

10/24/2011
10/3/2011

89-O-11

AN ORDINANCE

**Granting Major Variations for the Construction of
a Multifamily Dwelling Located at 2500 Green Bay Road
in the R5 General Residential District**

WHEREAS, 2500 Green Bay Road LLC (the "Applicant"), owner of the property commonly known as 2500 Green Bay Road (the "Subject Property"), located within the R5 General Residential District ("R5 District") and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of Major Variations pursuant to Sections 6-3-8, 6-8-7-4, and 6-16-5 of Title 6 of the Evanston City Code of 1979, as amended ("the Zoning Ordinance"); and

WHEREAS, the Applicant seeks to construct a Multifamily Dwelling, with twelve (12) dwelling units and fifteen (15) off-street parking spaces, on the Subject Property, a lot ten thousand square feet (10,000 ft²) in area; and

WHEREAS, on September 20, 2011, the Zoning Board of Appeals ("ZBA") held a public hearing, pursuant to proper notice, in case no. 11ZMJV-0063, to consider the application, received testimony, made written records and findings that the application met the standards for Major Variations set forth in Subsection 6-3-8-12-(E) of the Zoning Ordinance, and recommended City Council approval thereof; and

WHEREAS, at its meeting of October 24, 2011, the Planning and Development Committee of the City Council (the "P&D Committee") considered the ZBA's findings, amended, and accepted the ZBA's recommendation, as amended, and recommended City Council approval of the requested Major Variations; and

WHEREAS, at its meeting of November 14, 2011, the City Council considered and adopted the recommendation of the ZBA as amended by the P&D Committee,

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

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts the ZBA and P&D Committee's records, findings, and recommendations, and hereby approves, pursuant to Subsection 6-3-8-10-(D) of the Zoning Ordinance, the Major Variations on the Subject Property applied for in case no. 11ZMJV-0063.

SECTION 3: The Major Variations approved hereby are:

- (A) To permit twelve (12) dwelling units on the Subject Property whereas Subsection 6-8-7-4-(D) of the Zoning Ordinance establishes a maximum of nine (9) dwelling units on a lot of this size.
- (B) To permit fifteen (15) on-site, off-street parking spaces whereas Subsection 6-16-3-5, Table 16-B of the Zoning Ordinance requires eighteen (18) off-street parking spaces for a Multifamily Dwelling with the proposed number of bedrooms.

SECTION 4: Pursuant to Subsection 6-3-8-14 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Major Variations granted by the terms of this ordinance, violation of any of which shall constitute grounds for revocation thereof, pursuant to Subsection 6-3-10-6 of the Zoning Ordinance:

- (A) **Compliance with Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the testimony and representations of the Applicant to the ZBA, the P&D Committee, and the City Council, and the approved plans and documents on file in this case.

- (B) **Recordation:** The Applicant shall, at its cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any construction permits pursuant to the Major Variations authorized by the terms of this ordinance.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 6: 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 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: If any provision of this ordinance or application thereof to any person or circumstance is ruled 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 9: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 10: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: October 24, 2011

Approved:

Adopted: November 14, 2011

November 16, 2011

Elizabeth B Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**LEGAL DESCRIPTION**

LOT 10 IN BLOCK 16, IN NORTH EVANSTON BEING A SUBDIVISION OF LOTS 11, 12, 13, 14, 15, 16 AND THE WEST 4 3/10THS ACRES OF LOT 17 IN GEORGE SMITH'S SUBDIVISION OF THE SOUTH PART OF THE ARCHANGE OUILMETTE RESERVATION, RECORDED IN BLOCK 29, PAGE 58 OF MAPS, AND ALSO OF LOTS 1, 3 AND PART OF LOT 2 LYING BETWEEN THE CHICAGO AND MILWAUKEE RAILWAY AND THE WEST LINE OF LOT 3, PRODUCED TO THE NORTH LINE OF SECTION 12, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN OF ASSESSOR'S PLAT OF EVANSTON, RECORDED IN BOOK 143, PAGE 45 OF MAPS, ALL IN COOK COUNTY, ILLINOIS.

PIN: 10-12-200-018-0000

COMMONLY KNOWN AS: 2500 Green Bay Road, Evanston, Illinois.

