

39-O-08

AN ORDINANCE

Amending the Zoning Ordinance and Granting a Special Use for a Residential Planned Development at 318-20 Dempster Street in the R1 Residential Zoning and Lakeshore Historic Districts

WHEREAS, Geoffrey Bushor (the "Applicant"), owner of the property located at 318-20 Dempster Street (the "Subject Property"), legally described in Exhibit A, attached hereto and made a part hereof, submitted a complete application on October 19, 2007, pursuant to the provisions of Title 6 of the Evanston City Code, 1979, as amended, ("the Zoning Ordinance"), specifically: Section 6-3-4-5, "Standards for Amendments"; Section 6-3-5, "Special Uses"; Section 6-8-1-10, "Planned Developments"; Section 6-8-1-10 (B)3, "Site Controls and Standards"; and Section 6-8-1-10 (C), "Development Allowances"; for: an amendment to the text of the Zoning Ordinance to allow more than one (1) principal use on a zoning lot within the R1, R2, R3, and R4 single-family Zoning Districts when authorized as a Planned Development and involving an Evanston landmark structure; an amendment to the text of the Zoning Ordinance to allow Planned Developments with a minimum area of seven thousand square feet (7,000 sq. ft.) in Residential Zoning Districts if they involve an Evanston landmark structure; and a Special Use to permit the creation and operation of a seven thousand twenty square feet (7,020 sq. ft.), three (3)-unit multifamily residential Planned Development, at the Subject Property, located in the R1 Residential Zoning and Lakeshore Historic Districts; and

WHEREAS, the Applicant sought approval to allow redevelopment of the former livery stable in the rear of the Subject Property as a single family detached dwelling with covered parking, prior to condominium conversion of the entire Subject Property, including the double house and the new unit in the redeveloped stable; and

WHEREAS, on January 9, 2008 and pursuant to proper notice, the Plan Commission and the Historic Preservation Commission held a joint public hearing on the application, case nos. ZPC 07-06 PD&T and 07 HIS-0230, heard testimony and received other evidence, and made verbatim transcripts and written findings; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed Planned Development meets the standards in Section 6-3-4-5 of the Zoning Ordinance for text amendments; and

WHEREAS, creation of the Planned Development, as proposed in the application, requires exceptions from the strict application of the Zoning Ordinance pertaining to minimum area landscape strips, the maximum number of dwelling units, setbacks, and building lot coverage; and

WHEREAS, the Plan Commission, with guidance from the Historic Preservation Commission, exercised the discretionary power granted to it by Section 6-15-11-4 of the Zoning Ordinance to grant relief to the Applicant from the minimum area requirements for Planned Developments in Residential Zoning Districts imposed by Section 6-8-1-10 (B)1(a) of the Zoning Ordinance, thereby eliminating the need for an amendment to the text of said Section; and

WHEREAS, pursuant to Sections 6-3-6-4, 6-3-6-5, and 6-3-6-6 of the Zoning Ordinance, the City Council may grant site development allowances and exceptions to site development allowances that depart from and/or exceed the normal maximum regulations established in the Zoning Ordinance, provided that the City Council makes written findings of fact that the exceptions are essential to achieve one or more of the public benefits described in Section 6-3-6-3 of the Zoning Ordinance; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed Planned Development meets the standards set forth in the Zoning Ordinance for: Special Uses per Section 6-3-5-10; conditions for Planned Developments in the R1 Zoning District per Section 6-8-1-10 (A); site controls and standards for Planned Developments in the R1 Zoning District per Section 6-8-1-10 (B); development allowances for Planned Developments in the R1 Zoning District per Section 6-8-1-10 (C); and provides the public benefit necessary to exceed site development allowances per Section 6-3-6-3; and

WHEREAS, the Plan Commission recommended the City Council approve the application, as amended, for an amendment to the text of the Zoning Ordinance and for a Special Use to construct the proposed Planned Development, subject to certain conditions; and

WHEREAS, the Historic Preservation Commission granted the Applicant a Certificate of Appropriateness to allow the creation of the proposed Planned Development; and

WHEREAS, at its March 10, 2008 meeting, the Planning and Development Committee considered and adopted the findings and recommendations of the Plan Commission, and recommended approval by the City Council; and

WHEREAS, at its March 24, 2008 meeting, the City Council considered and adopted the 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 amends the text of Section 6-4-1-6 (B) of the Zoning Ordinance to read as follows:

Except when authorized as part of a planned development, approved pursuant to section 6-3-6, "Planned Developments", of this title, and involving an Evanston-designated landmark structure, not more than one principal use shall be established on a zoning lot within the R-1, R-2, R-3 and R-4 single-family zoning districts. For all other districts, except where approved as a mixed use development, not more than one principal use shall be established on a zoning lot.

SECTION 3: That the City Council hereby grants the Special Use applied for in case no. ZPC 07-06 PD&T, to permit the creation and operation of a multifamily residential Planned Development on the Subject Property. The creation and operation of said Planned Development shall be in substantial conformance with the Development Plans, attached hereto as Exhibit B and made a part hereof, and the terms of this Ordinance.

SECTION 4: That the City Council hereby finds that exceptions to the Planned Development requirements and the site development allowances set forth in Sections 6-8-1-10 (B)3, 6-8-1-10 (C)2(a), 6-8-1-10 (C)3, and 6-8-1-10 (C)4(a) of the Zoning Ordinance, which exceed the normal maximum regulations established in the R1 Zoning District, are necessary to achieve the following public benefits, set forth in Section 6-3-6-3 of the Zoning Ordinance:

- (A) Preservation and enhancement of desirable site characteristics and open space. The proposed Planned Development allows for the creation of a new dwelling unit on the Subject Property, without requiring the creation of a new structure, through the adaptive reuse of the former livery stable
- (B) Preservation and enhancement of historic resources that significantly contribute to the character of the City. The Applicant proposes to preserve a historic structure, the former livery stable, through adaptive reuse as a single family residential building.
- (C) Use of design, landscape, or architectural features to create a pleasing environment or other special development features. The plans for the redevelopment of the former livery stable maintain its historic appearance while simultaneously allowing for its rehabilitation and adaptive reuse.
- (D) Provision of a variety of housing types in accordance with the City's housing goals. The proposed Planned Development allows for a new dwelling unit different than would normally be allowed by the Zoning Ordinance and which may be more affordable than nearby units.
- (E) Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation. The proposed Planned Development provides for the rehabilitation and adaptive reuse of the dilapidated stable.

SECTION 5: That, pursuant to the terms and conditions of Section 6-3-6-6 of the Zoning Ordinance and this Ordinance, 39-O-08, the authority to exceed the following site development allowances is hereby granted by a vote of at least two-thirds (2/3) of the Aldermen elected to the City Council:

- (A) To allow relief from the requirement of Section 6-8-1-10 (B)3 that, for Planned Developments in Residential Zoning Districts, all boundaries not

- (A) To allow relief from the requirement of Section 6-8-1-10 (B)3 that, for Planned Developments in Residential Zoning Districts, all boundaries not immediately abutting dedicated and improved public streets, the Applicant shall provide a transition landscaped strip of at least ten feet (10') consisting of vegetative screening, fencing, or decorative walls.
- (B) To allow three (3) dwelling units on the Subject Property. The Zoning Ordinance allows one (1) dwelling unit on the Subject Property. Section 6-8-1-10 (C)2a allows for a site development allowance of zero (0) additional dwelling units.
- (C) To allow two (2) of the dwelling units be setback fourteen and twenty-two hundredths feet (14.22') from the side yards and one (1) dwelling unit setback zero feet (0') from the side and rear yard line. Section 6-8-2-8 establishes a variety of yard and setback requirements in the R1 Zoning District. Section 6-8-1-10 (C)3 allows for a site development allowance to permit the location and placement of buildings may vary from that otherwise permitted in the residential districts, provided that no dwelling be closer than fifteen feet (15') from any street or development boundary line and that no two (2) residential buildings be closer than twelve feet (12') to each other within the Planned Development.
- (D) To allow a maximum building lot coverage of fifty-seven and nine-tenths percent (57.9%). Section 6-8-2-7 sets the maximum lot coverage in the R1 district at thirty percent (30%). Section 6-8-1-10 (C)4(a) allows for a site development allowance of an additional ten percent (10%), yielding a total of forty percent (40%).

SECTION 6: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following condition on the grant of the requested Special Use for a Planned Development:

- (A) Development and use of the Subject Property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the Historic Preservation Commission, the Plan Commission, the Planning and Development Committee, and the City Council, and with the approved plans and documents on file in this case.

SECTION 7: That, except as otherwise provided for in this Ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

SECTION 8: That the Applicant shall record a certified copy of this Ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits related to the creation of the proposed Planned Development hereby authorized.

SECTION 9: That, when necessary to effectuate the terms, conditions, and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assigns, and successors in interest."

SECTION 10: That if any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 11: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12: 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: March 10, 2008

Approved:

Adopted: March 24, 2008

March 25, 2008

Lorraine H. 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

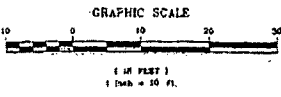
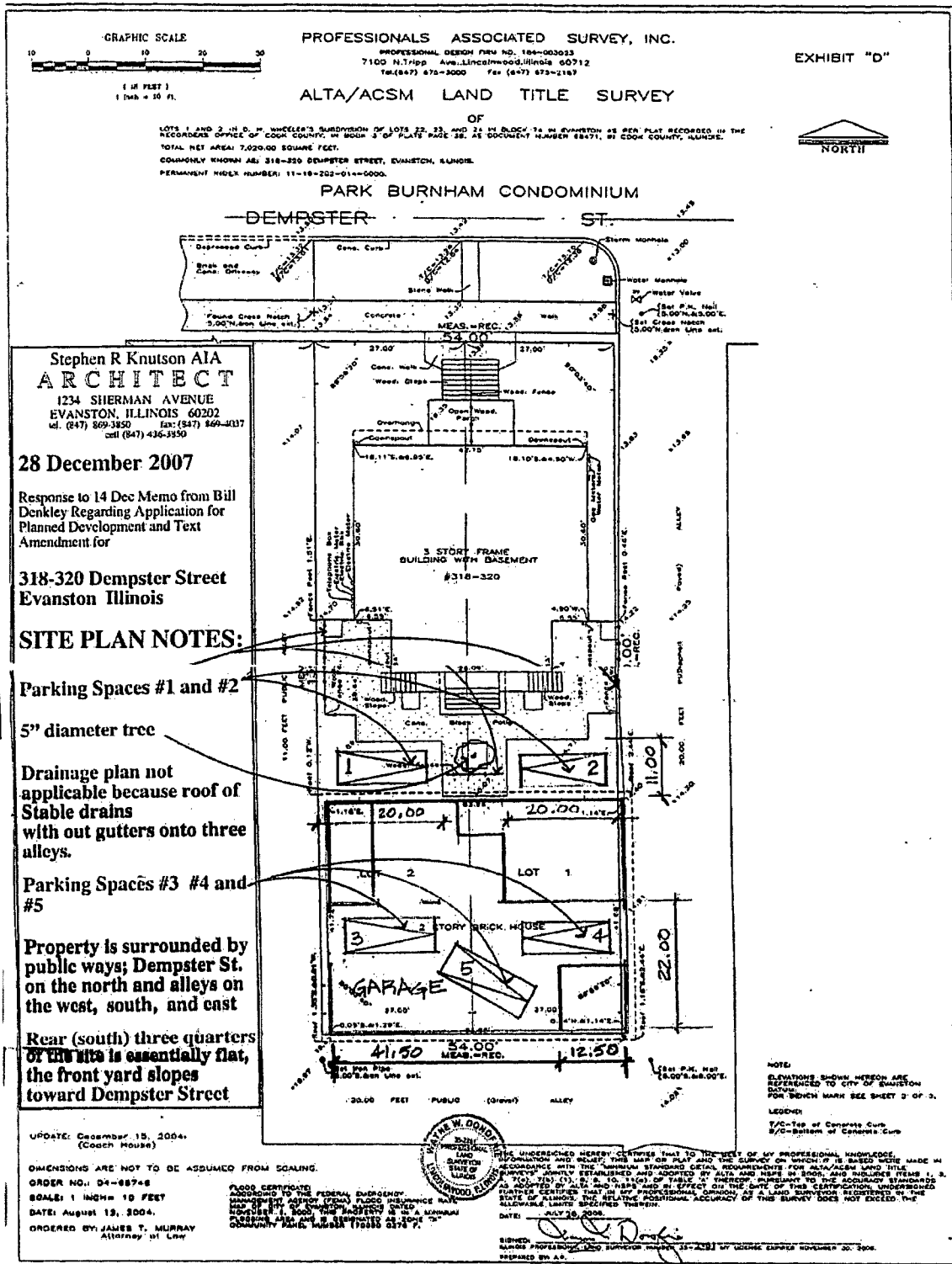
EXHIBIT A

LEGAL DESCRIPTION OF 318-20 DEMPSTER STREET

LOT 1 AND 2 in D.H. WHEELER's SUBDIVISION OF LOTS 22, 23 AND 34 in BLOCK 74 IN VILLAGE OF EVANSTON AS PER PLAT RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS, IN BOOK 3 OF PLATS PAGE 38 AS DOCUMENT 68471 IN COOK COUNTY, ILLINOIS.

EXHIBIT B

DEVELOPMENT PLANS



PROFESSIONALS ASSOCIATED SURVEY, INC.
PROFESSIONAL DESIGN FIRM NO. 184-003033
7100 N. Tripp Ave., Lincolnwood, Illinois 60712
Tel. (847) 678-3000 Fax (847) 673-2187

EXHIBIT "D"

ALTA/ACSM LAND TITLE SURVEY

OF
LOTS 1 AND 2 - 1/2 IN D. W. WHEELER'S SUBDIVISION OF LOTS 22, 23, AND 24 IN BLOCK 74 IN EVANSTON AS PER PLAT RECORDED IN THE
RECORDS OFFICE OF COOK COUNTY, IN BOOK 3 OF PLATS PAGE 28, AS DOCUMENT NUMBER 18471, IN COOK COUNTY, ILLINOIS.
TOTAL NET AREA: 7,029.00 SQUARE FEET.
COMMONLY KNOWN AS: 318-320 DEMPSTER STREET, EVANSTON, ILLINOIS.
PERMANENT INDEX NUMBER: 11-18-202-014-0000.



PARK BURNHAM CONDOMINIUM

DEMPSTER ST.

Stephen R Knutson AIA
ARCHITECT
1234 SHERMAN AVENUE
EVANSTON, ILLINOIS 60202
tel. (847) 869-3850 fax: (847) 869-3037
cell (847) 436-3950

28 December 2007

Response to 14 Dec Memo from Bill
Denkley Regarding Application for
Planned Development and Text
Amendment for

318-320 Dempster Street
Evanston Illinois

SITE PLAN NOTES:

Parking Spaces #1 and #2

5" diameter tree

Drainage plan not
applicable because roof of
Stable drains
with out gutters onto three
alleys.

Parking Spaces #3 #4 and #5

Property is surrounded by
public ways; Dempster St.
on the north and alleys on
the west, south, and east

Rear (south) three quarters
of the site is essentially flat,
the front yard slopes
toward Dempster Street

NOTE:
ELEVATIONS SHOWN HEREON ARE
REFERENCED TO CITY OF EVANSTON
DOWN.
FOR BENCHMARK SEE SHEET 2 OF 3.
LEGEND:
T/C-Top of Concrete Curb
B/C-Bottom of Concrete Curb

UPDATE: December 15, 2004.
(Coach House)

DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING.

ORDER NO.: 04-08748

SCALE: 1" INCH = 10 FEET

DATE: AUGUST 13, 2004.

ORDERED BY: JAMES T. MURRAY
Attorney at Law

FLOOD CERTIFICATE
ACCORDING TO THE FEDERAL EMERGENCY
MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE
MAP NUMBER 17-00000-01-0000-01 IN A NATIONAL
FLOOD INSURANCE PROGRAM AS SHOWN ON
COMPARISON MAP NUMBER 17000-01-0000-01.



I HEREBY CERTIFY THAT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE,
EXPERIENCE AND BELIEF THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN
ACCORDANCE WITH THE MINIMUM STANDARDS SET FORTH IN THE ALTA/ACSM LAND TITLE
SURVEYING ACT AND THE RULES AND REGULATIONS THEREUNDER, AND THAT I AM A MEMBER
IN GOOD STANDING OF THE PROFESSION OF LAND SURVEYORS IN THE STATE OF ILLINOIS.
I HEREBY CERTIFY THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE
STATE OF ILLINOIS, THE RELATIVE POSITIVE ACCURACY OF THIS SURVEY DOES NOT EXCEED THE
ALLOWABLE LIMITS SPECIFIED THEREIN.

DATE: JULY 18, 2008
SIGNED: [Signature]
WITNESSED: [Signature]
BY LICENSE NUMBER 11-18-202-014-0000
PREPARED BY A.S.

PROPOSED NORTH ELEVATION

PROPOSED SOUTH ELEVATION

PROPOSED EAST ELEVATION

PROPOSED WEST ELEVATION

BUSHOR STABLE REMODELING
 318/320 DEMPSTER AVENUE
 EVANSTON, ILLINOIS 60202

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Stephen R. Knevel, AIA
ARCHITECT
 1224 SHERIDAN AVENUE
 EVANSTON, ILLINOIS 60202
 (847) 869-1820

