

4/13/06
4/11/06
4/5/2006
3/31/2006
3/17/2006
2/22/2006

38-O-06

AN ORDINANCE

**Approving an Amendment to the Zoning Map to Rezone
1613 Church Street from an I2 General Industrial District to an
R4 General Residential District, and
Granting a Special Use for a Planned Development at
1613 Church Street
(Church Street Village, LLC)**

WHEREAS, Church Street Village, LLC, owner of 1613 Church Street, the subject property, submitted an application seeking approval for a Zoning Map amendment to rezone the subject property from an I2 General Industrial District to an R5 General Residential District, and seeking approval of a special use for a planned development pursuant to the provisions of Section 6-3-5 "Special Uses", Section 6-3-6 "Planned Developments", Section 6-8-1-10(D) "Planned Developments" (within Residential Districts), and Section 6-8-7-3 "Special Uses" (within a R5 General Residential District) of the Zoning Ordinance to permit construction of forty-two (42) single-family attached dwelling units, and approximately eighty-two (82) parking spaces; and

WHEREAS, the Plan Commission held public hearings on the application case no. ZPC 05-11 PD&M pursuant to proper notice on December 14, 2005, January 8, 2006, and February 8, 2006, hearing testimony, receiving other evidence, and making written findings and a *verbatim* transcript; 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, impervious surface, lot width, height, yard, fence location, and parking location regulations otherwise required by the applicable zoning regulations of the Zoning Ordinance; and

WHEREAS, pursuant to Section 6-3-6-4, Section 6-3-6-5 and Section 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, 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 I2 General Industrial 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

WHEREAS, the Plan Commission's written findings indicate that the application for planned development 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 R5 General Residential Districts indicated in Section 6-8-1-10(A) of the Zoning ordinance; and addresses the site controls and standards indicated in Section 6-8-1-10(B) and the site development standards in Section 6-8-1-10(C) of the Zoning Ordinance; and

WHEREAS, the Plan Commission recommended approval of the application for a Zoning Map amendment to the R5 General Residential District, and special use for a planned development; and

WHEREAS, the Applicant amended its application at the March 27, 2006 Planning and Development meeting to seek R4 General Residential Zoning and a reduction from forty-one (41) to forty (40) dwelling units; and

WHEREAS, except as modified by this ordinance, the Plan Commission's findings are applicable to the proposed planned development located in an R4 General Residential District and are hereby adopted as such;

WHEREAS, the Planning and Development Committee of the City Council considered the record and recommendations of the Plan Commission at its February 27, 2006, March 13, 2006, March 27, 2006, and April 4, 2006 meetings; conducted a public hearing on the revised application, made revised findings that the application met applicable standards of the Zoning Ordinance, adopted the record and recommendations of the Plan Commission, as modified, and recommended City Council approval of the revised application; and

WHEREAS, the City Council considered and adopted the respective record of the Plan Commission and the record, findings, and recommendation of the Planning and Development Committee, as modified, at its February 27, 2006, March 13, 2006, March 27, 2006 meeting, and further amended this Ordinance at its April 11, 2006 meeting, 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 City Council hereby adopts the findings and recommendations of the Plan Commission and the Planning and Development Committee, as modified, and approves an amendment to the Zoning Map provided for in Section 6-7-2 of the Zoning Ordinance to rezone the subject property, legally described in Exhibit A, attached hereto and made a part hereof, from I2 General Industrial District to R4 General Residential District. The City Council hereby finds as follows with respect to the standards for zoning map amendments in Section 6-3-4-5 of the Zoning Ordinance:

(A) The proposed amendment is consistent with the proposed goals, objectives, and policies of the Comprehensive General Plan in that it will allow for the provision of a variety of housing options and serve as a buffer between the existing industrial and residential uses in the area;

(B) The proposed amendment is compatible with the overall character of the existing development in the immediate vicinity of the subject property in that residential uses are currently located to the south and east of the site;

(C) The proposed amendment will not have an adverse effect on the value of adjacent properties in that it will enhance the value of residential land in the neighborhood and eliminate incompatible uses;

(D) Public facilities and services are adequate in that the subject property can access existing infrastructure and is well served by public parks, transportation networks, and institutions.

SECTION 3: That the City Council hereby approves a special use for planned development permitting the construction and operation of single-family attached units and accessory parking, as follows:

- (a) Forty (40) single-family attached dwelling units; and
- (b) A maximum of eighty-two (82) off-street parking spaces; and
- (c) Setbacks of:
 - (1) Approximately eight and three tenths feet (8.3') from the front property line on Church Street; and
 - (2) Approximately five feet (5') from the west property line; and
 - (3) Approximately three feet (3') from the east property line; and
 - (4) Approximately three feet (3') from the rear property line.

SECTION 4: Pursuant to Section 6-3-6-5 of the Zoning Ordinance and the terms and conditions of this Ordinance, the following site development allowances are hereby granted to the planned development:

- (a) A site development allowance to allow an impervious surface area of approximately seventy-four percent (74%), whereas Section 6-8-5-9(A) of the Zoning Ordinance otherwise allows a maximum of fifty-five percent (55%).
- (b) A site development allowance to allow thirty-one (31) dwelling units with no frontage on a public street, whereas Section 6-8-5-5(C) otherwise requires all single-family dwelling units to front on a public street.
- (c) A site development allowance to allow ten (10) open off-street parking spaces to be located as much as two-hundred seventy feet (270') from the rear property line, instead of the requirement in Section 6-4-6-3(B)18 of the Zoning Ordinance that open off-street parking spaces must be located within thirty feet (30') of the rear lot line in residential districts.
- (d) A site development allowance to allow a fence in the front yard facing Church Street instead of the requirement in Section 6-4-6-7(F)2(e) of the Zoning Ordinance that fences be set back at least three feet (3') from the front-facing façade of the principal building and that there be no fences in a front or street side yard.

(e) A site development allowance to allow parking spaces that are sixteen and seven tenths feet (16.7') in length, instead of the eighteen feet (18') otherwise required by Section 6-16-2 of the Zoning Ordinance for ninety-degree (90°) parking spaces.

(f) A site development allowance to allow a mean building height to a maximum of three (3) stories or thirty-six feet six inches (36'6") instead of the maximum of two and one-half (2 1/2) stories or thirty-five feet (35') otherwise allowed by Section 6-8-5-8 of the Zoning Ordinance.

(g) A site development allowance to Section 6-4-1-6(A) to allow three (3) principal buildings on a single zoning lot, instead of the requirement that no more than one principal building is allowed on a single zoning lot in the R4 District unless authorized as part of a planned development.

SECTION 5: Pursuant to Section 6-3-6-6 of the Zoning Ordinance and the terms and conditions of the Ordinance, the following authority to exceed site development allowances is hereby granted to the planned development:

(a) A lot size of sixty-nine thousand five hundred fifty-one (69,551) square feet for forty (40) single-family attached dwelling units, whereas Section 6-8-5-4 of the Zoning Ordinance otherwise requires one hundred thousand (100,000) square feet. Section 6-8-1-10(C)2 allows a twenty-five percent (25%) increase in the number of units over the twenty-seven (27) units allowed for a lot size of sixty-nine thousand five hundred fifty-one (69,551) square feet, or thirty-three (33) units.

(b) An eight and three tenths foot (8.3') front yard on Church Street, a twenty-foot (20') to twenty-two-foot (22') setback for the eight (8) -unit building facing Church Street, a five foot (5') west interior side yard, a three-foot (3') east interior side yard, and a three foot (3') rear yard, instead of, respectively, the twenty-seven-foot (27'), five foot (5'), five foot (5'), and twenty-five-foot (25') yards otherwise required by Section 6-8-5-7 of the Zoning Ordinance, the requirement of Section 6-8-1-10(C) of the Zoning Ordinance that buildings be located at least fifteen feet (15') from any street or development boundary, and the requirement of Section 6-8-1-10(B)(3) of the Zoning Ordinance that all boundaries of a planned development have a ten-foot (10') landscaped strip.

SECTION 6: That the City Council hereby finds that granting site development allowances in excess of the requirements indicated in Section 6-8-5-4, Section 6-8-5-5, Section 6-8-5-7, Section 6-8-5-8, Section 6-8-5-9, Section 6-8-1-10(B),

and Section 6-8-1-10(C) are essential to achieve one or more of the public benefits described in Section 6-3-6-3, as follows:

1) The Planned Development preserves and enhances natural resources that significantly contribute to the City's character through the Applicant's commitment to beautify the berm along the west boundary of the property with landscaping.

2) The Planned Development provides a variety of housing types in accordance with the City's housing goals by developing single-family attached housing within a price range that will be accessible households with moderate incomes as well as providing an affordable housing component. The Applicant will donate fifty thousand and no/100 dollars (\$50,000.00) to the Mayor's Special Affordable Housing Fund. The Applicant will donate twenty-five thousand and no/100 dollars (\$25,000.00) to the City of Evanston Job Initiative to be utilized in meeting the City's Strategic Plan Goal: Generate marketable job skills for Evanston Residents.

3) The Planned Development enhances the local economy and strengthens the tax base by the positive economic impacts of construction. The proposed residential uses will contribute to the success in the West Evanston TIF, encourage new development, and help stabilize the neighborhood.

4) The Planned Development will eliminate a former industrial site and redevelop the property to include moderate density residential uses that are more compatible with the existing residential uses located to the south and east of the subject property.

SECTION 7: 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, the following conditions are hereby imposed:

(a) Construction of the planned development approved hereby shall be in substantial conformance with the approved Development Plan, attached hereto as Exhibit B and made a part hereof, the terms and conditions of this Ordinance, all other applicable legislation and requirements, and in accordance with representations of the Applicant to the Plan Commission, Planning and Development Committee, and the City Council.

SECTION 8: References herein to "Applicant" shall in all cases mean Church Street Village, LLC, and any and all successors, owners, and operators of the subject property, as applicable.

SECTION 9: That the Applicant is required to record, at its cost, and provide the City with a certified copy of this Ordinance, including all Exhibits hereto, with the Cook County, Illinois, Recorder of Deeds before any City permits may be obtained.

SECTION 10: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: 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: 8

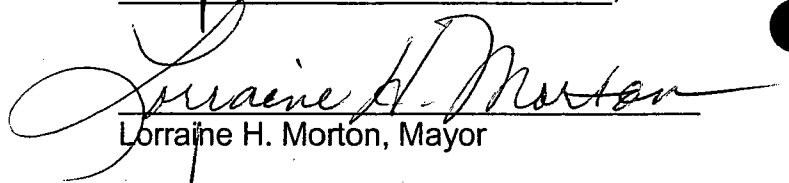
Nays: 0

Introduced: March 27, 2006

Approved:

Adopted: April 11, 2006

April 17, 2006


Lorraine H. Morton, Mayor

Attest:


Mary P. Morris, City Clerk

Approved as to form:

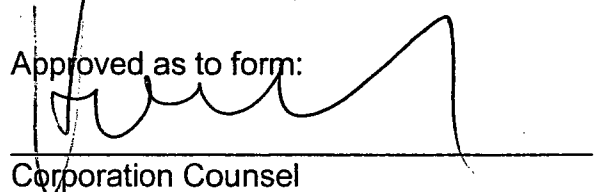

Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

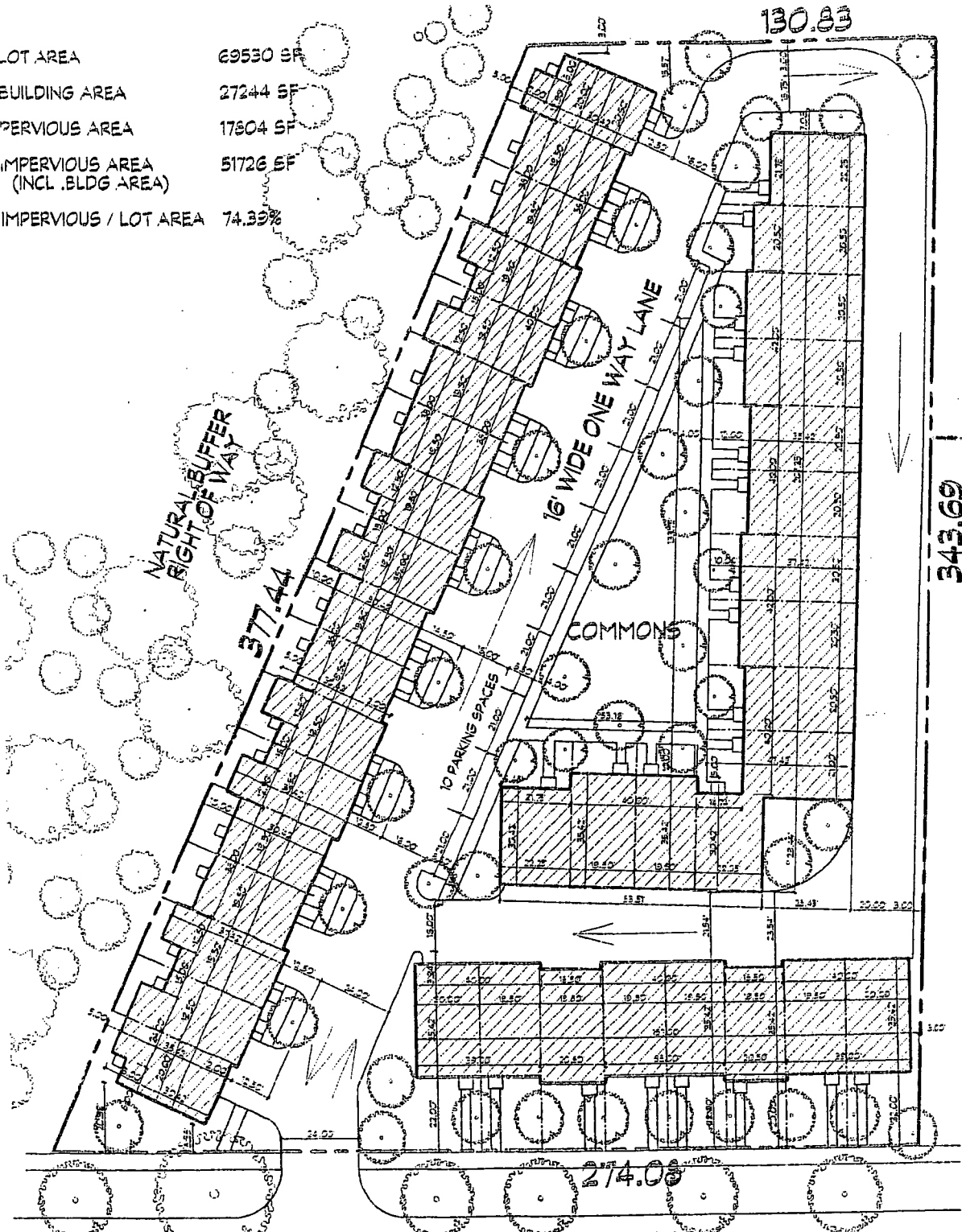
COMMENCING AT A POINT IN THE SOUTH LINE OF THE NORTH 283 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, 273.94 FEET WEST OF THE EAST BOUNDARY LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, MEASURED ON THE SOUTH LINE OF SAID NORTH 283 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE IN A SOUTHERLY DIRECTION IN A STRAIGHT LINE TO A POINT IN THE SOUTH LINE OF SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, 273.94 FEET WEST OF THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE WEST ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, TO THE EAST LINE OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY; THENCE IN A NORTHEASTERLY DIRECTION ON THE SOUTHEASTERLY LINE OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY TO A POINT IN THE SOUTH LINE OF THE NORTH 283 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, WHICH IS 406.39 FEET WEST OF THE EAST LINE OF THE SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, MEASURED ON THE SAID SOUTH LINE OF THE NORTH 283 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; AND THENCE EAST ON THE SOUTH LINE OF THE NORTH 283 FEET OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13, TO THE POINT OF BEGINNING, A DISTANCE OF 132.45 FEET, MORE OR LESS, IN COOK COUNTY ILLINOIS.

COMMONLY KNOWN AS: **1613 CHURCH STREET**

EXHIBIT B

DEVELOPMENT PLAN

LOT AREA	69530 SF
BUILDING AREA	27244 SF
PERVIOUS AREA	17804 SF
IMPERVIOUS AREA (INCL. BLDG. AREA)	51726 SF
IMPERVIOUS / LOT AREA	74.39%



SITE PLAN
CHURCH STREET VILLAGE

CHURCH STREET

1" = 40'-0"
2.29.06

343.69

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