

14-O-07

AN ORDINANCE

**Granting a Special Use for a
Residential Planned Development
Located at 959 Dobson Street
in the R5 Residential Zoning District**

WHEREAS, Robert Kirk, on the behalf of Group A Architects (the "Applicant"), with permission from Thomas, Matheos, and George Douvikas, owners of the property located at 959 Dobson Street (the "Subject Property"), submitted an application on October 13, 2006, pursuant to the Zoning Ordinance (the "Ordinance") provisions of Section 6-3-5, "Special Uses"; Section 6-3-6, "Planned Developments"; Section 6-8-7-3, "Special Uses in the R5 Residential District"; Section 6-8-1-10 (D), "Mandatory Planned Development Minimum Thresholds"; Section 6-8-7-4, "Lot Size"; Section 6-8-7-6, "Building Lot Coverage"; Section 6-8-7-9, "Impervious Surface"; Section 6-8-7-8, "Mean Building Height"; Section 6-8-7-7 (A), "Yard Requirements"; Section 6-4-1-9 (B), "Yards"; Section 6-4-6-3 (B), "Allowable Accessory Uses and Structures"; Section 6-4-6-7, "Special Regulations Applicable to Fences"; and Section 6-8-7-7 (C) "Yard Requirements", for a special use to permit construction and operation of a multifamily residential planned development with accessory parking at the Subject Property; located in the R5 Residential Zoning District ("R5 Residential District"); and

WHEREAS, the Applicant sought approval for approximately thirty-three (33) dwelling units, a maximum defined building height of sixty feet (60') to the average pitch of the roof, and approximately forty-five (45) enclosed off-street parking spaces; and

WHEREAS, the Plan Commission held public hearings on the application, case no. ZPC 06-13 PD, pursuant to proper notice, on December 13, 2006, and January 10, 2007, heard testimony and received other evidence, made *verbatim* transcripts and written findings, and recommended that the City Council approve the application; and

WHEREAS, construction of the Planned Development, as proposed in the application, as amended, requires exceptions from the strict application of the Ordinance pertaining to minimum lot size, maximum impervious surface area, maximum building height, yard requirements for residential structures, maximum yard encroachment for accessory uses, allowable accessory uses, fence height and location, and loading berth setbacks; 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 floor minimum lot size, maximum impervious surface area, maximum building height, yard requirements for residential structures, maximum yard encroachment for accessory uses, allowable accessory uses, fence height and location, and loading berth setbacks, and other regulations established in the Zoning Ordinance, subject to approval of the City Council; and

WHEREAS, the Plan Commission's written findings state that the application for planned development: meets the standards for special uses indicated in Section 6-3-5-10 of the Zoning Ordinance; adequately addresses the general conditions for planned developments in Residential Districts indicated in Section 6-8-1-10 (A) of the Zoning Ordinance; adequately addresses the site controls and standards for planned developments in Residential Districts indicated in Section 6-8-1-10 (B) of the Zoning Ordinance; and adequately addresses the development allowances for planned developments in Residential Districts indicated in Section 6-8-1-10 (C) of the Zoning Ordinance; and

WHEREAS, the Plan Commission recommended approval of the application for a special use for a planned development; and

WHEREAS, the Planning and Development Committee of the City Council at its February 12, 2007 meeting, considered the record in this Case No. ZPC 06-13 PD and adopted the findings and recommendations of the Plan Commission, and recommended approval by the City Council; and

WHEREAS, the City Council, at its February 26, 2007 meeting, considered and adopted 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 facts and made a part hereof.

SECTION 2: That the City Council hereby finds that the special use for a multi-family residential planned development with accessory parking in the R5 Residential District, applied for in case no. ZPC 06-13 PD, as approved, meets the standards for special uses in Section 6-3-5-10 in that, among other reasons:

- (A) Planned developments are a listed special use in the Residential District;
- (B) The requested special use is in keeping with purposes and polices of the Comprehensive General Plan ("CGP") and the Zoning Ordinance;
- (C) The proposed planned development will not cause a negative cumulative effect on various special uses of all types in the immediate neighborhood and the City as a whole in that the site is an appropriate location for multi-family residential and has adequate capacity for off-street parking and loading;
- (D) The proposed planned development will not interfere with or diminish the value of property in the neighborhood in that it will replace three smaller existing multi-family residential structures with one residential structure of an appropriate scale, density, design, and materials;
- (E) The proposed planned development can be adequately served by public facilities and services;
- (F) The proposed planned development will not cause undue traffic congestion; and
- (G) It will comply with all other applicable requirements, except as modified by this Ordinance 14-O-07, in that this Ordinance is conditioned upon construction and operation of the subject planned development in accordance with all applicable requirements.

SECTION 3: That the City Council hereby finds that the special use for a multifamily residential planned development with accessory parking in the R5 Residential District, applied for in case no. ZPC 06-13 PD, as approved, meets the general conditions for planned developments in the Residential District in Section 6-8-1-10 (A) in that, among other reasons:

- (A) The proposed planned development is compatible with the surrounding environment;
- (B) The proposed land use is compatible with the Ordinance and the City's Comprehensive General Plan ("CGP");
- (C) The proposed land use intensity and housing are consistent with the CGP;
- (D) The proposed design and materials are in keeping with the adjacent Oakton Historic District;
- (E) The proposed planned development can be adequately served by public facilities and services;
- (F) The proposed planned development will not cause undue traffic congestion;
- (G) The proposed planned development is consistent with the City's Design Guidelines for Planned Developments; and
- (H) The project will enhance the taxable value of the Subject Property.

SECTION 4: That the City Council hereby finds that the special use for a multifamily residential planned development with accessory parking in the R5 Residential District, applied for in case no. ZPC 06-13 PD, as approved, meets the site controls and standards for planned developments in the Residential District in Section 6-8-1-10 (B) in that, among other reasons:

- (A) The Subject Property is approximately twenty-one thousand, one hundred seventy-one square feet (21,171 sq. ft.);
- (B) The proposed landscape plan, attached hereto as Exhibit B and made a part hereof (the "Landscape Plan") includes the transition landscape strip, at least ten feet (10') wide, required for all boundaries of planned developments abutting residential property;
- (C) The proposed planned development includes sidewalks with landscaping, to be constructed in accord with the Landscape Plan, along the Dobson Street and Ridge Avenue frontages;
- (D) The proposed planned development will not cause undue adverse affects on residential parking uses due to enclosed off-street parking;

- (E) The proposed planned development shall provide minimum hazards to vehicular and pedestrian traffic; and
- (F) The Applicant has submitted the required market feasibility and traffic impact studies.

SECTION 5: That the City Council hereby grants the application in case no. ZPC 06-13 PD, for a special use for planned development to allow construction and operation of a multi-family residential planned development with accessory parking at 959 Dobson Street, legally described in Exhibit A, attached hereto and made a part hereof, with thirty-three (33) dwelling units, a maximum defined building height of sixty feet (60') to the average pitch of the roof, and approximately forty-five (45) enclosed off-street parking spaces.

SECTION 6: That site development allowances and the authority to exceed site development allowances are essential to achieve one or more of the public benefits set forth in Section 6-3-6-3, the Council hereby finds that granting the special use for a planned development will provide the following public benefits: a pleasing architectural environment; a contribution to the variety of housing types in accordance with the city's housing goals; elimination of three blighted structures; substantial incorporation of generally recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality, specifically Silver LEED (Leadership in Energy and Environmental Design) certification.

SECTION 7: Pursuant to the terms and conditions of this Ordinance, the following site development allowances are hereby granted:

- (A) To allow a defined maximum building height of sixty feet (60'). Section 6-8-7-8 establishes a maximum height in the R5 Residential District of fifty feet (50'). The site development allowance in Section 6-8-1-10 (C) (1) allows a maximum height increase of twelve feet (12') to a total of sixty-two feet (62').
- (B) To allow a maximum building lot coverage of fifty and sixty-nine hundredths of a percent (50.69%). Section 6-8-7-6 establishes a maximum building lot coverage in the R5 Residential District of forty-five percent (45%). The site development allowance in Section 6-8-1-10 (C) (4) allows a maximum increase of fifteen percent (15%) to a total of sixty percent (60%).
- (C) To allow a maximum impervious surface coverage of approximately sixty-eight percent (68%). Section 6-8-7-9 establishes a maximum impervious surface coverage in the R5 Residential District of sixty percent (60%). Section 6-3-6-5 (G) grants the City Council the authority to grant a site development allowance to exceed this maximum.
- (D) To allow a front yard setback along the south property line, along Dobson Street, of approximately twenty-one feet (21') and a rear yard setback of twenty-three feet and nine inches (23'9"). Section 6-8-7-7 (A) establishes the yard requirements for residential structures in the R5 Residential District, specifically a minimum 27' setback from the front property line and a minimum 25' setback from the rear property line. As a planned development, Section 6-8-1-10 (C) (3) allows that "the location and placement of buildings may vary from that otherwise permitted in the residential districts, however, at no time shall any dwelling be closer than fifteen feet (15') from any street or development boundary line."
- (E) To allow the Applicant to construct a loading berth with a setback of zero feet (0') from the north property line. Section 6-8-7-7 (C) establishes the yard requirements for accessory uses in the R5 Residential District, specifically requiring a setback of at least three feet (3') for a loading berth. Section 6-3-6-5 (D) grants the City Council the authority to grant a site development allowance to vary from this requirement.

SECTION 8: Pursuant to the terms and conditions of this Ordinance, the authority to exceed the following site development allowances is hereby granted:

- (A) To allow the Applicant to construct thirty-three (33) dwelling units. Section 6-8-7-4 establishes minimum lot size requirements in the R5 Residential District. The maximum number of dwelling units allowed on the Subject Property, with a lot size of twenty-one thousand, one hundred seventy-one square feet (21,171 sq. ft.), is twenty-two (22). Section 6-8-1-10 (C) (2) (e) allows for a planned development site development allowance of twenty-five percent (25%) yielding ~~four~~ five (4 5) additional dwelling units for a maximum of twenty-seven (27) dwelling units.
- (B) To allow a street side yard setback along the east property line, along Ridge Avenue, of approximately seven feet (7'). Section 6-8-7-7 (A) establishes the yard requirements for residential structures in the R5 Residential District. The Ordinance requires a minimum 15' setback from the street side property line. As a planned development, Section 6-8-1-10 (C) (3) allows "the location and placement of buildings may vary from that otherwise permitted in the residential districts, however, at no time shall any dwelling be closer than fifteen feet (15') from any street or development boundary line."
- (C) To allow the Applicant to construct a roofed entry canopy to encroach four feet (4') into the required front yard along Dobson Street. Section 6-4-1-9 (B) establishes the maximum yard encroachment for accessory uses and structures within required yards, specifically allowing said canopy to encroach no more than two feet and seven-tenths of a foot (2.7') into said yard.
- (D) To allow the Applicant to construct balconies that project between four feet eight inches (4'8") and six feet eight inches (6'8") from the building façade. Section 6-4-6-3 (B) establishes the requirements regarding allowable accessory uses and structures, specifically allowing for balconies so long as they do not project more than three feet (3') from an exterior wall.
- (E) To allow the Applicant to construct a fence, more than seventy percent (70%) opaque and approximately six feet (6') tall, along the north property line and extending into the required street side yard along Ridge Avenue. Section 6-4-6-7 establishes that such a fence shall not be more than seventy percent (70%) opaque. Section 6-4-6-7 (F) (3) (a) establishes that such a fence shall not exceed four feet (4') in height.

SECTION 9: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of the requested special use for a planned development:

- (A) Construction of the planned development approved hereby shall be in substantial conformance with the terms and conditions of this Ordinance, the development plan attached hereto as Exhibit C and made a part hereof (the "Development Plan"), all other applicable legislation and requirements, and in accordance with representations of the Applicant to the Site Plan and Appearance Committee, Plan Commission, Planning and Development Committee, and City Council.
- (B) The Applicant, at its sole cost and expense, shall construct and/or install sidewalk and landscaping along the Dobson Street and Ridge Avenue frontages in conformance with the Landscape Plan.
- (C) The Applicant, at its sole cost and expense, shall, if feasible, bury the existing utility lines that serve the Subject Property. The Applicant shall restore any landscaping disrupted by such work to its condition prior to commencement of such work unless otherwise indicated on the Landscape Plan.

SECTION 10: When necessary to effectuate the terms, conditions and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assign and successors in interest."

SECTION 11: That the Applicant is required to record a certified copy of this Ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before any City permits may be obtained.

SECTION 12: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 13: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 12, 2007

Approved:

Adopted: February 26, 2007

March 2, 2007

Melissa D. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form:
Herbert D. Hill
Herbert D. Hill
First Assistant Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION OF 959 DOBSON STREET**PARCEL 1:**

THAT PORTION OF LOTS 1, 2, AND 3 IN BAULAND'S RIDGE BOULEVARD ADDITION TO SOUTH EVANSTON, IN SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 3 (BEING ALSO THAT POINT OF INTERSECTION OF THE NORTH LINE OF DOBSON STREET AND THE WEST LINE OF RIDGE AVENUE); THENCE WEST ON THE SOUTH LINE OF SAID LOT 3, 69.69 FEET TO A POINT; THENCE NORTH AT RIGHT ANGLES TO SAID SOUTH LINE OF LOT 3, 119.20 FEET TO A POINT 45.0 FEET SOUTH OF THE NORTH LINE OF LOT 1, AFORESAID; THENCE EAST PARALLEL TO THE NORTH LINE OF LOT 1, AFORESAID, 60.52 FEET TO THE EASTERLY LINE OF LOTS 1, 2, AND 3 (BEING ALSO THE WESTERLY LINE OF RIDGE AVENUE); THENCE SOUTH ON SAID EASTERLY LINE 119.56 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THAT PART OF LOTS 1, 2, AND 3 IN BAULAND'S RIDGE BOULEVARD ADDITION TO SOUTH EVANSTON, IN SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3 (BEING ALSO THE POINT OF INTERSECTION OF THE NORTH LINE OF DOBSON STREET AND THE WEST LINE OF RIDGE AVENUE); THENCE WEST ON THE SOUTH LINE OF LOT 3, 69.69 FEET FOR THE POINT OF BEGINNING OF LAND TO BE DESCRIBED; THENCE CONTINUE WEST ON SAID SOUTH LINE OF LOT 3, 55.0 FEET TO A POINT; THENCE NORTH AT RIGHT ANGLES TO THE SOUTH LINE OF SAID LOT 3, 124.20 FEET TO A POINT 40.0 FEET SOUTH OF THE NORTH LINE OF LOT 1, AFORESAID; THENCE EAST PARALLEL TO THE NORTH LINE OF SAID LOT 1, 5.05 FEET TO A POINT ON THE WEST LINE OF THE EAST 110.0 FEET OF LOT 1, AFORESAID; THENCE SOUTH ON SAID WEST LINE OF THE EAST 110.0 FEET OF LOT 1, 5.01 FEET TO A POINT 45.0 FEET SOUTH OF THE NORTH LINE OF LOT 1, AFORESAID; THENCE EAST PARALLEL TO THE NORTH LINE OF LOT 1, 49.48 FEET TO A POINT 60.52 FEET WEST OF THE EASTERLY LINE OF LOTS 1, 2, AND 3; THENCE SOUTH AT RIGHT ANGLES TO THE NORTH LINE OF LOT 1, 119.20 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

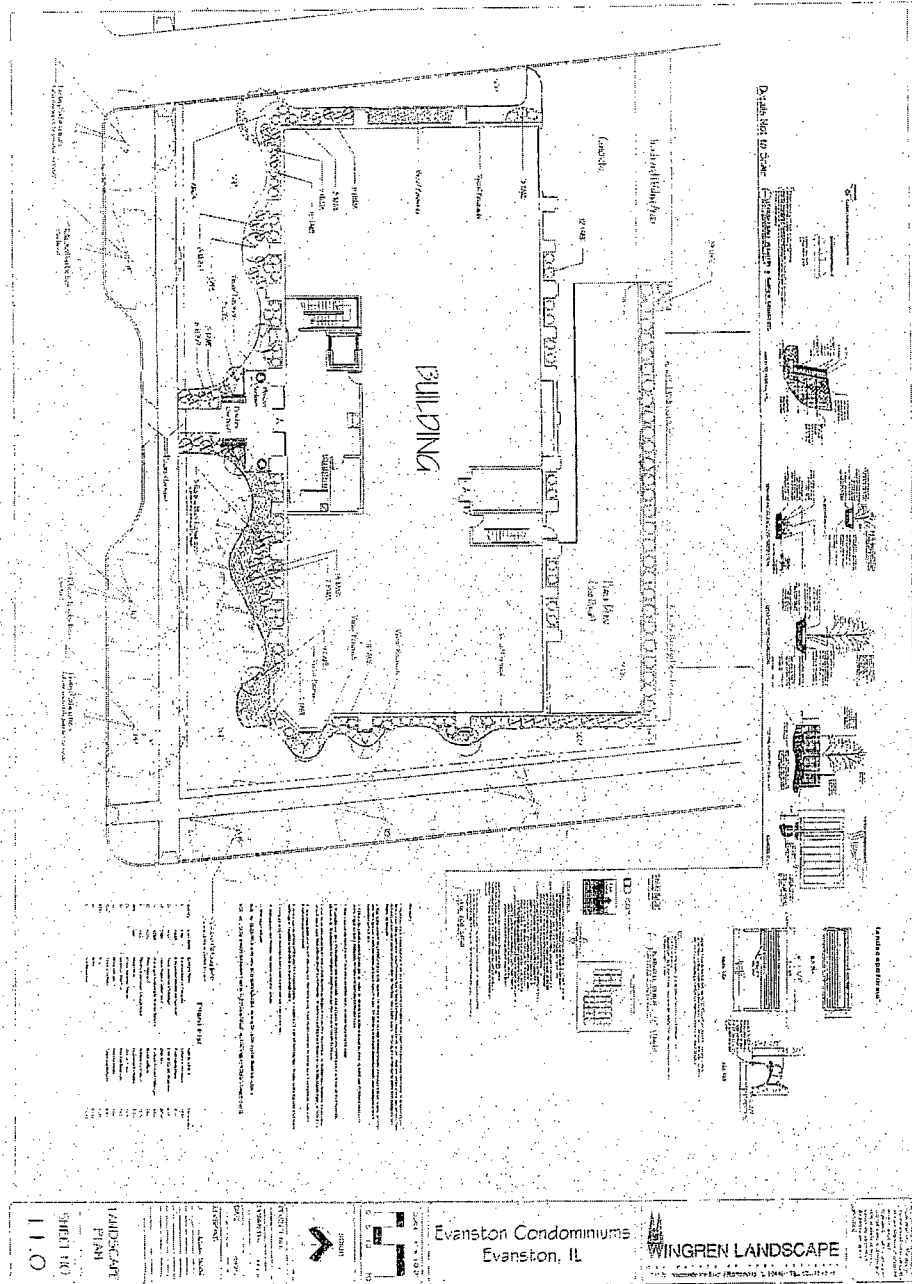
PARCEL 3:

THAT PART OF LOTS 1, 2, AND 3 IN BAULAND'S RIDGE BOULEVARD ADDITION TO SOUTH EVANSTON, IN SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

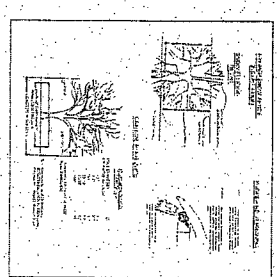
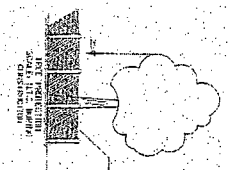
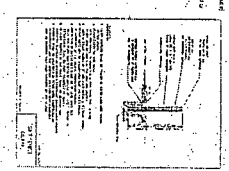
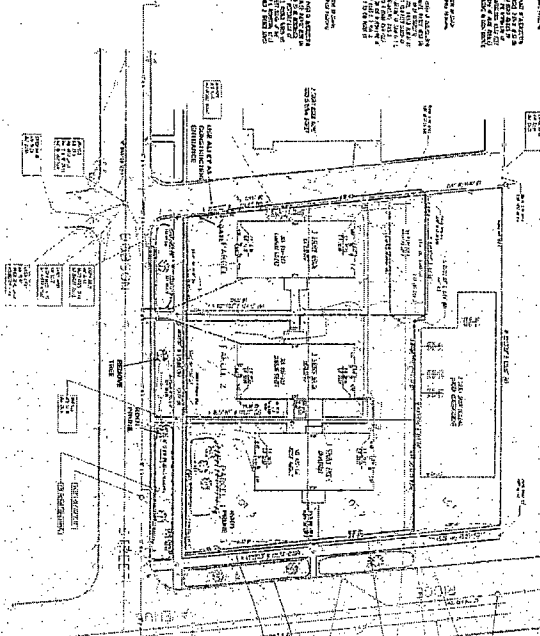
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3 (BEING ALSO THE POINT OF INTERSECTION OF THE NORTH LINE OF DOBSON STREET AND THE WEST LINE OF RIDGE AVENUE); THENCE WEST ON THE SOUTH LINE OF LOT 3, 124.69 FEET TO THE POINT OF BEGINNING OF LAND TO BE DESCRIBED; THENCE CONTINUE WEST ON SAID SOUTH LINE OF LOT 3, 51.08 FEET TO THE WESTERLY LINE OF LOTS 1, 2, AND 3 (BEING ALSO THE EASTERLY LINE OF AN 18.0 FOOT ALLEY); THENCE NORTH ON SAID WESTERLY LINE OF LOTS 1, 2, AND 3, 124.57 FEET TO A POINT 40.0 FEET SOUTH OF THE NORTH LINE OF LOT 1; THENCE EAST PARALLEL TO THE NORTH LINE OF LOT 1, AFORESAID, 60.65 FEET TO A POINT 115.05 FEET WEST OF THE EASTERLY LINE OF LOTS 1, 2, AND 3; THENCE SOUTH 124.20 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

EXHIBIT B

LANDSCAPE PLAN FOR 959 DOBSON STREET



GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.



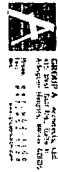
DOBSON RIDGE - EVANSTON
 LOT SIZE : 21160.64 SQ.FT.

- GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.

<p>BCI BORDO CONSULTANTS, INC. 1000 CHERRY STREET, SUITE 200 EVANSTON, IL 60120 TEL: 847.329.1100 FAX: 847.329.1101 WWW.BCI-CO.COM</p>	<p>DATE: 08/14/14 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>NO. 1000 SHEET NO. 1000 TOTAL SHEETS: 1000</p>	<p>SCALE: AS SHOWN DATE: 08/14/14</p>
	<p>EXISTING TOPOGRAPHY & DEMOLITION NOTES PROPOSED DEVELOPMENT - DOBSON RIDGE, EVANSTON</p>		

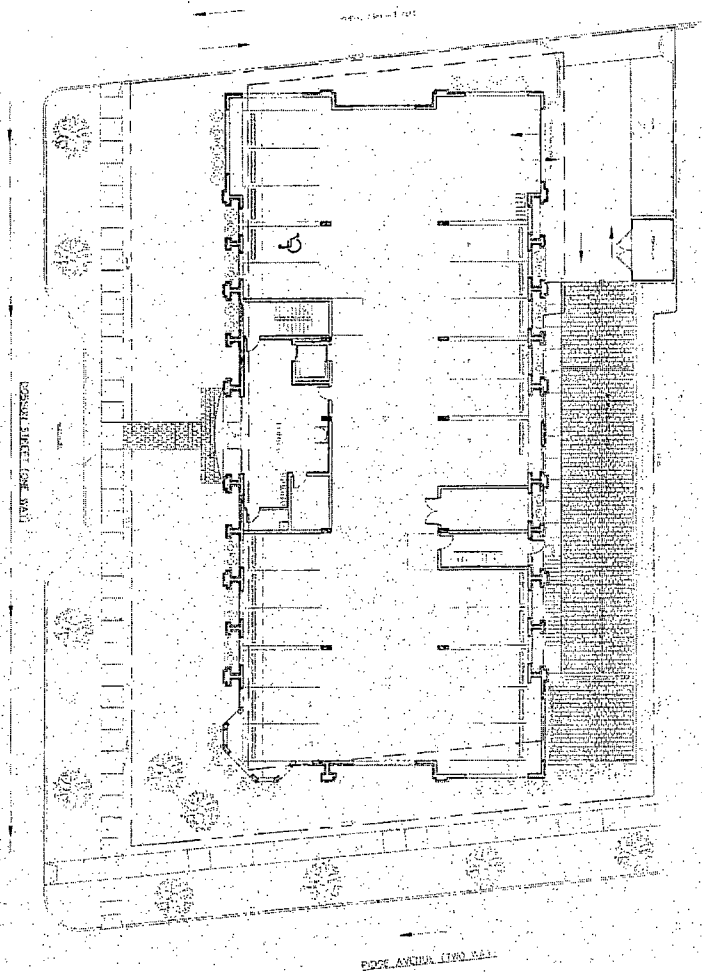
EXHIBIT C

DEVELOPMENT PLAN FOR 959 DOBSON STREET

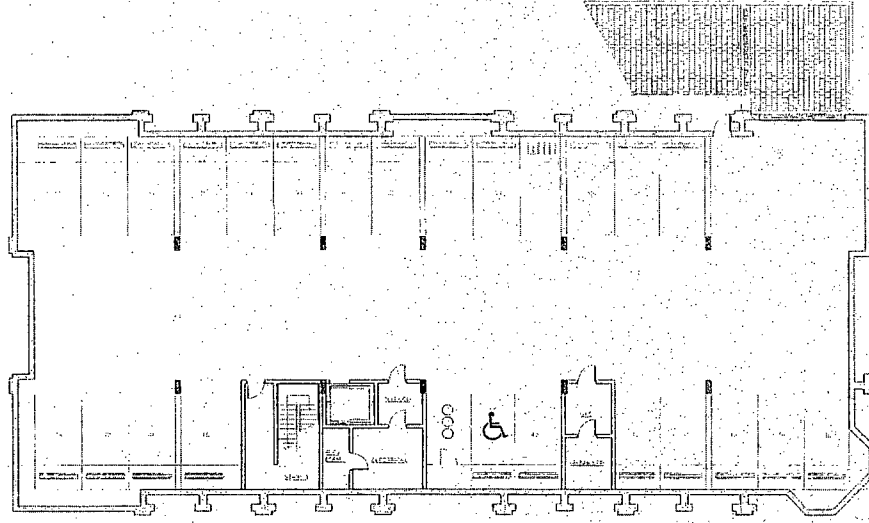


OAKTON PLACE EVANSTON

GROUND LEVEL



Date: 12.08.06
Scale: 1" = 20'-0"

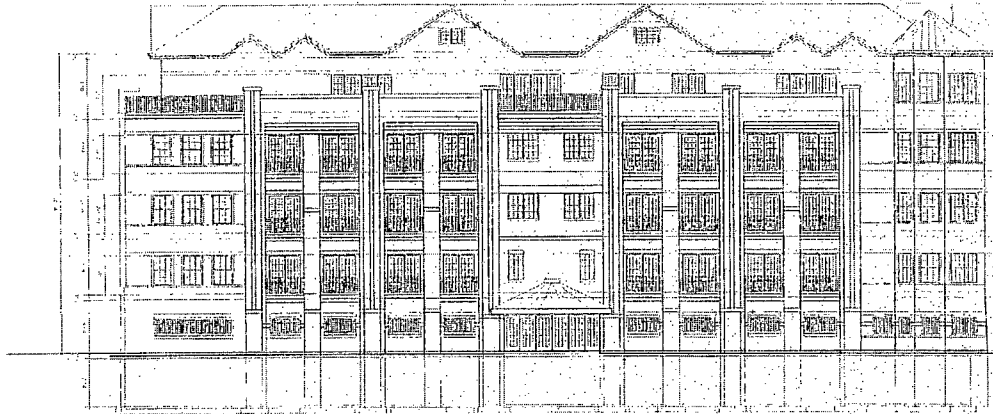


OAKTON PLACE, EVANSTON

LOWER LEVEL

Date: 12.08.06
Scale: 1/16" = 1'-0"

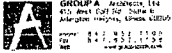
A GROUP A Architects, LLC
410 East Oak St., Suite 200
Evanston, Illinois, 60201
Phone: 847.332.1122
Fax: 847.332.1122
www.groupa.com

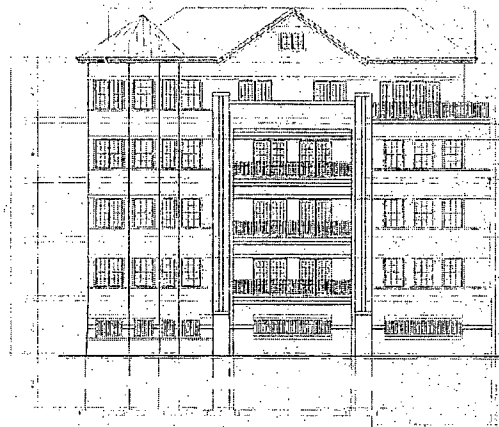


OAKTON PLACE, EVANSTON

SOUTH ELEVATION

Date: 12.08.06
Scale: 1/16" = 1'-0"

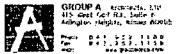




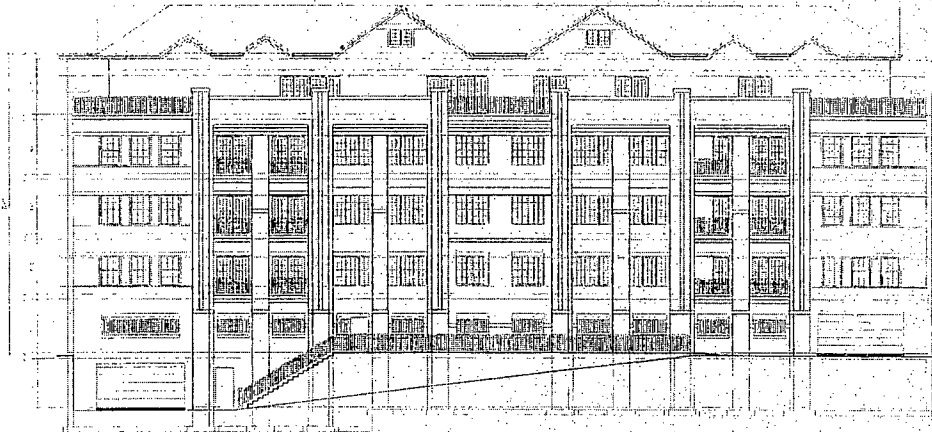
OAKTON PLACE, EVANSTON

EAST ELEVATION

Date: 12.08.06
Scale: 1/16" = 1'-0"



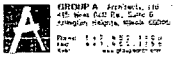
GROUP A ARCHITECTS, LLP
115 West Lake Street, Suite 200
Indianapolis, Indiana 46204
Phone: 317.552.1122
Fax: 317.552.1122
www.groupa.com

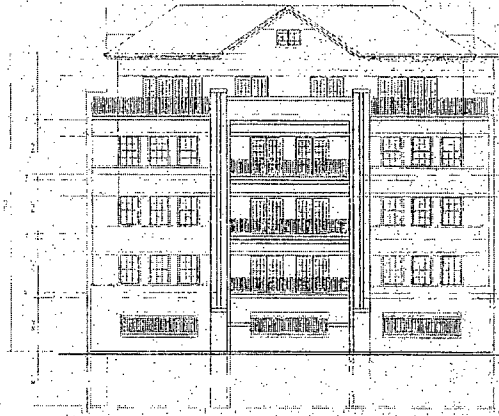


OAKTON PLACE, EVANSTON

NORTH ELEVATION

Date: 12.08.06
Scale: 1/16" = 1'-0"

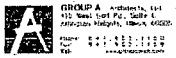




OAKTON PLACE, EVANSTON

WEST ELEVATION

Date: 12.08.06
Scale: 1/16" = 1'-0"



GROUP A Architects, Ltd.
110 West 14th St., Suite 1
Evanston, Illinois, USA 60201
Phone: 847.433.1100
Fax: 847.433.1100
www.groupa.com