

3/20/2020

52-O-20

AN ORDINANCE

**Granting a Special Use Permit for a Planned Development
Located at 1555 Ridge Avenue in the R6 General Residential 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, which 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); 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 1979, as amended, ("the Zoning Ordinance"); and

WHEREAS, Thomas Meador of GLPE, LLC, (the "Applicant") submits for a proposed development located at 1555 Ridge Avenue, 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 6-3-6, “Planned Developments,” to permit the construction and operation of a Planned Development located at the Subject Property in the R6 General Residential District (“R6 District”); and

WHEREAS, the Applicant sought approval to construct a five (5) story, sixty-eight (68) dwelling unit multi-family residence with sixty-one (61) off-street 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 north property line setback, landscaping, and loading zone requirements; and

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

WHEREAS, on February 26, 2020, 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. 19PLND-0108, which was continued to its March 11, 2020 meeting at the request of a nearby property owner; and

WHEREAS, on March 11, 2020, 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. 19PLND-0108, 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 Planned Developments in the R6 General Residential Zoning District per Subsection 6-8-8-3 and 6-8-1-10 of the Zoning Ordinance; and

WHEREAS, the Plan Commission recommended the City Council approve the application; and

WHEREAS, on April 13, 2020, 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 of April 13, 2020 and April 27, 2020, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, the Applicant's application, 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 (1991)) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124 (7th Cir. 1995)),

**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. 19PLND-0108, to allow construction and operation of the Planned Development described herein.

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

- (A) North Property Line Setback:** A Site Development Allowance is hereby granted for an approximately three (3) foot setback along the north property line where a fifteen (15) foot setback is required for dwelling units.
- (B) Landscaping:** A Site Development Allowance is hereby granted for a three (3) foot landscaping strip where a ten (10) foot transition landscaping strip is required along the north property line.
- (C) Loading Space:** A Site Development Allowance is hereby granted permitting a ten foot by 25 foot (10' X 25') loading space with one and one half (1.5) foot rear yard setback where a ten foot by thirty five foot (10' X 35') loading space with a three (3) foot rear yard setback is required.

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 Development 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) **Building Design:** The applicant shall continue to work on the aesthetic design of the building additions;
- C) **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.
- D) **Landscaping:** Significant, high quality, landscaping along Ridge Avenue and Grove Street is to be installed and maintained in adherence with the Mayor's Monarch Pledge;
- E) **Outdoor Bicycle Parking:** Seven (7) exterior bicycle parking spaces on Grove open to the public or visitors to the site, at which the applicant will explore locating dock-less Lyft/DIVVY bikes;
- F) **Park Contribution:** Prior to issuance of the building permit the Applicant shall pay a one-time contribution of \$20,000 either to improve Alexander Park, or to support recreational programming at Evanston's public parks in general;
- G) **Curb Extension Improvement:** Addition of a "bumped-out" curb on Grove street at the corner of Ridge Avenue and Grove Street to discourage vehicles from standing at that corner and to encourage slower turns onto Ridge Avenue;
- H) **Alley Reconstruction:** Reconstruction of the full length of the alley between Grove Street and Davis Street next east of Ridge Avenue;
- I) **Street Crosswalk Improvements:** Addition of high visibility crosswalk striping on Grove Street at the intersection of Grove Street and Ridge Avenue.
- J) **Usage of Parking:** If 2 years after the issuance of Final Certificate of Occupancy Applicant is able to show that there is an underutilization of the

sixty-one (61) off street parking spaces by building residents, Applicant will be allowed to rent excess off street parking spaces to the public.

- K) **Building Resident Parking Permits:** Building residents shall not be eligible for residential on-street parking permits.
- L) **Relocation of Accessible Parking Space:** The Applicant shall relocate the existing ADA accessible parking space immediately south of the development site on Grove Street to a nearby location during construction of the building.
- M) **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.

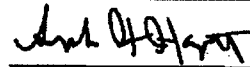
SECTION 10: The findings and recitals herein are hereby declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: April 13, 2020, 2020

Adopted: April 27, 2020, 2020

Approved:

April 30, 2020



Stephen H. Hagerty, Mayor

Attest:

Eduardo Gomez

~~Devon Reid, City Clerk~~

Eduardo Gomez, Deputy City Clerk

Approved as to form:



Kelley A. Gandurski, Corporation Counsel

EXHIBIT A

Legal Description

THE SOUTH 25 FEET OF LOT 10 AND ALL OF LOTS 11 AND 12 IN BLOCK 61 IN EVANSTON IN THE SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

11-18-308-016-0000

COMMONLY KNOWN As: 1555 Ridge Avenue

EXHIBIT B

Development Plans

EXHIBIT C
Landscape Plans