

9/1/2016
9/13/2016
9/27/2016

115-O-16

AN ORDINANCE

**Granting a Special Use Permit for a Planned Development
Located at 824-828 Noyes Street in the B1 Business Zoning District
and the R5 General Residential Zoning District**

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 ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, states that the "powers and functions of home rule units shall be construed liberally," was written "with the intention that home rule units be given the broadest powers possible" (*Scadron v. City of Des Plaines*, 153 Ill.2d 164, 174-75 (1992)); 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, GDS Acquisitions, LLC ("Applicant"), the Applicant for the proposed development located at 824-828 Noyes Street, Evanston, Illinois (the "Subject Property"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-3-5, "Special Uses", Section 6-3-6, "Planned Developments", Subsection 6-9-1-9, and "Planned Developments" in Business Zoning Districts, to permit the construction and operation of a Planned Development located at the Subject Property in the B1 Business Zoning District ("B1 District") and the R5 General Residential Zoning District ("R5 District"); and

WHEREAS, the Applicant sought approval to construct a new four (4) - story fifty-two (52) foot tall mixed-use building consisting of up to forty-four (44) residential units, with a floor area ratio of 2.2, approximately three thousand, two hundred (3,200) gross square footage of commercial space and thirty-five (35) on-site parking spaces; and

WHEREAS, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with regards to the number of dwelling units, height, number of parking spaces provided, building side yard setback from the east side property line, and open parking rear yard setback from the south property line; and

WHEREAS, pursuant to Subsection 6-3-6-5 of the Zoning Ordinance, the City Council may grant Site Development Allowances from the normal district regulations established in the Zoning Ordinance; and

WHEREAS, on July 13, 2016 and August 10, 2016, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) and the Zoning Ordinance, the Plan Commission held a public hearing on the application for a Special Use Permit for a Planned Development, case no. 16PLND-0048, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed Planned Development meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance, Planned Developments in the B1 Business District per Subsection 6-9-1-9 of the Zoning Ordinance; and

WHEREAS, on August 10, 2016, the Plan Commission recommended the City Council approve the application with conditions; and

WHEREAS, on September 12, 2016, the Planning and Development ("P&D") Committee of the City Council held a meeting, in compliance with the provisions of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered and adopted the findings and recommendations of the Plan Commission, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings on September 12, 2016 and September 26, 2016, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, received additional public comment, made certain findings, and adopted said recommendation; and

WHEREAS, it is well-settled law 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) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124),

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 facts and incorporated herein by reference.

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 16PLND-0048, to allow construction and operation of the Planned Development for a four (4) - story fifty-two (52) foot tall mixed-use building consisting of up to forty-four (44) residential units, with a floor area ratio of 2.2, approximately three thousand, two hundred (3,200) gross square footage of commercial space and thirty-five (35) on-site parking spaces.

SECTION 3: The City Council hereby grants the following Site Development Allowances:

- (A) **Number of Dwelling Units:** A Site Development Allowance is hereby granted for forty-four (44) residential dwelling units, whereas City Code Subsection 6-9-1-9(C)(2) of the Zoning Ordinance allows for a maximum of ten (10) residential dwelling units in the B1 District with site development allowances, and an additional two (2) units are allowed, for a maximum total of twelve (12) residential dwelling units, under City Code Subsection 5-7-13(D), "Inclusionary Housing Bonuses."
- (B) **Height:** A Site Development Allowance is hereby granted for a building height of fifty-two (52) feet, whereas City Code Subsection 6-9-1-9(C)1 of the Zoning Ordinance allows for a maximum building height of fifty-two (52) feet in the B1 District with site development allowances and City Code Subsection 5-7-13(D),

"Inclusionary Housing Bonuses" provides an additional four (4) feet are permitted for a maximum height allowed of fifty-six (56) feet.

- (C) **Number of Parking Spaces:** A Site Development Allowance is hereby granted for a total of thirty-five (35) on-site parking spaces, whereas City Code per Subsection 6-16-3-5 of the Zoning Ordinance and Subsection 5-7-13(E), "Inclusionary Housing Parking Requirements," requires a total minimum of thirty-nine (39) parking spaces.
- (D) **Building Side Yard Building Setback from the East Property Line:** A Site Development Allowance is hereby granted for a building side yard setback from the east property line of five (5) feet, whereas City Code Subsection 6-9-2-7 of the Zoning Ordinance requires a setback of ten (10) feet with landscaping for buildings.
- (E) **Rear Yard Parking Setback from the South Property Line:** A Site Development Allowance is hereby granted for a setback of one (1) foot, whereas City Code Subsection 6-9-2-7 of the Zoning Ordinance requires a setback of five (5) feet for unenclosed parking areas.

SECTION 4: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted hereby, which 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; the Site and Landscape Plans in Exhibit B and C, attached hereto and incorporated herein by reference; all applicable City Code requirements; the Applicant's testimony and representations to the Design and Project Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (B) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction phasing/staging plans; construction hours; site access including traffic and pedestrian safety plans; contractor parking; damage control and vibration monitoring; construction exhibits; project communication and signage.

- (C) **Affordable Housing in the Development:** The Applicant must provide: one (1) studio on-site affordable housing unit to a household earning at or below fifty percent (50%) of Area Median Income (AMI), one (1) one (1) bedroom on-site affordable housing unit to a household earning at or below sixty percent (60%) of AMI, one (1) two (2) bedroom on-site affordable housing unit to a household earning at or below fifty percent (50%) of AMI, and one (1) three (3) bedroom on-site affordable housing unit to a household earning at or below sixty percent (60%) of AMI. The units provided must meet all of the requirements of the City of Evanston Inclusionary Housing Ordinance ("IHO").
- (D) **Public Art Contribution:** The Applicant shall pay a one-time contribution of ten thousand dollars (\$10,000) to the City's Public Art Fund for installation of a piece of public art to benefit the immediate neighborhood. The contribution will be made prior to issuance of the final certificate of occupancy (FCO).
- (E) **Divvy Bike Share Contribution:** The Applicant shall pay a one-time contribution of ten thousand dollars (\$10,000) to the Divvy Bike Share Program. The contribution will be made prior to the issuance of the FCO.
- (F) **Alley Repaving:** The Applicant agrees to repave one hundred (100) linear feet of the existing alley adjacent to the Subject Property.
- (G) **Landscape Design:** The Applicant shall install and maintain all landscaping materials as depicted in Exhibit C, including landscaping elements east of the Subject Property.
- (H) **Streetscaping on Noyes Street:** Applicant must install and maintain the streetscaping improvements including a new sidewalk from the Subject Property to the alley east of the Subject Property and parkway landscaping, as depicted in Exhibit C.
- (I) **Noyes Pedestrian Crosswalk:** Applicant agrees to provide improvements at the pedestrian crosswalk at the Noyes Street and Noyes Court intersection, as depicted in Exhibit B.
- (J) **CTA Transit Tracker:** The Applicant agrees to install a CTA Transit Tracker Display Board within the building's lobby area.
- (K) **On-Site Car Share Spaces:** One Enterprise Car-share pass must be made available to each building unit free of charge during the first year of leasing.
- (L) **Residential On-Street Parking Permits:** Residents of the building shall not be eligible to obtain residential on-street parking permits
- (M) **LEED Silver Certification:** The Applicant agrees to comply with the City of Evanston Green Building Ordinance and obtain a LEED Silver Certification Rating or higher for the Planned Development on the Subject Property.

- (N) **Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant shall obtain a building permit 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.
- (O) **Changes in Property Use:** This ordinance hereby grants approval for a multi-family residential building with ground floor commercial units. Any change as to the property's use in the future must be processed and approved as an amendment to the Planned Development.
- (P) **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 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's tenants, agents, assigns, and successors in interest."

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.

Introduced: September 12, 2016

Adopted: September 26, 2016

Approved:

October 3, 2016

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A

Legal Description

LOT 2 IN NORTHWESTERN UNIVERSITY'S RESUBDIVISION OF PART OF LOT 9 OF ASSESSOR'S DIVISION OF FRACTIONAL SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 11-07-120-051-0000

COMMONLY KNOWN As: 824-828 Noyes Street, Evanston, IL 60201

EXHIBIT B

Development Plans



**DANIEL WEINBACH
&
PARTNERS, LTD.**
Landscape Architects

1410 N. JAMES ST.
SUITE 220
CHICAGO, IL 60610
312.527.7800
www.danielwe.com

NOYES
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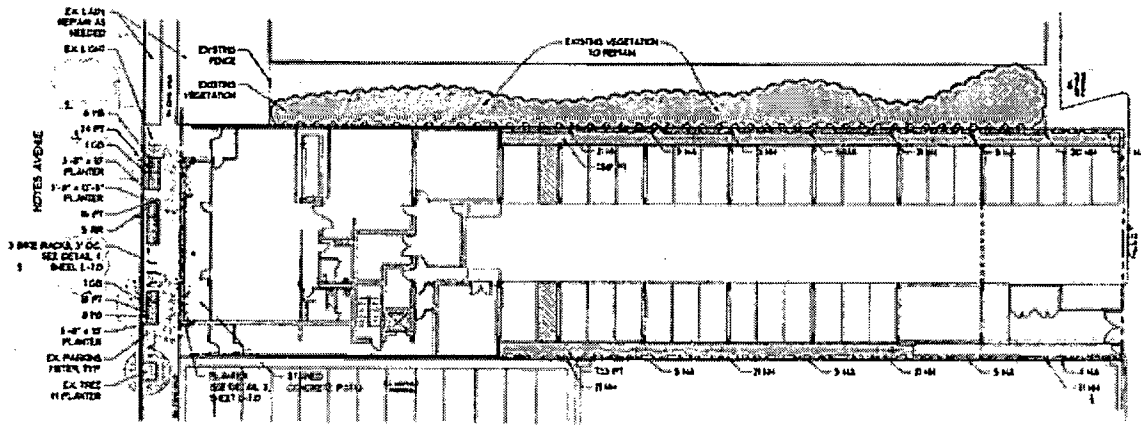
824-828 NOYES AVENUE
NOYES AVENUE
CHICAGO, ILLINOIS

LANDSCAPE PLAN RENDERED

Date:	10/20/10	Project No.:	10-10-10-01
Scale:	1" = 10'-0"	Sheet No.:	
Drawn By:	LD	Client No.:	L-3.0
Checked By:		Project Name:	



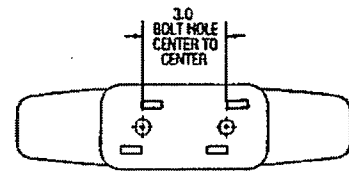
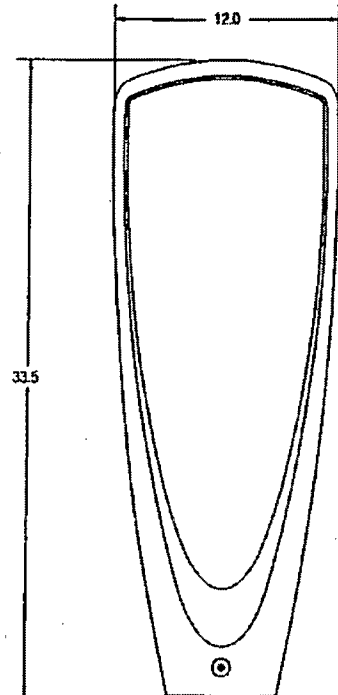
Ginkgo Biloba - GB Climbing Hydrangea - HA Knockout Rose - RA Purple Maiden Grass - PG Japanese Spurge - PJ English Ivy - IV Scattered Flowers - SF



LANDSCAPE PLAN
SCALE 1/8" = 1'-0"

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D
C
B
A



CUSTOMER APPROVAL:

X _____

DATE:

X _____

8 7 6 5 4 3 2 1

<small>EXCESS DIMENSIONS SPECIFIED DIMENSIONS ARE IN INCHES</small>		FORMS+SURFACES		<small>30 Pine Street, Pittsburgh, PA 15222 Tel: (412) 451-0410 Fax: (412) 761-7840</small>	
<small>10 DIMENSIONS (EXCESS OF DIMENSIONS SPECIFIED)</small>		<small>NAME</small> 	<small>DATE</small> 	TRIO BIKE RACK SKTRO	
<small>FRAC/FINISH: 1/32</small>		<small>MDW</small>	<small>10/23/2013</small>		
<small>TWO PLACE DECIMAL</small>		<small>DO NOT SCALE DRAWING</small>			
<small>THREE PLACE DECIMAL</small>		<small>INDICATE TITLES AND IDENTIFY INITIALS</small>			
<small>MATERIAL: SEE DATA SHEET</small>		<small>THE INFORMATION CONTAINED BY THIS DRAWING IS THE SOLE PROPERTY OF FORMS+SURFACES AND REPRODUCTION IN ANY MANNER WITHOUT THE WRITTEN PERMISSION IS PROHIBITED</small>		<small>SIZE</small> B	<small>DWG. NO.</small> SKTRO-TD
<small>FINISH: SEE DATA SHEET</small>				<small>REV</small> 0	<small>SHEET</small> 1 OF 1
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EXHIBIT C

Landscape Plans



LG
ENGINEERING GROUP

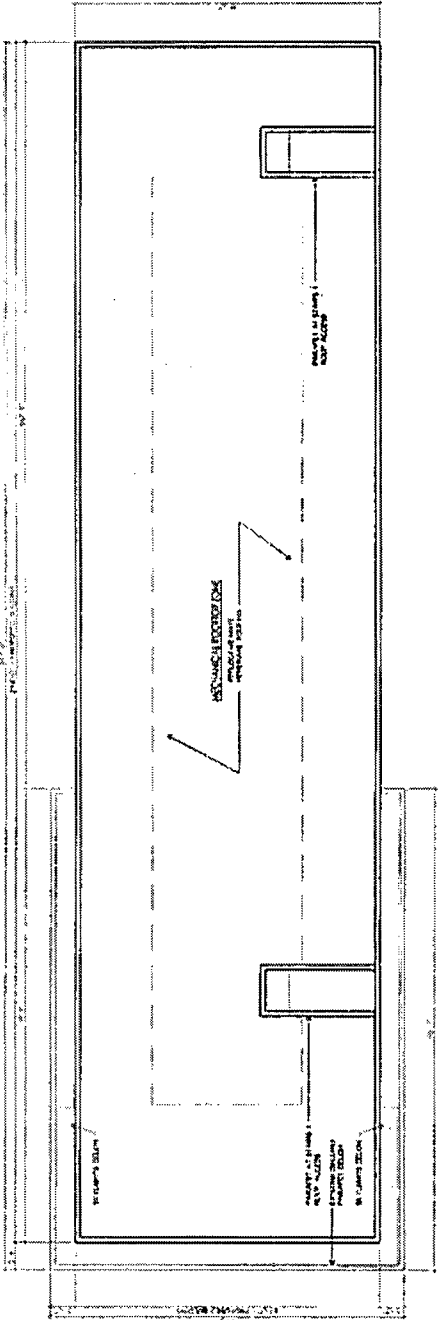
ARCHITECT
PLANNING
ENGINEERING
LANDSCAPE ARCHITECTURE
INTERIOR DESIGN
ENVIRONMENTAL DESIGN
GENERAL CONTRACTOR
GENERAL INVESTIGATOR
GENERAL INSPECTOR
GENERAL SUPERVISOR

PROPOSED MIXED USE PROJECT
824-828 Hayes Street
Evanston Illinois

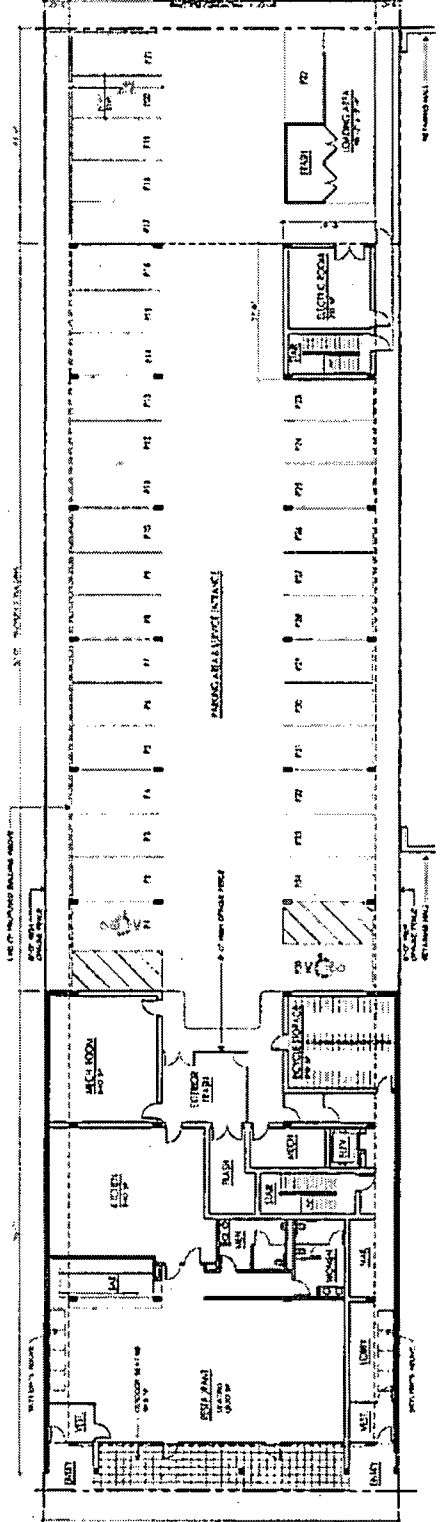
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DRAWN BY: [Name]
CHECKED BY: [Name]

FLOOR PLAN
ROOF PLAN

A-1.0



ROOF PLAN



GROUND FLOOR PLAN



ARCHITECT
 INTERIOR ARCHITECTURE
 300 N. LAUREL STREET
 CHICAGO, ILLINOIS 60610
 TEL: 312.567.1200
 WWW.LGIGROUP.COM

GDS
 GDS Companies
 1000 N. LAUREL STREET
 CHICAGO, ILLINOIS 60610
 TEL: 312.567.1200
 WWW.GDS.COM

PROPOSED MIXED USE PROJECT
 824-828 Hoyes Street
 Evanston, Illinois

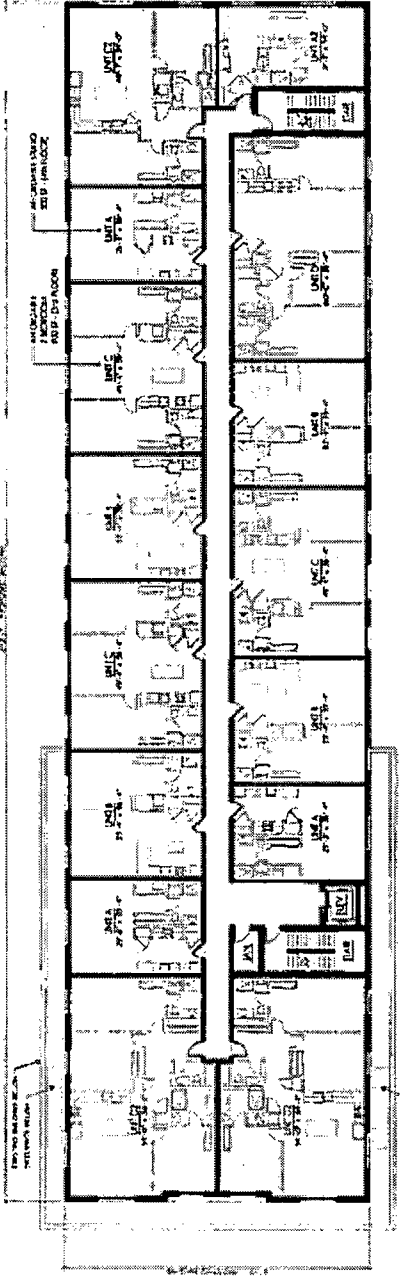
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 PROJECT: 2015017
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 CHECKED BY: [Name]

2nd FLOOR PLAN
 3rd-4th FLOOR PLAN

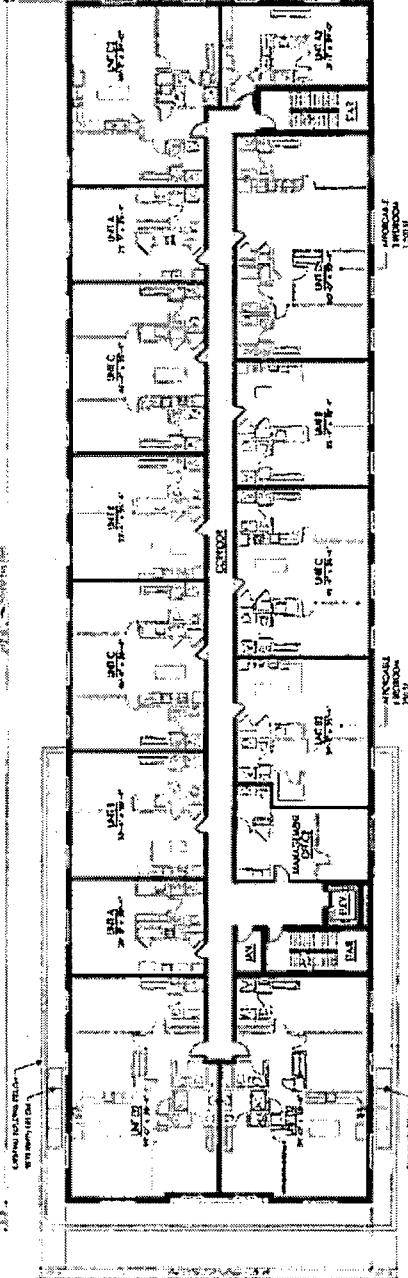
A-1.1

- 3rd-4th FLOOR RESIDENTIAL UNITS:**
- 03 UNIT A1
 - 03 UNIT A2
 - 03 UNIT B1
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 - 03 UNIT C1
 - 03 UNIT C2
 - 03 UNIT D1
 - 03 UNIT D2
 - 03 UNIT E1
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 - 03 UNIT F1
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 - 03 UNIT Z1
 - 03 UNIT Z2

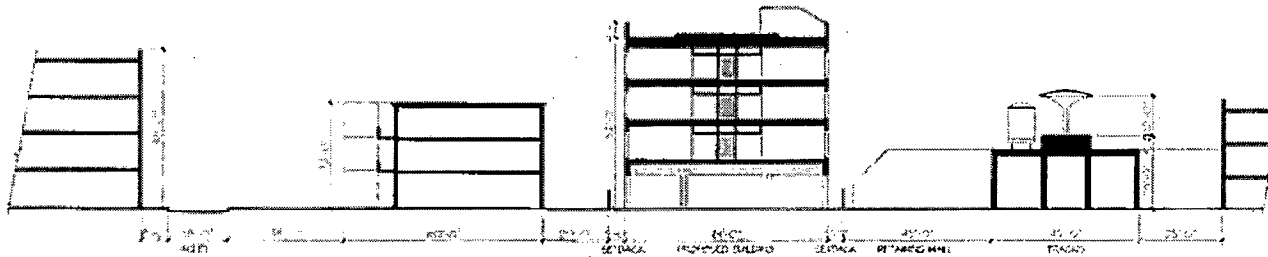
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 - 02 UNIT Z2



3RD-4TH FLOOR PLAN

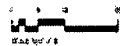


2ND FLOOR PLAN



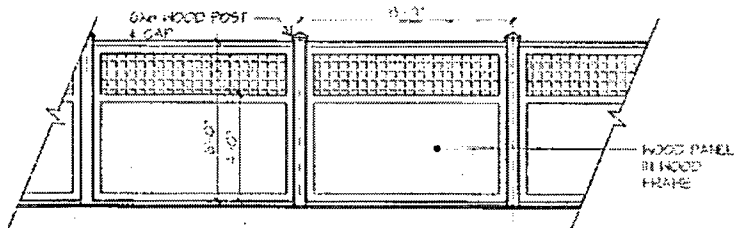
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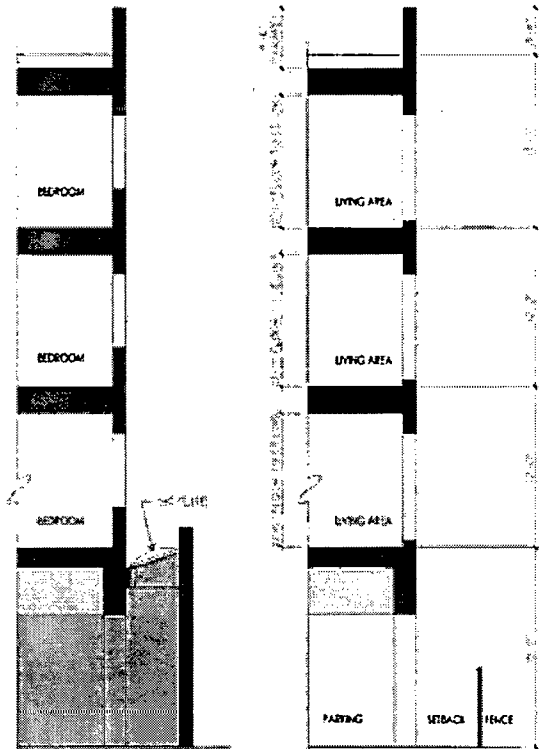
SCREEN WALL PHOTOGRAPH

1/4"



FENCE AND LOADING SCREEN WALL ELEVATION

1/2"=1'-0"



BUILDING SECTION

1/4"=1'-0"



ARCHITECTURE
LAND PLANNING
SURVEYING AND ARCHITECTURE
ENGINEERING AND ARCHITECTURE
CONSULTING ENGINEERS
PLANNING AND ARCHITECTURE
CONSULTING ENGINEERS
PLANNING AND ARCHITECTURE
CONSULTING ENGINEERS

G D S

GDS Companies
824 N. Wacker Drive, Suite 1100
Chicago, Illinois 60606
Tel: 312.427.1100
Fax: 312.427.1101

PROPOSED MIXED USE PROJECT
824-828 Noyes Street
Evanston, Illinois

PROJECT NO. 2015-0137
DATE: 7-6-2016

7-6-2016

SECTIONS

A-2.0



AERIAL PERSPECTIVE VIEW



UNDERGROUND
 ARCHITECTURE
 LANDSCAPE ARCHITECTURE
 INTERIOR ARCHITECTURE
 DESIGN & CONSTRUCTION
 1000 N. LAUREL ST. SUITE 200
 EVANSTON, IL 60201
 WWW.UUNDERGROUND.COM

G D S

GDS Computers
 1000 N. LAUREL ST. SUITE 200
 EVANSTON, IL 60201
 WWW.GDS-COMPUTERS.COM

PROPOSED MIXED USE PROJECT
 824-828 Noyes Street
 Evanston Illinois

PROJECT NO. 2015-0137
 DATE 7-6-2016

2015-0137

7-6-2016

Elevation Renderings

A-4.0



PERSPECTIVE FRONT VIEW



ARCHITECTURE
LAND PLANNING
INTERIOR ARCHITECTURE
LANDSCAPE ARCHITECTURE
GENERAL CONTRACTOR SERVICES
CONSTRUCTION MANAGEMENT
PROJECT MANAGEMENT
www.lgengineering.com

G | D | S

GDS Companies
1000 North Dearborn Street
Chicago, IL 60610
312.467.1000

PROPOSED MIXED USE PROJECT
824-828 Hayes Street
Evanston Illinois

DATE: 01/15/17
PROJECT: 15-0117
SCALE: 1/8" = 1'-0"

2015-0117

75-814

Elevation Renderings

Sheet No. A-4.1



ENLARGED STREETSCAPE VIEW



ARCHITECTURE
LANDSCAPE ARCHITECTURE
INTERIOR ARCHITECTURE
PLANNING
CONSTRUCTION

GIDS

GIDS Companies
1000 North Dearborn Street
Chicago, IL 60610
312.467.1000

PROPOSED MIXED USE PROJECT
824-828 Hayes Street
Evanston, Illinois

DATE: 7-5-2016
PROJECT: 2015-0137

2015-0137

7-5-2016

DATE: 7-5-2016

PROJECT: 2015-0137

Elevation Renderings

REV: A-4.2



INTERSECTION PERSPECTIVE VIEW



ARCHITECTURE
LAND PLANNING
SURVEYING AND MAPPING
ENGINEERING AND CONSTRUCTION
CONSULTING AND DESIGN

G D S

GIS Companies
2015-0137

PROPOSED MIXED USE PROJECT
824-428 Hayes Street
Evanston Illinois

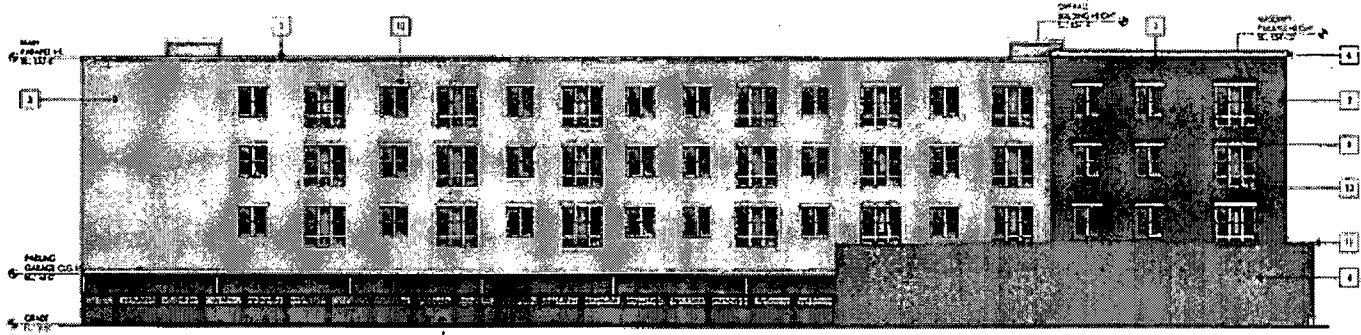
PROJECT NO.
2015-0137

DATE
7-5-2016

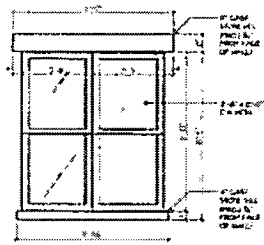
REVISIONS
Revision 1

A-4.3

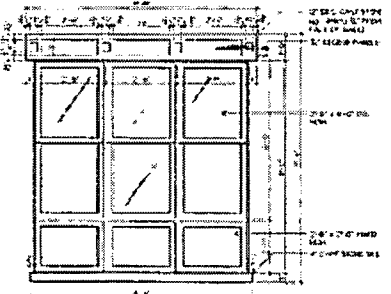
- ELEVATION KEY NOTES**
- 1 1/4" WITH CAP OVER 1/2" CAST STONE CORNICE
 - 2 BRICK WITH COLOR KEY TO MATCH EXST.
 - 3 BRICK WITH COLOR KEY
 - 4 SETTING COMMON BRICK VENEER
 - 5 6" SILL WOOD CASING
 - 6 1/2" METAL CAP OVER 1/2" CAST STONE CORNICE
 - 7 METAL BOULDER COLOR SLATE GRATE
 - 8 1/4" BRICK MONTE ALEXANDER LIGHT BROWN FINISH
 - 9 1/2" CAST STONE HEAD FINISH
 - 10 1/2" SPONGE SIL
 - 11 1/2" CAST STONE CAP
 - 12 1/2" CAST STONE CAP CITY



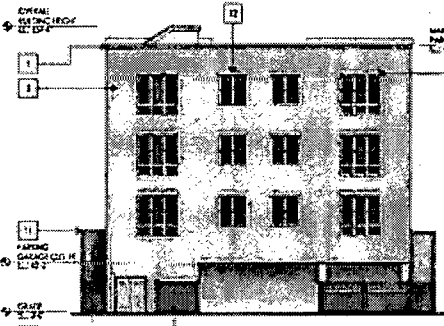
EAST ELEVATION
SCALE: 1/8" = 1'-0"



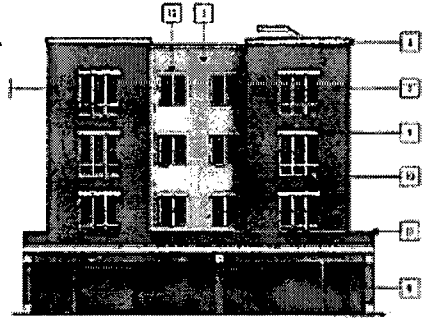
ENLARGED WINDOW DETAIL
SCALE: 1/2" = 1'-0"



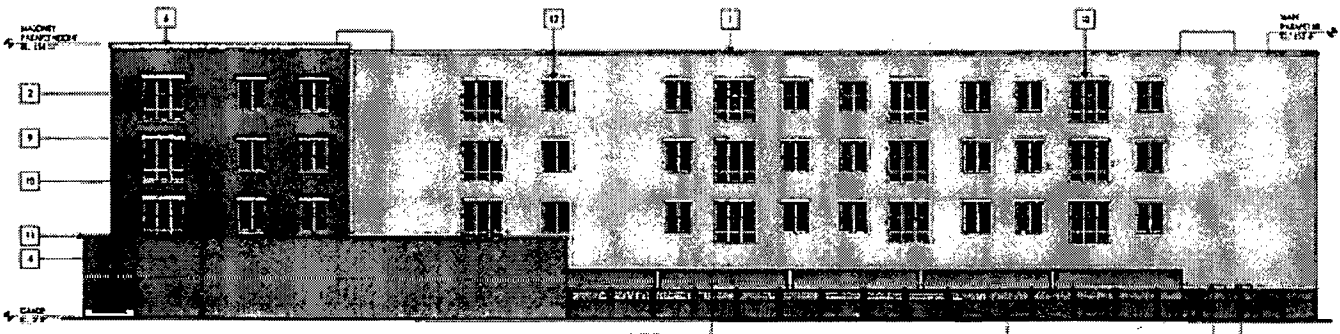
ENLARGED WINDOW DETAIL
SCALE: 1/2" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"



ARCHITECT
LAND PLANNING
INTERIOR & EXTERIOR
LANDSCAPE ARCHITECTURE



DESIGNER
GDS Companies
2015-0137

PROPOSED MIXED USE PROJECT
824-828 Hoyet Street
Evanston Illinois

2015-0137
PROJECT NUMBER

DATE: 7-6-2016
BY: ALL
PROJECT NO.

ELEVATIONS

SCALE: A-4.4