

33-O-13

AN ORDINANCE

**Amending the Approved Special Use Permit for
Scoreboards at 2250 Sheridan Road**

WHEREAS, the City of Evanston, Cook County, Illinois, (the "City") is a home rule unit of government under the Illinois Constitution of 1970; and

WHEREAS, Article VII, Section 6a of the Illinois Constitution of 1970 confers certain powers upon home rule units, among which are the powers to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and

WHEREAS, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code, 2012, as amended, ("the Zoning Ordinance"); and

WHEREAS, on November 12, 2012, the City enacted Ordinance 120-O-12, attached hereto as Exhibit 1 and incorporated herein by reference; and

WHEREAS, pursuant to the provisions of the Zoning Ordinance, Ordinance 120-O-12 granted a Special Use Permit for Scoreboards in the T2 Transitional Campus Zoning District for the property located at 2250 Sheridan Road, Evanston, Illinois (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Northwestern University ("the Applicant"), owner of the Subject Property, has submitted new elevations (the "Revised Elevations"), attached hereto as Exhibit 2 and incorporated herein by reference, which would govern the construction and operation of said Special Use; and

WHEREAS, in order to construct the Planned Development in accord with the Revised Elevations, the Applicant requests amendments to Ordinance 120-O-12; and

WHEREAS, Ordinance 120-O-12 is a piece of legislation enacted by the City Council of the City of Evanston, subject to revision only by said City Council; and

WHEREAS, on March 11, 2013, the Planning and Development ("P&D") Committee of the City Council held a meeting in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), during which it considered the Revised Elevations; and

WHEREAS, during said meeting, the P&D Committee received input from the public, deliberated on the Revised Elevations, and recommended approval of the Revised Elevations by the City Council; and

WHEREAS, at its meetings of March 11 and April 1, 2013, the City Council considered the P&D Committee's recommendation, heard public comment, made findings, and adopted said recommendation; and

WHEREAS, it is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747),

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 accepts the Revised Elevations in order to allow the construction of a Special Use on the Subject Property in conformance therewith, pursuant to Ordinance 120-O-12, as revised by this ordinance.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following condition on the Applicant's Special Use Permit, violation of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Recordation:** Before it may construct and/or operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

SECTION 4: Except as otherwise provided for in this Ordinance 33-O-13, all applicable regulations of Ordinance 120-O-12, 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. To the extent that the terms and/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 33-O-13 shall govern and control.

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: 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.

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

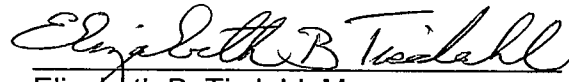
SECTION 8: This Ordinance 33-O-13 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: March 11, 2013

Approved:

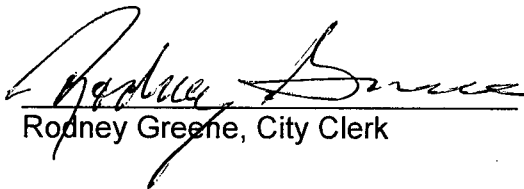
Adopted: March 18, 2013

March 22, 2013


Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:


Rodney Greene, City Clerk


W. Grant Farrar, Corporation Counsel

EXHIBIT 1

Ordinance 120-O-12

10/5/2012

120-O-12

AN ORDINANCE

**Granting a Special Use Permit for Scoreboards
Located at 2250 Sheridan Road in the
T2 Transitional Campus Zoning District**

WHEREAS, the Zoning Board of Appeals ("ZBA") met on October 2, 2012, pursuant to proper notice, to consider case no. 12ZMJV-0058, an application filed by Northwestern University, owner of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 2250 Sheridan Road (the "Subject Property") and located in the T2 Transitional Campus Zoning District, for a Special Use Permit to establish, pursuant to Subsection 6-15-4-3 of Title 6 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), Scoreboards on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for Scoreboards met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of October 22, 2012, the Planning and Development Committee of the City Council ("P&D Committee") considered the ZBA's record and findings and recommended the City Council accept the ZBA's recommendation and approve the application in case no. 12ZMJV-0058; and

WHEREAS, at its meetings of October 22 and November 12, 2012, the City Council considered, amended, and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

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 made a part hereof.

SECTION 2: The City Council hereby approves the Special Use Permit for Scoreboards on the Subject Property as applied for in case no. 12ZMJV-0058.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicant's Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicant shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicant's testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Landscaping:** The Applicant shall screen the Scoreboards hereby authorized, including the university logo signs on either side of the main scoreboard, from view of properties west of the Subject Property, mature landscaping materials.
- C. Recordation:** Before it may construct and/or operate the Special Use authorized by the terms of this ordinance, the Applicant shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

SECTION 4: 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 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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

SECTION 7: 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 8: The findings and recitals contained 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 22, 2012

Approved:

Adopted: November 12, 2012

November 16, 2012

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

LOTS 1 TO 6 IN BLOCK 86 IN NORTHWESTERN UNIVERSITY SUBDIVISION OF PART OF SECTION 7 AND 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO MAP THEREOF RECORDED FEBRUARY 13, 1875, AS DOCUMENT 13935, IN BOOK OF PLATS, PAGE 56, IN COOK COUNTY, ILLINOIS.

PINs: 11-07-206-012-0000
11-07-206-013-0000
11-07-206-014-0000

COMMONLY KNOWN As: 2250 Sheridan Road, Evanston, Illinois.

EXHIBIT 2

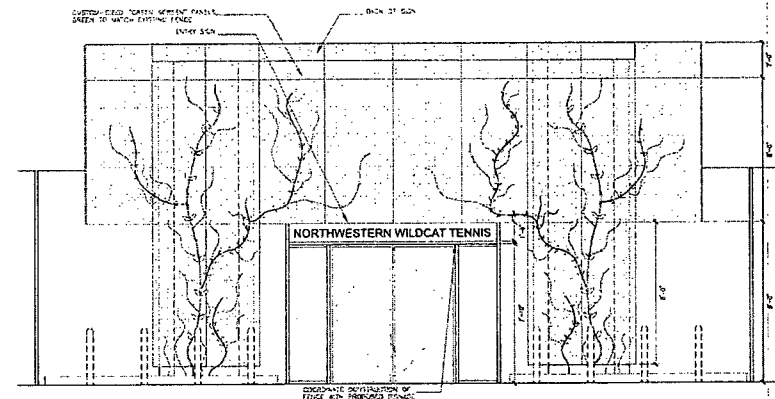
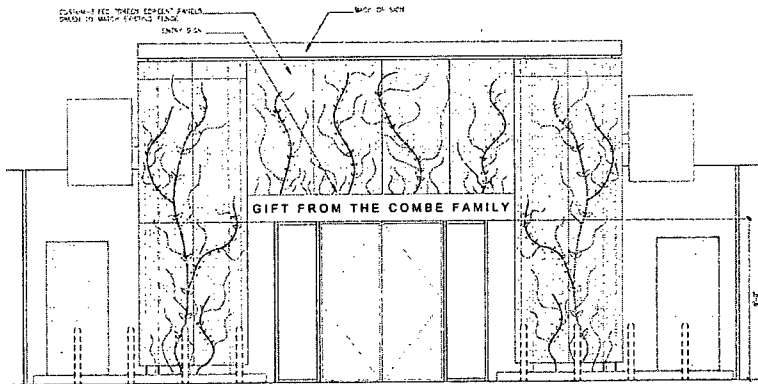
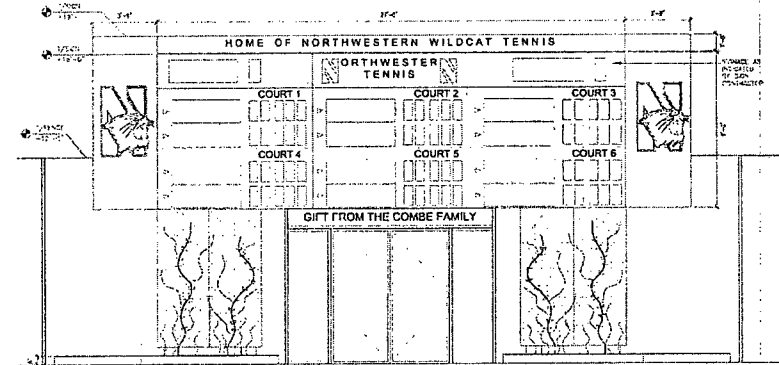
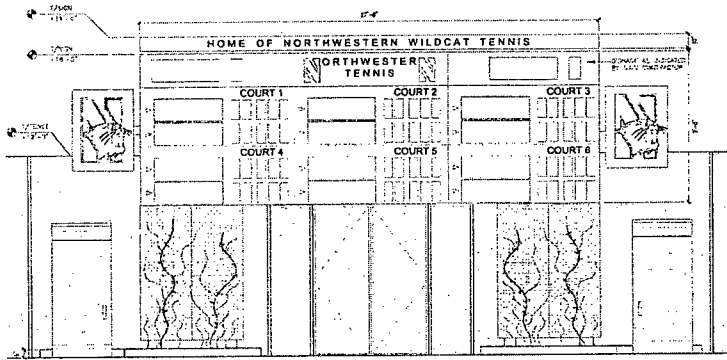
Revised Elevations

Special Use Amendment
2250 Sheridan Road Tennis Center



Previously Submitted—Approval Condition to Amendment

Amendment



Pursuant to the October 2, 2012 ZBA Approval Comments

Condition of Amendment; Green screen along alley should extend to the side sign and be comprised of mature landscaping

