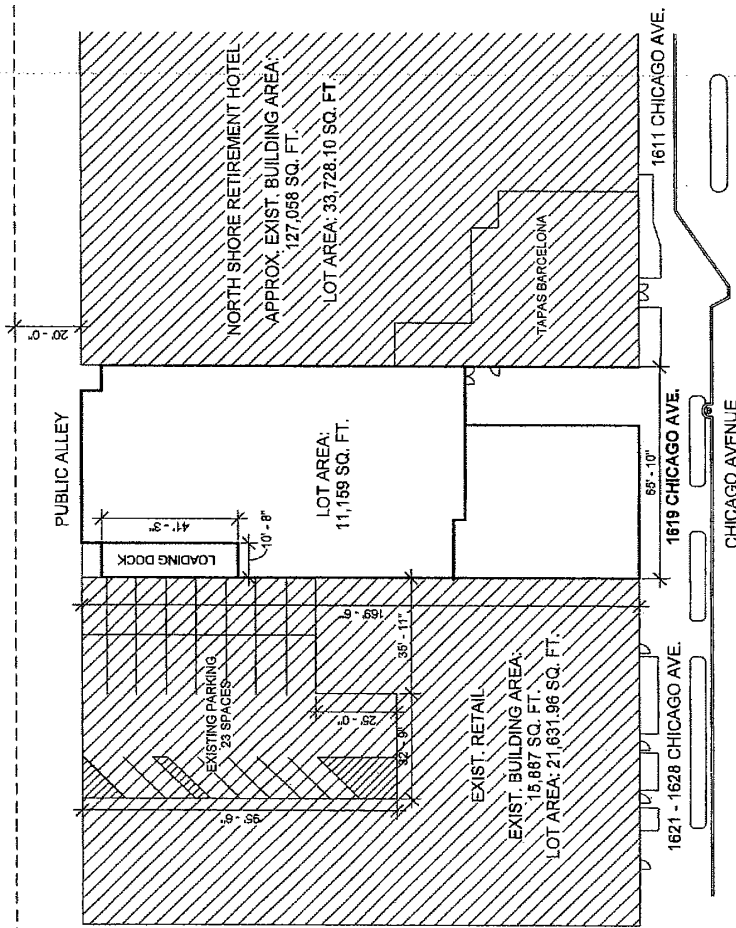
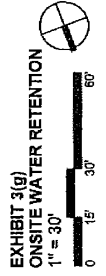
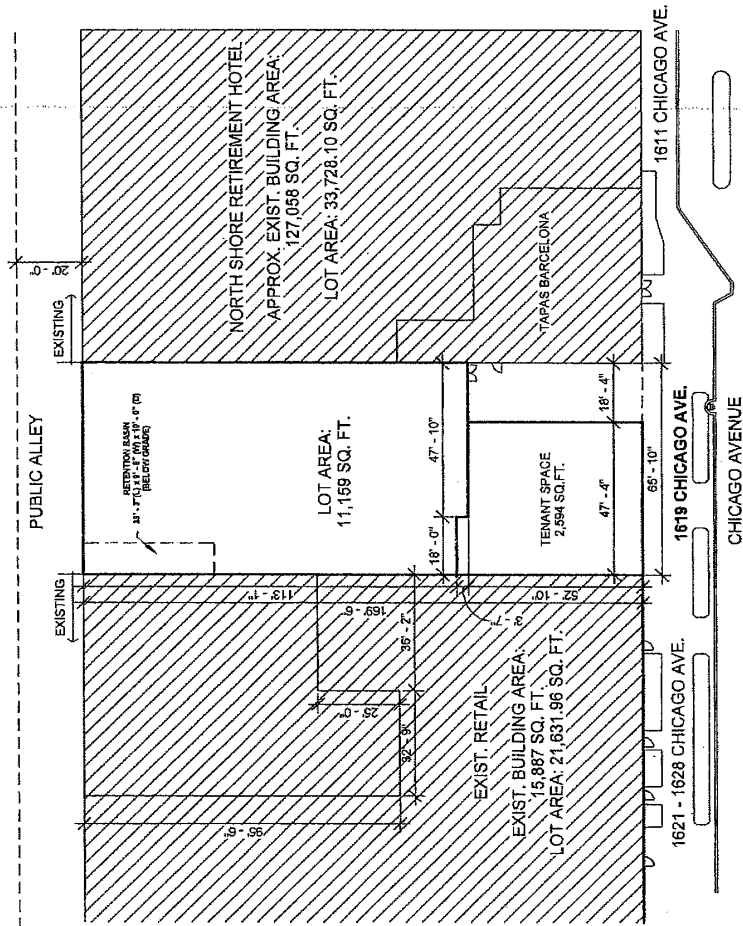


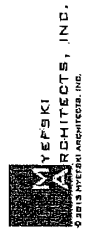
EXHIBIT 3(d)  
 OFF-STREET PARKING AND LOADING  
 1" = 30'  
 0 15 30 60

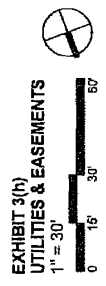
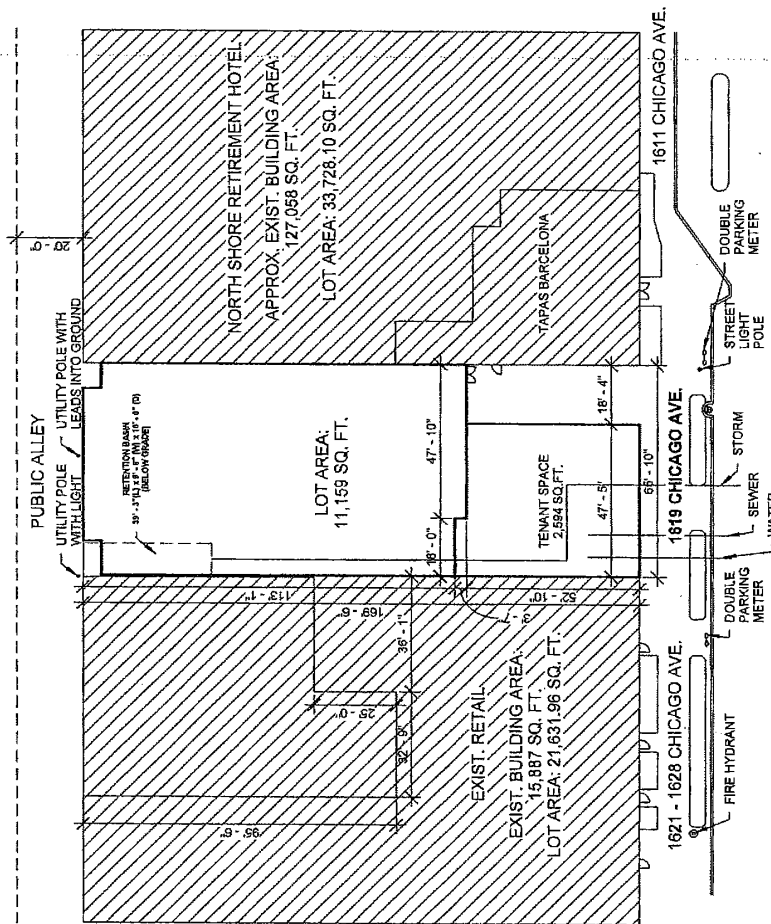
**NORTH SHORE RESIDENCE ADDITION**  
 1619 CHICAGO AVE | EVANSTON, IL



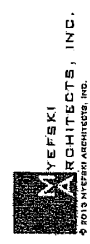


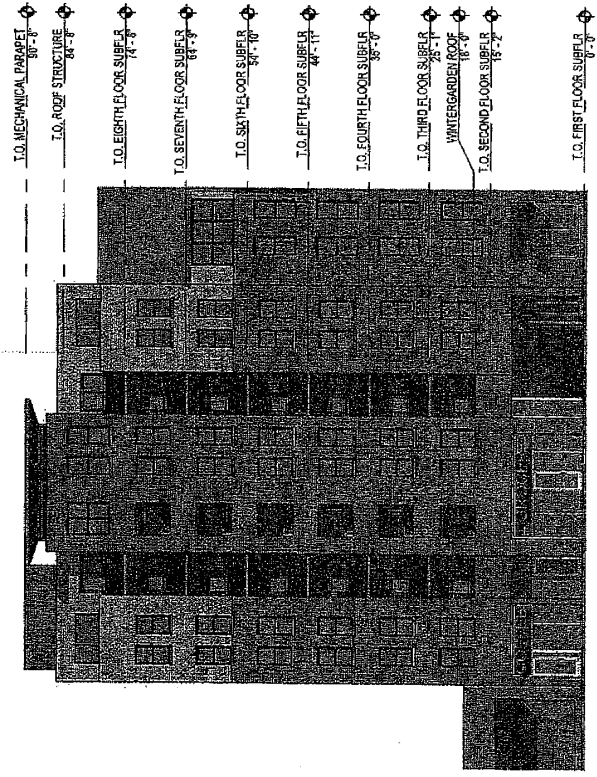
**NORTH SHORE RESIDENCE ADDITION**  
1619 CHICAGO AVE | EVANSTON, IL



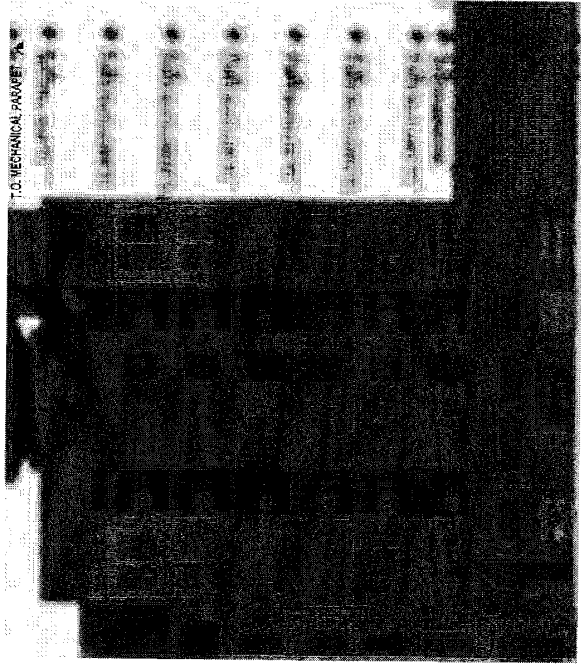


**NORTH SHORE RESIDENCE ADDITION**  
 1619 CHICAGO AVE | EVANSTON, IL





WEST ELEVATION



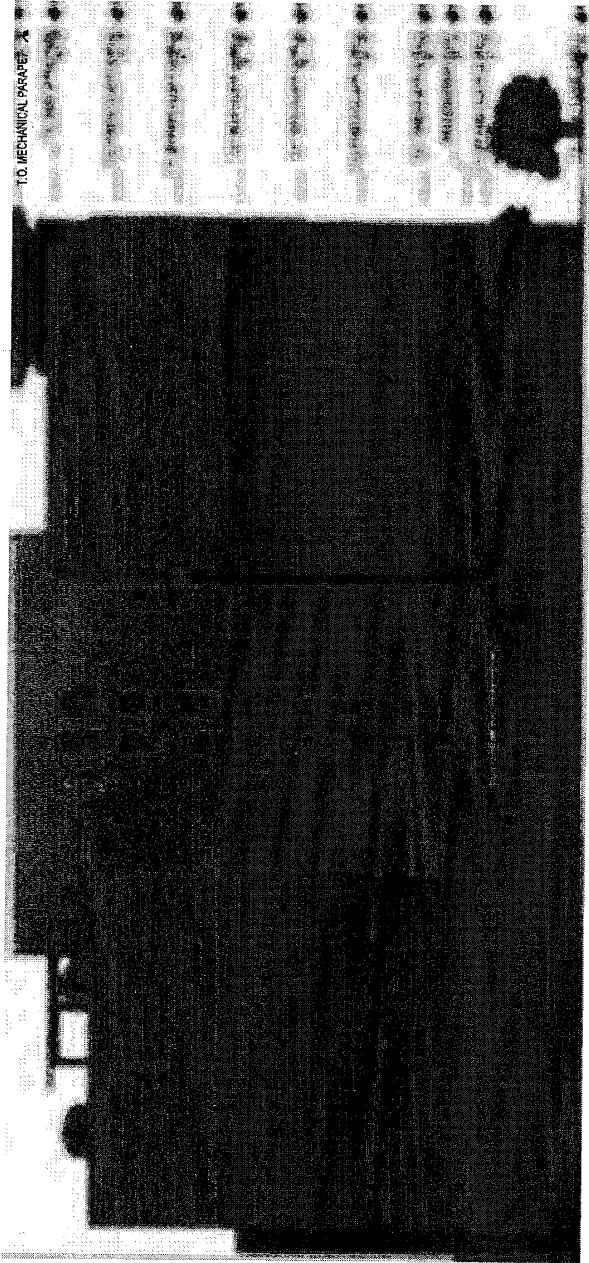
EAST ELEVATION

EXHIBIT 1(c)1  
ELEVATIONS  
1/16" = 1'-0"



**NORTH SHORE RESIDENCE ADDITION**  
1619 CHICAGO AVE | EVANSTON, IL

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NORTH ELEVATION

EXHIBIT 1(c)2  
ELEVATIONS  
1/16" = 1'-0"



NORTH SHORE RESIDENCE ADDITION  
1619 CHICAGO AVE | EVANSTON, IL

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## 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 Nyden, Community Development Director; Scott Mangum,  
Planning and Zoning Administrator  
Subject: Ordinance 97-O-20, Special Use for a Planned Development at 1621-  
1631 Chicago Avenue  
Date: October 26, 2020

---

### Recommended Action:

The Plan Commission and staff recommend denial of Ordinance 97-O-20 for approval of a Special Use for a Planned Development to construct a 17-story apartment building with 215 units, 85 subterranean parking spaces, and approximately 3,289 sq. ft. of ground-floor retail space in the D4 Downtown Transition District. The proposal includes the following Site Development Allowances: 1) A building height of 185 ft. where 105 ft. is allowed; 2) An FAR of 10.38 where a maximum of 5.4 is allowed; 3) 215 dwelling units where 54 is the maximum is allowed; and 4) 85 parking spaces where a minimum of 162 are required.

### Council Action:

For Introduction

### Summary:

#### Site Layout

The site for the proposed planned development is a slightly rectangular-shaped area with approximately 127 feet of street frontage along Chicago Avenue. The development consists of two below-grade parking levels and a ground floor with approximately 3,289 square feet of retail space, lobby area for the residences above and a porte-cochere which has an expanded internal turn-around area. The proposed building will be constructed lot line to lot line with a 12 in. overhang from residential windows beginning at 28 ft. above grade level. A 10 ft. setback from the north property line is proposed beginning at the 2nd floor and an approximately 15 ft. setback from the south property line is proposed beginning at the 9th floor.





*1621 Chicago Ave. facing southeast*

The southwest corner of the ground floor will consist of retail space accessed from both the exterior (Chicago Ave.) and the interior of the building (the lobby for the residences). Just north of this area is lobby space for the residences, including a package room, and north of this area is the porte-cochere which is both the sole vehicular entry point to the below-grade parking and a covered area for valet, pick-ups and drop-offs for the building residents. There is also a pedestrian connection to the existing Merion development to the south. Loading and trash collection will take place within the two loading berths located off of the alley to the east of the property.



The building will generally meet the setback requirements for the D4 Zoning District but will require an easement for the windows which extend over the public right-of-way. Additionally, the applicant requests four Site Development Allowances:

<b>Site Development Allowance Requested</b>	<b>Required / Max. Permitted in the D4 District</b>	<b>Site Development Allowance Max.</b>	<b>Proposed</b>
<b>Building Height</b>	105'	+ 40' = 145'	185'
<b>FAR</b>	5.4	+ .6 = 6.0	10.38
<b>Number of Dwelling Units</b>	54	No max	215
<b>Number of Parking Spaces</b>	162	N/A	85

Since the proposed FAR and building height are above the maximum site development allowances for planned developments, a favorable super-majority (two-thirds) vote from City Council is required unless the development were to comply with the current Inclusionary Housing Ordinance and provide 10 percent of the units on-site as affordable.

Parking and Traffic

The Applicant submitted a Traffic Impact Study conducted by KLOA which looked at the possible effects the proposed development may have on traffic in the area. The study noted that the site is considered a Transit Oriented Development that served by several nearby CTA bus lines and is within walking distance of CTA and Metra transit stations. Additionally, a two-way barrier protected bike lane runs in front of the site on the east side of Chicago Ave. Vehicle, bicycle and pedestrian counts were taken at peak morning and evening times at several intersections and possible points of conflict, including points where Chicago Ave. intersects with various access points to other properties along that block.

The study described the function of the proposed porte-cochere off of Chicago Ave, noting that it will function as both an on-site location for pick-ups/drop-offs and access to the parking garage minimizing on-street activity. It suggests that some benefits of the porte-cochere will be: easier circulation for valet service, all pick-up/drop off activity occurring in the interior of the site, controlled access in and out of the site onto northbound Chicago Avenue and less possible points of conflict between vehicles and bicyclists in the bike lane than if the entry were off of the alley.

The total project traffic volumes included the existing traffic volume, an increase in background traffic due to ambient growth and traffic estimated to be generated by the proposed development. The study concludes that given the site's location downtown and its proximity to transit, that the number of trips generated by the development will be minimized and that, given it will be replacing traffic generating commercial uses, the net increase in

parking generated will be reduced. The existing roadways around the development will be able to accommodate these trips and maintain a good level of service. The study did provide recommendations that would reduce impacts of the access drive to the porte-cochere on pedestrians and bicyclists including:

- Restricted outbound access to right-turn only.
- Provide signage within the bike lane and access drive to alert bicyclists and motorists of each other.
- Providing warning devices for pedestrians to alert them when vehicles are exiting.

#### Public Benefits

The applicant has committed to providing the following public benefits as part of the Planned Development proposal:

1. Contribution of 0.5% of Construction Budget to Public Projects – HRG proposes the establishment of a fund in an amount equal to the lesser of \$300,000 or 0.5% of the Construction Budget that will be used to first pay for repairs to the public alley to the east of the Merion (between Davis St. and Church St.) for the purpose of improving alley use and access for its various users. The balance of the fund, if any, will be used to pay for safety enhancements to selected curb-cuts in bicycle lanes or routes that pose an elevated safety risk.
2. Promote Local Artists – Work with Evanston arts organizations to curate art from local Evanston artists to be displayed throughout the common areas of The Legacy.
3. Environmental Site Clean Up – The Merion Legacy will be developed on a site that is the subject of an NFR (former cleaner’s site). The development will enable us to remove contaminated soil and clean up a site in Evanston and eliminate potential harm to neighboring sites.
4. Electric Vehicle Charging Station – Provide one electric vehicle charging station that is available to the public for use. Additionally, provide 5% of spaces to be EV charging stations along with an additional 15% of parking spaces to be EV ready in the case of increased demand.
5. Provide for Composting & Recycling of Waste - The Merion Legacy shall provide composting and recycling capabilities for its residents.

Staff feels that the proposed public benefits list largely consists of items that are requirements, specifically benefit the development and not the general public, or are inherent to the proposed development itself. Given the extent of the four requested site development allowances, the requested public benefits are limited in scope. Should the City Council approve the planned development, staff recommends additional conditions as listed below and included in Ordinance 97-O-20:

1. 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.
2. The proposed planned development shall substantially conform to the documents and testimony on record.

3. The Applicant shall lease a minimum of 20 additional parking spaces from the City of Evanston within the Church Street garage.
4. Building residents shall not be eligible for residential on-street parking permits.
5. Restrict outbound access from the porte-cochere to right-turn only.
6. The east adjacent alley is reconstructed to support additional traffic.
7. LEED 55 Bird-Friendly Standards will be incorporated into the proposed building.
8. Prior to issuance of a building permit an easement shall be obtained for the twelve (12) inch overhang of windows into the Chicago Avenue right-of-way.
9. In compliance with the Inclusionary Housing Ordinance in effect at the time of application, the applicant will pay a fee-in-lieu of \$2,400,000. Such payment shall be submitted prior to the issuance of a Final Certificate of Occupancy.
10. The Applicant agrees to comply with the City of Evanston Green Building Ordinance and will obtain a LEED Silver Certification Rating for the Planned Development on the Subject Property.
11. Any material changes in the use of the building on the Subject Property must be approved as an amendment to this Planned Development in accordance with Subsection 6-3-6-12 of the Zoning Ordinance.
12. 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.

#### Standards of Approval

The proposed development must satisfy the Standards for Special Use in Section 6-3-5-10, the Standard for Planned Development in Section 6-3-6-9, and the standards and guidelines established for Planned Developments in the D4 Downtown Transition District. (Section 6-11-1-10). Staff finds that the proposed Planned Development does not meet all of the Standards for approval.

#### *Standards for Special Use (Section 6-3-5-10)*

A Planned Development is an eligible special use in the D4 Downtown Transition District. The proposal, while it generally follows the purposes and policies outlined in the Comprehensive Plan, contributing to a variety of housing types and the local economy, the height and density do not fit the context of adjacent properties within the same zoning district. Denser uses in close proximity are within the D3 zoning district which allows for more height and density.

The proposed special use for the development will not cause a negative cumulative effect when considered in conjunction with other special uses in the area. Surrounding uses include a number of mixed-use residential buildings, retail, office, and high-density multiple-family residences. The extent of the proposed use, however, does greatly exceed what is permitted.

The proposal can be adequately served by public facility infrastructure already available. Though due to the height of the building (greater than 70 feet), a dual water service will be needed. There are no significant historical and architectural resources or environmental

features present on the site. One of the public benefits of the project is the proposed remediation of the existing environmental contamination on site.

The applicant submitted a traffic study that found the existing roadways will maintain a good level of service and, with recommended safety measures, the porte-cochere will aid in site circulation. As has been previously mentioned, staff is opposed to the proposed entry creating an additional conflict point along Chicago Avenue where there currently is not one. Finally, the proposal meets all zoning requirements except for the four site development allowances requested and outlined above.

*Standards and Guidelines for Planned Developments in R6 General Residential District (Sections 6-3-6-9 and 6-8-1-10)*

The proposed Planned Development use complies with the purposes and intent of the Zoning Ordinance. The proposal will greatly increase the bulk of structures on the east side of Chicago Avenue and be out of scale with other structures on that block which is within a zoning district meant to act as a transition to less intense uses on the edge of downtown and have smaller bulk. The proposal is largely consistent with the vision and goals of the Comprehensive Plan for the redevelopment of underutilized properties with uses compatible with the surrounding neighborhood, however, the bulk of proposed development is out of scale with neighboring properties.

As described above, the site layout does provide some concern to staff with the creation of a new entry off of Chicago Avenue. This creates additional conflict points between vehicles, pedestrians and cyclists, takes away on-street parking spaces and takes away from a walkable experience at the ground level.

The proposed site development allowances for height, FAR and dwelling units greatly exceed the maximum site development allowances permitted without Supermajority City Council approval.

Legislative History:

September 30, 2020 – A motion to recommend approval of the revised planned development at 1621-1631 Chicago Avenue with conditions as listed by staff, and an added condition that the applicant work with staff resolve any issues related to left turns conflicting with the Whole Foods drive, failed with a 2-4 vote. [Link to Plan Commission Packet for September 30, 2020 Meeting](#)

May 13, 2020 – At request of the applicant, The Commission voted to continue this item until such a time that a meeting could be held in person to continue review of the subdivision, major adjustment and associated planned development.

February 26, 2020 – Plan Commission began review of the subdivision and major adjustment and then continued the hearing for these items and related planned development at the applicant's request in order to make changes to the proposed planned development.

September 18, 2019 – DAPR Committee unanimously recommended approval of the proposed subdivision and major adjustment to the existing planned development but voted unanimously to recommend denial of the proposed planned development.

July 17, 2019 – DAPR Committee held the subdivision, major adjustment and proposed planned development in order to have the applicant make changes to their proposal.

Attachments:

[Ordinance 97-O-20, Special Use Permit 1621 Chicago Avenue Planned Development](#)

[2.26.20 Plan Commission Meeting Minutes Excerpt](#)

[9.30.20 Plan Commission Meeting Minutes](#)

**97-O-20**

**AN ORDINANCE**

**Granting a Special Use Permit for a Planned Development  
Located at 1621- 1631 Chicago Avenue in the D4 Downtown Transition  
District**

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

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

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

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

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

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



**WHEREAS**, Horizon Realty Group (the “Applicant,”), developer of the property located at 1621-1631 Chicago Avenue, Evanston, Illinois (the “Subject Property”), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-3-5, “Special Uses”, Section 6-3-6, “Planned Developments”, and Subsection 6-11-1-10, “Planned Developments” in Downtown Zoning Districts, to permit the construction and operation of a Planned Development with accessory parking located at the Subject Property in the D4 Downtown Transition Zoning District (“D4 District”); and

**WHEREAS**, the Applicant sought approval to construct a new nineteen (19) story two hundred eleven (211) foot eight (8) inch tall mixed use commercial and residential building consisting of two hundred forty (240) dwelling units, approximately 3,539 gross square feet of ground floor commercial space, with eighty-five (85) below grade parking spaces, and one short loading berth; and

**WHEREAS**, on February 26, 2020, 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. 18PLND-0012, heard extensive testimony and public comment, and received other evidence before continuing the hearing to the April 8, 2020 Plan Commission meeting at the request of the Applicant; and

**WHEREAS**, no Plan Commission meeting was convened in April of 2020 due to the onset of the COVID-19 pandemic; and

**WHEREAS**, the Applicant submitted a revised application for approval to construct a new seventeen (17) story one hundred eighty-five (185) tall mixed use commercial and residential building consisting of two hundred fifteen (215) dwelling units, approximately 3,289 gross square feet of ground floor commercial space, with eighty-five (85) below grade parking spaces and two short loading berths; and

**WHEREAS**, at the May 13, 2020 Plan Commission meeting, the public hearing for this item was continued, with the Applicant requesting to hold review of the item to a time when the meeting could be held in person; and

**WHEREAS**, the item was ultimately continued to a future in-person Plan Commission meeting to be determined, but due to the continuing COVID-19 pandemic, the Applicant opted to continue review of the proposal at the virtual September 30, 2020 Plan Commission meeting; and

**WHEREAS**, the Applicant submitted minor revisions to the ground floor layout, which reconfigured the ground floor slightly, but did not lead to changes in the site development allowances; and

**WHEREAS**, the Applicant sought approval to construct a new seventeen (17) story one hundred eighty-five (185) foot tall mixed-use building with three thousand two hundred eighty-nine (3,289) square feet of ground floor retail and two hundred fifteen (215) residential units targeting senior residents with eighty-five (85) below grade parking spaces and two short loading berths;; and

**WHEREAS**, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with

regards to number of dwelling units per lot size, building height, floor area ratio (“FAR”), and number of parking spaces; and

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

**WHEREAS**, on September 30, 2020, 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. 18PLND-0012, 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 not meet applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the D4 Zoning District per Subsection 6-11-1-10 of the Zoning Ordinance; and

**WHEREAS**, the Plan Commission recommended City Council denial of the application with conditions; and

**WHEREAS**, because the FAR and building height are above the maximum site development allowances for planned developments, a favorable supermajority (two-thirds) vote of the City Council is required; and

**WHEREAS**, it is well-settled law that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of*

*Deerfield*, 213 Ill.App.3d 747 (1991)) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124 (7<sup>th</sup> Cir. 1995)),

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

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

**SECTION 2:** Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 18PLND-0012, to allow construction and operation of the Planned Development described herein.

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

- (A) Number of Dwelling Units Per Lot Size:** A Site Development Allowance is hereby granted for two hundred fifteen (215) dwelling units, whereas subsection 6-11-5-4 of the Zoning Ordinance allows a maximum of fifty-four (54) dwelling units for a lot sized at 21,644 sq. ft. in the D4 District.
- (B) Building Height:** A Site Development Allowance is hereby granted for an approximately one hundred eighty-five (185) foot maximum building height, whereas subsection 6-11-5-8 of the Zoning Ordinance requires a maximum allowed building height of one hundred five (105) feet for structures containing residential units in the D4 District, with Subsection 6-11-1-10(C)(1) allowing for an additional forty (40) feet of height in the D4 District as a site development allowance.
- (C) Floor Area Ratio:** A Site Development Allowance is hereby granted permitting a FAR of 10.38, whereas subsection 6-11-5-6 of the Zoning Ordinance requires a FAR of 5.4 for structures containing residential units in the D4 District, with Subsection 6-11-1-10(C)(2) allowing for an additional 0.6 FAR in the D4 District as a site development allowance.
- (D) Number of Parking Spaces:** A Site Development Allowance is hereby granted permitting eighty-five (85) parking spaces on the Subject Property, whereas Table 16-B of Chapter 16 of the Zoning Ordinance requires a minimum of one

hundred sixty-two (162) parking spaces on the Subject Property in the D4 District.

**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 and Landscape Plans in Exhibits B and C, attached hereto and incorporated herein by reference; all applicable legislation; the Applicant's testimony and representations to the Design and Project Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (B) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction phasing/staging plans; construction hours; site access including traffic and pedestrian safety plans; contractor parking; damage control and vibration monitoring; construction exhibits; project communication and signage.
- (C) **Contribution to Public Projects:** The Applicant shall establish a fund in an amount equal to the lesser of \$300,000 or 0.5% of the Construction Budget that will be used to first pay for repairs to or reconstruction of the public alley to the east of the Subject Property (between Davis St. and Church St.) for the purpose of improving alley use and access. The balance of the fund, if any, will be used to pay for safety enhancements to selected curb-cuts in bicycle lanes or routes that pose an elevated safety risk.
- (D) **Electric Vehicle (EV) Charging Station:** The Applicant shall provide one electric vehicle charging station that is available to the public for use. Additionally, provide 5% of parking spaces to be EV charging stations along with an additional 15% of parking spaces to be EV ready in the case of increased demand.
- (E) **Parking:** The Applicant shall lease a minimum of twenty (20) additional parking spaces from the City of Evanston within the Church Street garage.

- (F) **Building Resident Parking Permits:** Building residents shall not be eligible for residential on-street parking permits.
- (G) **Restricted Turn Movements:** Outbound access from the porte cochere shall be restricted to right-turn only.
- (H) **Harm Mitigation for Migratory Birds:** LEED 55 Bird-Friendly standards will be incorporated into the proposed building.
- (I) **Right of Way Easement:** Prior to issuance of building permit an easement shall be obtained for the twelve (12) inch overhang of windows into the Chicago Avenue right-of-way.
- (J) **Traffic Conflicts:** Prior to issuance of the building permit the Applicant shall resolve any traffic conflicts relating to the access drive for the grocery store directly across the street to the satisfaction of the Director of the Public Works Agency.
- (K) **LEED Silver Certification:** The Applicant agrees to comply with the City of Evanston Green Building Ordinance and will obtain a LEED Silver Certification Rating for the Planned Development on the Subject Property.
- (L) **Inclusionary Housing Ordinance (IHO):** The Applicant shall comply with the Inclusionary Housing Ordinance in effect at the time of application, whereby ten percent (10%) of the units are affordable or pay a fee-in-lieu at the rate of one-hundred thousand dollars (\$100,000) per unit, with the applicant agreeing to pay a fee-in-lieu of two million four hundred thousand dollars (\$2,400,000). Such payment shall be submitted prior to issuance of a Final Certificate of Occupancy.
- (M) **Illinois Environmental Protection Agency Approval:** The Applicant shall submit an approval letter from the IEPA prior to issuance of a Final Certificate of Occupancy. Said letter must explicitly state that any and all environmental contamination has been remedied and/or removed.
- (N) **Promote Local Artists:** The Applicant shall work with Evanston arts organizations to curate art from local Evanston artists to be displayed throughout the common areas of the Subject Property.
- (O) **Changes in Building Use:** Any material changes in the use of the building on the Subject Property must be approved as an amendment to this Planned Development in accordance with Subsection 6-3-6-12 of the Zoning Ordinance.
- (P) **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: \_\_\_\_\_, 2020

Approved:

Adopted: \_\_\_\_\_, 2020

\_\_\_\_\_, 2020

\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Devon Reid, City Clerk

\_\_\_\_\_  
Kelley A. Gandurski, Corporation Counsel



**EXHIBIT A**

**Legal Description**

LOT A EXCEPT THE FOLLOWING DESCRIBED PROPERTY, BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHEASTERLY, ALONG THE NORTHWESTERLY LINE, 264.39 FEET; THENCE SOUTHEASTERLY AT APPROX. AT RIGHT ANGLE 170 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT; THENCE SOUTHWESTERLY, ALONG THE SOUTHEASTERLY LINE, 264.46 FEET; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY LINE; 170 FEET TO THE POINT OF BEGINNING, IN PLAT OF CONSOLIDATION OF LOT 4 (EXCEPT THE NORTH 5 FEET THEREOF) AND ALL OF LOTS 5, 6, 7, 8 AND 9 IN BLOCK 20 IN EVANSTON, IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PINs:** 11-18-403-021-0000

**COMMONLY KNOWN AS:** 1621-1631 Chicago Avenue, Evanston, Illinois

**EXHIBIT B**  
**Development Plans**

~11~



**The Merion Legacy - 1621-31 Chicago Ave.**

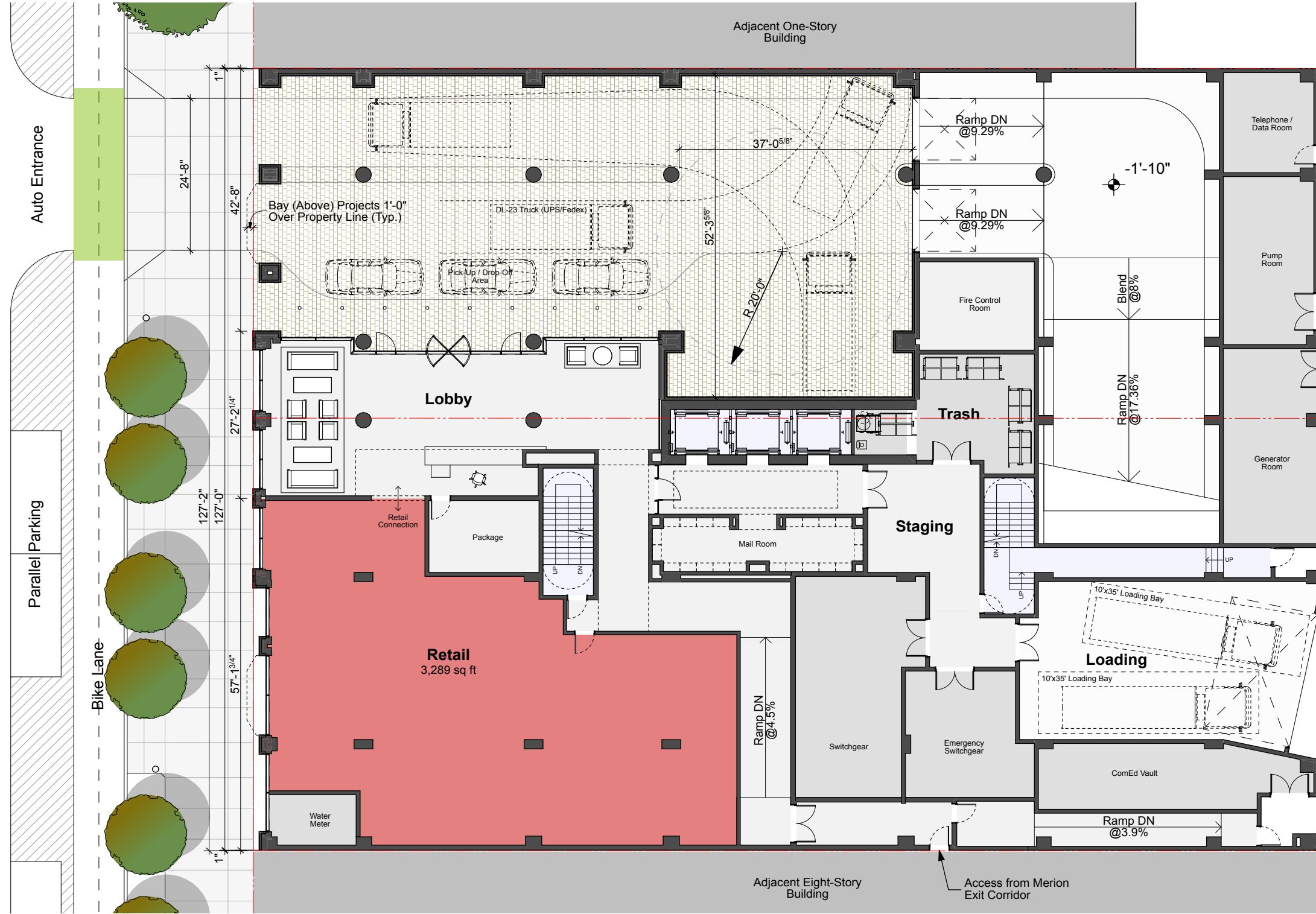
**Northwest Perspective**  
9/30/20

**PAPPAGEORGE**  
**HAYMES**





# Chicago Ave



### Project Data

- Total Units: **215**
- Avg Unit Size: **885sf**
- Total Stories: **17**
- 1 Sky Amenity Level
- 15 Residential Stories
- 1 Ground Level
- Total Building Height: **185'-0"**
- Typical Floor Eff.: **85.28%**
- Total Building Eff.: **76.9%**
- Total Cars: **85**
- Parking Ratio: **.40/DU**
- Parking Eff.: **466sf/Car**
- Amenity Ratio: **25.0sf/DU**

Existing 20' Alley

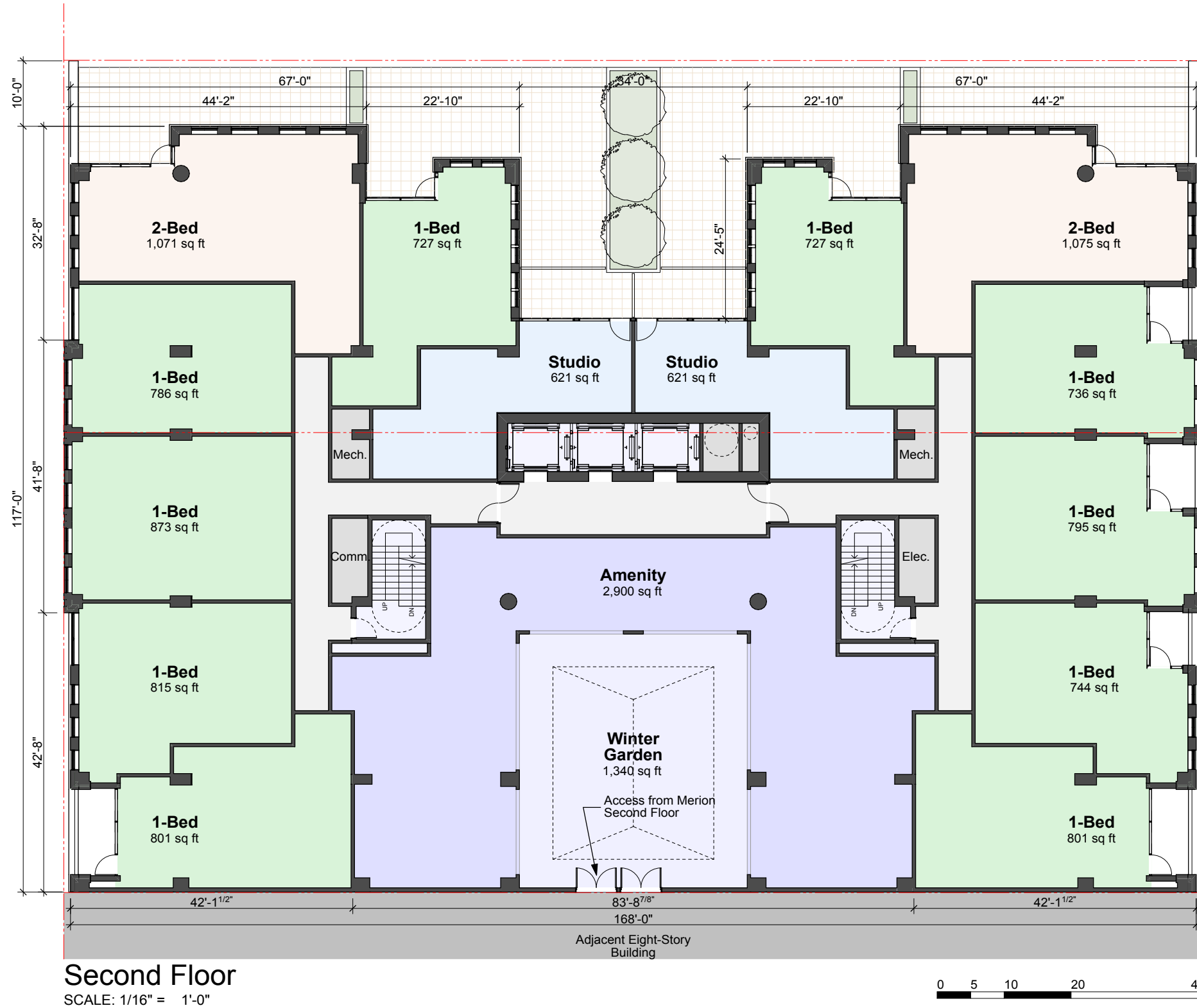


## The Merion Legacy - 1621-31 Chicago Ave.

Ground Floor Plan  
9/30/20



PAPPAGEORGE  
HAYMES



**Project Data**

Total Units: 215  
Avg Unit Size: 885sf

Total Stories: 17  
- 1 Sky Amenity Level  
- 15 Residential Stories  
- 1 Ground Level

Total Building Height: 185'-0"

Typical Floor Eff.: 85.28%  
Total Building Eff.: 76.9%

Total Cars: 85  
Parking Ratio: .40/DU  
Parking Eff.: 466sf/Car

Amenity Ratio: 25.0sf/DU

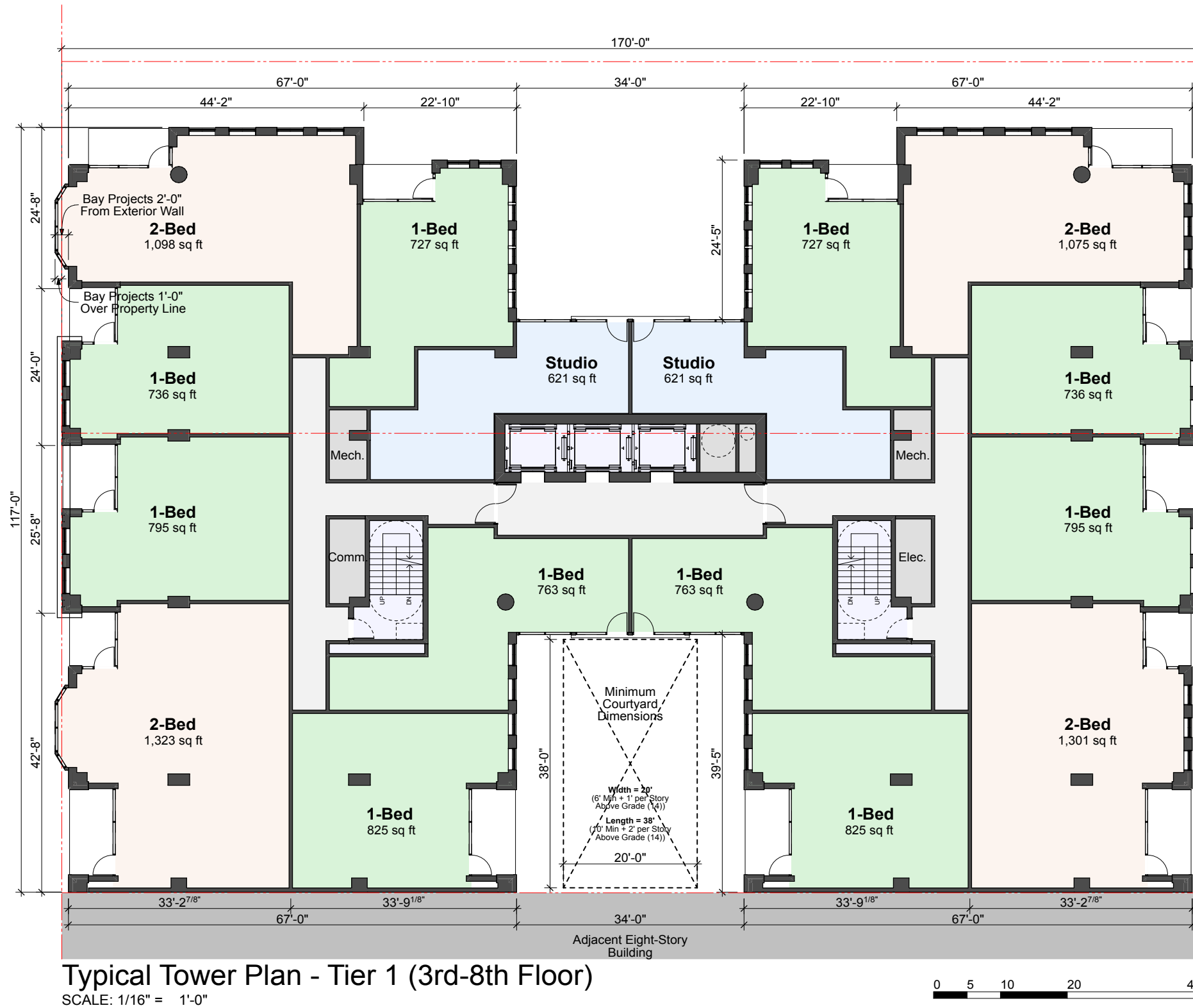


**The Merion Legacy - 1621-31 Chicago Ave.**

Second Floor  
9/30/20



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Typical Tower Plan - Tier 1 (3rd-8th Floor)

SCALE: 1/16" = 1'-0"

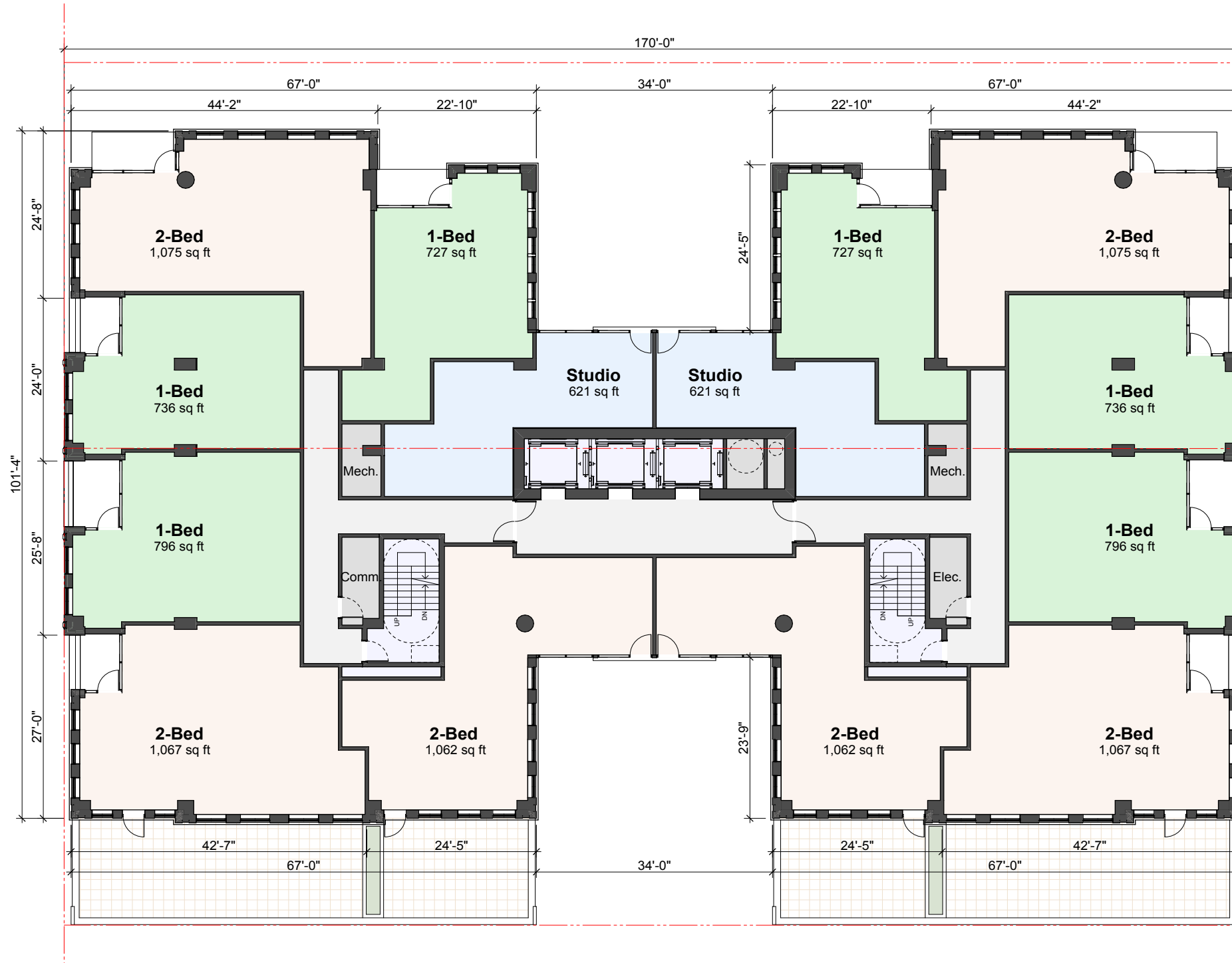


The Merion Legacy - 1621-31 Chicago Ave.

Typical Tower (Tier 1 - 3rd-8th Floor) 9/30/20



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**Project Data**

Total Units: **215**  
Avg Unit Size: **885sf**

Total Stories: **17**  
- 1 Sky Amenity Level  
- 15 Residential Stories  
- 1 Ground Level

Total Building Height: **185'-0"**

Typical Floor Eff.: **85.28%**  
Total Building Eff.: **76.9%**

Total Cars: **85**  
Parking Ratio: **.40/DU**  
Parking Eff.: **466sf/Car**

Amenity Ratio: **25.0sf/DU**

**Ninth Floor**  
SCALE: 1/16" = 1'-0"

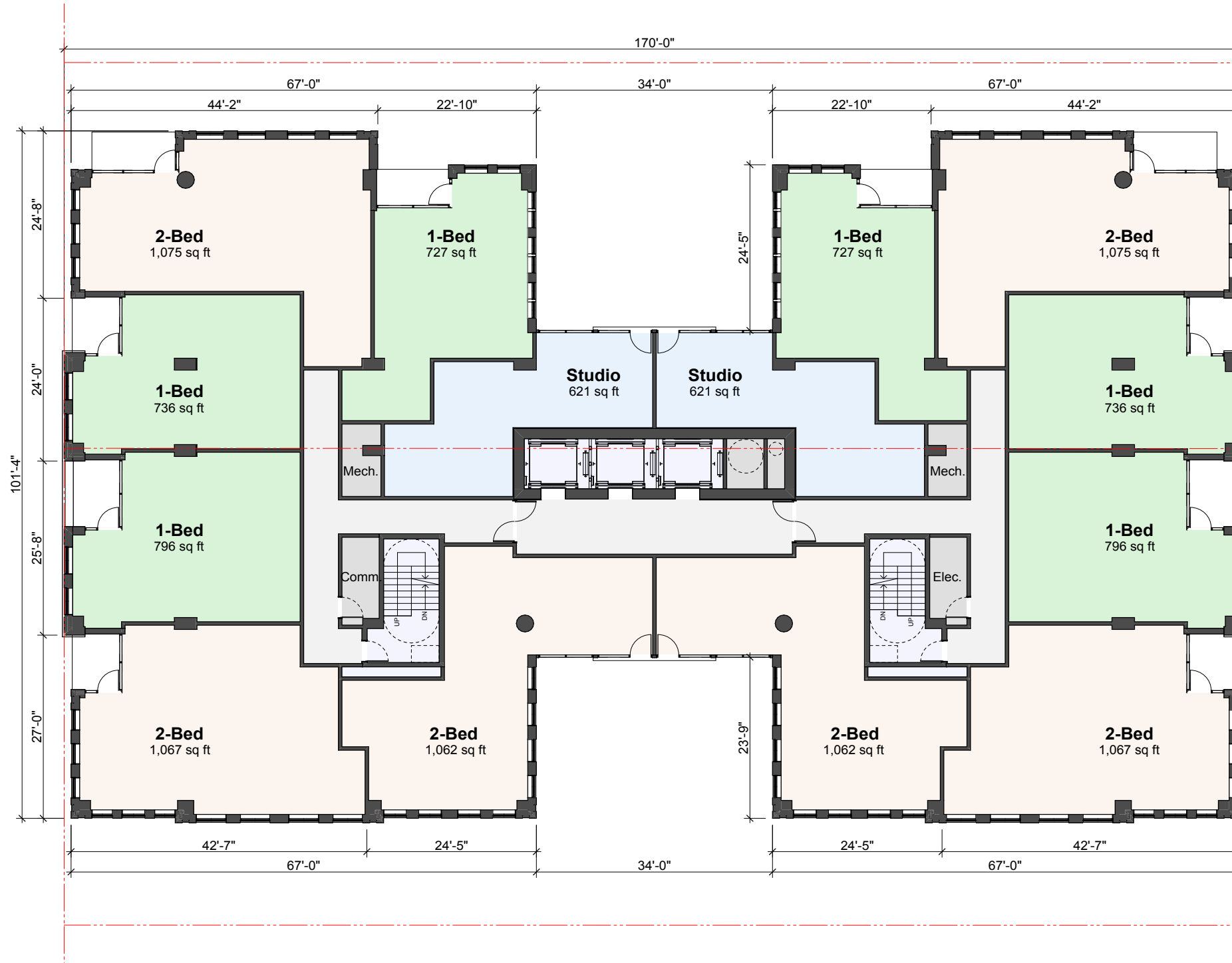


**The Merion Legacy - 1621-31 Chicago Ave.**

Ninth Floor  
9/30/20



**PAPPAGEORGE  
HAYMES**



Typical Tower Plan - Tier 2 (10th-15th Floor)  
 SCALE: 1/16" = 1'-0"

**Project Data**

Total Units: **215**  
 Avg Unit Size: **885sf**

Total Stories: **17**  
 - 1 Sky Amenity Level  
 - 15 Residential Stories  
 - 1 Ground Level

Total Building Height: **185'-0"**

Typical Floor Eff.: **85.28%**  
 Total Building Eff.: **76.9%**

Total Cars: **85**  
 Parking Ratio: **.40/DU**  
 Parking Eff.: **466sf/Car**

Amenity Ratio: **25.0sf/DU**



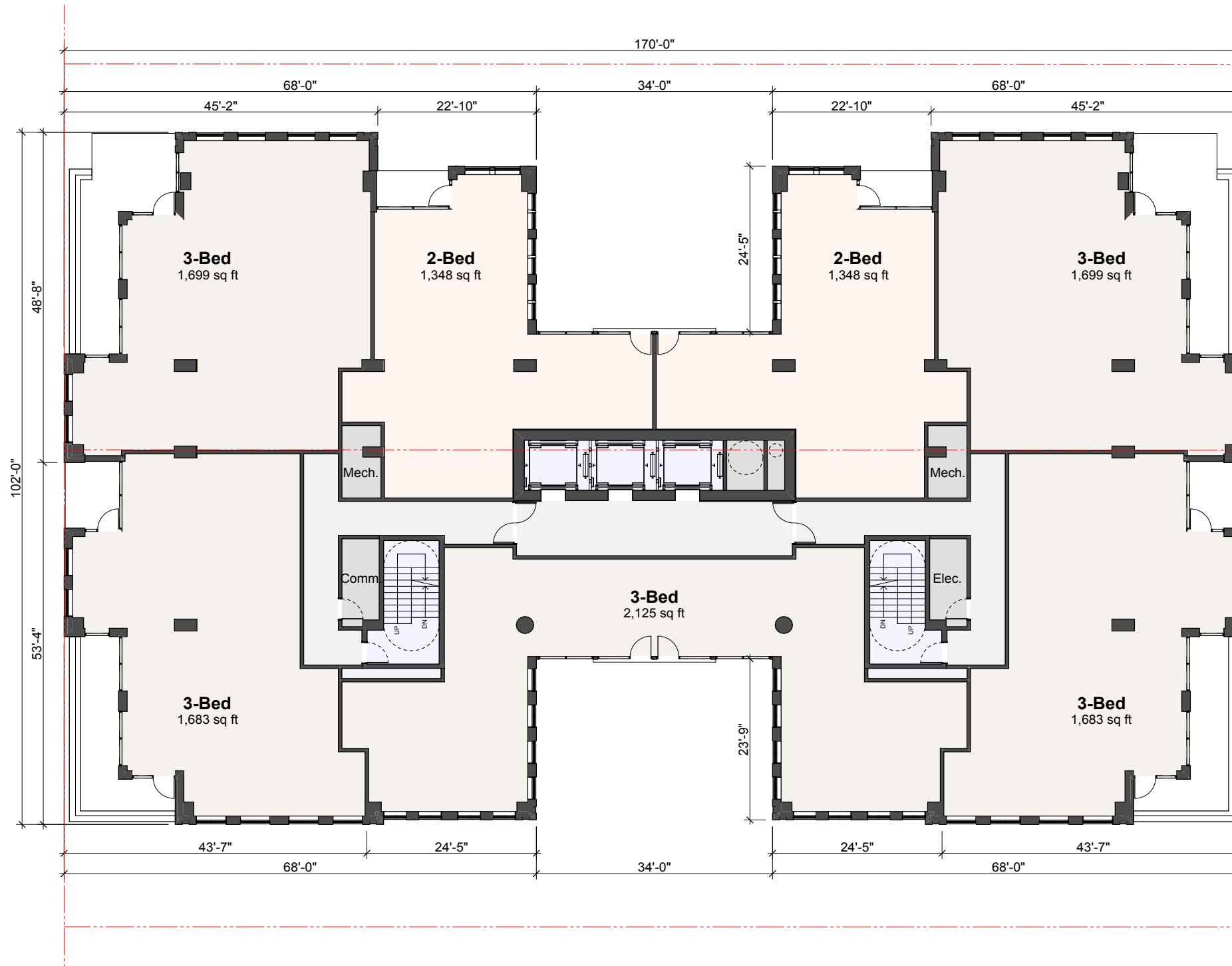
**The Merion Legacy - 1621-31 Chicago Ave.**

Typical Tower (Tier 2 - 10th-15th Floor)  
 9/30/20



**PAPPAGEORGE  
 HAYMES**





**Project Data**

Total Units: **215**  
Avg Unit Size: **885sf**

Total Stories: **17**  
- 1 Sky Amenity Level  
- 15 Residential Stories  
- 1 Ground Level

Total Building Height: **185'-0"**

Typical Floor Eff.: **85.28%**  
Total Building Eff.: **76.9%**

Total Cars: **85**  
Parking Ratio: **.40/DU**  
Parking Eff.: **466sf/Car**

Amenity Ratio: **25.0sf/DU**

**Penthouse Floor (16th Floor)**

SCALE: 1/16" = 1'-0"

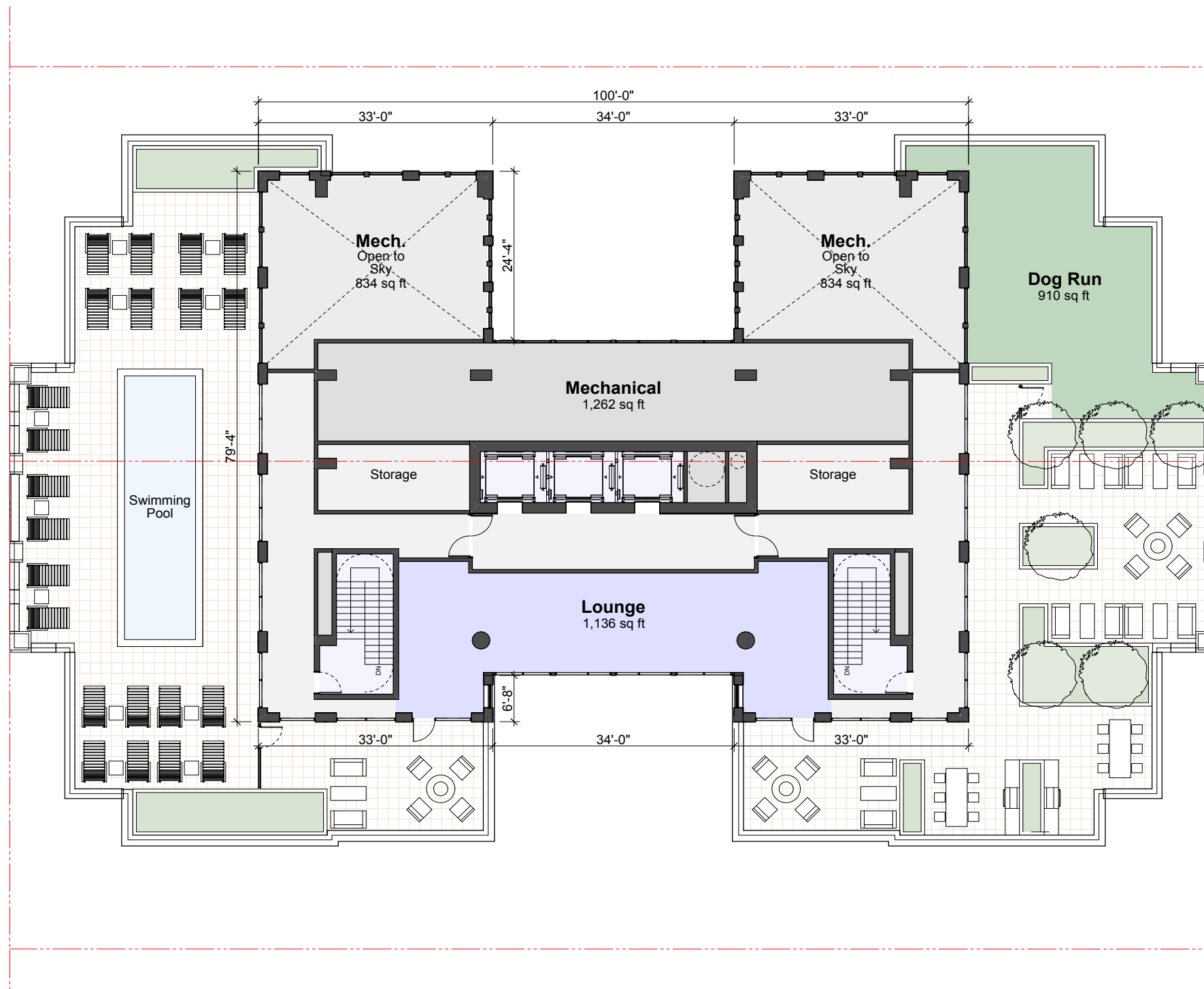


**The Merion Legacy - 1621-31 Chicago Ave.**

Penthouse Floor (16th Floor)  
9/30/20



**PAPPAGEORGE  
HAYMES**



**Project Data**

Total Units: **215**  
Avg Unit Size: **885sf**

Total Stories: **17**  
- 1 Sky Amenity Level  
- 15 Residential Stories  
- 1 Ground Level

Total Building Height: **185'-0"**

Typical Floor Eff.: **85.28%**  
Total Building Eff.: **76.9%**

Total Cars: **85**  
Parking Ratio: **.40/DU**  
Parking Eff.: **466sf/Car**

Amenity Ratio: **25.0sf/DU**

**Sky Amenity (17th Floor)**

SCALE: 1/16" = 1'-0"

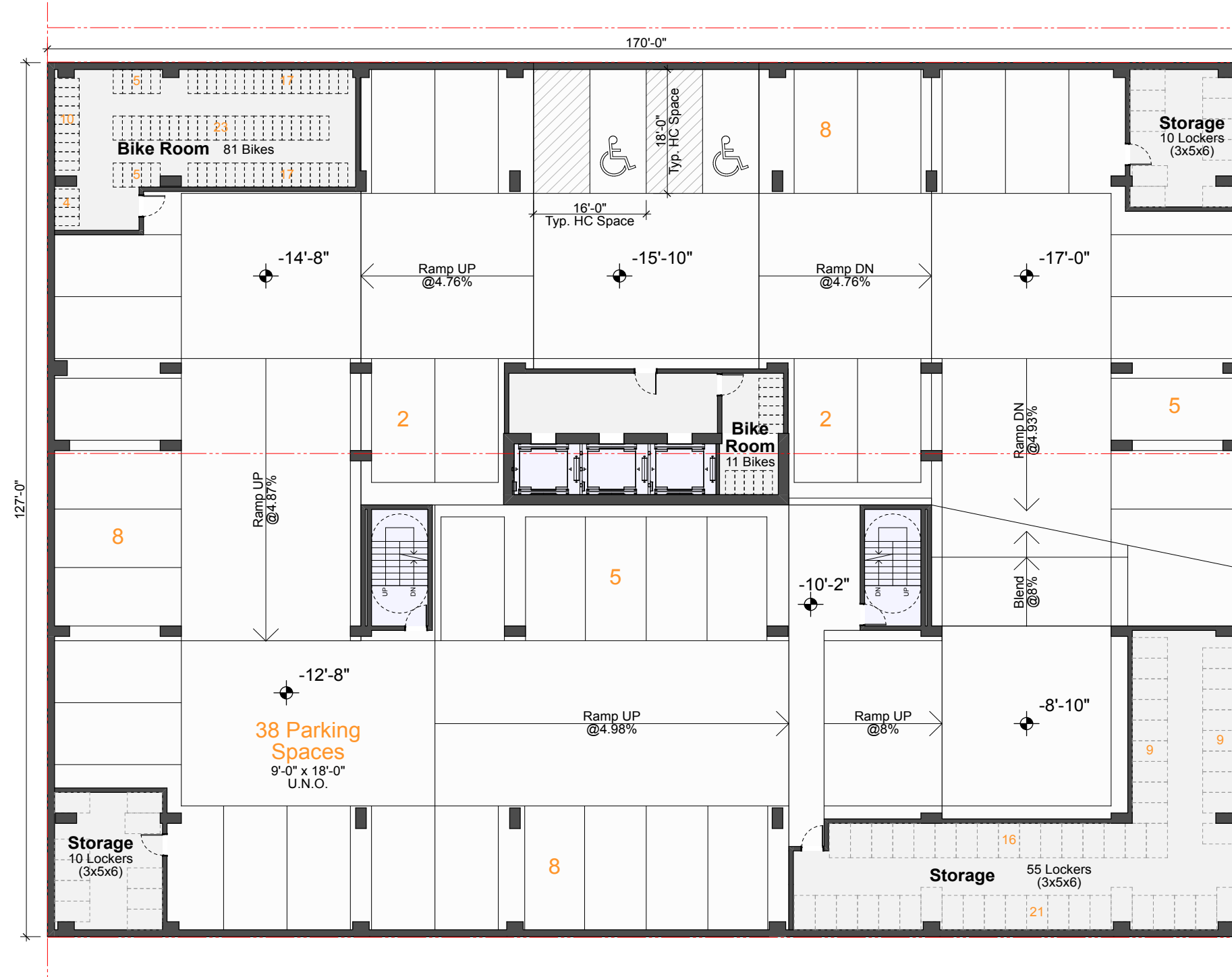


**The Merion Legacy - 1621-31 Chicago Ave.**

**Sky Amenity (17th Floor)**  
9/30/20



**PAPPAGEORGE HAYMES**



**Project Data**

Total Units: **215**  
 Avg Unit Size: **885sf**

Total Stories: **17**  
 - 1 Sky Amenity Level  
 - 15 Residential Stories  
 - 1 Ground Level

Total Building Height: **185'-0"**

Typical Floor Eff.: **85.28%**  
 Total Building Eff.: **76.9%**

Total Cars: **85**  
 Parking Ratio: **.40/DU**  
 Parking Eff.: **466sf/Car**

Amenity Ratio: **25.0sf/DU**

**Basement 01**  
 SCALE: 1/16" = 1'-0"

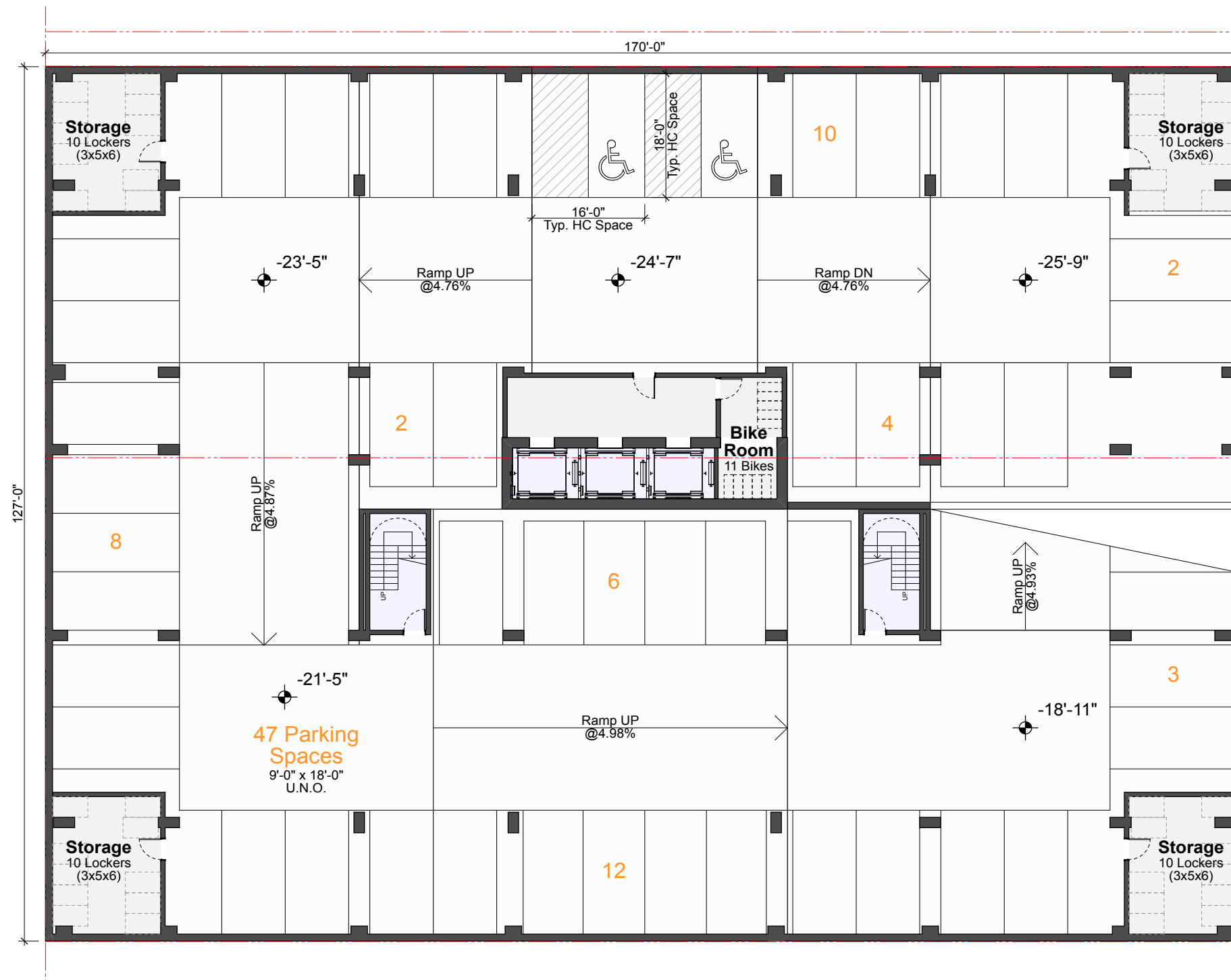


**The Merion Legacy - 1621-31 Chicago Ave.**

**Basement 01**  
 9/30/20



**PAPPAGEORGE HAYMES**



**Project Data**

Total Units: 215  
Avg Unit Size: 885sf

Total Stories: 17  
- 1 Sky Amenity Level  
- 15 Residential Stories  
- 1 Ground Level

Total Building Height: 185'-0"

Typical Floor Eff.: 85.28%  
Total Building Eff.: 76.9%

Total Cars: 85  
Parking Ratio: .40/DU  
Parking Eff.: 466sf/Car

Amenity Ratio: 25.0sf/DU

**Basement 02**

SCALE: 1/16" = 1'-0"



**The Merion Legacy - 1621-31 Chicago Ave.**

Basement 02  
9/30/20



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1621-31 Chicago Data

	Floor	Building			Unit Mix					Retail	Resi SF	Common SF	Amenity SF	Parking/Load SF	Vertical Service	Mech SF	Gross SF	FAR SF	Cars
		# Floors	Height (ft)	Height (in)	Studio (581-621sf)	1 Bed (727-844sf)	2 Bed (1062-1348sf)	3 Bed (1683-2125sf)	Total Units/FL										
Sub-Grade	Basement 02	1	8	9					0		0	1,890	0	18,925	568	0	21,383	0	47
	Basement 01	1	15	10					0		0	3,594	0	17,428	568	0	21,590	0	38
	Ground Floor	1	16	0					0	3,289	0	4,254	0	3,801	890	3,709	15,943	7,543	
	Second Floor	1	12	0	2	10	2	0	14		11,194	1,316	4,240	0	678	377	17,805	16,750	
Tier 1	Third Floor	1	9	6	2	10	4	0	16		13,733	1,315	0	0	678	377	16,103	15,048	
	Fourth Floor	1	9	6	2	10	4	0	16		13,733	1,315	0	0	678	377	16,103	15,048	
	Fifth Floor	1	9	6	2	10	4	0	16		13,733	1,315	0	0	678	377	16,103	15,048	
	Sixth Floor	1	9	6	2	10	4	0	16		13,733	1,315	0	0	678	377	16,103	15,048	
	Seventh Floor	1	9	6	2	10	4	0	16		13,733	1,315	0	0	678	377	16,103	15,048	
	Eighth Floor	1	10	6	2	10	4	0	16		13,733	1,315	0	0	678	377	16,103	15,048	
	Ninth Floor	1	9	6	2	6	6	0	14		12,169	1,198	0	0	678	377	14,422	13,367	
Tier 2	Tenth Floor	1	9	6	2	6	6	0	14		12,169	1,198	0	0	678	377	14,422	13,367	
	Eleventh Floor	1	9	6	2	6	6	0	14		12,169	1,198	0	0	678	377	14,422	13,367	
	Twelfth Floor	1	10	6	2	6	6	0	14		12,169	1,198	0	0	678	377	14,422	13,367	
	Thirteenth Floor	1	9	6	2	6	6	0	14		12,169	1,198	0	0	678	377	14,422	13,367	
	Fourteenth Floor	1	9	6	2	6	6	0	14		12,169	1,198	0	0	678	377	14,422	13,367	
	Fifteenth Floor	1	10	6	2	6	6	0	14		12,169	1,198	0	0	678	377	14,422	13,367	
	Penthouse Floor	1	14	0	0	0	2	5	7		11,585	1,064	0	0	678	377	13,704	12,649	
	Sky Amenity	1	16	6	0	0	0	0	0		0	1,997	1,136	0	662	3,079	6,874	3,133	
<b>Total</b>		<b>17</b>	<b>185.000</b>		<b>28</b>	<b>112</b>	<b>70</b>	<b>5</b>	<b>215</b>	<b>3,289</b>	<b>190,360</b>	<b>30,391</b>	<b>5,376</b>	<b>40,154</b>	<b>12,858</b>	<b>12,443</b>	<b>294,871</b>	<b>223,932</b>	<b>85</b>
<b>Percentage</b>					13%	52%	33%	2%											
<b>Goal</b>					20%	60%	20%												

Total Units	215	DU
Avg Unit Size	885	SF
Parking Ratio	0.40	/DU
Parking Eff.	472	/Space
Typ. Floor Eff. - Tier 1	85.28%	
Typ. Floor Eff. - Tier 2	84.38%	
Total Eff.	76.88%	
Amenity/Unit	25.00	SF

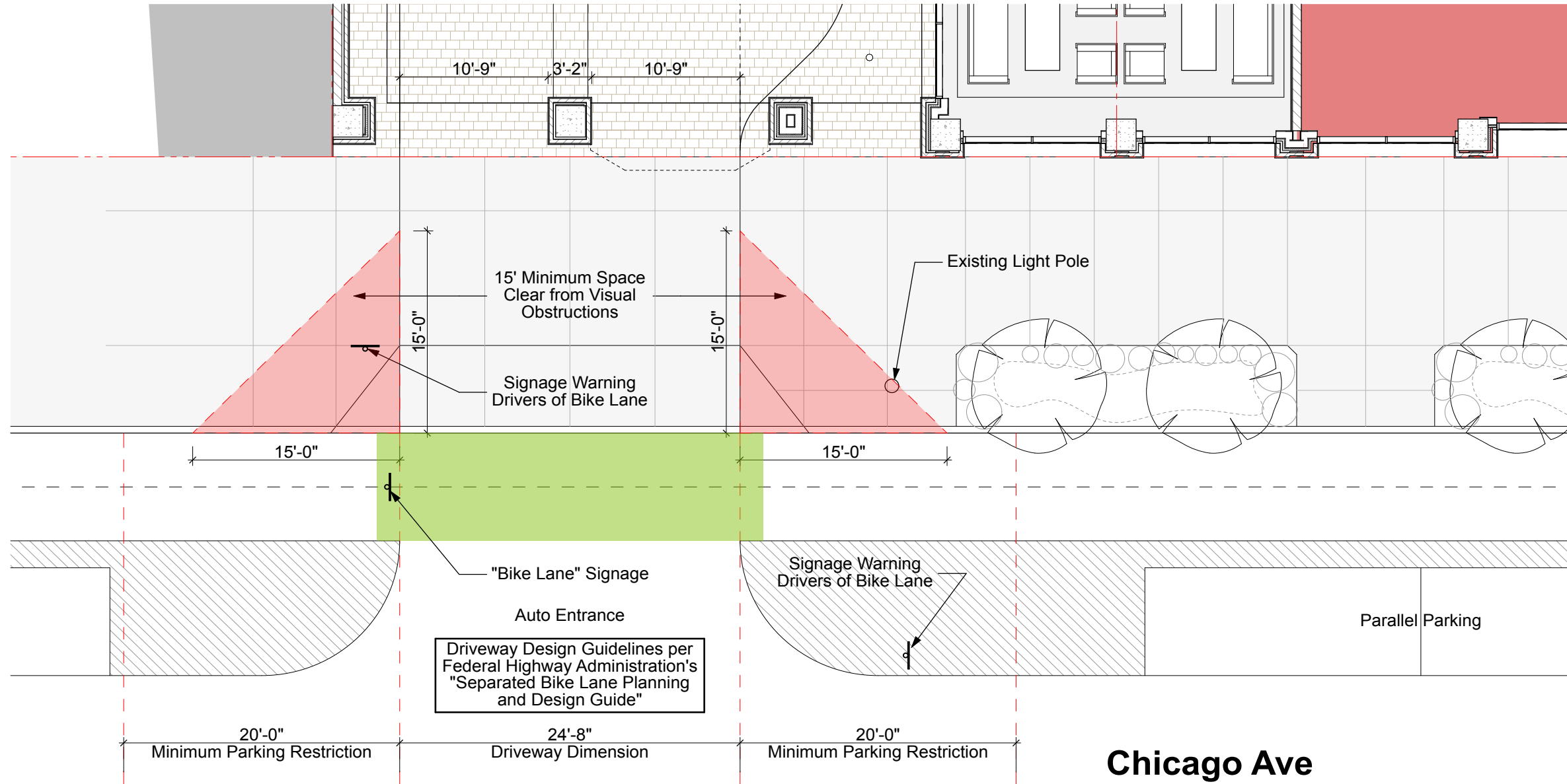
Site Area	21,644	SF
Total FAR Allowed (6.0)	129,864	SF
Proposed FAR Ratio	10.346	
FAR Overage	94,068	SF



The Merion Legacy - 1621-31 Chicago Ave.

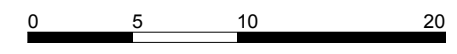
Project Data  
9/30/20

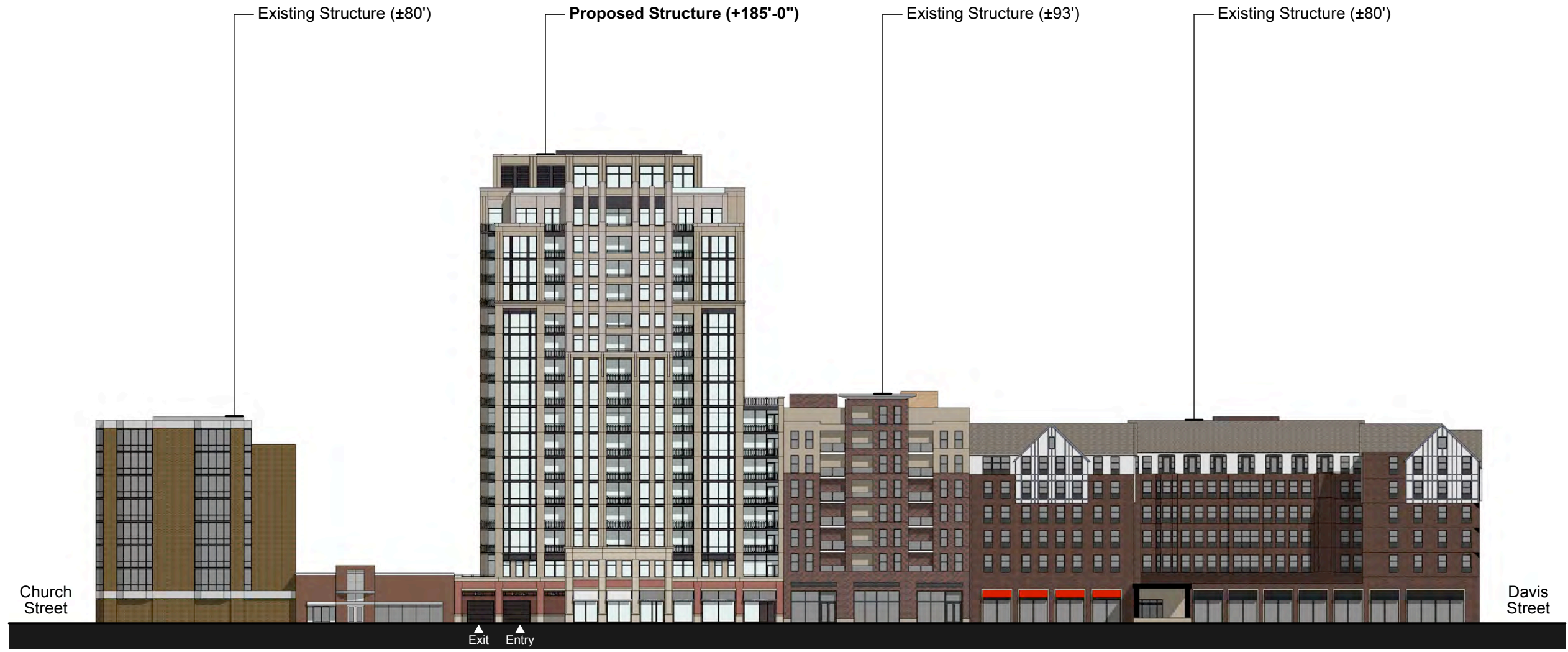
PAPPAGEORGE  
HAYMES



**Bike Lane and Curb Cut Layout**  
 SCALE: 1/8" = 1'-0"

**Chicago Ave**





**Chicago Avenue Elevation**  
 SCALE: 1" = 40'



**The Merion Legacy - 1621-31 Chicago Ave.**

Chicago Ave. Elevation  
 9/30/20

PAPPAGEORGE  
 HAYMES





**West Elevation**  
 SCALE: 1" = 30'

- 01 - Brick Color A
- 02 - Cast Stone
- 03 - Cast-In-Place Concrete Color A
- 04 - Cast-In-Place Concrete Color B
- 05 - Aluminum Window
- 06 - Prefinished Metal Panel
- 07 - Prefinished Metal Railing
- 08 - Aluminum Louver
- 09 - Concrete Block
- 10 - Colored Concrete Block

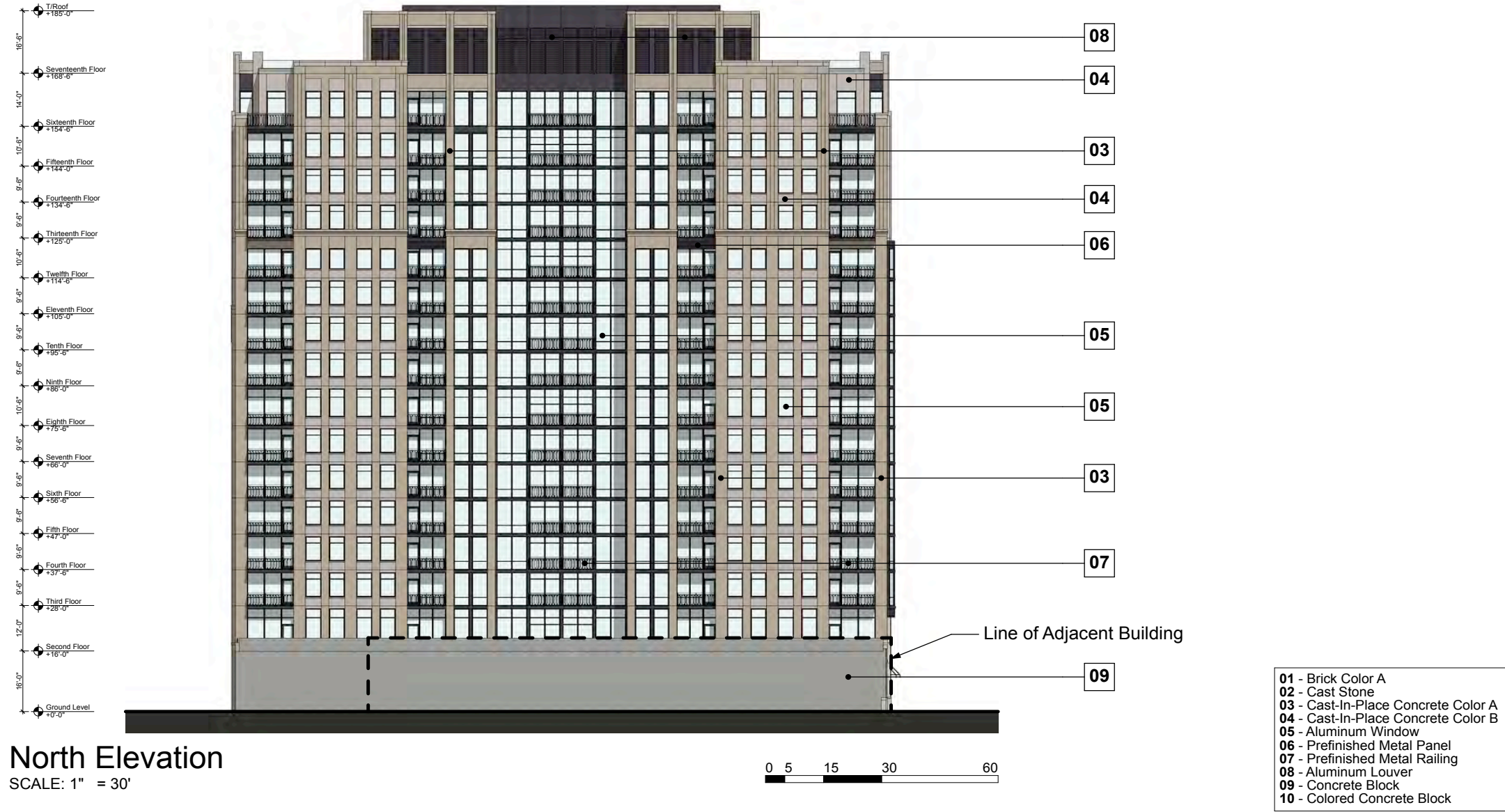


**The Merion Legacy - 1621-31 Chicago Ave.**

**West Elevation**  
 9/30/20

**PAPPAGEORGE**  
**HAYMES**





# The Merion Legacy - 1621-31 Chicago Ave.

North Elevation  
9/30/20

PAPPAGEORGE  
HAYMES



**East Elevation**  
SCALE: 1" = 30'

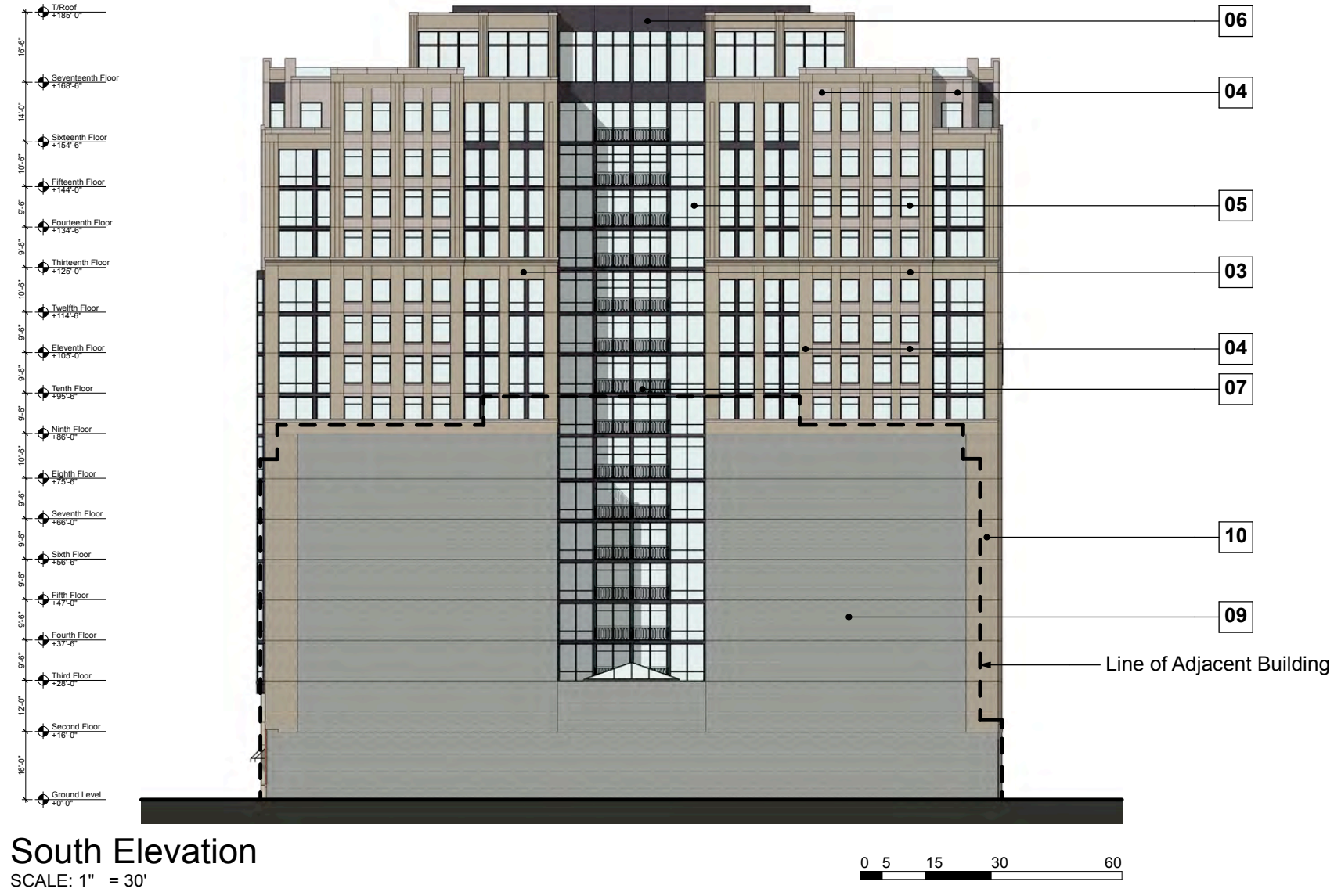
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- 02 - Cast Stone
- 03 - Cast-In-Place Concrete Color A
- 04 - Cast-In-Place Concrete Color B
- 05 - Aluminum Window
- 06 - Prefinished Metal Panel
- 07 - Prefinished Metal Railing
- 08 - Aluminum Louver
- 09 - Concrete Block
- 10 - Colored Concrete Block



**The Merion Legacy - 1621-31 Chicago Ave.**

**East Elevation**  
9/30/20

**PAPPAGEORGE**  
**HAYMES**



- 01 - Brick Color A
- 02 - Cast Stone
- 03 - Cast-In-Place Concrete Color A
- 04 - Cast-In-Place Concrete Color B
- 05 - Aluminum Window
- 06 - Prefinished Metal Panel
- 07 - Prefinished Metal Railing
- 08 - Aluminum Louver
- 09 - Concrete Block
- 10 - Colored Concrete Block

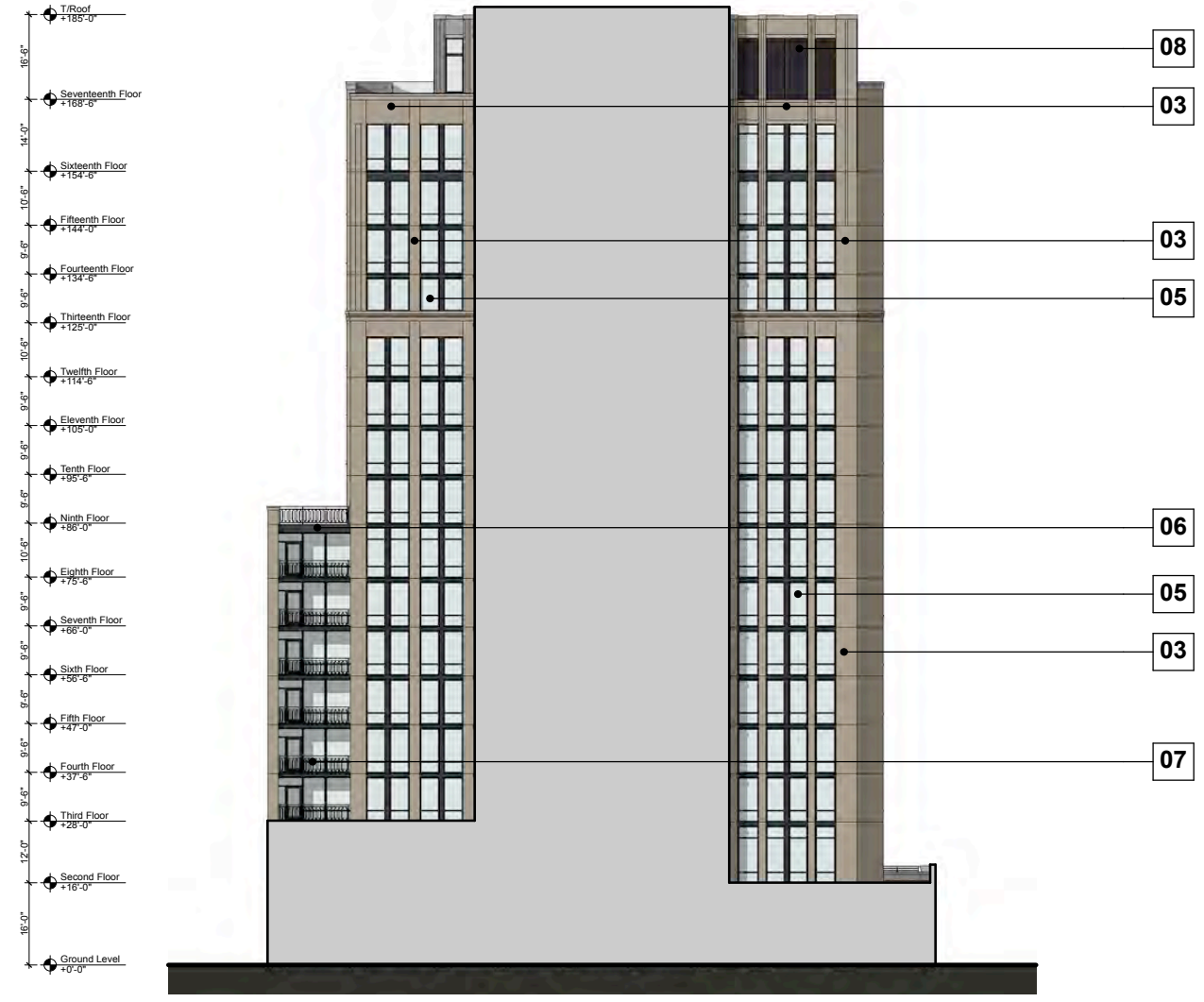


**The Merion Legacy - 1621-31 Chicago Ave.**

South Elevation  
9/30/20

PAPPAGEORGE  
HAYMES





**Courtyard Elevation - East**  
 SCALE: 1" = 30'

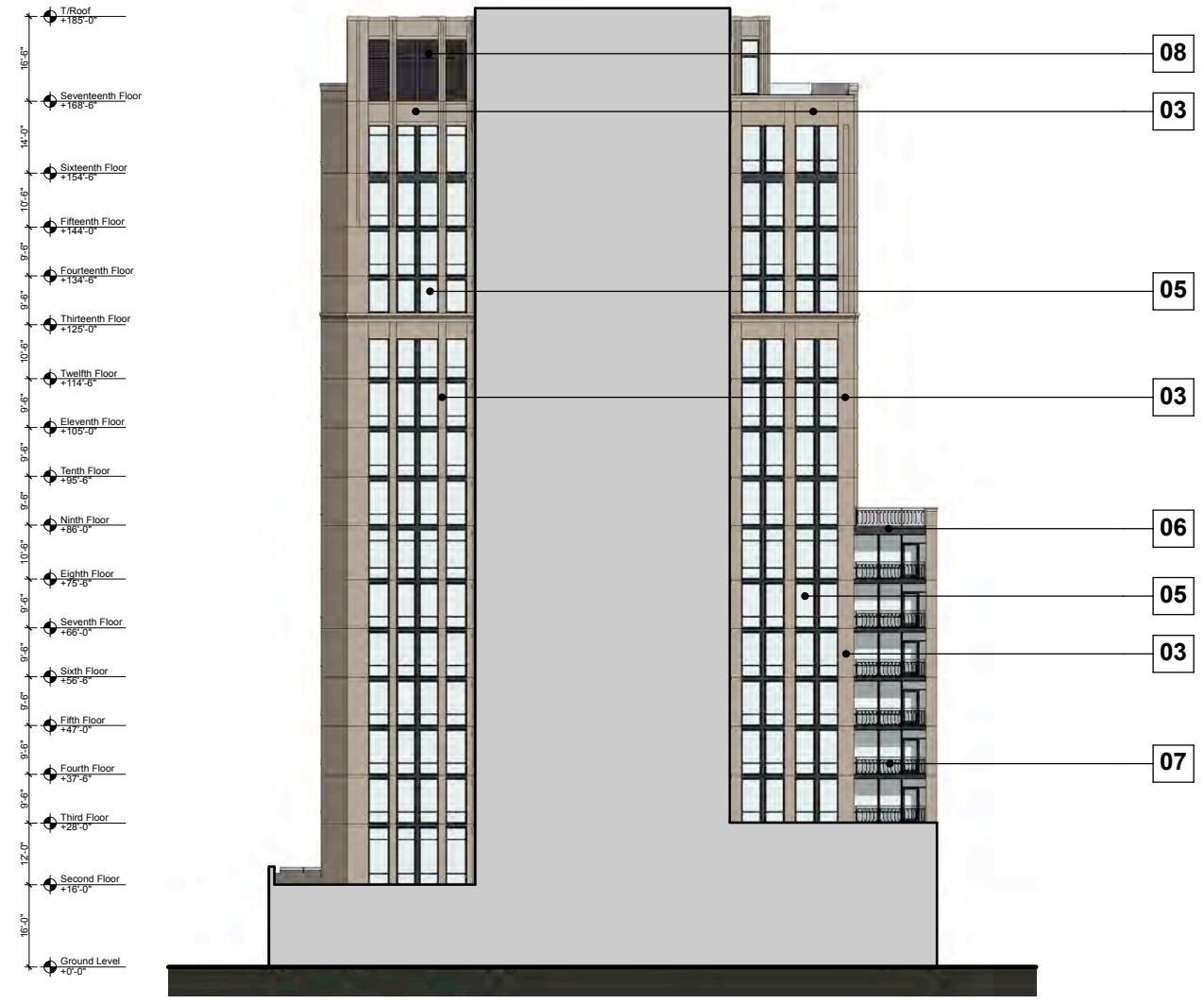
- 01 - Brick Color A
- 02 - Cast Stone
- 03 - Cast-In-Place Concrete Color A
- 04 - Cast-In-Place Concrete Color B
- 05 - Aluminum Window
- 06 - Prefinished Metal Panel
- 07 - Prefinished Metal Railing
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- 09 - Concrete Block
- 10 - Colored Concrete Block



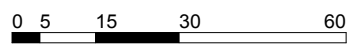
**The Merion Legacy - 1621-31 Chicago Ave.**

Courtyard Elevation - East  
 9/30/20

PAPPAGEORGE  
 HAYMES



**Courtyard Elevation - West**  
 SCALE: 1" = 30'



- 01 - Brick Color A
- 02 - Cast Stone
- 03 - Cast-In-Place Concrete Color A
- 04 - Cast-In-Place Concrete Color B
- 05 - Aluminum Window
- 06 - Prefinished Metal Panel
- 07 - Prefinished Metal Railing
- 08 - Aluminum Louver
- 09 - Concrete Block
- 10 - Colored Concrete Block



**The Merion Legacy - 1621-31 Chicago Ave.**

**Courtyard Elevation - West**  
 9/30/20

**PAPPAGEORGE**  
**HAYMES**

**APPROVED**



**MEETING MINUTES**

**PLAN COMMISSION**

Wednesday, February 26, 2020

7:00 P.M.

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

Members Present: Peter Isaac (Chair), Carol Goddard, George Halik, Brian Johnson, Andrew Pigozzi, Jane Sloss

Members Absent: Jennifer Draper, John Hewko

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

Presiding Member: Chair Isaac

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**1. CALL TO ORDER / DECLARATION OF QUORUM**

Chair Isaac called the meeting to order at 7:00 P.M. Ms. Jones called the roll and a quorum was established.

**2. APPROVAL OF MEETING MINUTES: Minutes will be available at the next Plan Commission meeting.**

**3. NEW BUSINESS**

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**B. Subdivision & Major Adjustment to a Planned Development**

**1619 Chicago Avenue**

**19PLND-0059**

The applicant, Horizon Realty Group, submits for a subdivision and Major Adjustment to a Planned Development in the D4 Downtown Transition District. The requested adjustment will increase FAR from 3.15 to 4.2, increase parking spaces from 32 (23 on-site, 9 leased) to 38 (all leased off-site), and a decrease in total number of units from 205 to 186 (includes 65 dwelling units). No new site development allowance will be needed.

**C. Planned Development**

**1621 Chicago Avenue**

**18PLND-0112**

The applicant, Horizon Realty Group, submits a planned development application to construct a 19-story apartment building with 240 units, 85

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Plan Commission Minutes 2/26/20

**APPROVED**

**subterranean parking spaces, and approximately 3,540 sq. ft. of ground floor retail space in the D4 Downtown Transition District. Site development allowances are being requested for: 1) a building height of 211 ft. 8 in. where 105 ft. is allowed), 2) an FAR of 11.62 where a maximum of 5.4 is allowed, 3) 240 dwelling units where 54 is maximum is allowed, 4) 85 parking spaces where a minimum 185 is required, and 5) 1 short loading berth where 2 short loading berths are required. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development.**

Mr. Scott Mangum provided an overview of the proposed subdivision, describing the existing Merion development, which includes a 2013 addition, and what zoning characteristics would change as a result of the subdivision. No physical changes would occur to the existing Merion residences. Mr. Mangum then gave an overview of the proposed planned development to be at the site currently consisting of a one-story commercial building.

chair Isaac asked for questions from the Commission to staff. Hearing none, he asked the applicant to provide their presentation

The applicant, Mr. Jeff Michael of Horizon Realty Group, then provided an introduction of the development team including Danny Michael who is the founder of Horizon Realty Group, Tim Kent of Pappageorge Haymes, Michael Werthmann of KLOA, David Meek of Becker Guerian and Jonathan Perman, the public affairs strategist for the project. Mr. Jeff Michael provided an overview of history Horizon Realty Group and of the existing development with the Northshore Hotel Residence celebrating its 100 year anniversary. Horizon Realty Group are long term owners of the site and choose to keep the site for seniors. The proposed development is intended to keep a “senior campus” feel with synergies between the new and existing buildings. The new development will have access to the amenities in the existing buildings. He added that the site is underutilized and there is a demand for additional housing for seniors. The development is expected to generate \$1.6 million in recurring tax revenue and will provide a substantial amount of money for the affordable housing fund.

Mr. Tim Kent then spoke about the development details. He described the existing site and its surroundings and stated that, once built out, the new building will act as a continuation of the existing buildings and their function. He stated that the design of the building is intended to be understated and complementary to existing development with the massing being broken up as the building height increases. He then described the building materials and façade. Mr. Kent then described the 1<sup>st</sup> floor plan which includes retail space, “back of house” uses and a porte-cochere which provides access to the lobby, the below-grade parking levels and a space for pick-ups/drop-offs off of Chicago

**APPROVED**

Avenue. He briefly reviewed the floor plans of the additional levels and described the parking which provides .35 parking spaces per dwelling unit.

Mr. Jonathan Perman spoke providing some general demographic information including that Evanston's population has been largely the same since the 1950's and the proposed development will add .5% to the population. He explained that there is demand for senior housing. He added that available parking is 1.2 parking spaces per unit with a .9 parking space per unit demand. He then described the proposed porte-cochere, explaining that it is safer than the narrow shared alley and takes deliveries and pick-ups/drop-offs off of the street. He added that there are a number of existing curb cuts on the block and along the existing bike path and the City does not have a formal policy on curb-cuts. Mr. Perman then briefly reviewed the fiscal impact study and stated that the project fits the character of the block, and stands with Comprehensive Plan's goals for increased housing for seniors. He finished stating that the public benefits proposed meet the site development allowances and the project is a fiscal win.

Chair Isaac stated that there is the opportunity for residents living within 1,000 ft. of the site are able to submit a written request for continuance. None was submitted. He then opened the hearing to questions from the Commission.

Commissioner Halik stated that he understands breaking down the massing and even though building across the street is taller, it looks lighter. He then asked if the applicant had considered a lighter colored base and darker color for the tower as this might give a different impression regarding the size. Mr. Kent replied that that option had been looked at and is being considered. He added that earlier iterations of the project had been taller and thinner. Mr. Halik stated that a lot of the concern is with the height of the building but not having a squat building.

Commissioner Sloss stated that statements were made that the provided benefits are inherent to the development and asked if there had been any consideration of additional public benefits? Mr. Michael stated that the development team believes that they aligned and exceeded what has been done and are proportional to what is proposed. They are open to considering other public benefits.

Commissioner Halik inquired about what the Mather parking ratio is. Mr. Michael responded that he was not certain of the ratio for that development. Mr. Danny Michael stated that transportation is provided at the existing Merion development and the same is intended for the new building. He added that most of the existing residents do not want to deal with cars so transportation is provided.

Mr. Mangum stated that there are 169 units and 139 parking spaces at 1727 Oak which is limited to people 55 years of age and up. Mr. Perman stated that the development team would be open to renting additional spaces at the Church Street garage if they find additional parking is needed. Chair Isaac referred to the earlier statistic regarding 1.2



**APPROVED**

parking spaces per unit provided and a point .9 space per unit demand. The proposed building proposed .35 per unit.

Mr. Werthmann stated that the .9 parking space per unit demand statistic is for all of downtown versus for just a 55+ population which tends to not have the same demand. Chair Isaac then pointed out that the proposed building is not being restricted to 55 and over. Mr. Michael added that there is 50% vehicle ownership in all of the 28 buildings Horizon Realty Group owns. The building will target an older population through marketing.

Commissioner Goddard expressed concerns regarding the height. She understands the need to have a certain number of units to justify the investment risk for a mixed-use development and wondered if the building were not for seniors would there be no need for the height? Mr. Michael replied no and revenue needed is based on the number of units and leasable spaces. The margin begins to get too tight. Mr. Meek added that the below grade parking added a significant cost and the porte-cochere creates a loss of leasable space.

Commissioner Johnson inquired about the current alley conditions. Mr. Michael responded that the alley is largely commercial use and is both narrow, congested and in disrepair. Additionally, turning radii would be tight even before factoring in snow. He added that the Davis Street Fishmarket space is currently empty but added to congestion when it was open. Mr. Perman then pointed out the safety of the porte-cochere versus crossing existing bike lanes multiple times if the entry were off of the alley.

Commissioner Johnson then asked if there would be more congestion created with one loading berth versus two which would enable delivery vehicles into a loading berth instead of stopping in the alley. Chair Isaac added to the question, revisiting the statement regarding tight turning radii and inquired how wide the proposed loading berth is and if turning studies had been conducted. Mr. Kent confirmed this had been done and delivery and trash vehicles are able to make that turn. He then stated that the dashed line in the diagram is the required size, the actual space is larger and a door can be chosen which enables easier entry.

Commissioner Johnson asked if there is anything suggesting senior building use of loading is more or less. Mr. Michael replied that turnover is typically less in senior buildings with a retention rate of 80%. They also typically have fewer items. Residents would be able to use the Merion's loading.

Commissioner Halik asked if the retail space would also need loading and if an additional dock would work. Mr. Michael replied that it can be looked at.

**APPROVED**

Chair Isaac stated that delivery and loading appears to be in a restricted part of the alley and asked what the plan would be for retail deliveries. Mr. Kent responded that a 2<sup>nd</sup> loading dock may work and that there is a doorway south of the proposed loading dock that is an exit only door and not meant to be an access door that could be used for deliveries. He added that there are 4 to 5 commercial tenants in the existing building; the new building would only have one so delivery amounts would likely be lower.

Chair Isaac asked how many existing spaces are behind the current commercial building. Mr. Michael responded that there are 18 spaces with additional spaces leased at the Church Street garage. Mr. Danny Michael stated that currently many of those spaces are used by the commercial tenants in the one-story building which would be removed should the proposed development be constructed.

Chair Isaac then asked how many current tenants of The Merion have cars. Mr. Michael responded less than 10.

Commissioner Pigozzi stated there are a number of high-rises dealing with deliveries. Mr. Michael stated that the porte-cochere will keep much of these deliveries on-site and off of the street. Mr. Werthmann responded that only smaller vehicles will use the porte-cochere. Larger vehicles will use the loading dock.

Chair Isaac then opened the hearing to questions from the public.

Mr. Bob Froetscher asked if a model was run that would meet the zoning requirements and if so what did it show and why was it not used. Mr. Michael replied that many models had been run but did not meet the rate of return in relation to the risk and fiscal needs. Mr. Froetscher then asked if the applicant knew the existing zoning and if they assumed they could get the City to change the zoning. Mr. Michael responded yes they knew the zoning but did not assume the zoning could be changed. The development is part of a greater vision for the properties.

Ms. Libby Hill stated that a letter was sent to the applicant with questions including if the building will comply with LEED 55 standards and asking for clarification on the balconies and if the lower level glass will reflect greenery. Mr. Kent responded that they intend to comply with LEED 55 standards, that balconies will be wrought iron and that the lower levels will comply with LEED 55 standards.

Chair Isaac opened the hearing to public comment.

Mr. William Brown, a member of First United Methodist Church which has been in existence since 1870, stated that only with this project has there been an issue and there is not one member of the church board that is comfortable with what is proposed; requests show no regard for zoning. The building will begin to create a canyon effect with the building across the street and the alley is bad now and will likely be worse with

**APPROVED**

the proposed development. He finished by saying that members of the adjacent Church will be vocal in opposition and encouraged the Commission to be thoughtful.

Ms. Martha Rudy stated that Mr. Perman's comment of no one disagreeing with the project is false and there are many who do not support the proposed development. She expressed that fear tactics are being used in order to get approval for the site development allowances. She added that the east alley was a de facto borderline for downtown with a promise of no taller buildings being built east of Chicago Avenue; if a zoning change is needed then that should be done.

Mr. Bob Froetscher stated that the building height and number of dwelling units are his main concerns as both are well above maximum permitted amounts. Other buildings on the block are 8 or 9 stories with a transition established. He added that he and other residents expected the density to be adhered to and that the carbon footprint would not be an issue if there was not as much density. He then stated that developing housing to fill the City parking garages does not make sense. Chicago is losing residents but Evanston is ok. Do not be confused by "hand waving".

Ms. Ellen Feldman expressed that the zoning requests are a major issue and the east side of Chicago Avenue is not the Chicago lakefront. The building is not in scale or context with the rest of the neighborhood. The area is zoned to be a transition district. Ms. Feldman added that in her building at 522 Chicago Ave there are a number of older residents and most own vehicles. Her building has two garages with a 1 to 1 ratio of units to parking spaces. More density would make exiting her building garage difficult. She then recalled that the original plan was over 30 stories, then was reduced to 14 stories and is now 19 stories.

Chair Isaac closed the public hearing and the Commission began deliberation.

Commissioner Halik stated that there are positive things about the theme, planning, the porte-cochere and possible additional loading dock. He suggested that the applicant still consider shading and color of the building materials. He added that he considered both sides of Chicago Avenue for the massing, although the zoning district changes in the middle of the street. The zoning requests are an issue and a rezoning of the property should be considered as the proposed allowances are too large.

Commissioner Johnson agreed with Commissioner Halik and stated that he likes the project. It is a transit oriented development that will bring potential shoppers but he cannot vote in favor of the project due to the zoning and the large ask for the site development allowances. Allowances should be granted for small variances. A zoning change should be sought.

Commissioner Sloss stated that she generally agrees and that there is a lot being asked for in context of a variance.

**APPROVED**

Chair Isaac stated that there can be an argument made regarding the parking as the building will be geared towards older residents but he feels the parking is still inadequate. The amount of units is not appropriate.

Commissioner Goddard stated that she has not seen such a large scale building proposed with such a small amount of return. The previous proposal was significantly smaller than this and proposed significantly more in public benefits.

Commissioner Pigozzi stated that he felt the 1555 Ridge project was mediocre but was better than the existing parking lot. He then expressed that the design for the proposed Merion development is as good as he has seen but not as tall as the Park Evanston. He stated that it is expensive to construct below-grade parking and that the developer has made that effort. He recalled other projects and mentioned that the building on Elgin Road started off with a good design and as the zoning issues got whittled away the design suffered. He stated that he hoped that the Commission could find a way to approve the project and that the staff report does not provide a rationale for denial.

Mr. Mangum responded that rationale is provided within the staff report, relating to the building height, number of units, FAR, and lack of parking (though below grade parking is good) as well as the lack of public benefits in relation to the site development allowances being requested. It does not align with existing plans. Commissioner Pigozzi stated that recommendations have been inconsistent.

Chair Isaac stated that the property is served by an alley. He would like to move access traffic to the alley but does like the idea of the porte-cochere and does not view it as a negative aspect of the project.

Commissioner Halik stated that recommendations should be based on plans that are in place, giving the proposed Emerson Street rezoning as an example. Though he was in agreement, he did not think the rezoning should occur based on existing plans for the area.

Chair Isaac asked if the applicant would like to move forward, withdraw the application from the meeting or come back at a later meeting date with changes to the design elements. A discussion then followed regarding possible options for the applicant. The applicant opted to look at making revisions and return to the Commission at a future meeting date. Due to the need to possibly revise zoning documents and provide notice, it was recommended that the applicant come back for the April Plan Commission meeting. The applicant requested to come back to the April 8th Plan Commission meeting.

**APPROVED**

**Commissioner Goddard made a motion to continue this item to the April 8th Plan Commission meeting. Seconded by Commissioner Pigozzi. A voice vote was taken and the motion was approved, 6-0.**

**Ayes: Isaac, Goddard, Halik, Johnson, Pigozzi, Sloss  
Nays:**

**5. PUBLIC COMMENT**

Chair Isaac acknowledged that this is the last meeting for Commissioners Goddard and Pigozzi and thanked them for their service. There was no public comment provided.

**6. ADJOURNMENT**

**Commissioner Goddard made a motion to adjourn the meeting. Commissioner Pigozzi seconded the motion.**

**A voice vote was taken and the motion was approved by voice vote 6-0.  
The meeting was adjourned at 10:58 pm.**

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

**APPROVED**



**MEETING MINUTES**

**PLAN COMMISSION**

Wednesday, September 30, 2020

7:00 P.M.

Virtual Meeting through Zoom Platform

Members Present: Peter Isaac (Chair), George Halik, John Hewko, Brian Johnson, Jeanne Lindwall, Kristine Westerberg

Members Absent: Jennifer Draper

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

Presiding Member: Chair Isaac

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**1. CALL TO ORDER / DECLARATION OF QUORUM**

Chair Isaac called the meeting to order at 7:03 P.M. Ms. Jones called the roll and a quorum was established.

**2. SUSPENSION OF THE RULES** Members participating electronically or by telephone

Commissioner Halik made a motion to suspend the rules to allow for electronic or telephone participation. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed, 6-0.

**3. APPROVAL OF MEETING MINUTES: September 9, 2020.**

Commissioner Halik made a motion to approve the minutes from the September 9, 2020 meeting. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion passed, 5-0, with one abstention.

**4. OLD BUSINESS**

**A. Subdivision/Major Adjustment to a Planned Development -  
1619 Chicago Avenue**

**19PLND-0059**

**The applicant, Horizon Realty Group, submits for a subdivision and Major Adjustment to a Planned Development in the D4 Downtown Transition District. The requested adjustment will increase FAR from 3.15 to 4.2, increase parking spaces from 32 (23 on-site, 9 leased) to 38 (all leased off-site), and a decrease in total**

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**APPROVED**

**number of units from 205 to 186 (includes 65 dwelling units). No new site development allowance will be needed.**

- B. Planned Development - 1621 Chicago Avenue 18PLND- 0112**  
The applicant, Horizon Realty Group, submits a planned development application to construct a 17-story apartment building with 215 units, 85 subterranean parking spaces, and approximately 3,539 sq. ft. of ground floor retail space in the D4 Downtown Transition District. Site development allowances are being requested for: 1) a building height of 185 ft. where 105 ft. is allowed), 2) an FAR of 10.38 where a maximum of 5.4 is allowed, 3) 215 dwelling units where 54 is maximum is allowed, and 4) 85 parking spaces where a minimum 162 is required. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances

Mr. Mangum provided a brief review of the subdivision, major adjustment to the existing planned development and a summary of revisions that have been made to the proposed planned development since the project was last before the Commission.

Chair Isaac opened the hearing to question from the Commission.

Commissioner Halik asked for clarification on the allowable building height as it relates to parking levels. Mr. Mangum clarified that up to 4-stories or 40 ft. (whichever is less) of levels that are at least 75% dedicated to parking do not count towards building height in the D4 District. The proposed development is proposing two levels of below grade parking but if those levels were above grade, they would not count towards the building height.

Commissioner Johnson asked how many existing curb cuts are on the block. Mr. Mangum responded that the block-face has an existing circular drive which has two curb cuts. The proposed porte-cochere would add a third two-way curb cut.

Mr. Permann then provided a summary and reasoning for the proposed development stating that it is a culmination of a vision for the Merion property. He explained that the team met with neighbors and stakeholders to find a common ground and in many cases was able to do so. He then referenced a policy article by Benjamin Schneider that pointed to the need for density in cities which would create a smaller carbon footprint and encourage more bicycling and walking and encouraged Evanston to embrace this idea. Mr. Permann pointed out that the project is self-financed. With regards to public benefits, he stated that no formalized formula is in place for determining public benefits and that no other project is providing the quantifiable amount of this project.

Mr. Tim Kent provided a review of the site and proposed changes between the original submission and the current proposal, with concentration on the height. He explained that if four levels of parking were above ground the height could get up to 185 ft. but the proposed project is below ground enabling more activation of the façade.

Chair Isaac opened the hearing to questions from the Commission.

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**APPROVED**

Commissioner Lindwall inquired about the 12 in. residential window overhang, why they were necessary and if it could cause a hazard with falling ice. Mr. Kent replied that those bay windows are part of the articulation of the building façade and they are similar to the windows on the building to the north. There will likely not be issues with falling snow as the canopies on the ground floor would extend further than the bay windows.

Commissioner Lindwall asked how the valet system would work. Mr. Kent stated there would be 18 hour per day access to valet but residents would also be able to self-park. Commissioner Lindwall then asked how the public would access the electric vehicle charging stations. Mr. Kent responded that the stations would be free and the valet would take the vehicle and plug it into the charging station.

Commissioner Lindwall asked what conflicts are anticipated with the Whole Foods access and traffic turning in and out of that drive, also would there be any difference in peak hours given the difference in a residential use versus a grocery store with steady traffic throughout the day. Mr. Michael Werthmann with KLOA stated that the traffic count conducted showed that the majority of customers follow the “no left turn” that is at the Whole Foods parking lot exit. The Merion would be restricted to right-only exits; left-ins would be ok and would cross the existing bike lane. Mr. Permann added that the owner is willing to accept recommendations on restricting left turns into or out of the porte-cochere.

Commissioner Lindwall then asked how construction will be handled with the protected bike lane and busy alley. Mr. Kent responded that a Construction Management Plan would need to be submitted that outlines specific plans. That is currently in the preliminary stages but will work with the City to minimize impact. Commissioner Lindwall then asked if the City will be compensated for the loss of parking spaces for the porte-cochere. Mr. Kent responded that the City will be compensated for the parking spaces.

Commissioner Halik asked if there will be any additional safety measures installed at the entry to the porte-cochere. Mr. Kent confirmed that there will be and pointed to a preliminary plan for them. There will be a site clearance triangle, raised bike lane and additional signage and lighting at the entry/exit. Mr. Permann added that a tour of the existing curb cuts along the existing bike lane was done and that there are 20 curb cuts, many lacking warning enhancements at conflict points.

Commissioner Halik then asked if any assistance would be offered to the existing businesses in the one story building. Mr. Michael responded that there are currently only two viable businesses in that building due to the ongoing pandemic and other issues. Talks have been entertained with Found to locate in the new development.

Commissioner Westerberg stated that the allowable height could go to 145 ft. and asked if the additional height mentioned could be from parking. Mr. Mangum confirmed that the building could be 145 feet with a site development allowance and if parking was above ground it would not count towards zoning height calculation.



**APPROVED**

Commissioner Halik asked if the deduction of height for parking levels was particular to downtown districts. Mr. Mangum confirmed that this was the case for the D2, D3 and D4 Downtown Districts and it is limited to 40 ft. or 4- stories, whichever is less.

Chair Isaac clarified that the base height allowed is 105 ft. with a possible development allowance to get up to 145 ft. and if 4 levels of parking were above ground that would create a 185 ft. building height. The applicant is proposing 185 ft. in height with below grade parking. He then asked if an option with above ground parking was chosen, how that would change the unit count and FAR. Mr. Kent responded that the FAR would go down to approximately 6.7 with the loss of approximately 50 dwelling units.

Chair Isaac then opened the hearing to questions from the public.

Ms. Linda Del Bosque asked what the need is for senior housing and if any type of care will be provided. Mr. Permann responded that the proposed building would be all independent living and they intend to use the new building as a conduit into the existing Merion buildings as they age. He then referenced the Sawgrass study which showed an increasing demand for senior housing and that Evanston would need to meet the demand also taking into account the new senior living/care facilities.

Ms. Del Bosque then inquired if the applicant would be willing to become a CCRC building instead of an active senior living building since that is a need. Mr. Permann responded that the owner and development team are not in the business of CCRC facilities.

Mr. Bob Froetscher asked if the applicant had considered a zoning change as was discussed at the February 26<sup>th</sup> Plan Commission meeting and if citizen comments had been read. Mr. Permann responded that meetings had been arranged with those who made comments and discussions were held with some of those residents. Mr. Meek added that a rezoning had been considered and that the only district that would work would be the D3 District which the team felt would be similar to spot zoning and since the building has a lowered height it was within the reach of the current zoning district.

Mr. Carl Klein asked if the development team had been in consultation with the Preservation Commission staff since the development is close to a designated historic district and may affect the view shed of those properties. Mr. Meek responded that the development team had not been asked to do that by staff and clarified that the team has been in contact with the church which is within the historic district. Mr. Klein stated that the development is supposed to comply with the Comprehensive Plan and historic preservation is a part of that. Mr. Meek replied that the application does not address that directly since the proposal is not in the historic district but it does address general goals of the plan.

Ms. Sue Loellbach, of Connections for the Homeless, stated that the project was introduced in 2017 and asked if there is a limit on how long the old inclusionary housing

**APPROVED**

ordinance would apply. Mr. Mangum responded that the application had been submitted prior to the activation of the current IHO regulations. If a project were to be under review for a longer time, the project would have to be analyzed to see what current requirements would be required and if there is a deficient application.

Ms. Kiera Kelly asked if the new building would be age restricted. Mr. Kent replied that it would not be age restricted but marketed to a certain age. Ms. Kelly asked why it would not be designated as such. Mr. Michael responded that there are legal implications with a restriction. The current addition markets to a certain age with amenities that are offered including valet, dining facilities and programming so the senior restriction was not deemed necessary.

Ms. Kelly stated that there is an overabundance of luxury residential high-rises and that it seems it would be possible to have another without the designation. Mr. Michael referred to the offerings provided in the buildings and that a good unit mix is being paid attention to keep the building geared towards seniors.

Ms. Kelly stated that Covid-19 has been shaping senior living and asked if the applicant was concerned with this. Mr. Michael responded that that could probably be said for a variety of markets and that the team is optimistic that we will come out of the pandemic and the demand will be there. There will be design implemented to protect residents including modifying elevators to being touchless and having sanitation stations.

Ms. Kelly then asked if the applicant had considered upping the current inclusionary housing ordinance (IHO) offering to comply with new IHO requirements. Mr. Michael responded no and that the project is offering the second largest contribution to the affordable housing fund in addition to providing 5% of the development's construction costs.

Ms. Kelly asked if there was a tenant for the ground floor building. Mr. Michael mentioned the current European Wax business in the existing building and added that there would be 2,800 sq. ft. of retail proposed in the new building.

Chair Isaac then alerted the public of the ability to request a continuance. Hearing no request, he then opened the hearing to public testimony.

Mr. Matt Feldman read a prepared statement that was submitted in the meeting packet. He mentioned living on the block and asked, given the project was submitted several years ago, when the project should be required to meet current IHO requirements. He then quoted the staff memorandum regarding the lack of public benefits and asked that the Commission consider this and questions regarding the bike lane.

Mr. Dennis Harder stated that he works in the field and understands the developer's perspective. He added that his previously prepared statement still stands explaining that the proposed public benefits are grossly inadequate and the zoning allowances

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requested are out of sync with the underlying zoning parameters. He urged denial of the project.

Ms. Linda Del Bosque stated that she is running for Alderman and is thinking about her constituents. She is concerned about a domino effect of tall development and looking at aging in place. The City should look into organizations that offer more comprehensive care for seniors. She added that she appreciates what the applicant is doing but that she does not see the need in Evanston and that more CCRC offerings should be considered.

Mr. William Brown, Chair of Board of Trustees of First Methodist Church, stated that there are 650 members in the church. He thanked Horizon Realty for sharing their plans and explained that the developer met with the Merion owners and development team over the summer and appreciated it. He expressed concerns about the building being overbearing on the adjacent historic district and being 20 ft. away from the church and it is troubling that it is on the east side of Chicago Avenue. He stated that the real reason for the building height is to maximize return on investment, not construction costs. He then stated that the alley is busy and church members can be locked into or out of the parking lot for up to 20 minutes when there are trucks blocking access. Another development would add to the congestion.

Mr. Bob Froetscher stated that he purchased property to enliven the downtown and depends on the zoning to be upheld and protect their health and real estate investments. DAPR voted against the development and it does not meet standards or guidelines. He added that the parking sleight-of-hand should not be allowed to rule the day.

Mr. Carl Klein stated that the development impedes on the church across the alley and asked the Commission please apply the standards to this project. He then provided a review of the applicable plans and historic district details and recommended that the proposed project be denied.

Ms. Bonnie Wilson, who was on the Age Friendly Task Force and currently on the Joining Forces for Affordable Housing Committee of Connections for the Homeless, referenced the Sawgrass report on senior housing and the market demand for more affordable senior units. She expressed that the proposed development should provide 20% on-site affordable units.

Ms. Loellbach stated that there is a projected gap for affordable units for seniors and Jones Lang LaSalle shows 40% vacancy and slower absorption rate for market rate units. There is an opportunity to provide affordable housing for seniors with those available units. She then expressed that since the application submission, new information has been provided and the project should be denied or insist that affordable units be provided on-site

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Ms. Kelly referred to the May memo review and stated that she does not want this project to be left to Council to decide as they do not fully review or know the code. She continued, saying that the zoning district is D4 a transition district, not D3, that the site development allowances are too high and that the public benefits are too limited. The intent of the D4 district is not met and the development is essentially extending the D3. She added that she uses the existing bike path with her children and the development is not worth the damage and safety issues that could come from it. Developers should not guide downtown planning and Covid-19 has exposed vacancies and encouraged that existing businesses not be removed.

Chair Isaac then closed the hearing and the Commission began deliberation.

Chair Isaac asked for clarification on if IHO payments are considered a public benefit and if the applicant relying on the older version of the IHO would be germane to the Commission's considerations. Mr. Mangum replied that meeting IHO requirements are not considered a public benefit and that it would not be under the purview of the Plan Commission.

Chair Isaac then reminded the Commission that there are two items under consideration, the subdivision and Major Adjustment of the existing planned development and the proposed planned development.

Commissioner Halik inquired about the height consideration and what development allowances exist that allow the height to go from 105 ft. to 145 ft. Mr. Mangum responded that the 40 ft. is the site development allowance that can be requested

Commissioner Lindwall clarified if the adoption of the 2009 Downtown Plan included adoption of the recommended zoning regulations. Mr. Mangum replied that the Plan was adopted but the zoning regulations were not.

Chair Isaac stated that he has no issues with the Subdivision and increased FAR within the proposed adjustment as it is below the maximum allowed. Other Commissioners agreed.

Commissioner Halik stated that he has no strong feelings about the porte-cochere but that the height and FAR are a big ask and this is not enough of a step down in height. He acknowledged that if the parking were above ground, a higher building would be allowed. The proposed development does not follow the spirit of the D4 District zoning.

Chair Isaac stated that the building could go to 145 ft. but 40 ft. would have to be dedicated to parking. The building would probably be thinner and less imposing upon residential property to the east. Additional clarification was provided regarding the calculation of building height.

Commissioner Lindwall stated that she recalled the 1989 Downtown Plan and that one of the reasons for enacting the D4 District was for potential development sites and

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enacting generous allowances to encourage development of these sites. There was some concern from residents but there was a conscious decision of the City Council. The Plan was to have 6 to 10 story buildings. She added that unless there are significant public benefits, the ask is not justified and should not be allowed.

Commissioner Westerberg asked if allowances are allowed when do you actually have a non-abrupt transition. This seems larger and more massive than the public benefits would justify.

Commissioner Hewko inquired about the process for site development allowances. Mr. Mangum responded that section 6-3-6-5 states the ability to request site development allowances but there are no criteria for the site development allowances themselves.

Commissioner Halik stated that given the FAR the architect did a commendable job of arranging the massing and he wanted to compliment the architect on that effort.

Chair Isaac agreed and added that if the building were 10 stories with 1 floor of parking he would feel better about the development. He added that he does not have much of an issue with the porte-cochere and is disappointed that the developer felt the proposed reduction of two floors would address his concerns.

Commissioner Johnson expressed that he is inclined to support the project. It is not within the D3 District but is across the street from it with a similar height. He supports the buried parking with more active ground floor use and the transit oriented development is appropriate character for the site. There is a need for more traditional retail and residents in the downtown and this development could provide that on an underutilized property. He appreciates the changes made but would like to see greater public accommodation.

Chair Isaac questioned the lack of transition. Commissioner Johnson responded that this is a traditional/transitional area must be somewhere and it is incongruent at this site as it is very close to residential zoning. He added that some residents live in those residential districts because they are close to that boundary line.

Chair Isaac stated that he does not think there is an issue with the subdivision and that the one-story parcel is underutilized, a brief discussion of a step-down on the building heights followed. Commissioner Johnson stated that a step down would be better; however, inclined to say the proposal presented today is better even with the consideration of a stepdown.

Chair Isaac stated that being asked to vote separately on the subdivision of the property shows there is a possibility to increase the use of the parcel. This is not an all or nothing decision.

Commissioner Lindwall stated that the Commission should look not just look at the transition from D3 to D4 but also at what else is on the east side of Chicago Avenue as

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there are already established heights and character on that block. The single-story building has been a redevelopment candidate for decades but does not think this development is the answer.

Clarification was provided on which standards apply to each agenda item.

The Commission then reviewed the standards for item 4A (Subdivision and Major Adjustment to a Planned Development and found that the applicable standards had been met, noting that parking had not substantially changed.

**Commissioner Halik made a motion to recommend approval of the subdivision and major adjustment to the existing planned development. Seconded by Commissioner Westerberg. A roll call vote was taken and the motion was approved, 6-0.**

**Ayes: Isaac, Halik, Hewko, Lindwall, Johnson, Westerberg**  
**Nays:**

The Commission then reviewed the standards for 4B. With regards to the Special Use standards, there was some disagreement on whether or not the proposal fully followed recommendations and guidelines within the Downtown Plan and the D4 district, if the proposal would cause a negative cumulative effect and create additional traffic congestion with regards to the alley. With regards to the Planned Development guidelines in the D4 the standards regarding the proposal meeting bulk standards and being compatible with existing policies and plans were not met.

**Commissioner Lindwall made a motion to recommend denial. There was no second so she withdrew her motion.**

Commissioner Hewko stated he is inclined to support the project if conditions are added and suggested adding amendments.

**Commissioner Hewko then made a motion to approve the proposed planned development. Seconded by Commissioner Johnson.**

**Commissioner Hewko then made a motion to add an amendment that the 9 conditions of approval as presented by staff be added as part of the original recommendation of approval in addition to complying with IHO regulations.**

A brief discussion followed regarding requiring conformance with the current IHO requirements. Mr. Mangum stated that in previous projects, the Legal Department has stated that IHO is not within the purview of the Plan Commission. Mr. George confirmed and stated that with regards to affordable housing he does not have a definitive answer but is leaning towards no.

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Commissioner Hewko then withdrew language regarding the IHO requirements and made a motion to add an amendment that the 9 conditions of approval as presented by staff be added as part of the recommendation of approval. Seconded by Commissioner Lindwall.

**Ayes:** Isaac, Halik, Hewko, Lindwall, Johnson, Westerberg  
**Nays:**

Commissioner Lindwall made a motion to amend the previous motion to include a 10<sup>th</sup> condition for the applicant work with staff to resolve any issues related to left turns conflicting with the Whole Foods drive. Commissioner Hewko seconded the motion. A roll call vote was taken and the motion passed, 5-1.

**Ayes:** Isaac, Hewko, Lindwall, Johnson, Westerberg  
**Nays:** Halik

A roll call vote was then taken on the original motion as amended and the vote failed, 2-4.

**Ayes:** Hewko, Johnson  
**Nays:** Isaac, Halik, Lindwall, Westerberg

#### **5. PUBLIC COMMENT**

There was no public comment.

#### **6. ADJOURNMENT**

Commissioner Westerberg made a motion to adjourn the meeting. Chair Isaac seconded the motion.

A roll call vote was taken and the motion was approved by voice vote 6-0. The meeting was adjourned at 10:02 pm.

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