

4/26/2016

5/12/2016

5/26/2016

**51-O-16**

**AN ORDINANCE**

**Amending the Special Use Permit for Two Scoreboards Located at 1501  
Central Street in the U2 University Athletic Facilities District**

**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 February 8, 2016, the City enacted Ordinance 10-O-16, attached hereto as Exhibit 1 and incorporated herein by reference; and

**WHEREAS**, pursuant to the provisions of the Zoning Ordinance, Ordinance 10-O-16 granted a Special Use Permit for two scoreboards located at 1501 Central Street, Evanston, Illinois (the "Subject Property"), which is legally described in Exhibit 1; and

**WHEREAS**, Section 3 of Ordinance 105-O-15 imposes specified conditions on the use of the Subject Property, including: (A) Compliance with Applicable

Requirements; (B) Landscaping; (C) Lighting; (D) Sound; (E) Hours of Operation; (F) Scoreboard LED Panels; and (G) Recordation; and

**WHEREAS**, Northwestern University ("the Applicant"), owner of the Subject Property, requests amendments of one condition imposed on the Special Use Permit pursuant to Section 3(E) of Ordinance 10-O-16 to permit the use of the lower portion of the scoreboard for scorekeeping; and

**WHEREAS**, on May 23, 2016, the Planning and Development Committee ("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 Applicant's request, further amended Ordinance 10-O-16 to permit the use of the entire scoreboard for scorekeeping, and recommended approval thereof by the City Council; and

**WHEREAS**, at its meeting of May 23, 2016 and June 13, 2016, the City Council considered the P&D Committee's recommendation, heard public comment, made findings, and amended and adopted said recommendation, as amended; 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:** Section 3(E) of Ordinance 10-O-16 is hereby amended in its

entirety and revised as follows:

- E. **Hours of Operation:** The Applicant shall not operate the full LED portion of the scoreboards outside of baseball and softball games held in the stadiums, including but not limited to: local, regional, and state sporting events at the elementary, high school, collegiate, and intramural levels. The Applicant shall not operate the full LED portion of the scoreboards from dusk until dawn on any given day.

**SECTION 3:** 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 a copy thereof to the City.

**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:** Except as otherwise provided for in this Ordinance 10-O-16, all applicable regulations of Ordinance 10-O-16, 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 10-O-16 shall govern and control.

**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 10-O-16 shall be in full force and effect from


and after its passage, approval, and publication in the manner provided by law, and after Applicant records a certified copy of it with the Cook County Recorder of Deeds.

Introduced: May 23, 2016

Approved:

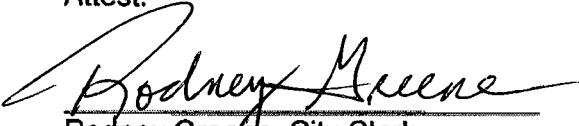
Adopted: June 13, 2016

June 22, 2016

  
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

  
Rodney Greene, City Clerk

  
Michelle J. Mason, Acting City Attorney  
W. Grant Farrar, Corporation Counsel

**EXHIBIT 1**

**Ordinance 10-O-16**

1/12/2016  
1/25/2016

**10-0-16**

**AN ORDINANCE**

**Granting a Special Use Permit for Two Scoreboards Located at 1501  
Central Street in the U2 University Athletic Facilities District**

**WHEREAS**, the Zoning Board of Appeals ("ZBA") met on January 15, 2016, pursuant to proper notice, to consider case no. 15ZMJV-0105, an application filed by Charles Davidson, representative for the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1501 Central Street (the "Subject Property") and located in the U2 University Athletic Facilities District, for a Special Use Permit to install, pursuant to Subsections 6-15-7-3 of the Evanston City Code, 2012, as amended ("the Zoning Ordinance"), two Scoreboards on the Subject Property (one Scoreboard at the baseball field located at Rocky Miller Park and one Scoreboard located at the softball field located at Sharon Drysdale Field); 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 two Scoreboards met the standards for Special Uses in Section 6-3-5 of the Zoning Ordinance and recommended City Council approval thereof; and

**WHEREAS**, after the January 15, 2016 meeting of the ZBA, the Applicant amended its application to include a revised set of plans that lower the height of the baseball scoreboard located at Rocky Miller Park to a total of thirty-four feet (34') above grade; and

WHEREAS, at its meeting of January 25, 2016, 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. 15ZMJV-0105; and

WHEREAS, at its meetings of January 25, 2016 and February 8, 2016, the City Council considered 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 incorporated herein by reference.

**SECTION 2:** The City Council hereby approves the Special Use Permit for a Commercial Indoor Recreational Facility on the Subject Property as applied for in case no. 15ZMJV-0086.

**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 install landscaping to maximize an obscuring view of the baseball scoreboard during the baseball season, subject to City of Evanston Design and Project Review ("DAPR") approval, as depicted in the Landscape Plans in Exhibit B, attached hereto and incorporated herein by reference.

- C. **Lighting:** The Applicant shall not install lighting on the baseball field located at Rocky Miller Park. The Applicant shall not install lighting on the softball field located at Sharon Drysdale Field.
- D. **Sound:** The Applicant shall not install sound equipment to either scoreboard. At no time shall either scoreboard produce sound.
- E. **Hours of Operation:** The Applicant shall not operate the scoreboards outside of Northwestern University baseball and softball games. The Applicant shall not operate the scoreboards from dusk until dawn on any given day.
- F. **Scoreboard LED Panels:** Both scoreboard LED panels must be black when in standby mode.
- G. **Recordation:** Before it may 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: January 25, 2016

Approved:

Adopted: February 8, 2016

February 23, 2016

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**

THE PART OF LOTS 17 AND 18 LYING EAST OF THE EAST LINE OF ASHLAND AVENUE, SOUTH OF THE SOUTH LINE OF ISABELLA STREET AND NORTH OF THE NORTH LINE OF CENTRAL AVENUE (EXCEPT THE EASTERLY 4 FEET OF THE SOUTHERLY 432.92 FEET OF THE NORTHERLY 485.92 FEET OF LOT 18) IN GEORGE SMITH'S SUBDIVISION OF THE SOUTH PART OF ARCHANGEL QUILMETTE RESERVATION IN TOWNSHIP 42 NORTH, RANGE 13, LYING EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN:** 05-35-310-015-0000

**COMMONLY KNOWN AS:** 1501 Central Street, Evanston, Illinois.

10-D-16

**EXHIBIT B**

**LANDSCAPE PLANS**







