#### 80-0-15

#### AN ORDINANCE

Extending the Time for the Applicant to Obtain a Building Permit to.
Construct Building 1 and Finish Associated Site Work and to
Complete Construction of Units in Buildings 2 and 3 in the Church
Street Village Planned Development Previously Authorized by
Ordinance 38-0-06

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, et seq.) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended, (the "Zoning Ordinance"); and

WHEREAS, on April 11, 2006, the City Council enacted Ordinance 38-O-06 by a supermajority vote (8-0), as required by Section 6-3-6-6 of the Zoning Ordinance, attached hereto as Exhibit 1 and incorporated herein by reference, which, pursuant to the provisions of the Zoning Ordinance, amended the Zoning Map to Rezone 1613 Church

Street from an I2 General Industrial District to an R4 General Residential District, and granted a Special Use Permit for a Planned Development (the "Planned Development") at 1613 Church Street (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 38-O-06 approved the construction of forty (40) single-family attached dwelling units within three (3) buildings and eighty-two (82) parking spaces at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, Section 7 of Ordinance 38-O-06 provides that the development and construction of the special use for the Planned Development must be constructed in substantial conformance and compliance with the terms of the Ordinance and all applicable provisions of the City Code; and

WHEREAS, the Project is partially constructed to date, the breakdown is as follows: 19 units of the total 40 units are complete in Buildings 2 and 3, thirteen (13) units in Building 2 and 3 are partially constructed and significant work is needed to finish the units, and Building 1 (8 units total) construction and associated landscaping and site work has not yet commenced; and

WHEREAS, on August 11, 2014, the City Council adopted Ordinance 92-O-14, which is also attached as Exhibit 1 and incorporated herein by reference, granting Monty Titling Trust 1, new owner of the Subject Property (the "Applicant") an amendment to the Planned Development (the "Amendment") providing a one-year extension of time to complete remaining 13 units in Buildings 2 and Building 3 and to obtain a building permit for construction of the 8-unit Buildings 1 (August 10, 2015); and

WHEREAS, Section 6-3-6-4(d) of the City Code provides that no planned

development as a form of special use shall be valid for a period longer than one (1) year unless a longer time is requested and granted by the City Council; and

WHEREAS, in order to complete construction of the existing 13 units and to commence and complete construction of Building 1 units and associated site work, the Applicant requests an additional one-year extension; and

WHEREAS, on July 13, 2015 and July 27, 2015, the Planning and Development Committee ("P&D Committee") held a meeting, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), during which it retained jurisdiction over the Planned Development Amendment request; and

WHEREAS, during said meetings, the P&D Committee received input from the public, and carefully deliberated on the Extension request and the Applicant was given notice and the opportunity to be heard at the P&D and City Council meetings; and

WHEREAS, at its meeting of July 27, 2015, held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's deliberations and recommendations, heard public comment, made findings and considered this Ordinance 80-O-15,

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

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

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously

authorized by Ordinance 38-O-06 and 92-O-14 to allow for the construction and operation of the Planned Development described herein.

**SECTION 3:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted for the Planned Development, may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use 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 operate the Planned Development authorized by the terms of this ordinance in substantial compliance with the following: the terms of this Ordinance 80-O-15; Terms of Ordinance 92-O-14; and terms of Ordinance 38-O-06 which have not been amended by this Ordinance; the Building and Landscape Plans in Exhibit 2, attached hereto and incorporated herein by reference; all applicable City Code requirements, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (b) Building 1 Elevations: Prior to issuance of the building permit for Building 1 (8 units), Applicant must present site plans and elevation plans for review and consideration by the Design and Project Review Committee (DAPR) to clarify and articulate the proposed elevations and improvements of Building 1.
- (c) Changes in Property Use: Any change as to the property's use in the future must be processed and approved as an additional amendment to the Planned Development.
- (d) Landscape Design: The Applicant shall install and maintain landscaping as depicted in Exhibit C, and as recommended by DAPR prior to construction of Building 1.
- (e) Construction Schedule: Construction Schedule: Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant shall obtain a new building permit for construction of Building 1 and associated site work within twelve (12) months of the passage of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development (completion of remaining 13 units in Building 2 and Building 3, full construction of Building 1 and all associated site work) within twenty-four (24) months from the date the Applicant receives its building permit for Building 1

(f) Recordation: Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, 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 permits pursuant to the Planned Development authorized by the terms of this ordinance.

SECTION 4: Except as otherwise provided for in this Ordinance 80-O-15, all applicable regulations of the Ordinance 38-O-06 and 92-O-14, 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 80-O-15 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Monty Title Trust 1, and any and all successors, owners, and operators of the Subject Property.

**SECTION 6:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 7: 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. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

**SECTION 8:** All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 10: The findings and recitals herein are hereby 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.

Ayes:	Q		
Nayes:	Ø		

Approved:

Introduced: <u>UUU 13</u>, 2015

Adopted: SULU 87 . 2015

Flizabeth B Tisdahl Mayor

Attest:

Rodney Greene, City Clerk

Approved of to form:

W. Grant Farrar, Corporation Counsel

## **EXHIBIT 1**

## **ORDINANCE 38-0-06 AND ORDINANCE 92-0-14**

#### 92-0-14

#### AN ORDINANCE

Extending the Time for the Applicant to Obtain a Building Permit to Construct Building 1 and Finish Associated Site Work and to Complete Construction of Units in Buildings 2 and 3 in the Church Street Village Planned Development Previously Authorized by Ordinance 38-0-06

WHEREAS, the City of Evanston is a home-rule municipality pursuant to

Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, et seq.) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended, ("the Zoning Ordinance"); and

WHEREAS, on April 11, 2006, the City Council enacted Ordinance 38-O-06 by a supermajority vote (8-0), as required by Section 6-3-6-6 of the Zoning Ordinance, attached hereto as Exhibit 1 and incorporated herein by reference, which, pursuant to the provisions of the Zoning Ordinance, amended the Zoning Map to Rezone 1613 Church

Street from an I2 General Industrial District to an R4 General Residential District, and granted a Special Use Permit for a Planned Development (the "Planned Development") at 1613 Church Street (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 38-O-06 approved the construction of forty (40) single-family attached dwelling units within three (3) buildings and eighty-two (82) parking spaces at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, Section 7 of Ordinance 38-O-06 provides that the development and construction of the special use for the Planned Development must be constructed in substantial conformance and compliance with the terms of the Ordinance and all applicable provisions of the City Code; and

WHEREAS, the Project is partially constructed to date, the breakdown is as follows: 19 units of the total 40 units are complete in Buildings 2 and 3, thirteen (13) units in Building 2 and 3 are partially constructed and significant work is needed to finish the units, and Building 1 (8 units total) construction and associated landscaping and site work has not yet commenced; and

WHEREAS, by letter to the City dated June 26, 2014, Monty Titling Trust 1, new owner of the Subject Property (the "Applicant") requested an amendment to the Planned Development (the "Amendment"); and

WHEREAS, Section 6-3-6-4(d) of the City Code provides that no planned development as a form of special use shall be valid for a period longer than one (1) year unless a longer time is requested and granted by the City Council; and

WHEREAS. The site development permit for the subject Planned

Development was issued on April 3, 2007, making the time for completion April 2, 2008 and Ordinance 38-O-06 did not provide for an expanded time schedule to lengthen the time for completion of the Planned Development; and

WHEREAS, in order to complete construction of the existing 13 units and to commence and complete construction of Building 1 units and associated site work per the plans attached as Exhibit B and incorporated herein, the Applicant requests an amendment to the Planned Development; and

WHEREAS, on July 28, 2014, and August 11, 2014 the Planning and Development Committee ("P&D Committee") held a meeting, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 et seq), during which it retained jurisdiction over the Planned Development Amendment request; and

WHEREAS, during said meetings, the P&D Committee received input from the public, and carefully deliberated on the Extension request and the Applicant was given notice and the opportunity to be heard at the P&D and City Council meetings; and

WHEREAS, at its meeting of August 11, 2014, held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's deliberations and recommendations, heard public comment, made findings and considered this Ordinance 92-O-14,

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

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

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 38-O-06 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted for the Planned Development, may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use 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 operate the Planned Development authorized by the terms of this ordinance in substantial compliance with the following: the terms of this Ordinance 92-O-14; terms of Ordinance 38-O-06 which have not been amended by this Ordinance; the Building and Landscape Plans in Exhibit 2, attached hereto and incorporated herein by reference; all applicable City Code requirements; the Applicant's testimony and representations to the Site Plan and Appearance Review Committee for Building 1, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (b) Building 1 Elevations: Prior to issuance of the building permit for Building 1 (8 units), Applicant must present site plans and elevation plans for review and consideration by the Site Plan and Appearance Review Committee to clarify and articulate the elevations and improvements of Building 1.
- (c) Changes in Property Use: Any change as to the property's use in the future must be processed and approved as an additional amendment to the Planned Development.
- (d) Landscape Design: The Applicant shall install and maintain landscaping as depicted in Exhibit C, and as recommended by SPAARC prior to construction of Building 1.
- (e) Construction Schedule: Construction Schedule: Pursuant to Subsection 6-11-1-10(A),4 of the Zoning Ordinance, the Applicant shall reactivate a building permit to finish 13 units in Buildings 2 and 3, and obtain a new permit for construction and associated site work on Building 1 within twelve (12) months of the passing of this Ordinance. Additionally, the Applicant must

complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.

- (f) Mayor's Affordable Housing Fund: Section 6 of Ordinance 38-O-06 requires Applicant to donate fifty thousand and no/100 dollars (\$50,000.00) and the City has received twenty-five thousand eight hundred seventy-five and no/100 dollars (\$25,875) of the total, leaving a remainder of twenty-four thousand one hundred twenty-five and no/100 dollars (\$24,125). Applicant agrees to remit the remainder in full within fifteen (15) business days of adoption of this Ordinance.
- (g) City of Evanston Job Initiative Fund: Section 6 of Ordinance 38-0-06 requires Applicant to donate twenty-five thousand and no/100 dollars (\$25,000.00) and the City has not received the donation to date. Applicant agrees to remit the full payment within fifteen (15) business days of adoption of this Ordinance.
- (h) Recordation: Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, 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 permits pursuant to the Planned Development authorized by the terms of this ordinance.

SECTION 4: Except as otherwise provided for in this Ordinance 92-O-14, all applicable regulations of the Ordinance 38-O-06, 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 92-O-14 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Monty Title Trust 1, and any and all successors, owners, and operators of the Subject Property.

SECTION 6: This ordinance shall be in full force and effect from and after

92-0-14

its passage, approval, and publication in the manner provided by law.

SECTION 7: 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. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

SECTION 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 10: The findings and recitals herein are hereby 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.

Ayes: 8	
Nayes: O	Approved: August 13, 2014
Introduced: Auly 28, 2014	Elizabelli B Tischahl
Adopted: August 11, 2014	Elizabeth B. Tisdahl, Mayor
Atlest:	Approved as to form:
Today Dance	4.500
Rodney Greene, Aity Clerk	W. Graft Farrar, Corporation Counsel

## **EXHIBIT 1**

## **ORDINANCE 38-0-06**

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

#### 38-0-06

#### 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 12 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.

ш. т. т. т. р. т.	p		provided by id	UY.
Ayes:8	A 4			
Nays:	,			
Introduced: March 27.	2006	Approved:		
Adopted: april 11,	2006	april	17	, 2006
4			1/m	,
		Spraine	A-111W	Agr
		Lorraine H. Morto	on, Mayor	
	مسد		_	
Attest:		Approved as to fo	im:	
Allest.		Approved as to it		
May Norre	٠.			
Many A Monrie City Clerk		Composition Cour	ncol	· ·

## **EXHIBIT A**

#### LEGAL DESCRIPTION

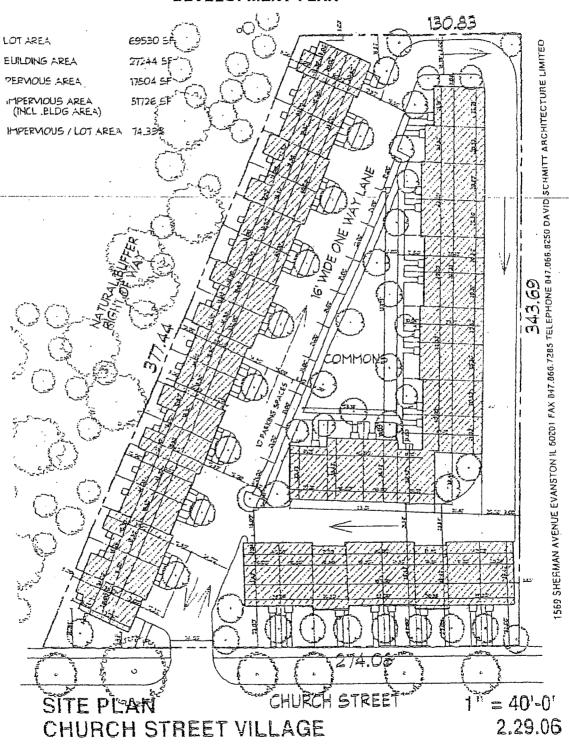
THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

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

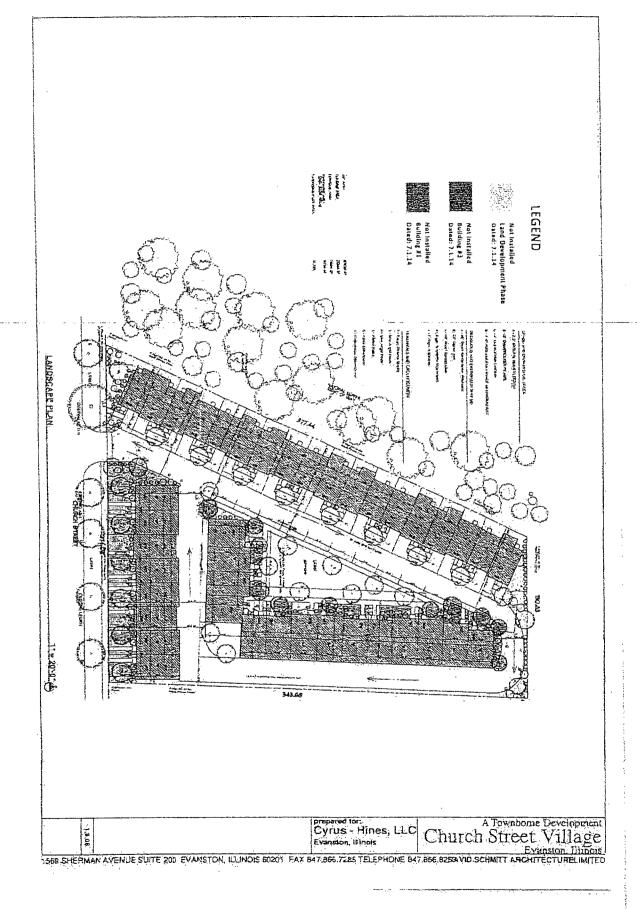
## **EXHIBIT B**

# DEVELOPMENT PLAN



## **EXHIBIT 2**

## **BUILDING PLANS AND LANDSCAPE PLAN**

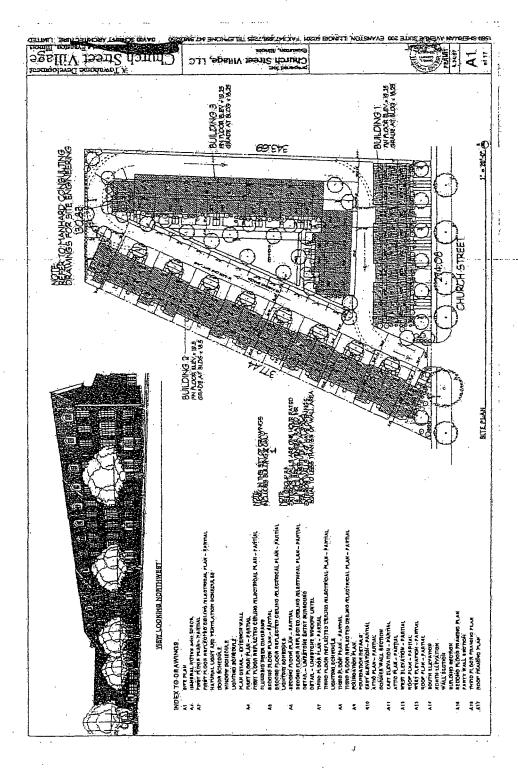




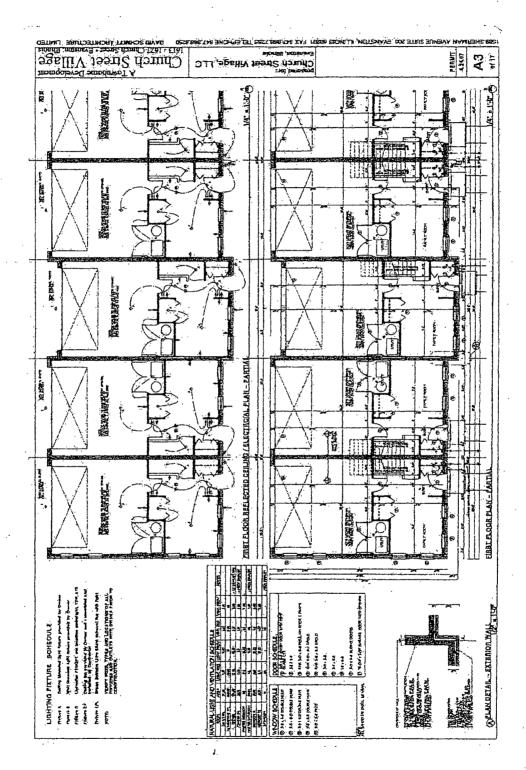
# **EXHIBITS / ATTACHMENTS**

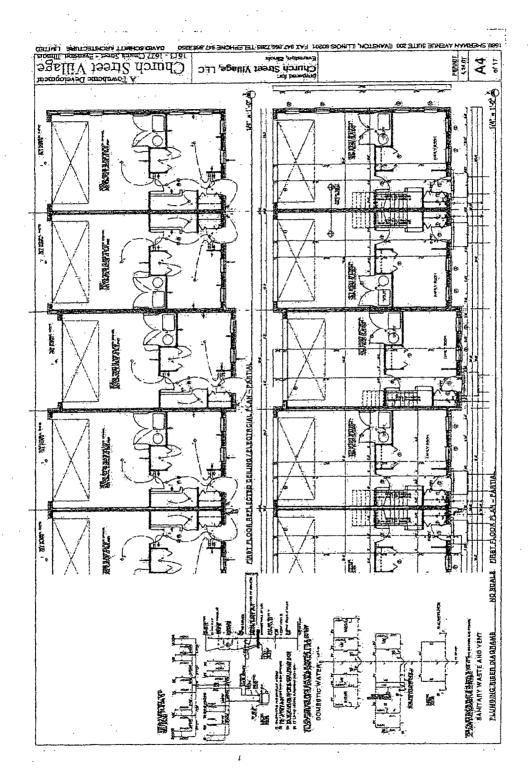
7) Architectural Plans –Building #1

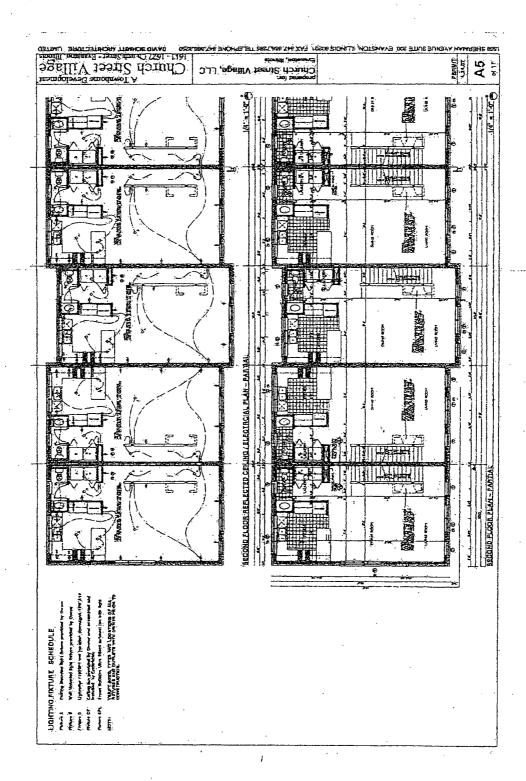
www.kinalegro.up.com 212 West Kinzie Street; 3<sup>rd</sup> Floor, Chicago, Illinoïs 60654 + T: 312.464.8800 × F: 312.464.8801

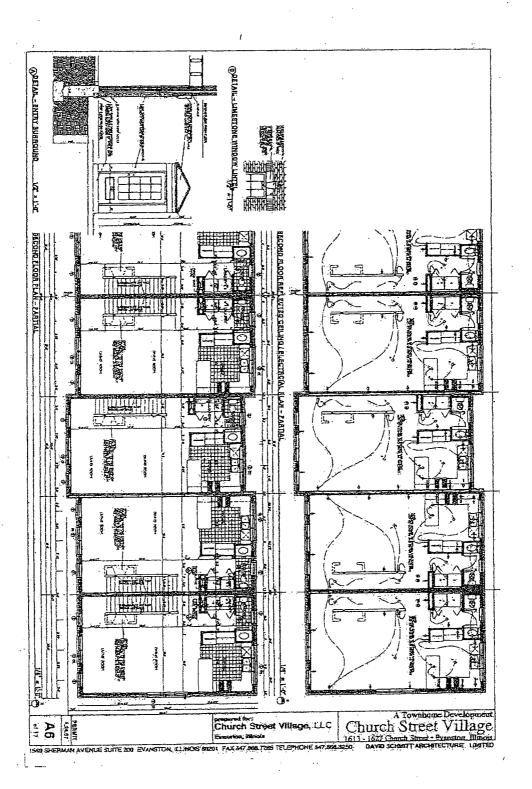


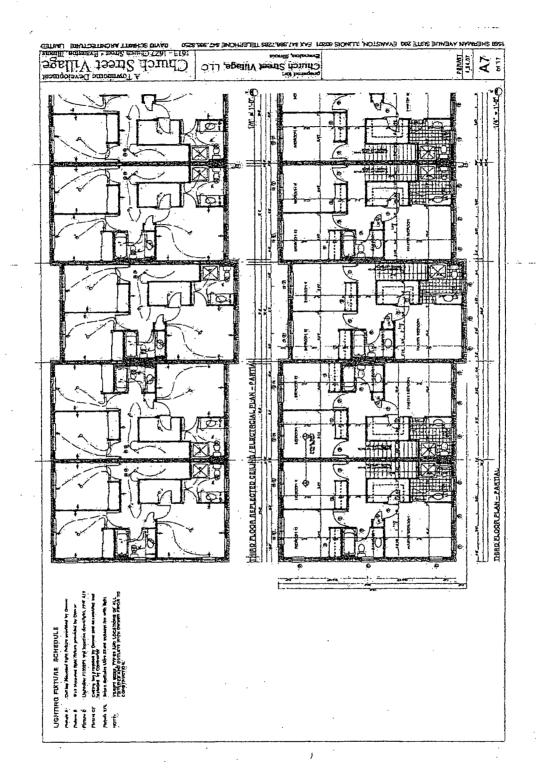
Name of the state The state of the s には、二十七年かななどくていまから、大きからしている THE RESERVE OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED 9.17

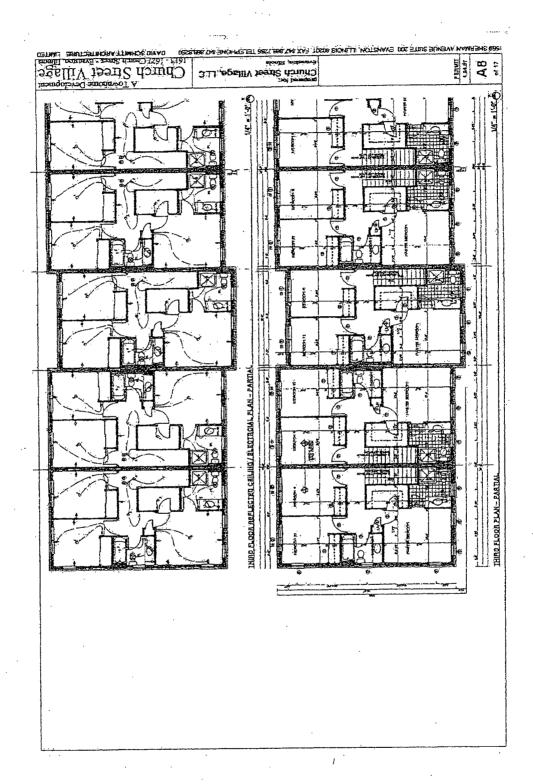


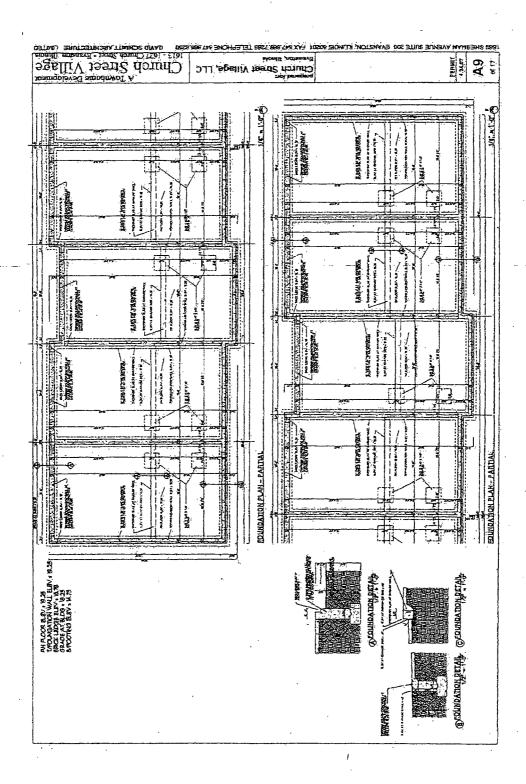


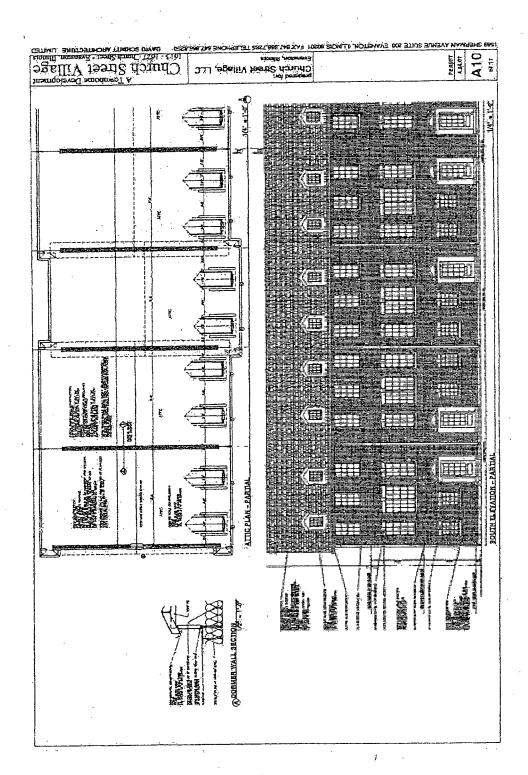


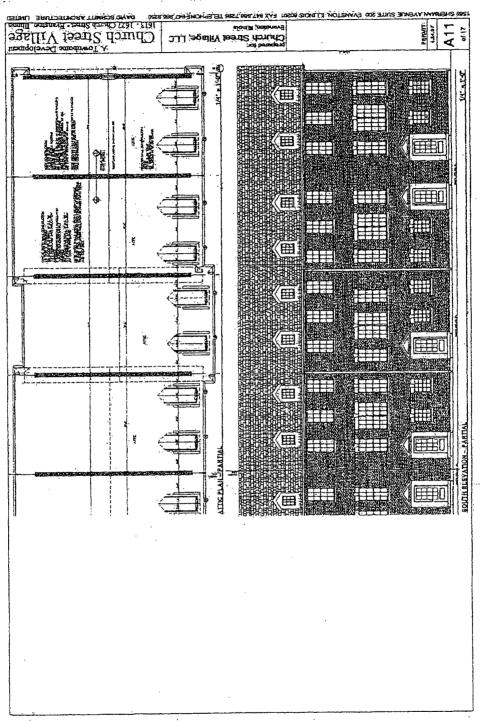












Church Street Village
Lida Church Street Village
Lida Church Street Church Church
Lida Church Church Church
Lida Church Church
Lida Church Church
Lida 

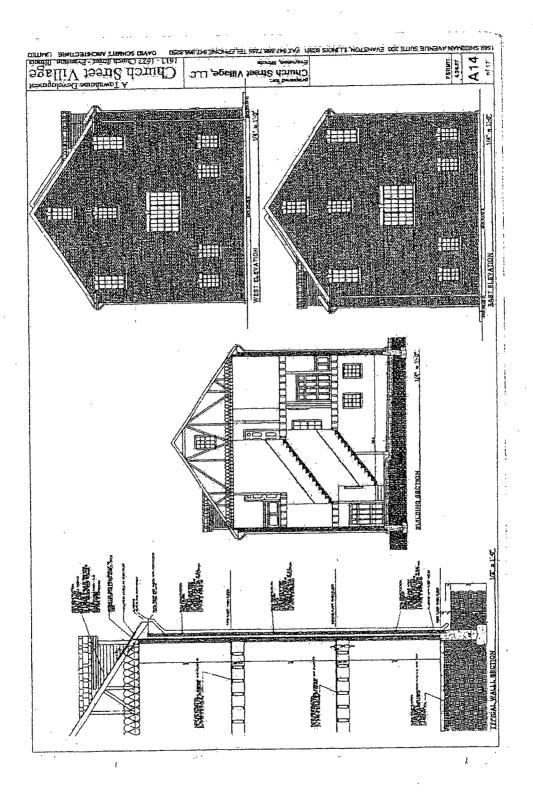
Church Street Village

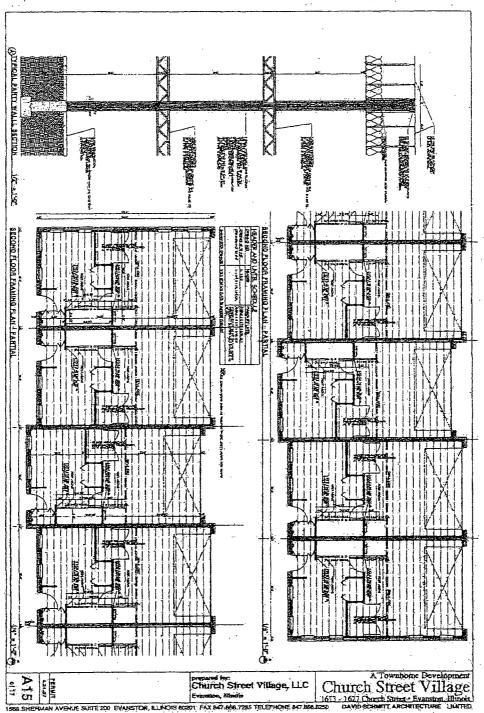
Church Street Village

612-1627 Chard Street Sympon Blues

620 Gaves sensor: Sympon Blues

620 Gaves sensor: Angelecture Gaves Church Street Village, LLC

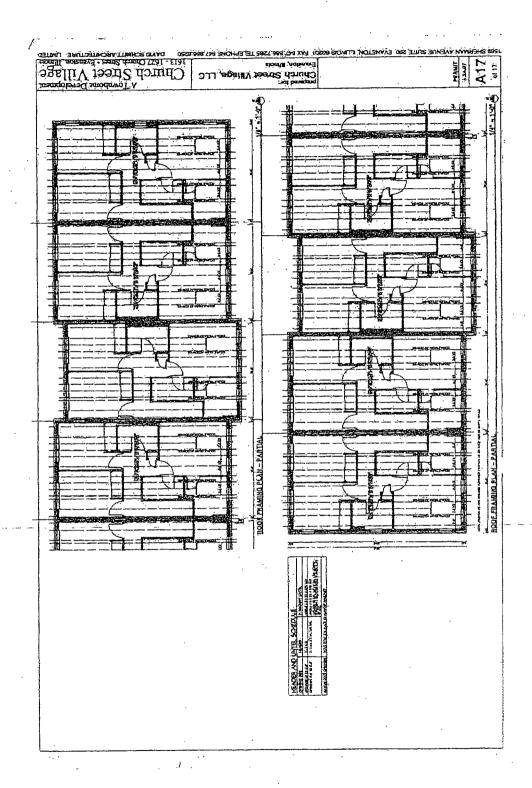




Church Street Village A18 PESIMT CALOT E THE ECON TRANSPORTAN- EARTH.

ENOR MOUTH SCHOOL TRANSPORTAN

FOR PART AND THE SCHOOL THIRD PLOOR FRAMING PLAN - PARTIAL L& (3) TAN THE 1

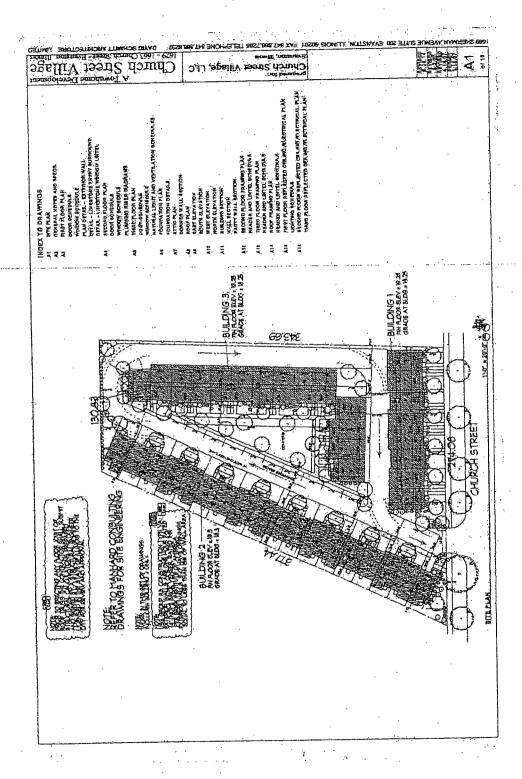




## **EXHIBITS / ATTACHMENTS**

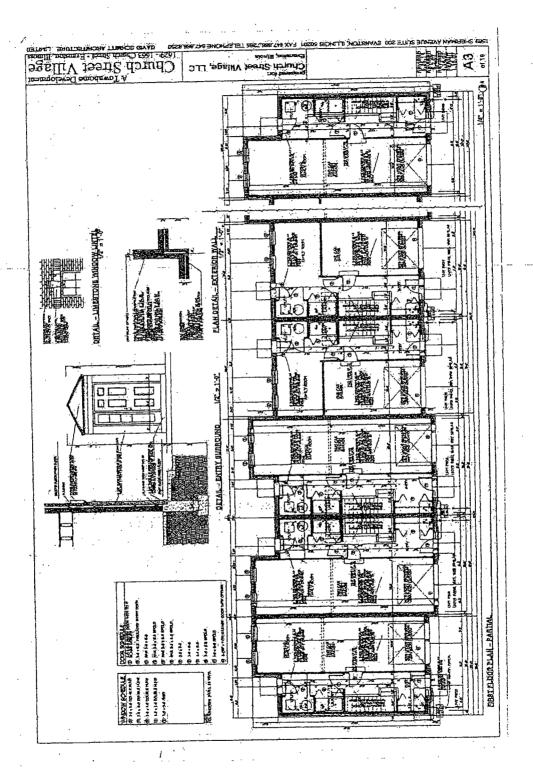
8) Architectural Plans – Building #2

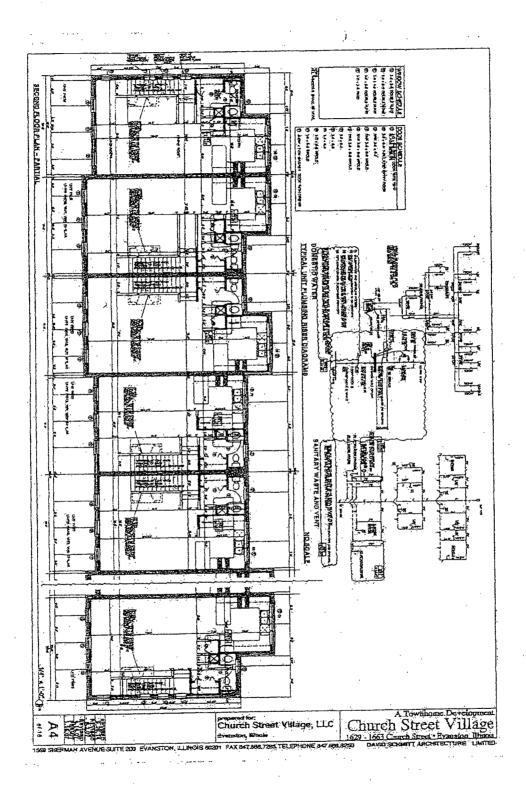
<u>www, kińziegroup, Com</u> 212 West Kingle Street, 3<sup>rd</sup> Floor, Chicago, Minols 60654 — Т. 312.464.8800 — F. 312.464.8801

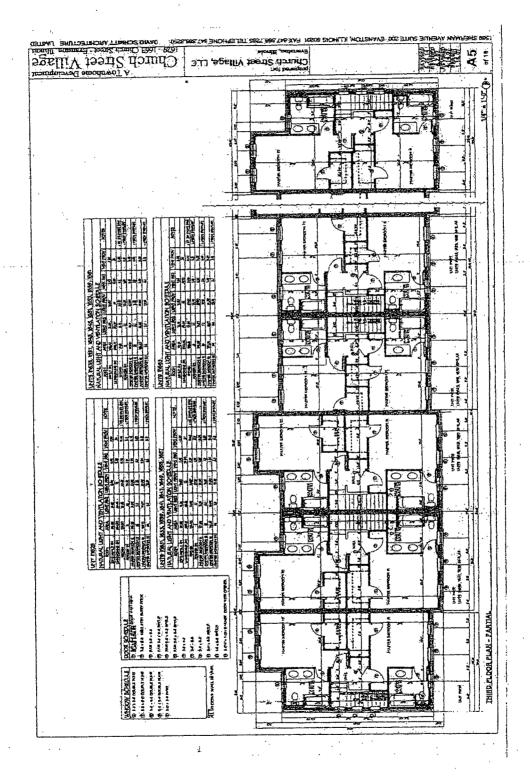


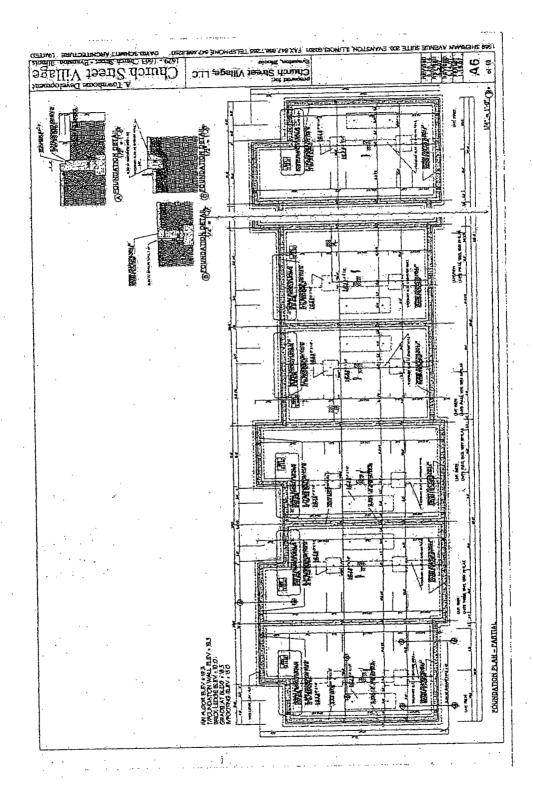
and the second s	LIENCIS GOSON FAX BAR ZBER TELEPHONE BAT BREAK	NOTEWAYS ONE STILLE BUILT MANYERIZE BEST
Church Street Village land and Land Control Manage Learner Land Land Control Land C	Cuffici Suest Angle	2 Z Z
A Townhouse Development	inter paractions	
The control of the co	"一点,我们,这是是是是是一个女孩子和我们	
The second control of		The state of the s

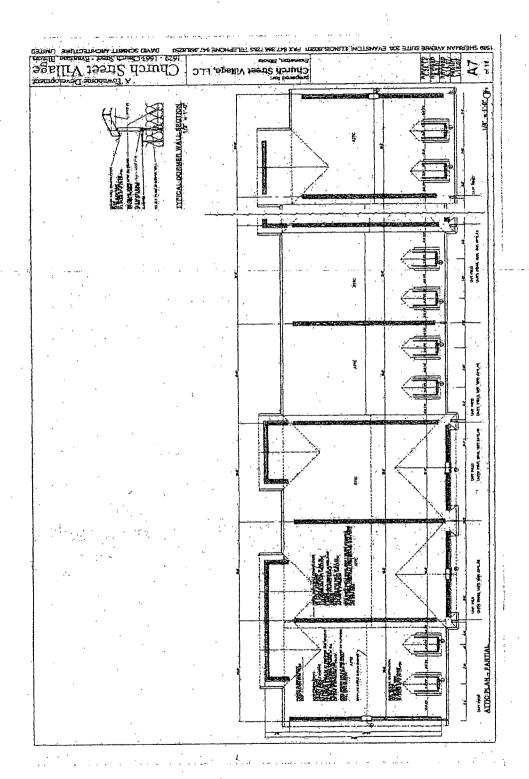
. .



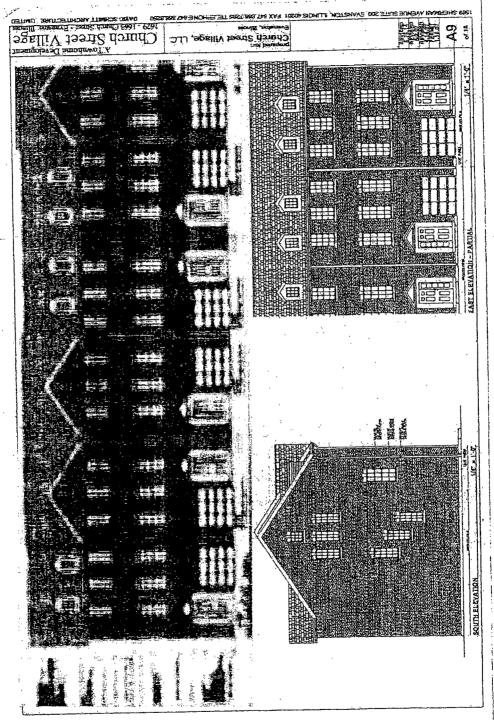


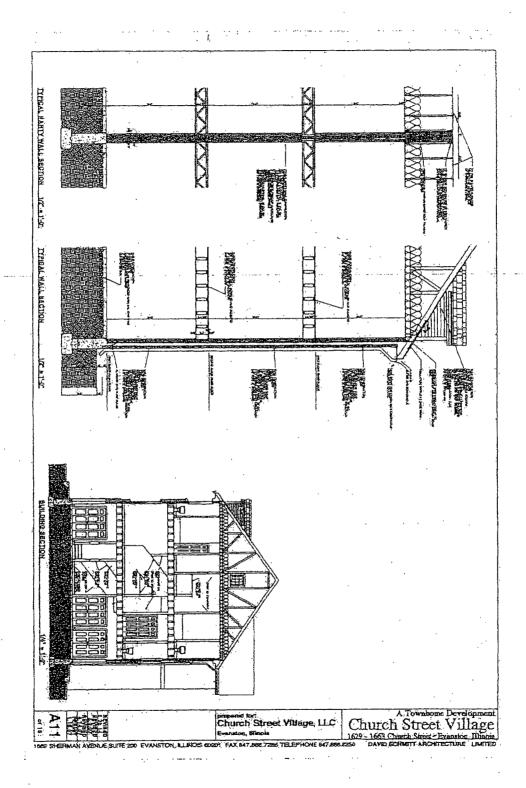


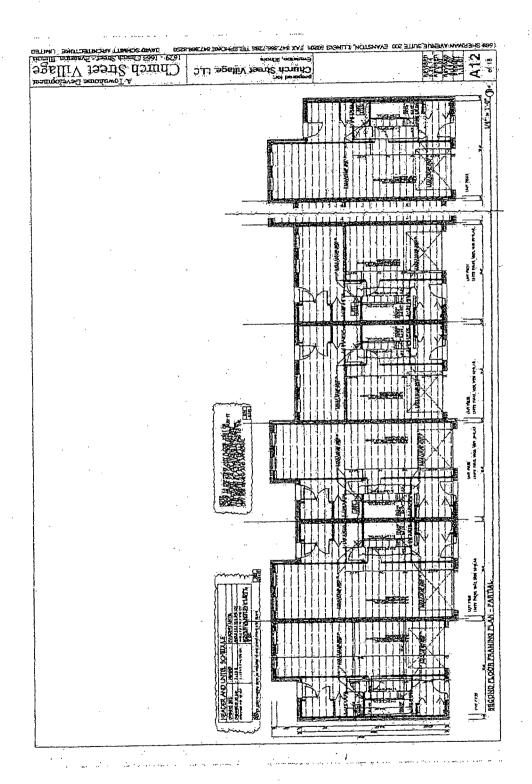


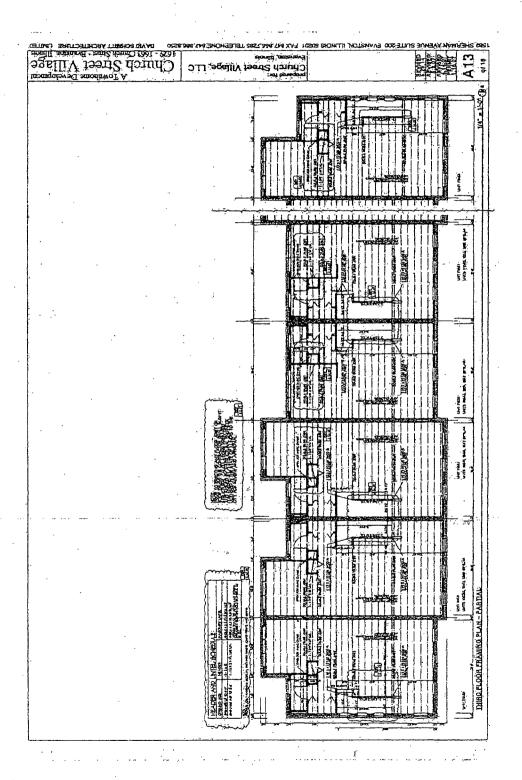


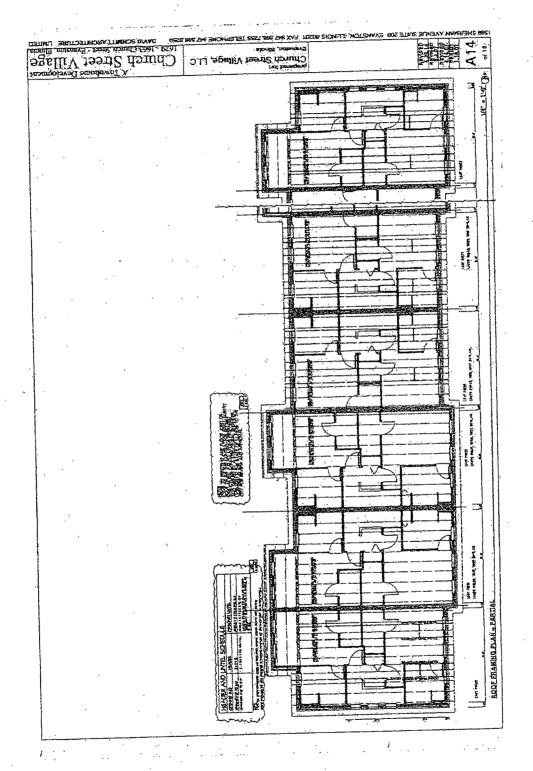
BOOK PLAN - CANTIA Church Stre ₹ **A** 

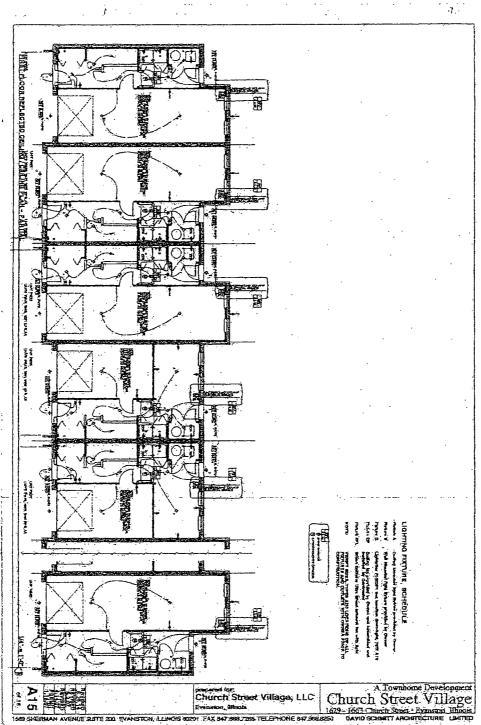


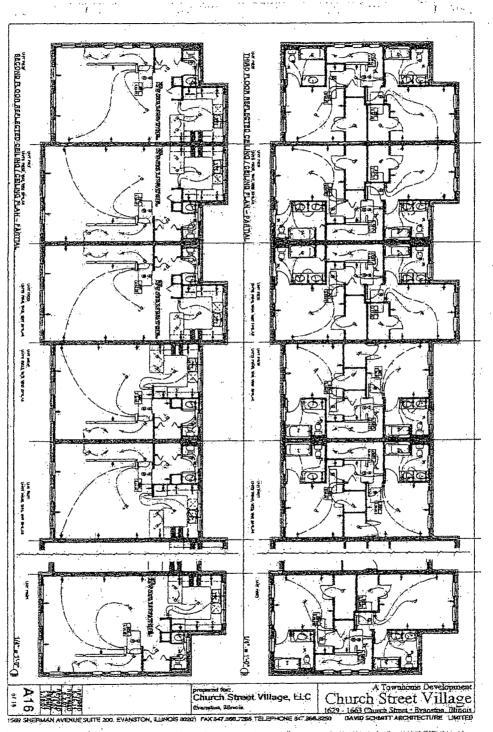












ing of the second secon

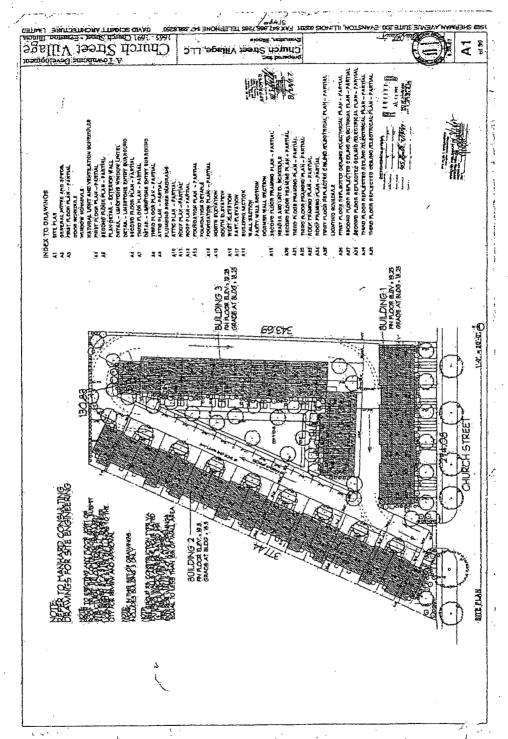
ephanesian et est (110) (110) (110)



## **EXHIBITS / ATTACHMENTS**

9) Architectural Plans -Building #3

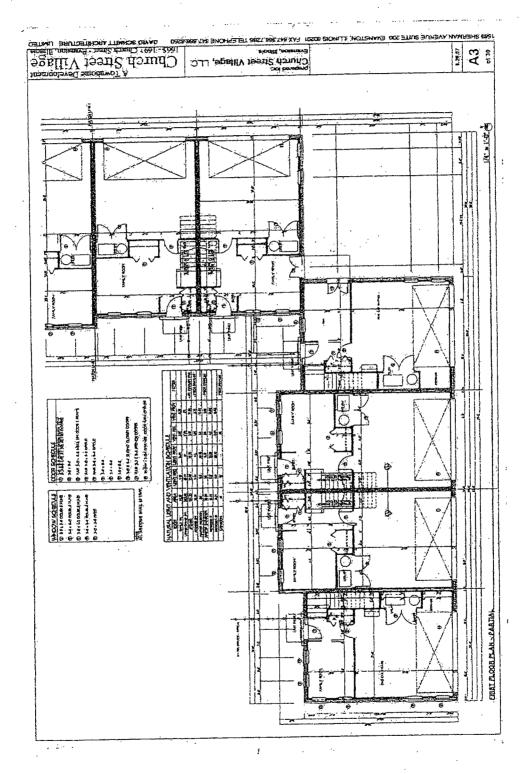
WWW kinziegroup.com (2 West Kinzle Street, 3<sup>rd</sup> Floor, Chicago, Illinois 50654 - 7: 312:464-8809 - F: 312:464-8801

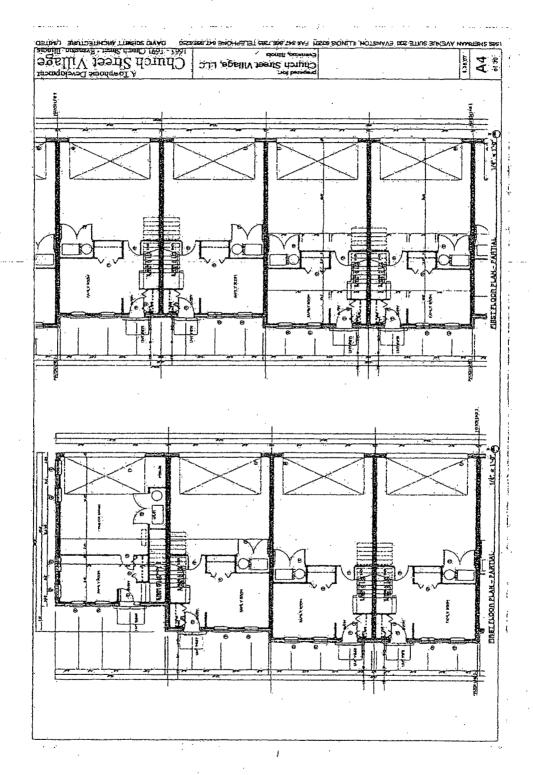


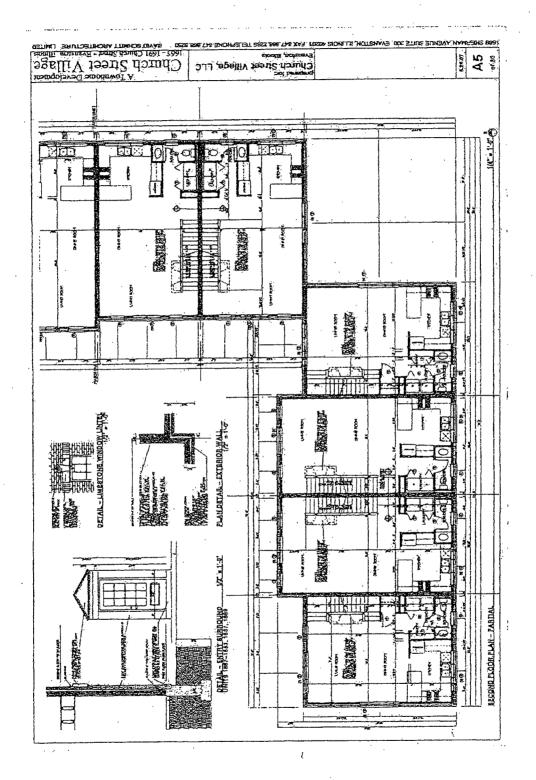
Church Street Village

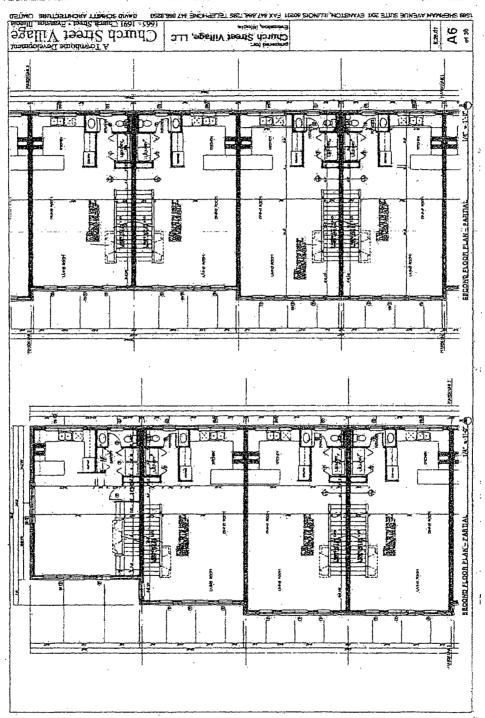
Church Street Village

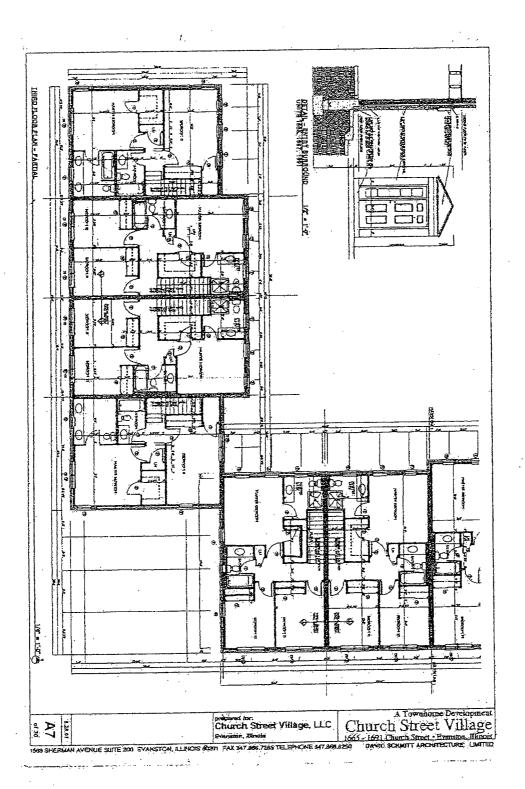
See 1881 Annam 1881 - 1881 1,26.07 A22 Church Street Village, LLC THE STATE OF THE PROPERTY. The same of the sa A CAMPAGNATURE OF THE PARTY OF

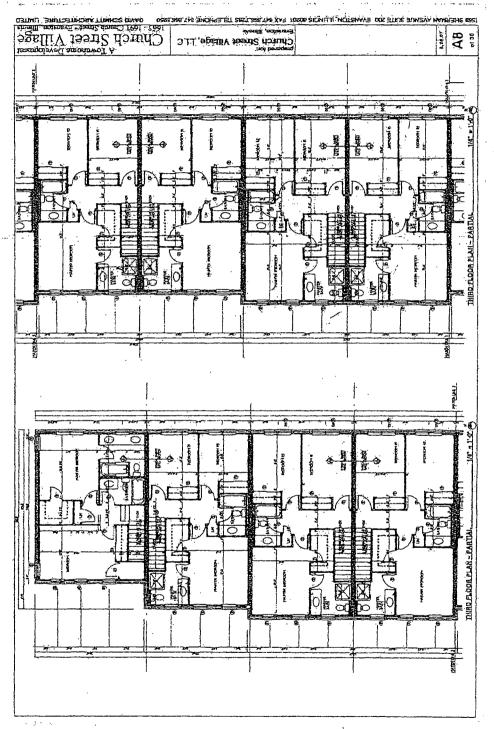






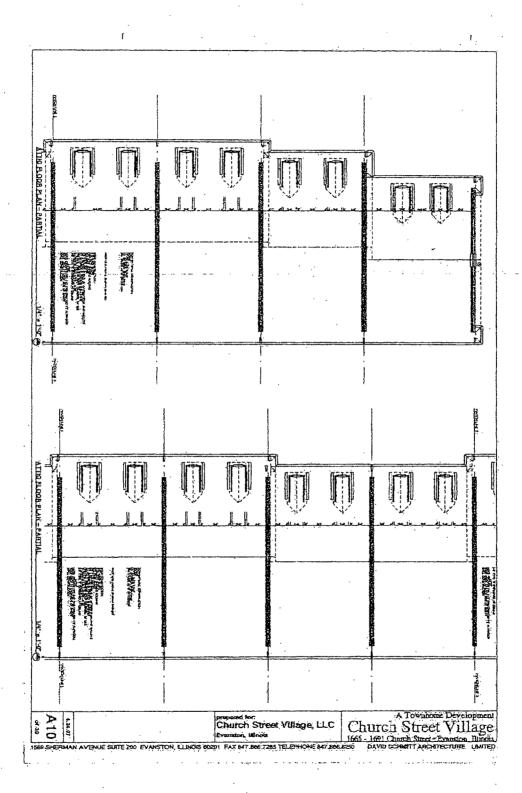






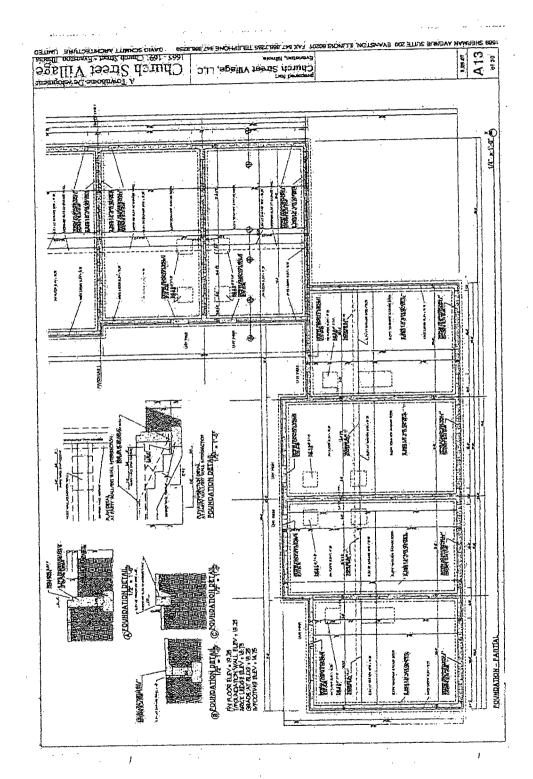
**A** 99 85 9 Church Street Village PANTAR BRUSENS CEDA. ATTIC PLAN - CARTIAL

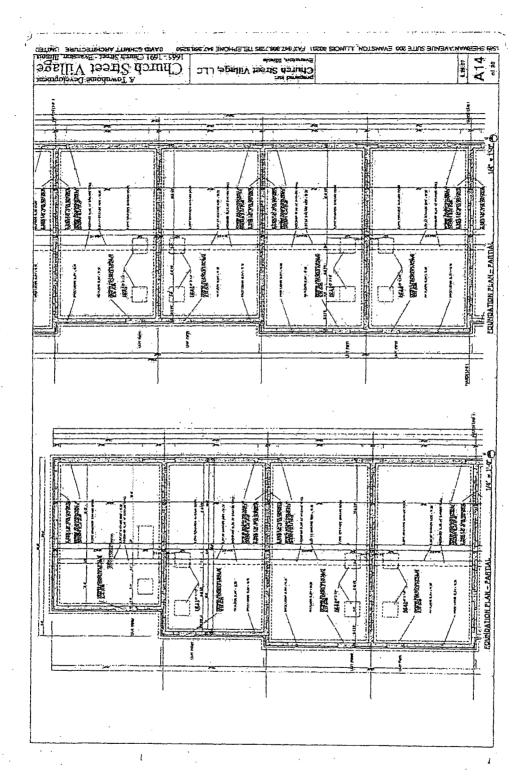
1

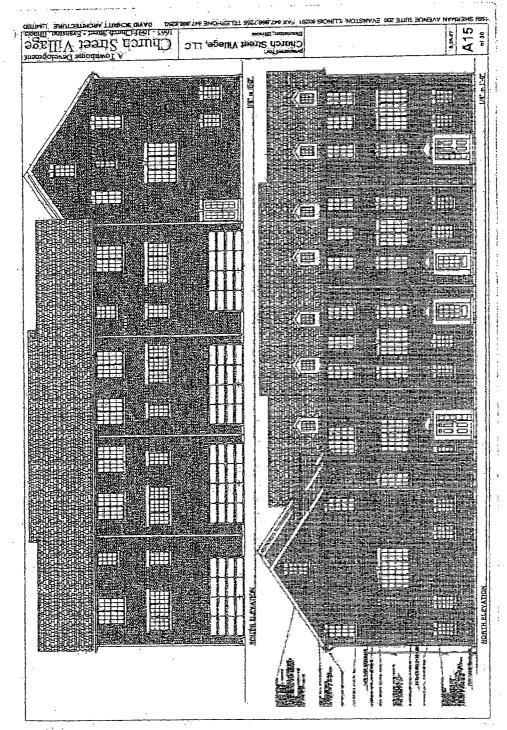


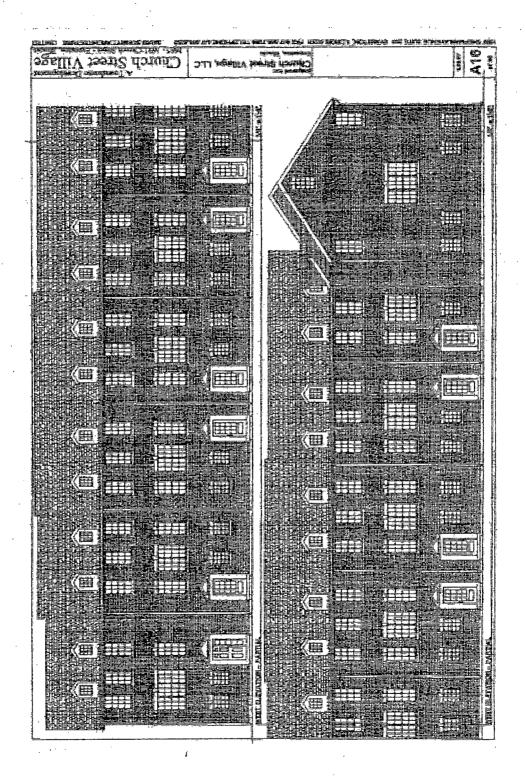
Church Suese Development Church Suese Village (Church Suese Exercise Limital Suese Suese Limited (Church Suese Sue A11 propered for Street Village, LLC Church Street Village, LLC F 1 1

A12 Church Speet Village, LLC

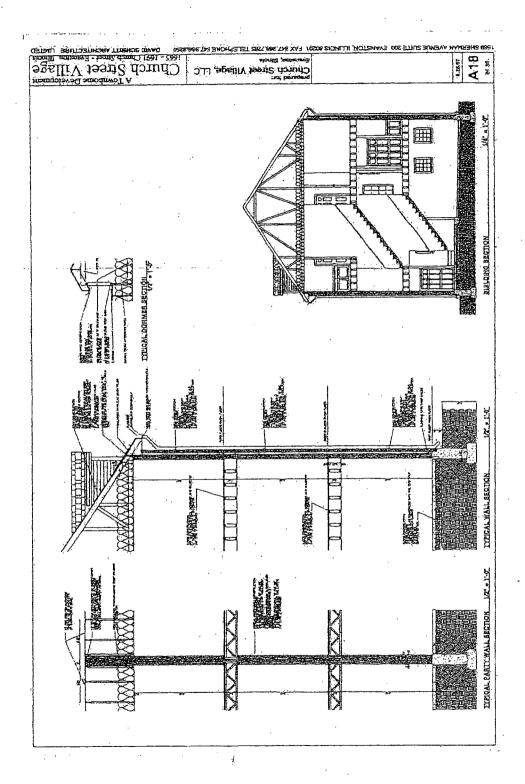


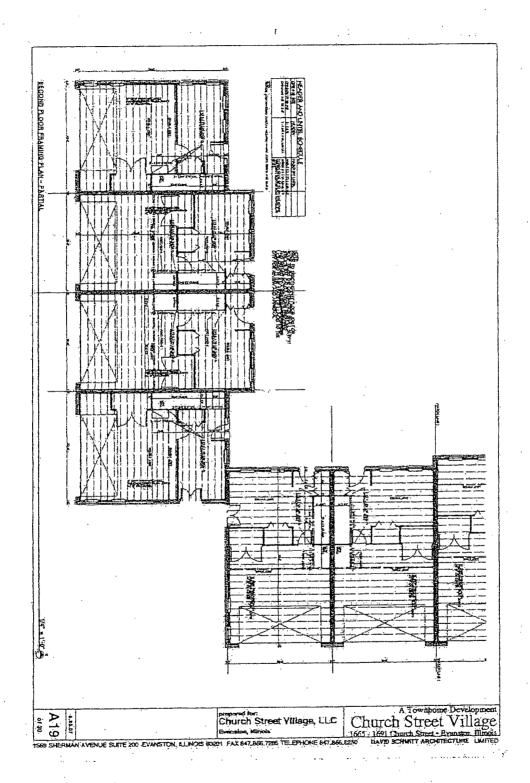


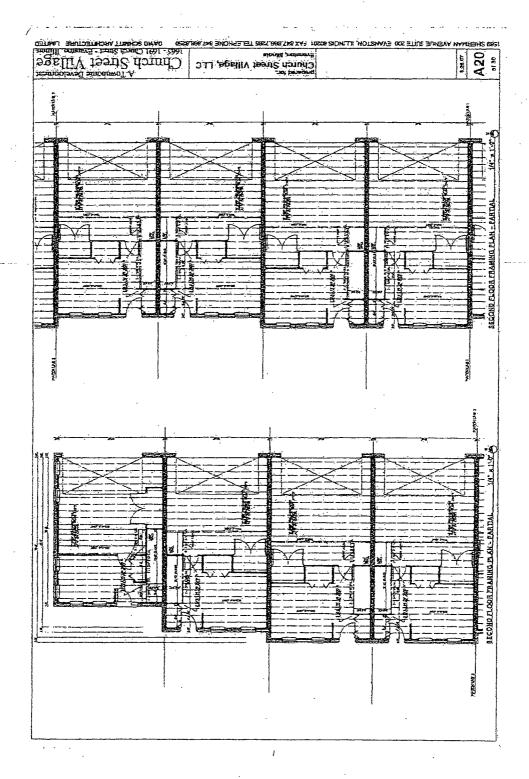




Selity 15002 court A L INTERNATION - PARTIES







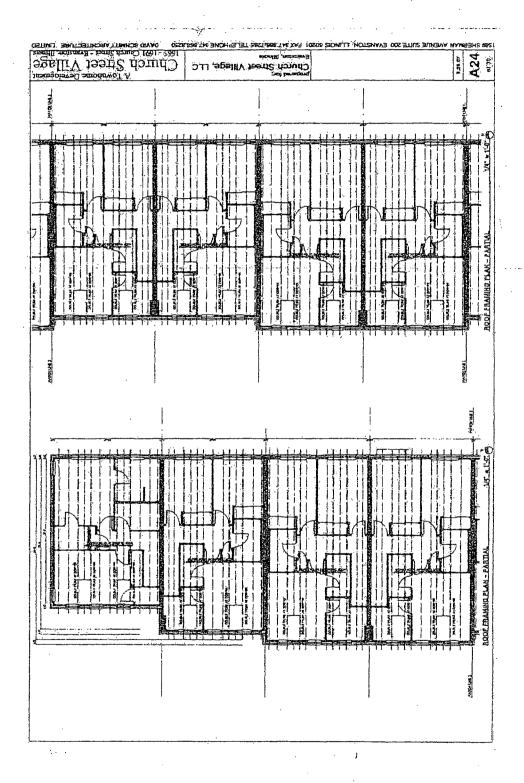
Church Street Village Control Street Village Control Street Eventon Illinois us of the Control Street Control A21 THEO ELOGREDAMING PLAN - PAIL

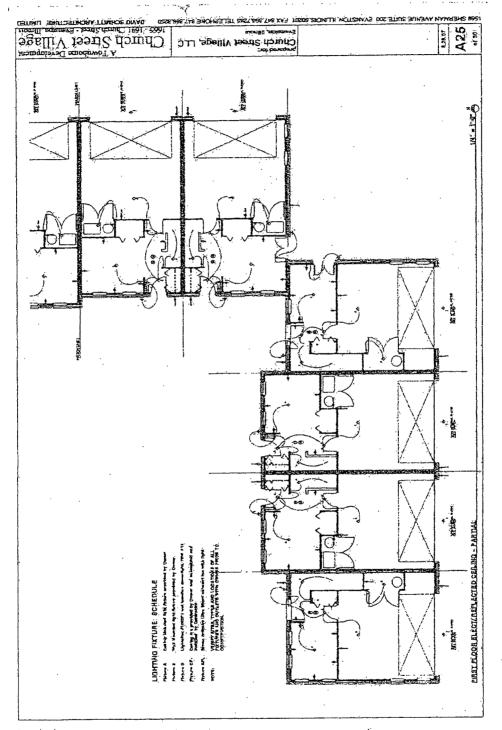
2 27 3

Church Succession appropriate the control of the co

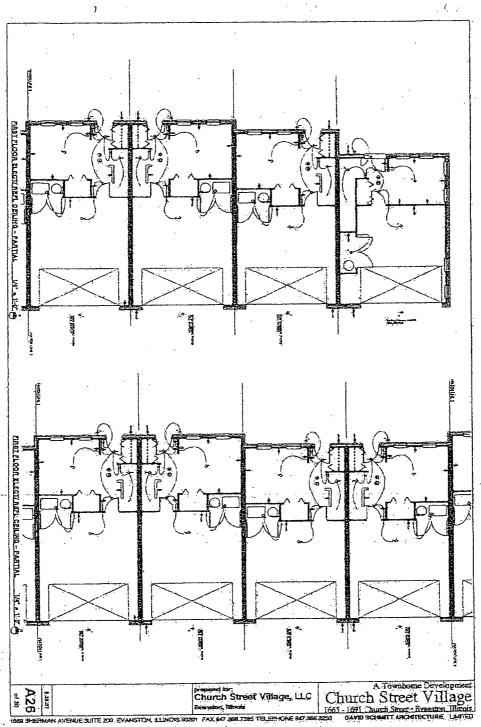
1 . . .

Street Village, LLC CONTROL OF THE SOUTH STATE OF THE STATE OF T 6.28,07 BOOF FRAMING PLAN - PARTIAL



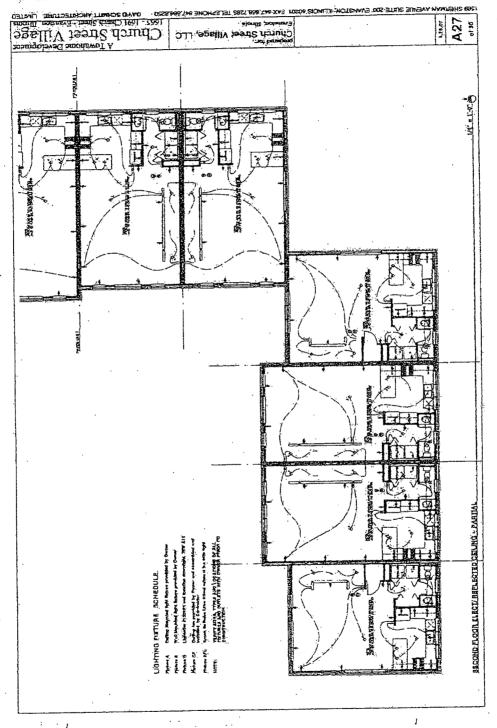


J.

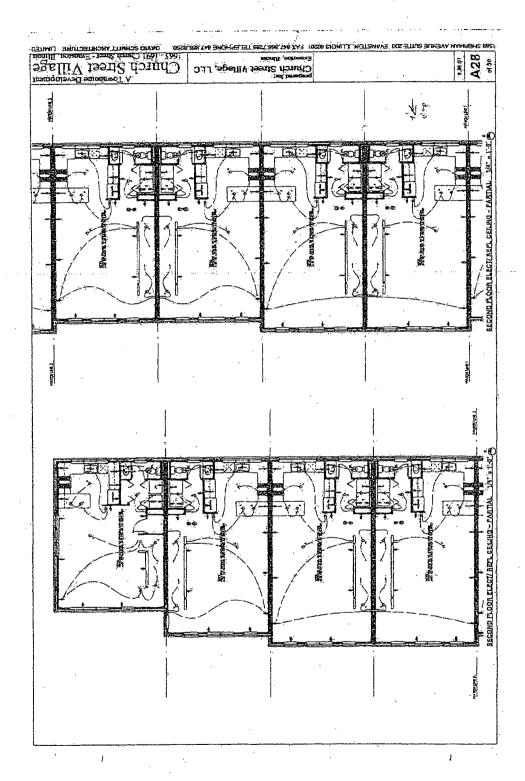


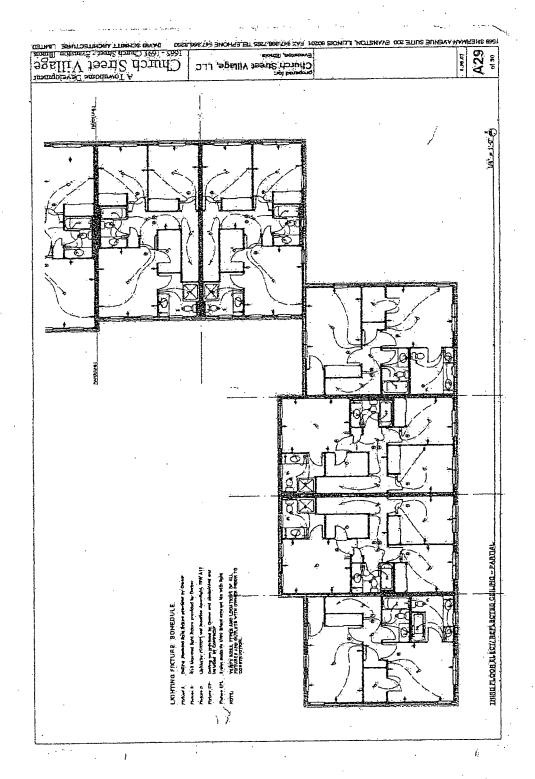
. مسدر

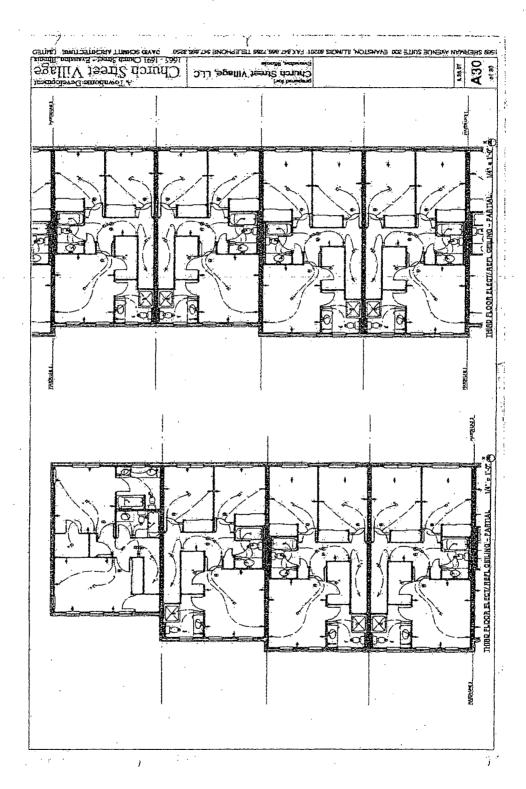
. .....



.: 1









May 6, 2015

## VIA FEDERAL EXPRESS

Mark Muenzer
Director of Community and Economic Development
City of Evanston
2100 Ridge Avenue
Evanston, Illinois 60201

Re:

Church Street Village Ordinance 92-0-14

Dear Mr. Muenzer:

In July of 2014 our client, Kinzie Real Estate Development, was granted an extension of the Planned Development for Church Street Village. In Section 3(e) of the ordinance, it set forth a time schedule for both construction of the existing building and for application for a permit for Building 1. The permit for Building 1 was to be applied for within one year of passage of the Ordinance, hence July of 2015. Prior to submitting for a permit for Building 1, new elevations are required to be submitted and approved by the DAPR committee.

It has become clear that we are unlikely to meet this time frame. The owners have not chosen the appropriate architect for the redesign of Building 1. Therefore we are requesting an amendment to Ordinance 92-0-14 by which the time to apply for a permit for Building 1 will be extended.

Please advise us as to how best to proceed.

Very truly yours,

Thompson Coburn LLP

Bemard I. Citron

BIC/mse

cc: Michelle Masoncup Steve Spinell Marv Bak

6164022.1