

7/20/2005
6/22/2005

83-O-05

AN ORDINANCE

**Granting a Special Use to Clearwater, LLC, for a
Planned Development in the
MU Transitional Manufacturing Zoning District at
645 Custer Avenue**

WHEREAS, Clearwater, LLC, as owner ("Owner") of 645 Custer Avenue, Evanston, Cook County, Illinois (the "subject property") submitted an application to the City of Evanston (the "City") seeking approval of a special use for a planned development (the "Planned Development") including approval of development allowances related to parking and building height and exceptions to development allowances for lot size, floor area ratio, open space, yards, and yard obstructions, as regulated in the Zoning Ordinance of the City of Evanston (the "Zoning Ordinance"), as affects certain property located within the MU Transitional Manufacturing Zoning District (the "MU District") and shown on the Development Plan (as hereinafter defined); and

WHEREAS, the Owner modified its application after hearing commenced to seek increases in height and south side yard setback, reduction in rear and north side yard setbacks, and removal of front yard fencing; and

WHEREAS, development of the subject property pursuant to the Development Plan requires development allowances from the strict application of the MU District regulations of the Zoning Ordinance so as to permit construction of structures to defined building heights in excess of heights

permitted by and with less parking than required by applicable regulations of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 6-3-6-5 and 6-3-6-6 of the Zoning Ordinance, a planned development may provide for development allowances which depart from height, setback, and other regulations established in the Zoning Ordinance, subject to approval of the City Council; and

WHEREAS, the City's Plan Commission conducted public hearings on February 9, 2005, March 9, 2005, April 13, 2005, May 11, 2005, and June 8, 2005, pursuant to proper notice, in case no. ZPC 05-02-PD making a *verbatim* record thereof, upon application of Owner for approval of a special use to establish the Planned Development, and the Plan Commission made certain findings of fact and recommended that the Planned Development be approved, subject to certain conditions, including the requested relief related to defined building height, parking, lot size, floor area ratio, open space, yards, and yard obstructions, which findings and recommendation are incorporated herein by reference; and

WHEREAS, the Planning and Development Committee of the City Council considered the record and recommendations of the Plan Commission at its June 27, 2005, July 11, 2005, and July 18, 2005 meetings and recommended approval of the application with an amendment; and

WHEREAS, the City Council considered and adopted the respective records and recommendations of the Plan Commission and Planning

and Development Committee at its June 27, 2005, July 11, 2005, and July 25, 2005 meetings; and

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 application be it and hereby is approved to permit the construction and operation of four (4) single-family attached dwelling units and a fifteen- (15-) unit multi-family building on the subject property, 645 Custer Avenue, legally described in Exhibit A attached hereto and made a part hereof, all in substantial conformance with the Development Plan attached hereto as Exhibit B and made a part hereof, the MU Transitional Manufacturing District Regulations, this Ordinance, and all applicable legislation and other requirements.

SECTION 3: That the site development allowances for the MU Transitional Manufacturing District authorized in Section 6-3-6-5 and set forth in Section 6-13-1-10 are modified as follows:

a) The maximum building height requirement of Section 6-16-2-7 is modified to fifty-four feet (54') for the multi-family building and forty-three feet, two inches (43'2") for the single-family attached buildings. Without modification, the maximum height is forty-one feet (41'), or three (3) stories, whichever is less.

b) The off-street parking requirement in Section 6-16-3-5 is modified to allow twenty-eight (28) off-street parking spaces. Without modification, the required number of off-street parking spaces is twenty-nine (29).

SECTION 4: That, as provided for in Section 6-3-6-6, the following exceptions to site development allowances are granted:

a) An exception to Section 6-13-1-10 to the requirement that a minimum of forty-five percent (45%) of the total gross area of the Planned Development be devoted to usable open space to allow said total gross area percentage at twenty-seven percent (27%).

b) An exception to Section 6-13-2-4 to the requirement of two thousand square feet (2,000 sq. ft.) per unit for single-family attached dwellings, and one thousand five hundred square feet (1,500 sq. ft.) per unit for multi-family residential dwellings, to allow fifteen (15) multi-family dwelling units and four (4) single-family attached dwelling units on the subject property, with a lot area of sixteen thousand three hundred and thirty square feet (16,330 sq. ft.) instead of the thirty thousand five hundred square feet (30,500 sq. ft.) required.

c) An exception to Section 6-13-2-6 to the requirement of a minimum fifteen foot (15') side yard and a minimum twenty-five foot (25') rear yard, and an exception to Section 6-13-1-10(B)(3) to the requirement of a transition landscape strip for all boundaries not abutting a public street to allow for a zero foot (0') setback from the north property line, a one foot (1') setback from the rear property line, and five foot (5') setback from the south property line.

d) An exception to Section 6-4-6-3 and Section 6-4-1-9 to the locational and dimensional requirements for balconies and bay windows to allow balconies that extend five feet (5') into the required rear and side yards and bay windows that extend four feet (4') into the required front yard.

e) An exception to Section 6-13-2-8 and Section 6-13-1-10(C) to the requirements that floor area ratio not be greater than 0.55 to allow a floor area ratio of approximately 2.01.

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 subject property shall be in substantial compliance with all applicable legislation and City ordinances, with the testimony and representations of the Owner to the Plan Commission, the Planning and Development Committee, and the City Council, and with all approved plans and documents on file in this case no. ZPC 05-02-PD; and

B. The Owner voluntarily agrees to donate \$38,000.00 (thirty-eight 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". This donation, a public benefit pursuant to Section 6-3-6-3(E) of the Zoning Ordinance, by adding to the Fund's financial resources, facilitates the provision of a variety of housing types.

SECTION 6: That references herein to "Owner" shall in all cases mean Clearwater, LLC, and all successor owners and successors in interest, and operators of the subject property, including, but not limited to, any condominium association, townhouse association, or similar entity.

SECTION 7: That the Owner is required to record at its cost a certified copy of this Ordinance along with the Development Plan in the Cook County Recorder's Office, and to provide a copy of same to the City's Zoning Administrator before any permits may be obtained.

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Ayes: 7

Nays: 1

Introduced: June 27, 2005

Adopted: July 25, 2005

Approved:

July 26, 2005
Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:
[Signature]
Corporation Counsel

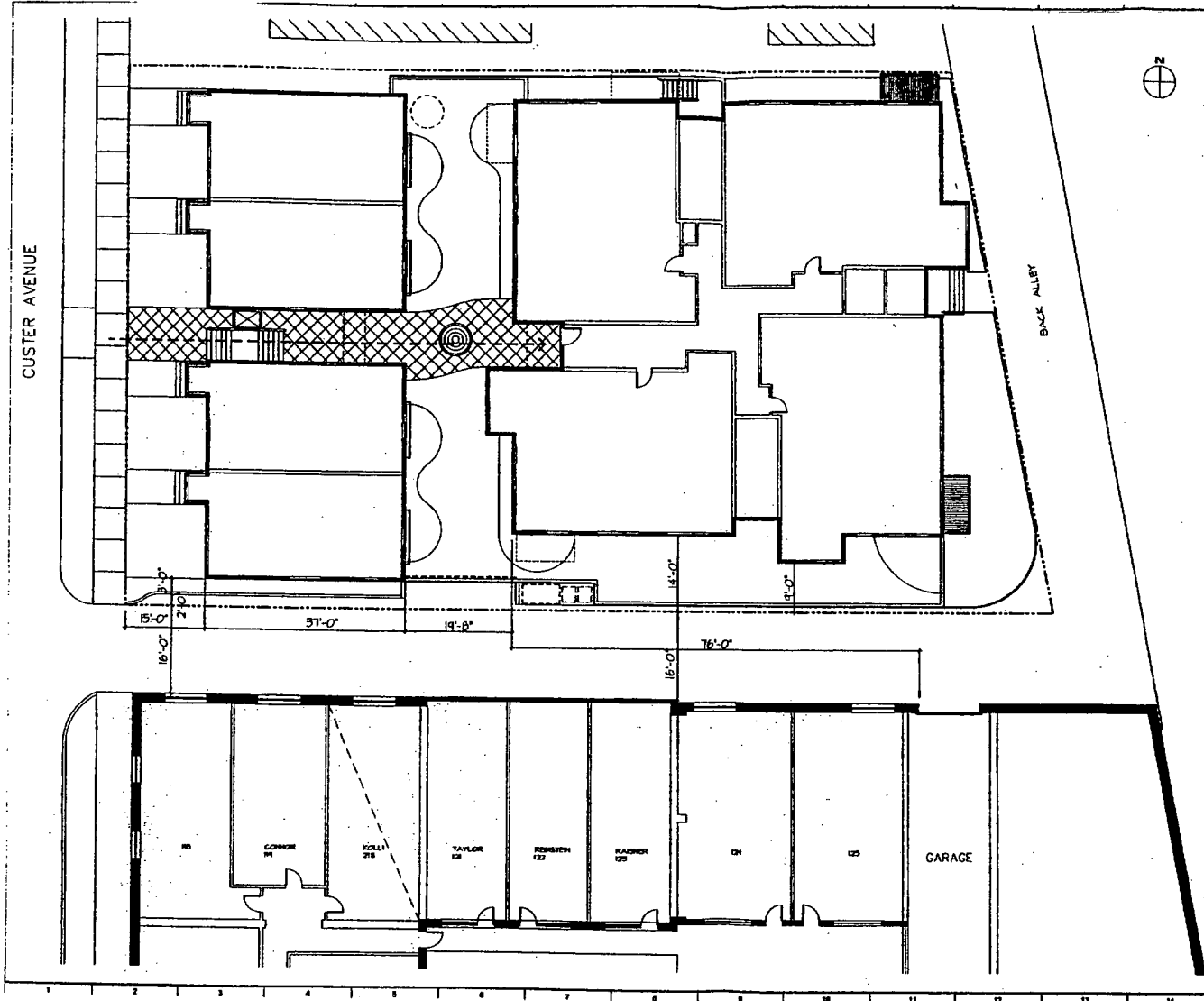
EXHIBIT A

LOT A IN SCHROEDER'S CONSOLIDATION BEING A CONSOLIDATION OF LOTS 1 AND LOTS 2 IN BLOCK 7, IN KEENEY AND RINN'S ADDITION TO EVANSTON IN SECTIONS 19 AND 30, TOWNSHIP 41 NORTH , RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS:

645 CUSTER AVENUE, EVANSTON, ILLINOIS 60202

EXHIBIT B
DEVELOPMENT PLAN



NOTES:

OPTION A

- INCREASE ALLEY SET BACK UP TO 14'-0"
- INCREASE LIGHT AND PRIVACY
- WIDEN SHARED ALLEY BY 2', FROM 16'-0" TO 18'-0"
- ROUND SOUTHEAST CORNER OF LOT TO IMPROVE ALLEY ACCESS AND CIRCULATION
- MOVE TOWNHOUSE BAYS TO NORTH SIDE OF TOWNHOUSE

DATE	REVISION	BY	DATE

Checked by: _____
 Prepared by: _____

Nagle Horton Daneri Kagan McKay Penney
 ARCHITECTS P.C.

212-429-1229
 212-429-1222
 212-429-1223
 212-429-1224

Revised Proposal
 Option A Site Plan

Clearwater Condos
 Evanston, IL

Scale: 1/8"=1'-0"

AS03

DEVELOPMENT PLAN

EXHIBIT B

