

112-O-15

AN ORDINANCE

**Granting Major Variations Related to 609 South Boulevard in the MXE
Mixed Use Employment Zoning District**

WHEREAS, Jeff Scales (the "Applicant"), property owner of the property commonly known as 609 South Boulevard (the "Subject Property"), located within the MXE Mixed Use Employment zoning district and legally described in Exhibit A, attached hereto and incorporated herein by reference, submitted an application seeking approval of Major Variations to zoning requirements imposed by Subsections 6-13-4-4 and 6-16-3-5 of Title 6 of the Evanston City Code of 2012, as amended (the "Zoning Ordinance"); and

WHEREAS, the Applicant requests the following Major Variations:

- (A)** The Applicant requests sixteen (16) dwelling units where a maximum of twelve (12) dwelling units are permitted;
- (B)** The Applicant requests sixteen (16) parking spaces where twenty-seven (27) parking spaces are required;
- (C)** The Applicant requests a ten (10) foot two-way drive aisle with a forty-six (46) foot double module width where twenty-four (24) foot two-way drive aisles with a sixty (60) foot double module width are required; and

WHEREAS, on July 21, 2015, the Zoning Board of Appeals ("ZBA"), pursuant to proper notice, held a public hearing in case no. 15ZMJV-0052 to consider the application, received testimony, and made written records and findings that the application did not meet the standards for Major Variations set forth in Subsection 6-3-8-

12-(E) of the Zoning Ordinance and did not recommend City Council approve the aforementioned Major Variations; and

WHEREAS, at its meeting of August 17, 2015, the Planning and Development ("P&D") Committee of the City Council considered and accepted the ZBA's recommendation, and recommended City Council approve the Major Variations, as requested; and

WHEREAS, at its meetings of August 17, 2015 and September 15, 2015, the City Council considered and adopted the recommendation of 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 hereby found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby adopts the 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. 15ZMJV-0052 and described hereinabove.

SECTION 3: The Major Variations approved hereby are as follows:

- (A) Approval to allow sixteen (16) dwelling units. Subsection 6-13-4-4 permits a maximum of twelve (12) dwelling units.
- (B) Approval to allow a minimum of sixteen (16) parking spaces. Subsection 6-16-3-5 Table 16B requires a minimum of twenty-seven (27) parking spaces.
- (C) Approval to allow a ten (10) foot two-way drive aisle with a forty-six (46) double module width. Subsection 6-16-3-5 Table 16A requires a twenty-four (24) two-way drive aisles with a sixty (60) foot double module width.

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 hereby, violation of any of which shall constitute grounds for penalties or revocation thereof pursuant to Subsections 6-3-10-5 and 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) **Neighborhood Parking Permits:** Residents of the Subject Property are not eligible to obtain neighborhood parking permits for on-street parking in Residential Parking District 9.
- (C) **Affordable Housing Requirement:** A minimum of one 1-bedroom or larger dwelling unit shall be sold as an affordable housing unit to an eligible buyer with a household income not to exceed 100% of the Area Median Income (AMI), based on the Illinois Housing Development Authority schedule released annually, for his or her own primary residence, and shall include monthly housing payments (principal, interest, homeowner assessments, taxes and insurance) at or below 33% of the household income for a household of 100% AMI at the household size corresponding to the size of the unit. Priority for the affordable dwelling unit shall be given first to qualified households who currently live in Evanston, or who have lived in Evanston with a member of a household currently living in Evanston, or to households in which the head of the household or the spouse or domestic partner works in Evanston. The sale of the aforementioned unit shall not preclude the sale of the unit to a non-profit housing provider for the resale as an affordable housing unit. The aforementioned unit shall remain an affordable housing unit, as described, in perpetuity or the maximum allowed by law.
- (D) **Car Share Vehicle:** One car share vehicle, such as Zipcar or iGo, is required to be located in a location approved by the City, prior to issuance of the Final Certificate of Occupancy. The Applicant shall pay an annual fee of three hundred dollars (\$300.00) for the rental of the on-street parking space.

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

SECTION 8: All ordinances or parts of ordinances in conflict herewith 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 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: August 17, 2015

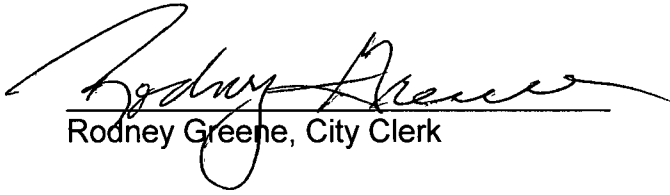
Adopted: September 15, 2015

Approved:

September 17, 2015


Elizabeth B. Tisdahl, Mayor

Attest:



Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

LOTS 8, 9 AND 10 IN BLOCK 8 IN KEENEY AND RINN'S ADDITION TO EVANSTON IN SECTION 19, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 11-19-412-023-0000

Commonly Known As: 609 South Boulevard, Evanston, Illinois