

4/4/2005  
3/24/2005  
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2/23/2005  
1/19/2005

**10-O-05**

**AN ORDINANCE**

**Approving an Amendment to the Zoning Map to  
Rezone 1228 Emerson Street from O1 Office District to  
R5 General Residential District and  
Granting a Special Use for a Planned  
Development at 1228 Emerson Street**

**WHEREAS**, Ferris Homes (the "Applicant"), with permission from LaSalle Bank National Association Trust No. 50379 (the "Owner"), submitted an application to the City of Evanston seeking approval, as contract purchaser of 1228 Emerson Street (the "Property") for a Zoning Map amendment to rezone the Property from an O1 Office District to a R5 General Residential District, and seeking approval of a special use for a planned development pursuant to the provisions of Sections 6-3-5 "Special Uses", 6-3-6 "Planned Developments", 6-8-1-10 "Planned Developments" (within Residential Districts), and 6-8-6-3 "Special Uses" (within a R5 General Residential District) of the Zoning Ordinance to permit construction of a sixty- (60-) unit multi-story residential development with a defined building height of seventy-two feet (72') and a total of eighty-one (81) parking spaces; and

**WHEREAS**, the Plan Commission held public hearings on the application (Case No. ZPC 04-09 PD&M) pursuant to proper notice on September 8, 2004, October 13, 2004, October 26, 2004, November 11, 2004, and December 6, 2004, hearing testimony and receiving other evidence, and making written findings and a verbatim transcript; and

**WHEREAS**, during public hearings, the Applicant modified its application to instead permit construction of a fifty- (50-) unit multi-story residential development with a defined building height of sixty-nine feet (69') and a total of eighty-seven (87) parking spaces; and

**WHEREAS**, construction of the planned development proposed by the applicant, as modified by the applicant during public hearings, (the "Planned Development") requires development allowances from the strict application of the lot coverage, impervious surface, height, yard, and parking location regulations 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 coverage, impervious surface, height, yard, parking location and other regulations established in the Zoning Ordinance, subject to approval of the City Council; and

**WHEREAS**, the Plan Commission's written findings indicate that the application for amendment of the Zoning Map from the O1 Office District to the R5 General Residential District meets the standards for amendments to the Zoning Map indicated in Section 6-3-4-5 of the Zoning Ordinance and achieves the public benefits indicated in Section 6-3-6-3 of the Zoning Ordinance; and

**WHEREAS**, the Plan Commission's written findings indicate that the application for planned development, with certain additional modifications to and

conditions upon the original application reducing permitted construction to a fifty- (50-) unit multi-story residential development with a total of eighty-seven (87) parking spaces, meets the standards for special uses indicated in Section 6-3-5-10 of the Zoning Ordinance; addresses the general conditions for planned developments in Residential Districts indicated Section 6-8-1-10(A) of the Zoning Ordinance and adequately addresses the site controls and standards of Section 6-8-1-10(B) and the development allowances of Section 6-8-1-10(C) of the Zoning Ordinance; and

**WHEREAS**, the Plan Commission made no findings indicating that construction of a multi-story residential development with a defined building height of sixty-nine feet (69') meets the standards for a) special uses indicated in Section 6-3-5-10 of the Zoning Ordinance; b) the general conditions for planned developments in Residential Districts in Section 6-8-1-10(A) of the Zoning Ordinance, and c) the site controls and standards of Section 6-8-1-10(B) and the development allowances of Section 6-8-1-10 (C) of the Zoning Ordinance; and

**WHEREAS**, the Plan Commission recommended approval of the application for Zoning Map amendment; and

**WHEREAS**, the Plan Commission recommended approval of the application for special use for a planned development, as modified by the Applicant at the public hearings, with certain additional modifications to and conditions upon the application reducing permitted construction to a fifty- (50-) unit multi-story residential development with a total of eighty-seven (87) parking spaces; and

**WHEREAS**, the Plan Commission made no recommendation regarding approval of the modified application's request for construction of a multi-story residential development with a defined building height of sixty-nine feet (69'); and

**WHEREAS**, the Planning and Development Committee of the City Council at its January 24, 2005, February 14, 2005, February 28, 2005, and March 14, 2005, March 21, 2005, March 28, 2005, and April 11, 2005 meetings considered the record in this Case No. ZPC 04-09 PD&M, made findings that a building height of sixty-two feet (62') met applicable requirements for a site development allowance, and adopted the findings and recommendations of the Plan Commission with modifications, including a building height of sixty-two feet (62') and a reduction to forty-nine (49) units; and

**WHEREAS**, the City Council at its March 14, 2005, March 28, 2005, and April 12, 2005 meetings considered the respective records and recommendations of the Plan Commission and the Planning and Development Committee,

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

**SECTION 1:** That the foregoing recitals are found as fact and made a part hereof.

**SECTION 2:** That the City Council hereby adopts the findings and recommendations of the Plan Commission and the Planning and Development Committee and approves an amendment to the Zoning Map cited in Section 6-7-2 of the Zoning Ordinance to rezone the property commonly known as 1228 Emerson Street,

and legally described in Exhibit 1 attached hereto and made a part hereof, from an O1 Office District to a R5 General Residential District.

**SECTION 3:** That the City Council hereby adopts the respective records and findings and recommendations of the Plan Commission and the Planning and Development Committee and approves a special use for a Planned Development permitting the construction and operation on the Property of a forty- (49-) nine unit multi-story residential development with a defined building height of sixty-two feet (62') 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 4:** Pursuant to Sections 6-3-6-5 and 6-3-6-6 of the Zoning Ordinance and the terms and conditions of this Ordinance, the following site development allowances and modifications are hereby granted to the Planned Development:

A. A site development allowance allowing a building lot coverage of approximately forty-seven percent (47%), or seventeen thousand nine hundred square feet (17,900 sq. ft.) of the approximately thirty-eight thousand five hundred thirty-three square foot (38,533 sq. ft.) Property, whereas Section 6-8-6-6 of the Zoning Ordinance otherwise allows a maximum of forty-five percent (45%), including two hundred square feet (200 sq. ft.) for each open parking space, or seventeen thousand three hundred thirty-nine square feet (17,339.85 sq. ft.);

B. A site development allowance allowing a maximum impervious surface of approximately seventy-five percent (75%), or twenty-nine thousand sixty-four square feet (29,064 sq. ft.), whereas Section 6-8-6-9 of the Zoning Ordinance otherwise allows

a maximum of sixty percent (60%), or twenty-three thousand one hundred twenty square feet (23,120 sq. ft.);

C. A site development allowance allowing a front yard along Emerson Street of twelve feet (12') and a side yard abutting a street along Green Bay Road of six feet (6'), whereas Section 6-8-6-7 of the Zoning Ordinance otherwise requires twenty-seven feet (27') for a front yard and fifteen feet (15') for a side yard abutting a street;

D. A modification to a site development allowance allowing no transitional landscape strip along the west and south lot lines of the Property, whereas Section 6-8-1-10(B)(3) of the Zoning Ordinance otherwise requires a ten foot (10') transition landscaped strip;

E. A site development allowance allowing parking spaces to be located more than thirty feet (30') from a rear or alley lot line, whereas Section 6-4-6-3 of the Zoning Ordinance, Table 4A otherwise requires parking spaces within residential districts to be no further than thirty feet (30') from a rear or alley lot line; and

F. A site development allowance allowing forty-nine (49) dwelling units, whereas Section 6-8-6-4 of the Zoning Ordinance otherwise requires a site area of one thousand five hundred square feet (1,500 sq. ft.) for each of the first four (4) dwellings plus eight hundred square feet (800 sq. ft.) for each additional dwelling, or forty-two thousand square feet (42,000 sq. ft.) for forty-nine (49) dwellings, while the Property's thirty-eight thousand five hundred thirty-three square foot (38,533 sq. ft.) lot area is otherwise allowed forty-four (44) dwellings;

G. A site development allowance allowing a building height of sixty-two feet (62'), whereas Section 6-8-6-8 of the Zoning Ordinance otherwise allows a maximum building height of fifty feet (50') or five (5) stories.

**SECTION 5:** 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, these conditions are hereby imposed:

A. Development and use of the Property shall be in substantial compliance with all applicable legislation and City ordinances, with the testimony and representations of the Applicant to the Plan Commission, the Planning and Development Committee, and the City Council, and with all approved plans and documents on file in Case No. ZPC 04-09 PD&M.

B Prior to the issuance of a final Certificate of Occupancy, the Applicant shall have reconstructed the north one hundred ninety-nine and ninety-nine hundredths feet (199.99') of the alley abutting the subject property to the west, said alley being the north/south alley parallel to and approximately two hundred feet (200') east of Asbury Avenue. Said reconstruction may include, but not be limited to, repaving or replacement of drainage structures, and other improvements identified by the City of Evanston Department of Public Works as requiring construction or reconstruction. Said construction or reconstruction shall meet or exceed the City's requirements for alley construction. The Applicant shall have removed all utility poles from the aforescribed segment of alley, and shall have caused the underground relocation and reconnection of all service to the adjacent properties west of said alley listed in Exhibit 4 attached hereto and made a part hereof, (hereinafter "Neighbors' Properties") and to the subject property prior to alley reconstruction. The Applicant shall have met and consulted with abutting property owners prior to relocation and construction, and shall, to the extent permissible by the utility provider(s), and City requirements, relocate, construct, and reconstruct so as to minimize these owners' property damage and inconvenience.

C. Prior to the issuance of a final Certificate of Occupancy, the Applicant shall correct any damage caused by its construction activities to Neighbors' Properties. Said correction may include, but not be limited to, installation of landscaping in type(s) and quality commensurate with that existing immediately prior to issuance of the building permit. The Applicant shall meet and consult with the owners of Neighbors' Properties as to the plantings to be installed, other corrective actions, and the schedules therefor.

D. The Applicant agrees to negotiate with owners of the properties listed in Exhibit 4 for the purposes of lessening and mitigating the visual impact that the building located at 1228 Emerson Street will have from their back yards. The Applicant agrees to provide landscaping or other considerations agreeable to each property owner. The Applicant will, within sixty (60) days of completion of the construction of the building, offer a landscaping proposal to each property owner listed herein which will, if agreeable to the property owner, be completed, weather permitting, within sixty (60) days thereafter.

If the property owner(s) and the Applicant cannot agree to the landscaping or other considerations as offered by the Applicant, the Applicant will pay for and commission Steve Lenet, from Linden, Lenet Designes, to mediate a resolution. If Mr. Lenet cannot resolve the differences between the property owner(s) and the Applicant within thirty (30) days after being requested to do so, the property owner(s) then, within thirty

(30) days thereafter, will submit its concerns or differences to the Planning and Development Committee of the City of Evanston for binding resolution.

E. Plantings shown in the approved plans shall be planted and maintained in good and sightly condition. Any planting that dies or fails to thrive (each a "Failed Planting") shall be replaced during the earliest available planting season thereafter. The procedure in connection with Failed Plantings shall be as follows:

1. If the City makes written notification to the Applicant of the obligation to replace Failed Plantings in the "Landscape Notice", it shall specify therein the plantings to be replaced.

2. Within thirty (30) days after the date of receipt of the Landscape Notice (the "Replanting Period"), (i) each Failed Planting shall be replaced, or (ii) if a replacement therefor is not available, or if the weather does not permit planting within the Replanting Period, the City shall be notified in writing (the "Extension Notice") of the circumstances preventing replacement of a Failed Planting and provided with a reasonable estimate of the time in which a replacement planting will be available and/or the weather will permit planting, which in no event shall be longer than two hundred seventy (270) days from the date of receipt of the Landscape Notice (the "Extended Replanting Period"). For Failed Plantings not replanted within the Replanting Period, or the Extended Replanting Period, if an Extension Notice has been delivered and accepted by the City, the Applicant shall pay \$500.00 (five hundred and no/100 dollars) for each such plant to the City within thirty (30) days after expiration of the Replanting Period or the Extended Replanting Period, as the case may be.

3. The City's Zoning Administration shall be promptly notified in writing of changes to the notice address set forth below for purposes of this provision:

Ferris Homes  
Mr. Andrew Ferris  
624 Anthony Trail  
Northbrook, Illinois 60062

4. The obligations to plant, maintain, and replant herein shall also be obligations of any condominium association formed to administer the Property, which obligations shall be contained in any Declaration of Condominium for the Property and not be subject to amendment without the City's prior consent.



F. The Applicant voluntarily agrees to donate \$25,000.00 (twenty-five thousand and no/100 dollars) to the Mayor's Special Housing Fund, consistent with the Comprehensive General Plan's policy to "encourage proposals from the private sector that will maintain the supply of moderately-priced housing, both rental and owner-occupied".

G. The Applicant shall comply with a tree preservation plan approved by the Division of Forestry, Department of Parks, Forestry and Recreation. Said tree preservation plan shall be adhered to during all demolition and construction activity on the subject property and adjacent right-of-way, and thereafter as indicated.

H. The Applicant will install and maintain lighting in compliance with Sheet 2K of Exhibit 2, the "conceptual lighting plan". The Applicant may install and maintain additional lighting in compliance with applicable City Code requirements.

I. The Applicant will comply with any terms imposed upon it by the City as conditions precedent to, and contained in, the Ordinance vacating that part of the public right-of-way identified in Applicant's site plan and grade level plan set forth in Exhibit 2G and approved by the City.

J. When necessary to effectuate the terms and conditions and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assigns and successors in interest".

**SECTION 6:** That the Applicant is required to record a certified copy of this Ordinance, including all Exhibits hereto, at its cost with the Cook County, Illinois Recorder of Deeds before any City permits may be obtained.

**SECTION 7:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 8:** That this Ordinance shall be in full force and effect from and after its publication, approval, and publication in the manner provided by law.

Ayes: 6

Nays: 0

Introduced: March 28, 2005

Adopted: April 12, 2005

Approved:

April 14, 2005

Lorraine H. Morton  
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris  
Mary P. Morris, City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

**Exhibit 1 to Ordinance 10-O-05**

**PARCEL 1:**

LOT 1 (EXCEPT FROM SAID LOT 1 THE FOLLOWING TRACT: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 1 AND RUNNING SOUTHEASTERLY 120 FEET PARALLEL TO AND ALONG THE WESTERLY LINE OF THE PUBLIC WAY FORMERLY KNOWN AS WEST RAILROAD AVENUE AND NOW KNOWN AS GREENBAY ROAD; THENCE WESTERLY 60 FEET PARALLEL TO THE NORTH LINE OF SAID LOT 1; THENCE NORTHWESTERLY PARALLEL TO THE WESTERLY LINE OF SAID RAILROAD AVENUE OR GREENBAY ROAD, 120.00 FEET; THENCE EASTERLY 60.00 FEET TO THE PLACE OF BEGINNING), ALL IN CIRCUIT COURT PARTITION OF LOTS 23 AND 25 IN COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE PORTION TAKEN OR USED FOR GREENBAY ROAD NOW KNOWN AS RIDGE AVENUE), IN COOK COUNTY, ILLINOIS.

**PARCEL 2:**

LOT 2 (EXCEPT THE SOUTH 65 FEET OF SAID LOT 2) OF THE SUBDIVISION BY THE COMMISSIONERS OF THE CIRCUIT COURT PARTITION OF LOT 23 AND 25 IN COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PORTION TAKEN OR USED FOR GREENBAY ROAD NOW KNOWN AS RIDGE ROAD, IN COOK COUNTY, ILLINOIS.

**EXCEPTING FROM SAID PARCEL 1 AND 2 THE FOLLOWING:**

THAT PART OF PARCELS 1 AND 2 LYING EAST OF A LINE BEGINNING AT A POINT IN THE NORTH LINE OF SOUTH 65.00 FEET OF LOT 2 AND 30.00 FEET WEST OF THE EASTERLY LINE OF LOT 2 MEASURED ALONG SAID NORTH LOT LINE OF THE SOUTH 65.00 FEET OF LOT 2 AND RUNNING THENCE NORTHWESTERLY 74.88 FEET TO A POINT 15.25 FEET WEST OF THE EAST LINE OF LOT 1, AS MEASURED ON A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTHWESTERLY 31.55 FEET TO A POINT IN THE SOUTH LINE OF THE EAST 60.00 FEET OF THE NORTH 120.0 FEET OF SAID LOT 1, 10 FEET WEST OF THE EAST LINE OF SAID LOT 1, AS MEASURED AT RIGHT ANGLES THERETO.

The parcels that comprise the subject property of this Ordinance 10-O-05 include, listed by Permanent Index Numbers (PINs): 11-18-111-013-0000, 11-18-111-014-0000, and 11-18-111-015-0000. Also included in the project area is an approximately 18 foot wide by 55 foot long portion of the right of way of Green Bay Road adjacent to the middle section of the property's east lot line.

**Exhibit 2 to Ordinance 10-O-05  
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Exhibit #	Sheet	Date
2A	GreenBay Road/Ridge Avenue Elevation	Undated drawing marked received 3/16/05
2B	East Elevation / Ridge Rd Elevation	3/14/05
2C	North Elevation / Emerson St. Elevation	3/14/05
2D	Landscaping Plan	3/28/05
2E	Setback Study	3/14/05
2F	Greenbay Road/ Ridge Avenue Building Height Diagram	3/14/05
2G	Site Plan/ Grade Level Plan	3/14/05
2H	First Floor Plan Lower Level Plan  (Representational as to interior layout)	3/14/05
2I	Fifth Floor Plan Second - Fourth Plan  (Representational as to interior layout)	3/14/05
2J	Sixth Floor Plan  (Representational as to interior layout)	3/14/05
2K	Conceptual Lighting Plan	3/28/05

**Exhibit 4 to Ordinance 10-O-05  
Neighbors' Properties**

1849 Asbury

1847 Asbury

1843 Asbury

1841 Asbury

