

01/28/02, 01/23/02, 12/14/01

123-O-01

**AN ORDINANCE**

**Approving An Amendment to the Zoning Map to  
Re-Zone 1930 Ridge Avenue From C-2 to R-5  
And Granting a Special Use for a Planned  
Development at 1930 Ridge Avenue**

WHEREAS, Evanston Realty Partners, LLC (the "applicant") submitted an application in case no. ZPC 01-6 M&PD to the City of Evanston seeking approval, as contract purchaser of 1930 Ridge Avenue (the "Property") for a Zoning Map amendment to rezone the Property from the C2 Commercial District to the R6 General Residential District and to receive the approval of the City of a special use for a planned development pursuant to the provisions of Sections 6-3-5 "Special Uses", 6-3-6 "Planned Developments", 6-8-10 "Planned Developments (within Residential Districts)" and 6-8-7-3 "Special Uses (within the R6 General Residential District) of the Zoning Ordinance to permit construction of a 194-unit multistory residential development with 220 accessory structured parking spaces; and

WHEREAS, construction of the planned development proposed by the applicant (the "Planned Development") requires development allowances from the strict application of the lot coverage, minimum, and transitional yard requirements otherwise required by the applicable zoning regulations of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 6-3-6-4, 6-3-6-5 and 6-3-6-6 of the Zoning Ordinance, a planned development may provide for development allowances and modifications to site development allowances that depart from the lot size, lot coverage,

minimum transitional landscaped strips, minimum yard setback requirements, building height, parking space configuration and other regulations established in the Zoning Ordinance, subject to approval of the City Council;

WHEREAS, the Plan Commission held a public hearing in Case No. ZPC 01-6 M & PD pursuant to proper notice on November 14, 2001; and

WHEREAS, the Plan Commission after hearing testimony and receiving other evidence, made written findings that the application for amendment of the Zoning Map from the C2 Commercial District to the R6 Residential District met the standards of §6-3-4-5 of the Zoning Ordinance; achieves the public benefits indicated in §6-3-6-3 of the Zoning Ordinance; meets the standards for special uses indicated in §6-3-5-10 of the Zoning Ordinance; that the proposal addresses the general conditions for planned developments in Residential Districts indicated at §6-8-1-10(A) of the Zoning Ordinance; and adequately addresses the site controls and standards of §6-8-1-10 (B) and the development allowances of §6-8-1-10 (C) of the Zoning Ordinance; and

WHEREAS, the Plan Commission recommended approval of the application; and

WHEREAS, the Planning and Development Committee of the City Council at the December 17, 2001 and January 14, 2002 meetings considered the record in this case no. ZPC 01-06 M&PD and adopted the findings and recommendation of the Plan Commission with the exception that the Planning and Development Committee of the City Council recommended to the City Council that the Property be rezoned from the C2

Commercial District to the R5 Residential District (rather than the R6 Residential District); and

WHEREAS, the City Council considered the respective records and recommendations of the Plan Commission and the Planning and Development Committee at its December 17, 2001, January 14, 2002, and January 28, 2002 meetings, and

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

**SECTION 1:** That the City Council hereby adopts the findings and recommendations of the Planning and Development Committee to amend the zoning map cited in §6-7-2 of the Zoning Ordinance to rezone the property commonly known as 1930 Ridge Avenue, and legally described in Exhibit 1 attached hereto and made a part hereof, from a C2 Commercial District to a R5 General Residential District.

**SECTION 2:** That the City Council hereby adopts the findings and recommendations of the Planning and Development Committee and approves the Planned Development to permit the construction and operation on the Planned Development Property of a multi-family residential development containing up to 194 units in conformance with the R5 General Residential District, the Planned Development Plan approved by the City (with such revisions made during final design as may be required for construction and code compliance), indexed in Exhibit 2 and attached

hereto as Exhibit 3, both attachments hereby made a part hereof, and the terms of this Ordinance.

**SECTION 3:** Pursuant to §6-3-6-5 and §6-3-6-6 of the Zoning Ordinance and the terms and conditions of this Ordinance, these site development allowances are hereby granted to the Planned Development:

- A. Authority to exceed site development allowances (as authorized under §6-3-6-6) to permit a building lot coverage of approximately 55,000 square feet or 65% whereas the maximum permitted building lot coverage in the R5 District after receiving the established site development allowance for building lot coverage in the R5 District, is 51.75% or about 44,000 square feet (as authorized under section 6-8-6-6 and 6-8-1-10 (C)4(f));
- B. A planned development site development allowance (as authorized by §6-8-1-10 C 3) to allow a minimum front yard setback of 7 feet for the mass of the buildings and 4.5 feet for the bays of the buildings fronting on Ridge Avenue, a minimum north side yard setback of 1 foot, and a minimum rear or west setback of 1 foot, whereas the minimum yards the Zoning Ordinance required within the R5 District are a front yard of 27 feet for the average front yard setback, interior side yards of 3 feet, and rear yards of 25 feet (as authorized under §6-8-6-7 and §6-4-1-9(A)5);
- C. Authority to exceed site development allowances (as authorized under §6-3-6-6) to permit placement of buildings as close as one foot from development boundary lines, whereas §6-8-1-10(C)3 requires buildings within planned developments to be no closer than 15 feet from any development boundary line; and
- D. A planned development site development allowance (as authorized by §6-8-1-10(C)3) to allow a planned development that does not include a 10-foot landscape strip along the north and west lot lines whereas §6-8-1-10(B)3 requires such a landscape strip.
- E. Authority to exceed the minimum required lot size (as authorized under §6-3-6-6) to permit 194 dwelling units on a lot with a size of

approximately 85,185 square feet whereas the maximum number of dwelling units on such lot, after receiving the established site development allowance in the R5 Residential District for minimum required lot size, is 128 dwelling units (as authorized under §6-8-6-4 and §6-8-1-10(C)2(e);

**SECTION 4:** That the approval of the rezoning of the Property from the C2 Commercial District to the R5 General Residential District, the Planned Development and the Site Development Allowances granted to the Planned Development are all mutually dependent on the other, and the Zoning Map of the City be and it hereby is amended to show the zoning designation of the Property as R5 General Residential District and a Planned Development as identified by this Ordinance, and no development of the Property is hereby authorized under the R5 General Residential District and this Ordinance except if such construction is for the Planned Development that is in conformance to the Planned Development Plan approved by the City, indexed in Exhibit 2 and attached hereto as Exhibit 3 (with such revisions made during final design as may be required by the City for construction and code compliance).

**SECTION 5:** That the approval of the Planned Development for the Property is made on condition that the use, ownership and operation of the Planned Development shall be subject to the following "set-aside requirements", which shall be binding upon the applicant and each successive owner of record of the Planned Development. Ten (10) dwelling units shall be set aside in the Planned Development to constitute the "Affordable Units". The Affordable Units shall include at least (a) one unit with three bedrooms and (b) three units with two bedrooms. An Affordable Housing Unit of two (2)

or three (3) bedrooms shall not be leased or subleased to one person, but shall be reserved for two (2) or more persons. The Affordable Units shall be distributed throughout the Planned Development rather than being concentrated in any one building or floor. Applicants shall not be eligible to occupy an Affordable Unit if their adjusted income is more than eighty percent (80%) of the median income of the area of residence, adjusted for family size, as such adjusted income and median income for the area are determined for "Affordable housing" as such term is defined in the Illinois Affordable Housing Act (310 ILCS 65/1 *et. seq.*), and the maximum rental rate that shall be charged for any Affordable Unit shall be that rental that would qualify the Affordable Unit as "Affordable housing" given this maximum adjusted income standard. For example, applying these standards as of December 31, 2001, the maximum monthly rents in the Planned Development for a one bedroom Affordable Unit would be \$711; for a two- bedroom Affordable Unit, \$848; and for a three-bedroom Affordable Unit, \$1,060. To be eligible to lease Affordable Units, the individuals or families desiring to lease Affordable Units shall satisfy additional eligibility criteria as follows: either (1) full-time employment shall be required of at least one unrelated individual or of at least one member of a family or (2) if the applicant does not hold full-time employment, then such applicant shall have qualified for and is receiving one or more supplemental sources of income or subsidy such as social security, a qualified pension or retirement plan, or other federal, state or local programs providing income or housing assistance. On or before April 1 of each year following the construction completion of the Planned

Development, the management agent or owner of record of the Planned Development shall prepare a compliance report to the City, providing such pertinent rental data concerning the Affordable Units as the City may reasonably require to evidence compliance with the provisions of this Agreement. In the event that the Planned Development is converted to condominium, cooperative, corporate hotel, or other non-rental apartment use, then the set-aside requirement for ten Affordable Units shall be met by one of the following.

- A. The continued rental of ten dwelling units in the Planned Development (with the same types of units as the Affordable Units) by one or more owners to tenants satisfying the maximum adjusted income standard set forth in this ordinance and at maximum rentals derived from such standard in a manner consistent with the Illinois Affordable Housing Act as provided in this ordinance;
- B. The establishment of ten comparable quality rental apartment units at another location in the City of Evanston that will have maximum rental rates and corresponding eligibility requirements, both as defined for the original Affordable Units as provided in this ordinance for the Planned Development; or
- C. The establishment of an alternative housing initiative or other community improvement project in the City of Evanston as may be proposed by the owner of the Planned Development and approved by the City Council of the City of Evanston.

**SECTION 6:** That pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions on the grant of a special use, this condition is hereby imposed:

- a. The subject property shall not be sold or leased or otherwise disposed of by the applicant, any affiliate of the applicant, or any successor in interest to the applicant, to a tax exempt entity, if the

result thereof would be to exempt the property or any portion thereof, from the payment of real estate taxes.

**SECTION 7:** That the Applicant is required to record a certified copy of this Ordinance along with the development plan at its cost in the Cook County Recorder's Office before any permits may be obtained.

**SECTION 8:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 9:** That this Ordinance shall be in full force and effect from and after its publication, approval, and publication in the manner provided by law.

Introduced: January 14, 2002

Adopted: January 28, 2002

Approved:

January 31, 2002  
James A. Norton  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

APPROVED as to form:  
[Signature]

\_\_\_\_\_  
Corporation Counsel

Ayes 6

Nays 3



# Exhibit 1

## Ordinance 123-O-01

(1930 RIDGE PLANNED DEVELOPMENT)

Lots 10, 11 and that part of Lot 12 described as follows: beginning at the Northwest corner of said Lot 12; thence Southeasterly along a line drawn to a point on the South line of said Lot 12, 17.0 feet West of the Southeast corner thereof (measured on the South line) for a distance of 107.83 feet (said point being the Southwest corner of a tract of land conveyed to the City of Evanston by document No. 15936888); thence Northeasterly 41.41 feet to the Northerly corner of said tract conveyed by document number 15936888, said corner being 35.0 feet Northerly of the Southeast corner of said lot 12; thence Northerly along the Easterly line of said Lot 12 and the Westerly line of Ridge Avenue to the Northeast corner of said Lot 12; thence West along the North line of said Lot 12 to the place of beginning; all in County Clerks Division of unsubdivided lands in the Northwest 1/4 of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

### Parcel 2:

That part of the Northwest 1/4 of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, bounded and described as follows: to wit: beginning at the Northwest corner of Lot 10 in the County Clerks Division of unsubdivided lands in the Northwest 1/4 of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian; thence Southerly along the Westerly line extended Southerly of Lot 9 in said County Clerks Division for a distance of 67.17 feet to a point; thence Southeasterly along a curved line concave to the Northeast having a radius of 395.28 feet (the long chord of which forms an angle of 20 degrees 07 minutes 10 seconds to the left of an extension of the last described course and has a length of 111.0 feet), a distance of 111.37 feet to a point on the Westerly line and 11.50 feet Northerly along the Westerly line of said Lots 10 and 11 to the place of beginning (excepting from the above described parcel of land that part lying South of the North line of the South 18.13 feet of Lot 11 aforesaid extended Westerly) in Cook County, Illinois.

### Parcel 3:

That part of Lot 12 in the County Clerks Division of unsubdivided lands in the 1/4 of Section 18, Township 41 North, Range 14 East of the third principal meridian, described as follows: to wit; beginning at a point on the South line of said Lot 12, 17.0 feet West (Measured on the South line thereof) of the Southeast corner of said Lot 12 being the original Westerly line of Ridge Avenue; thence Northwesterly along the line drawn to the Northwest corner of said Lot 12 to a point 94.0 feet Southeasterly of the Northwest corner of said Lot 12; thence Southeasterly at 90 degrees to last described course for a distance of 9.11 feet; thence Southeasterly along a line drawn to a point on the South line of Lot 12, 39.06 feet West (as measured on the South line thereof) of the Southeast corner of said lot 12, being the Original Westerly line of Ridge Avenue for a distance of 81.52 feet; thence East on the South line of said Lot 12, 22.06 feet to the Place of beginning in Cook County, Illinois.

### Parcel 4:

That part of the Northwest 1/4 of the Northwest 1/4 of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, described as follows: to wit; commencing at the point of intersection of the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 18 (said line being the center line of Emerson Street) with the center line of Ridge Avenue; thence North 10 degrees 30 minutes 00 seconds East along the center line of Ridge Avenue for a distance of 49.50 feet; thence North 89 degrees 33 minutes 30 seconds West parallel with the South line of the Northwest 1/4 of the Northwest 1/4 of Section 18 aforesaid, a distance of 46.05 feet for a place of beginning said point being at the point of intersection of the Northwesterly line of Ridge Avenue as established by document 16032091 and the South line of Lot 12 in the County Clerk's Division of unsubdivided lands in the Northwest 1/4 of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, 12.57 feet West of the Southeast corner of said Lot 12; thence Southwesterly along a curve convex to the Southeast having a radius of 73.0 feet for a distance of 23.12 feet and being the Northwesterly line of Ridge Avenue per deed dated August 18, 1954 and recorded as document number 16023091 from Chicago and North Western Railway to the Department of Public Works and Buildings and the State of Illinois; thence Northwesterly along a line drawn to a point of South line of Lot 12 aforesaid 39.06 feet West of the Southeast corner thereof (as measured on the South line) for a distance of 14.44 feet; thence East on the South line of Lot 12 aforesaid 26.49 feet to the place of beginning, all in Cook County, Illinois.

### Parcel 5:

Lots 8 and 9 in County Clerks Division of unsubdivided lands in the Northwest 1/4 of Section 18, Township 41 North, Range 14 East of the Third Principal Meridian, in Cook County, Illinois.

**Exhibit 2**  
**Ordinance 123-O-01**  
(1930 RIDGE PLANNED DEVELOPMENT)

11/8/01	Site Landscape Plan
11/17/01	Ridge Avenue Elevations