

119-O-22

AN ORDINANCE

**Approving Major Variations for (3) Permanent Signs for the Property
Located at 1603 Orrington 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 legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution of 1970, states that the “powers and functions of home rule units shall be construed liberally,” was written “with the intention that home rule unit be given the broadest powers possible” (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); and

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

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

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended (“the Zoning Ordinance”); and

WHEREAS, Golub Realty Services, LLCs, applicant on behalf of GRE GOCO Orrington Owner, LLC, owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1603 Orrington Avenue (the “Subject Property”) and located in the D3 Downtown Core Development District, filed an application, case no. 22ZMJV-0084, seeking approval of Major Variations from Section 6-19 of the Evanston City Code, 2012, as amended (“the Zoning Code”), to permit three (3) new permanent signs on the Subject Property signs as depicted on the plans presented at the public hearing or at the public meeting of the City Council, which was considered by the Land Use Commission (“LUC”) November 9, 2022; and

WHEREAS, the LUC, after hearing testimony and receiving other evidence, made a written record and written findings that the application met the standards for Major Variations set forth in Subsection 6-3-8-12(E) of the Zoning Code and by a vote of 6 “yays” and 1 “nay” with 3 Commissioners absent, recommended City Council approval with conditions of the application for the Major Variations and recommended City Council approval thereof; and

WHEREAS, at its meeting on November 14, 2022, the Planning and Development Committee of the City Council (“P&D Committee”) received input from the public, carefully considered the LUC’s record and findings and recommended the City Council approve the Major Variations, as requested; and

WHEREAS, at its meeting of November 14, 2022, held in compliance with the Open Meetings Act and the Zoning Ordinance, considered the LUC’s and P&D

Committee's records, findings, and recommendations, and adopted the recommendation of the P&D Committee,

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 found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts the P&D Committee's records, findings, and recommendations, and hereby approves the Major Variations on the Subject Property, as applied for in zoning case no. 22ZMJV-0084, pursuant to Subsection 6-3-8-10(D) of the Zoning Code, and described hereinabove.

SECTION 3: The Major Variations approved hereby are as follows:

1. To allow two (2) Tall Building Identification Signs for an occupant not occupying the second through top floors of an existing six story or taller building, where it is required that the occupant must occupy between the second and top stories in buildings six stories or higher (Section 6-19-9(A)(6));
2. To allow two (2) Tall Building Identification Signs, each with a sign surface area of two hundred (200) square feet, where no more than one hundred (100) square feet per sign is permitted (Section 6-19-9(A)(6));
3. To allow one (1) Tall Building Identification Sign on a façade not parallel to a public thoroughfare where it is required to be parallel to a public thoroughfare (Section 6-19-9(A)(6));
4. To allow external illumination of two (2) Tall Building Identification signs where only internal illumination through the lettering and graphic elements of the sign is permitted (Section 6-19-7(M)(4));
5. To allow two (2) Freestanding Signs along the Orrington Avenue frontage of the subject property where only one (1) is permitted (Section 6-19-9(B)(1));

6. To allow a total combined surface area of all signs on the subject property of approximately seven hundred ninety-five (795) square feet where no more than five hundred (500) square feet is permitted (Section 6-19-8(D)(2));
7. To allow an occupant of approximately seventeen (17) percent of the floor area of the existing building on the subject property to use approximately fifty-six point five (56.5) percent of the total surface area of all signs where occupants are limited to a sign surface area proportional to the floor area ratio which they occupy (Section 6-19-8(D)(2)); and
8. Any other zoning relief as necessary to allow the proposed signs as depicted on the plans.

SECTION 4: Pursuant to Subsection 6-3-8-14 of the Code, the City Council hereby imposes the following conditions on the Major Variations granted hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Code:

- (A) The tall building identification signs shall include dimmer switches to allow the illumination to be adjusted.
- (B) The tall building identification signs shall be turned off by 11:00 P.M. daily.
- (C) The applicant shall use a third-party service to certify mounting and installation of the tall building signage is consistent with the approved plans.
- (D) All signage for the tenant shall be removed upon termination of the lease for said tenant.
- (E) No additional tall building signage shall be approved at the subject property.
- (F) Signage shall be reviewed by Bird Friendly Evanston to provide recommendations on timing of the tall building signage lighting prior to issuance of the building permit.
- (G) The signage shall be constructed and located at the property in substantial compliance with the documents and testimony on record.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

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

SECTION 6: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Code and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

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

SECTION 8: All ordinances or parts of ordinances in conflict herewith 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 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: November 14, 2022

Approved:

Adopted: November 14, 2022

November 16, 2022

Daniel Biss
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza
Stephanie Mendoza, City Clerk

Nicholas E. Cummings
Nicholas E. Cummings, Corporation Counsel

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EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1: LOTS 6 AND 7 IN BLOCK 19 IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, AND LOT 1 IN THE SUBDIVISION OF LOTS 8 AND 9 IN BLOCK 19 IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, TOGETHER WITH ALL OF THE 16 FOOT VACATED ALLEY LYING NORTHERLY OF AND ADJOINING SAID LOT 1.

PARCEL 2: LOTS 2, 3 4 AND 5 IN THE SUBDIVISION OF LOTS 8 AND 9 IN BLOCK 19 IN EVANSTON, TOGETHER WITH ALL OF THE 16 FOOT VACATED ALLEY LYING NORTHERLY OF AND ADJOINING SAID LOTS 2, 3, 4 AND 5, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PARCEL 3: LOT 4 AND LOT 5 IN BLOCK 19 IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART OF SAID LOTS 4 AND 5 IN BLOCK 19 INCLUDED IN THE FOLLOWING PARCEL: THAT PART OF LOTS 4 AND 5 TAKEN AS A SINGLE TRACT, IN BLOCK 19, IN EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ON THE WEST LINE OF SAID TRACT, 100.56 FEET TO THE NORTH FACE, AND ITS EXTENSION OF A BRICK WALL; THENCE EAST ALONG THE NORTH FACE AND ITS EXTENSION OF SAID BRICK WALL, 210.44 FEET TO THE EAST LINE OF SAID LOTS 4 AND 5; THENCE NORTH ON THE EAST LINE OF SAID TRACT, 100.10 FEET TO THE NORTHEAST CORNER OF LOT 4; THENCE WEST ON THE NORTH LINE OF SAID LOT 4, 210.42 FEET TO THE PLACE OF BEGINNING, SAID TRACT TO HAVE A LOWER LIMIT OF 19.66 FEET, CITY OF EVANSTON DATUM, WHICH LIES WITHIN AN UNDISTURBED CONCRETE SLAB, USED AS A FLOOR FOR SAID TRACT AND USED AS A CEILING FOR AN UNDERGROUND PARKING GARAGE.

PARCEL 4: A NON-EXCLUSIVE PERPETUAL EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCELS 1, 2 AND 3 FOR INGRESS AND EGRESS FOR UNDERGROUND PARKING, AND USE OF LOADING DOCKS AND PARKING FACILITY AS GRANTED IN INSTRUMENTS DATED JULY 20, 1967 AND RECORDED JANUARY 8, 1968 AS DOCUMENT 20373494 FOR UNDERGROUND PARKING, AS AMENDED BY COMPREHENSIVE AMENDMENT TO EASEMENTS AFFECTING BANK PLAZA PROJECT RECORDED MAY 14, 1970 AS DOCUMENT NUMBER 21158852; AND USE OF LOADING DOCKS AND PARKING FACILITY AS ESTABLISHED BY INSTRUMENT DATED MARCH 29, 1966 AND RECORDED JULY 8, 1968 AS DOCUMENT NUMBER 20543869 AND AMENDED BY DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS DATED SEPTEMBER 21, 1995 AND RECORDED SEPTEMBER 25, 1995 AS DOCUMENT NUMBER 95645919 AND AS FURTHER AMENDED BY FIRST AMENDMENT TO DECLARATION OF

EASEMENTS, COVENANTS AND RESTRICTIONS DATED JUNE 26, 1996 AND RECORDED JULY 8, 1996 AS DOCUMENT NUMBER 96517582.

PARCEL 5: THAT PART OF LOTS 4 AND 5, TAKEN AS A SINGLE TRACT, IN BLOCK 19, IN EVANSTON, IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ON THE WEST LINE OF SAID TRACT, 100.56 FEET TO THE NORTH FACE AND ITS EXTENSION OF A BRICK WALL; THENCE EAST ALONG THE NORTH FACE AND ITS EXTENSION OF SAID BRICK WALL, 210.44 FEET TO THE EAST LINE OF SAID LOTS 4 AND 5; THENCE NORTH ON THE EAST LINE OF SAID TRACT, 100.10 FEET TO THE NORTHEAST CORNER OF LOT 4; THENCE WEST ON THE NORTH LINE OF SAID LOT 4, 210.42 FEET TO THE PLACE OF BEGINNING, SAID TRACT TO HAVE A LOWER LIMIT OF 19.66 FEET, CITY OF EVANSTON DATUM, WHICH LIES WITHIN AN UNDISTURBED CONCRETE SLAB, USED AS A FLOOR FOR SAID TRACT AND USED AS A CEILING FOR AN UNDERGROUND PARKING GARAGE.

PARCEL 6: A NON-EXCLUSIVE PERPETUAL EASEMENT APPURTENANT TO AND FOR THE BENEFIT OF PARCEL 5 FOR INGRESS AND EGRESS FOR UNDERGROUND PARKING, AND USE OF LOADING DOCKS AND PARKING FACILITY AS GRANTED IN INSTRUMENTS DATED JULY 20, 1967 AND RECORDED JANUARY 8, 1968 AS DOCUMENT NUMBER 20373494 FOR UNDERGROUND PARKING, AS AMENDED BY COMPREHENSIVE AMENDMENT TO EASEMENTS AFFECTING BANK PLAZA PROJECT RECORDED MAY 14, 1970 AS DOCUMENT NUMBER 21158852; AND USE OF LOADING DOCKS AND PARKING FACILITY AS ESTABLISHED BY INSTRUMENT DATED MARCH 29, 1968 AND RECORDED JULY 8, 1968 AS DOCUMENT NUMBER 20543869 AND AMENDED BY DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS DATED SEPTEMBER 21, 1995 AND RECORDED SEPTEMBER 25, 1995 AS DOCUMENT NUMBER 95645919 AND AS FURTHER AMENDED BY FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS DATED JUNE 26, 1996 AND RECORDED JULY 8, 1996 AS DOCUMENT NUMBER 96517582.

COMMONLY KNOWN AS: 1603 ORRINGTON AVENUE

PINS: 11-18-306-005-0000, 11-18-306-007-0000, 11-18-306-032-0000, 11-18-306-034-0000, 11-18-306-035-0000, 11-18-306-036-0000

EXHIBIT B

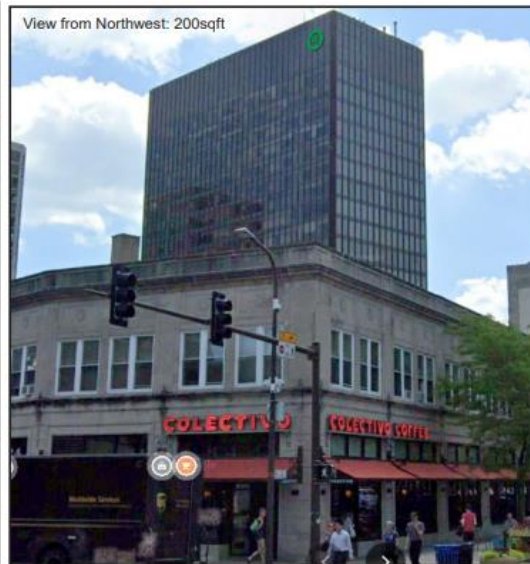
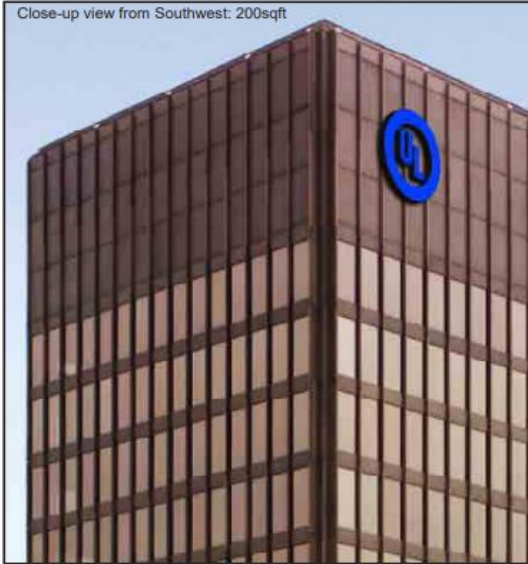
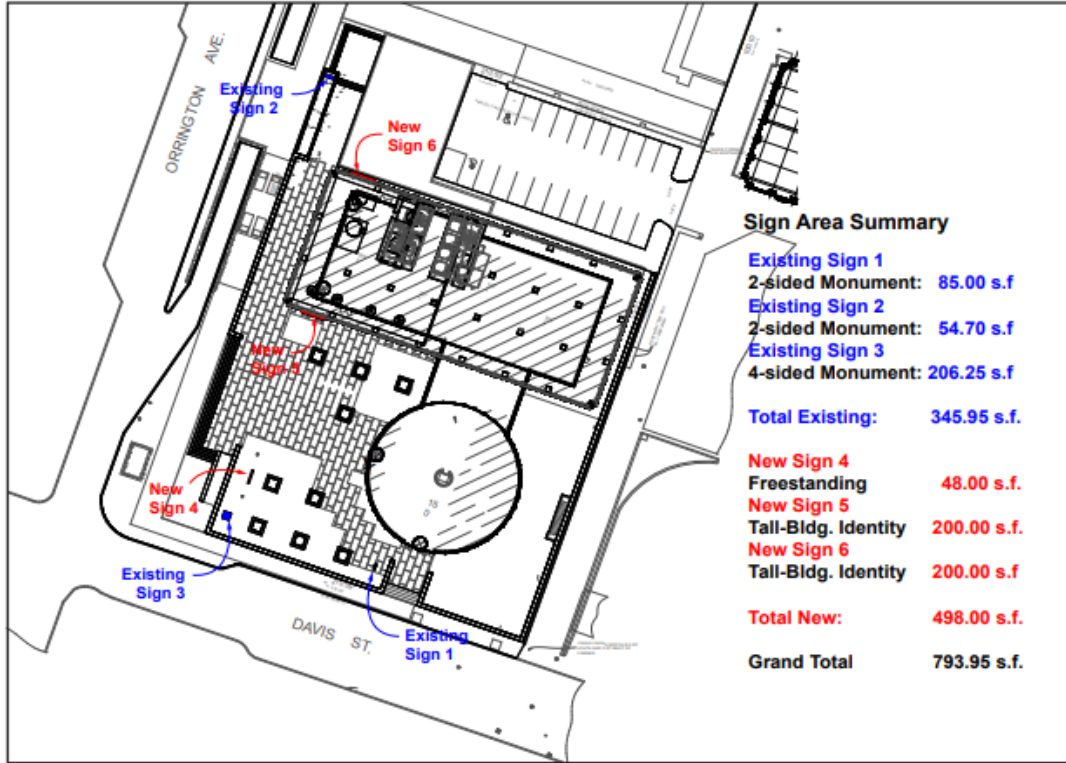


EXHIBIT C



Sign Area Summary

Existing Sign 1	
2-sided Monument:	85.00 s.f.
Existing Sign 2	
2-sided Monument:	54.70 s.f.
Existing Sign 3	
4-sided Monument:	206.25 s.f.
Total Existing:	345.95 s.f.
New Sign 4	
Freestanding	48.00 s.f.
New Sign 5	
Tall-Bldg. Identity	200.00 s.f.
New Sign 6	
Tall-Bldg. Identity	200.00 s.f.
Total New:	498.00 s.f.
Grand Total	793.95 s.f.