



## AGENDA

### Planning & Development Committee

Monday, January 23, 2023

Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers, Room 2800  
6:00 PM

#### Join Zoom Meeting

<https://us06web.zoom.us/j/89166852721?pwd=WG1WV2xsMm51bINhNTJsSTdPTGdDUT09>

Meeting ID: 891 6685 2721

Passcode: 775240

Those wishing to make public comments at the Administrative & Public Works Committee, Planning & Development Committee or City Council meetings may submit written comments in advance or sign up to provide public comment by phone or video during the meeting by completing the City Clerk's Office's online form at [www.cityofevanston.org/government/city-clerk/public-comment-sign-up](http://www.cityofevanston.org/government/city-clerk/public-comment-sign-up) or by calling/texting 847-448-4311.

Community members may watch the City Council meeting online at [www.cityofevanston.org/channel16](http://www.cityofevanston.org/channel16) or on Cable Channel 16.

Page

#### (I) CALL TO ORDER - COUNCILMEMBER REID

#### (II) APPROVAL OF MINUTES

##### M1. Approval of the Minutes of the Planning & Development Committee meeting of December 12, 2022

3 - 6

Staff recommends the approval of the Minutes of the Planning & Development Committee meeting of December 12, 2022

#### For Action

[Approval of the Minutes of the Planning & Development Committee meeting of December 12, 2022](#)

### (III) PUBLIC COMMENT

### (IV) ITEMS FOR CONSIDERATION

- P1. **Resolution 1-R-23, Authorizing the Acquisition of Real Property at 2404 Ridge Avenue Through Eminent Domain** 7 - 14

City staff recommends City Council adoption of Resolution 1-R-23, authorizing the acquisition of real property at 2404 Ridge Avenue through eminent domain.

**For Action**

[Resolution 1-R-23, Authorizing the Acquisition of Real Property at 2404 Ridge Avenue Through Eminent Domain](#)

### (V) ADJOURNMENT



## Memorandum

To: Members of the Planning and Development Committee  
From: Omar Sheikh, Deputy City Clerk  
Subject: Approval of the Minutes of the Planning & Development Committee meeting of December 12, 2022  
Date: January 23, 2023

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Recommended Action:

Staff recommends the approval of the Minutes of the Planning & Development Committee meeting of December 12, 2022

Committee Action:

For Action

Summary:

N/A

Attachments:

[DRAFT P&D-Minutes-12.12.2022.docx](#)



## Planning & Development Committee

Monday, December 12, 2022 @ 6:15 PM

Virtual and Lorraine H. Morton Civic Center, James C. Lytle City Council Chambers,  
Room 2800

**COMMITTEE MEMBER PRESENT:**

Juan Geracaris, Councilmember, Eleanor Revelle, Councilmember, Melissa Wynne, Councilmember, Johnathan Nieuwsma, Councilmember, Devon Reid, Chair, Clare Kelly, Councilmember, and Bobby Burns, Councilmember

**COMMITTEE MEMBER ABSENT:**

**STAFF PRESENT:**

Sarah Flax, Interim Director of Community Development, Liz Williams, Planning and Zoning Manager, Alexandra Ruggie, Assistant City Attorney and Nicholas Cummings, Corporation Counsel

**(I) CALL TO ORDER - COUNCILMEMBER REID**

A quorum being present Councilmember Reid called the meeting to order at 6:16 p.m.

**(II) APPROVAL OF MINUTES**

**PM1. Approval of the Minutes of the Regular Planning & Development Committee meeting of November 14, 2022**

Staff recommend approval of the Minutes of the Regular Planning & Development Committee meeting of November 14, 2022.

**Moved by** Councilmember Bobby Burns

**Seconded by** Councilmember Melissa Wynne

**Ayes:**

Councilmember Juan Geracaris, Councilmember Melissa Wynne, Councilmember Eleanor Revelle, Councilmember Bobby Burns, and Councilmember Devon Reid

**Carried 5-0 on a recorded vote**

Councilmember Kelly joined at 6:18pm.

**(III) PUBLIC COMMENT**

There were none.

**(IV) ITEMS FOR CONSIDERATION**

- P1. Ordinance 125-O-22, Major Zoning Relief to Eliminate an Existing Condition for Termination of Use upon Change in Ownership at 3101 Central Street, Lakeside Auto Repair

**Moved by** Councilmember Bobby Burns

**Seconded by** Councilmember Eleanor Revelle

**Ayes:** Councilmember Juan Geracaris, Councilmember Melissa Wynne,  
Councilmember Eleanor Revelle, Councilmember Clare Kelly,  
Councilmember Devon Reid, Councilmember Bobby Burns

**Carried 6-0 on a recorded vote**

- P2. Ordinance 126-O-22 approving Major Variations pursuant to City Code Section 6-3-8-10 (D) for the property located at 1453 Maple Avenue

**Moved by** Councilmember Melissa Wynne

**Seconded by** Councilmember Eleanor Revelle

Councilmember Revelle inquired about parking in areas where a reduced required amount has been granted. Liz Williams, Planning Manager with the City of Evanston, responded that staff is considering the need to look at city parking regulations because they are seeing an increasing number of applicants requesting reductions or relief from the parking standard resulting from their market feasibility studies showing a lower demand. Councilmember Revelle asked why the Land Use Commission required 15 spaces instead of 10. Ms. Williams responded that a few residents from the neighborhood were concerned with the parking demand that may be generated by this facility. Councilmember Reid asked if they must either accept or reject the Land Use Commission recommended change. Ms. Williams noted that the ordinance for consideration includes the department's recommendation of 10 parking stalls and there is a whereas clause that notes the Land Use Commission recommendation of 15 parking stalls. Nicholas Cummings, Corporation Counsel, reviewed that the ordinance recitals must include the Land Use Commission process and recommendation and the language of the ordinance may be different based on staff recommendation.

Councilmember Nieuwsma joined at 6:26pm.

**Ayes:** Councilmember Juan Geracaris, Councilmember Melissa Wynne,  
Councilmember Jonathan Nieuwsma, Councilmember Eleanor Revelle,  
Councilmember Clare Kelly, Councilmember Bobby Burns,  
Councilmember Reid

**Nayes:**

**Carried 7-0 on a recorded vote**

- P3. Ordinance 128-O-22 Granting a Special Use Permit for a Convenience Store at 321 Howard Street in the B3 Business District

**Moved by** Councilmember Bobby Burns  
**Seconded by** Councilmember Juan Geracaris

**Ayes:** Councilmember Juan Geracaris, Councilmember Melissa Wynne,  
Councilmember Jonathan Nieuwsma, Councilmember Eleanor Revelle,  
Councilmember Clare Kelly, Councilmember Bobby Burns,  
Councilmember Reid

**Nayes:**

**Carried 7-0 on a recorded vote**

**(V) ITEMS FOR DISCUSSION**

There were none.

**(VI) ITEMS FOR COMMUNICATION**

There were none.

**(VII) ADJOURNMENT**

Councilmember Burns adjourned the meeting at 6:29 p.m.

Respectfully submitted,

Amy Ahner, AICP, Planning Consultant  
Liz Williams, Planning & Zoning Manager



## Memorandum

To: Honorable Mayor and Members of the City Council  
CC: Members of the Planning and Development Committee  
From: Brian George, Assistant City Attorney  
Subject: Resolution 1-R-23, Authorizing the Acquisition of Real Property at 2404 Ridge Avenue Through Eminent Domain  
Date: January 23, 2023

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Recommended Action:

City staff recommends City Council adoption of Resolution 1-R-23, authorizing the acquisition of real property at 2404 Ridge Avenue through eminent domain.

Council Action:

For Action

Summary:

The right of way west of Ridge Avenue and north of Colfax is used by the City for garbage collection. A portion of the right of way is public property; however, as the right of way runs north and turns west, a portion is privately owned. Approximately 320 square feet of the right of way is within the property, commonly known as 2404 Ridge Avenue.

For over 30 years, the City has used this route for garbage and recycling pickup. The owner of the property knows of this use and recently has made attempts to enforce the property line in the area, including attempted construction of a fence and planting shrubbery to make it difficult for trucks to make the turn to make collection along the alleyway. Moreover, the right of way needs improvement to mitigate flooding in the area.

Several attempts to obtain the 320 square feet of property have been made, including a formal easement agreement and an offer to purchase the 320 square feet outright. Such attempts were not successful. It is necessary for the City to exercise its statutory eminent domain powers to acquire the alley for the public welfare. Resolution 1-R-23 authorizes the City to exercise its eminent domain powers and acquire this approximately 320-square-foot alley portion of the property.

Attachments:

[Resolution 1-R-23 Authorizing Eminent Domain Action for 2404 Ridge Avenue](#)

**1-R-23**

**A RESOLUTION**

**Authorizing the Acquisition of the Real Property at  
2404 Ridge Avenue through Eminent Domain**

**WHEREAS**, the City of Evanston is empowered, pursuant to its home rule authority and pursuant to the Illinois Municipal Code, 65 ILCS 5/11-61-1, to acquire by eminent domain, real property that is useful, advantageous, and/or desirable for municipal purposes or the public welfare; and

**WHEREAS**, there exists real property commonly known as part of 2404 Ridge Avenue (the "Subject Property"), legally described in Exhibit A, attached hereto and incorporated herein by reference, located in the City; and

**WHEREAS**, the City has exercised a prescriptive easement to enter an alley portion, approximately 320 square feet, of the Subject Property in order to complete garbage and recycling pickup; and

**WHEREAS**, the City has tried multiple methods of acquiring this alley portion of the Subject Property, including having a survey and appraisal performed and offering to purchase this portion of the Subject Property from the property owner; and

**WHEREAS**, due to a conflict with the owner, continued use of the alley portion of the Subject Property by the City may no longer be feasible; and

**WHEREAS**, the City needs this approximately 320 square foot alley portion of the Subject Property in order to complete garbage and recycling pickup; and



**WHEREAS**, this approximately 320 square foot portion of the Subject Property is unimproved and causing runoff onto neighboring properties and it is necessary for the City to acquire this portion of the Subject Property in order to grade and improve it; and

**WHEREAS**, the acquisition of 320 square feet of vacant land on the Subject Property, as depicted in Exhibit B, attached hereto and incorporated by reference, for redevelopment requires the exercise of powers and performance of functions relating to the government and affairs of the City,

**NOW, THEREFORE, BE IT RESOLVED 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 determines that acquisition of the Subject Property for redevelopment by the City is a public purpose.

**SECTION 3:** Pursuant to the authority vested in the City Council through the statutes of the State of Illinois and the home rule authority and ordinances of the City, the City Council hereby determines that it is necessary and desirable that the City acquire title to and possession of the Subject Property, and that said acquisition is necessary and convenient to achieve the public purpose of redevelopment.

**SECTION 4:** The City Manager is hereby authorized, empowered and directed to negotiate personally or through his designee(s) for and on behalf of the City with the owner or owners of the Subject Property for the purchase thereof by the City.

**SECTION 5:** In the event that the City Manager or his agents are unable to agree with the owner of the Subject Property as to the compensation to be paid therefore, then fee simple title to and possession of the Subject Property shall be acquired by the City through condemnation and the City's Law Department is hereby authorized, empowered and directed to institute proceedings in any court of competent jurisdiction to acquire fee simple title to and possession of the Subject Property for the City in accordance with the eminent domain laws of the State of Illinois and also pursuant to its home rule authority and ordinances.

**SECTION 6:** This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should: **(a)** contain terms contrary to the terms of the current or subsequent non-preemptive state law; or **(b)** legislative in a manner or regarding a matter not delegated to municipalities by Illinois law. It is the intent of the City Council that, to the extent that the terms of this resolution should be inconsistent with non-preemptive Illinois law, said terms shall supersede said Illinois law to the extent of said inconsistency

**SECTION 7:** If any provision of this resolution 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 resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this resolution is severable.

**SECTION 8:** This resolution shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 9:** 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.

\_\_\_\_\_  
Daniel Biss, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Stephanie Mendoza, City Clerk

\_\_\_\_\_  
Nicholas E. Cummings, Corporation  
Counsel

Adopted: \_\_\_\_\_, 2022

**EXHIBIT A****Legal Description**

ALL THAT PART OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER LYING WEST OF RIDGE AVENUE IN SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE WEST 1038.5 FEET THEREOF MEASURED FROM THE WEST LINE OF SECTION 7 BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 39 IN R. CLARENCE BROWN'S EVANSTON COMMUNITY GOLF CLUB SUBDIVISION, RECORDED APRIL 7, 1922 AS DOCUMENT NO. 7455989, SAID NORTHWEST CORNER BEING ALSO ON THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE SOUTH 89 DEGREES 52 MINUTES 51 SECONDS WEST (WITH THE BASIS OF BEARING BEING ASSUMED) ALONG THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, SAID SOUTH LINE BEING ALSO THE NORTH LINE OF A 10 FOOT ALLEY AS ESTABLISHED BY R. CLARENCE BROWN'S EVANSTON COMMUNITY GOLF CLUB SUBDIVISION, A DISTANCE OF 53.02 FEET TO THE EAST LINE OF THE WEST 1038.5 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7, AS MEASURED FROM THE WEST LINE OF SECTION 7; THENCE NORTH 00 DEGREES 09 MINUTES 57 SECONDS WEST, ALONG SAID EAST LINE OF THE WEST 1038.5 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 41 NORTH, RANGE 14 EAST, AS MEASURED FROM THE WEST LINE OF SECTION 7, A DISTANCE OF 6.00 FEET TO A LINE 6.00 FT NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 7; THENCE NORTH 89 DEGREES 52 MINUTES 51 SECONDS EAST, ALONG SAID LINE 6.00 FT NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, A DISTANCE OF 54.75 FEET TO THE NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 39 IN SAID R. CLARENCE BROWN'S EVANSTON COMMUNITY GOLF CLUB SUBDIVISION; THENCE SOUTH 15 DEGREES 55 MINUTES 12 SECONDS WEST ALONG SAID NORTHEASTERLY EXTENSION OF THE WEST LINE OF LOT 39, A DISTANCE OF 6.24 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PART OF PIN: 11-07-108-004-0000

**COMMONLY KNOWN AS:** Part of 2404 Ridge Avenue, Evanston, Illinois.

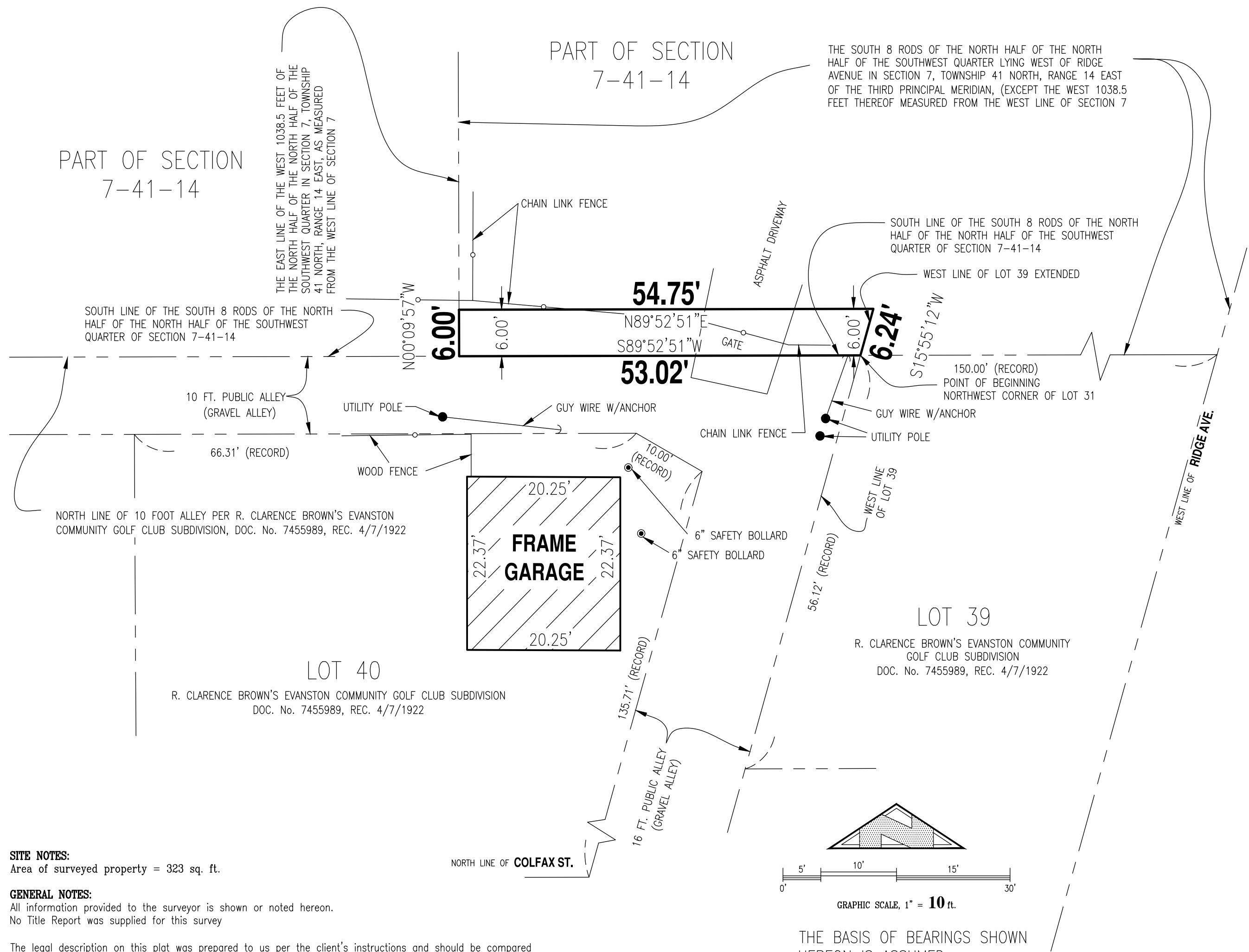
**EXHIBIT B**

# PLAT of SURVEY

LEGAL DESCRIPTION: ALL THAT PART OF THE SOUTH 8 RODS OF THE NORTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER LYING WEST OF RIDGE AVENUE IN SECTION 7, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE WEST 1038.5 FEET THEREOF MEASURED FROM THE WEST LINE OF SECTION 7 BOUNDED AND DESCRIBED AS FOLLOWS:

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COMMONLY KNOWN AS: **Part of 2404 RIDGE AVENUE, EVANSTON, ILLINOIS.**



**SITE NOTES:**

Area of surveyed property = 323 sq. ft.

**GENERAL NOTES:**

All information provided to the surveyor is shown or noted hereon. No Title Report was supplied for this survey.

The legal description on this plat was prepared to us per the client's instructions and should be compared to your Deed, Abstract or Certificate of Title. This plat and the legal description shown hereon does not determine, imply or guarantee ownership.

Underground utilities are not shown hereon.

Prior to excavation call J.U.L.I.E. at 811 or 800-892-0123

All building restrictions, building lines and easements may or may not be shown. Check your Deed, Abstract, Title Report, and local ordinances. No responsibility is assumed by the surveyor.

Compare all points before building by same and report any discrepancy at once.

Dimensions are shown in feet and decimal parts thereof. No dimension is to be assumed by scaling.

<b>B.H. SUHR &amp; COMPANY, INC.</b>	
SURVEYORS ESTABLISHED 1911	
450 SKOKIE BLVD. SUITE 105, NORTHBROOK, ILLINOIS, 60062	
TEL. (847) 864-6315 / FAX (847) 864-9341	
E-MAIL: SURVEYOR@BHSUHR.COM	
LOCATION	2404 Ridge Ave.
SURVEY DATE	November 11 20 22
ORDER No.	22-151
ORDERED BY	Neal Reeves
<small>DRAFTER © 2021 B. H. Suhr &amp; Company, Inc. All rights reserved.</small>	

FIELD MEASUREMENTS COMPLETED November 11 20 22

STATE OF ILLINOIS }  
COUNTY OF COOK } ss.

This professional service conforms to the current Illinois Minimum Standards for a boundary survey.

By *Michael E. Farrell* Dated November 23 20 22

Michael E. Farrell  
Illinois Professional Land Surveyor No. 035-002639  
License Expiration Date 11/30/22

