

**18-O-24**

**AN ORDINANCE**

**Granting a Special Use Permit for an Efficiency Home Development  
located at 1915-17 Grant Street**

**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 legislation 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 unit 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**, David Wallach of Blue Paint Development, “the Applicant”, requests approval of a Special Use Permit to construct twelve (12) efficiency homes

with related zoning relief in the R3 Two-Family Residential District, located at the property commonly known as 1915-17 Grant Street, legally described and attached by reference herein as Exhibit A, and located in the R3 District; and,

**WHEREAS**, pursuant to Subsection 6-8-4-3, an Efficiency Home requesting zoning relief is an allowed Special Use in the R3 Two-Family Residential District; and

**WHEREAS**, pursuant to Subsection 6-8-1-14, except when authorized as a Special Use, not more than one Efficiency Home is permitted on a zoning lot in all residential districts; and

**WHEREAS**, following due and proper publication of notice in Pioneer North, a suburban publication of the Evanston Review, not less than fifteen (15) nor more than thirty (30) days prior thereto, and following written notice to all property owners within 500 feet of the Subject Property, and following the placement of signs on the Subject Property not less than ten (10) days prior thereto, the Evanston Land Use Commission conducted a public hearing on December 13, 2023, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCs 120/1 *et seq.*) on the application for a Special Use Permit for Efficiency Homes, filed as zoning case no. 23ZMJV-0046, along with the associated text amendment (23PLND-0060); and

**WHEREAS**, the Land Use Commission received extensive testimony, heard public comment, and made findings pursuant to Subsection 6-3-5-10, of the Zoning Ordinance, and by a vote of one (1) “yay” and four (4) “nays” with four (4) Commissioners absent, recommended against City Council approval with conditions of

the application for Special Use Permit for Efficiency Homes with the below findings incorporated into the record:

1. Is one of the listed special uses for the zoning district in which the property lies: Efficiency Homes are not currently a special use within the zoning district and the recommended associated text amendment has been recommended to be changed from a special use to a planned development, so this standard was not met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning Ordinance: The current Comprehensive General Plan encourages expanding the type and variety of provided housing, but does not address a pocket neighborhood, so this standard was not met.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: Because a special use for a pocket neighborhood under current ordinances was not supported in the associated text amendment, so this standard was not met.
4. Does not interfere with or diminish the value of the property in the Neighborhood: It is difficult to determine without a market study, but the Commission believed that this standard was met.
5. Is adequately served by public facilities and services: The developer would need to address public facilities and services, but the Commission believed that this standard was met.
6. Does not cause undue traffic congestion: With additional on-site parking provided, the Commission believed this standard was met.
7. Preserves significant historical and architectural resources: There are no known such resources, so this standard is met.
8. Preserves significant natural and environmental resources: The Commission noted discussed goals to retain greenspace and lot permeability, so the standard is met.
9. Complies with all other applicable regulations: The recommended text amendment has been changed from a special use to a planned development, so this standard is not met.

**WHEREAS**, on February 12, 2024, the Planning and Development (“P&D”) Committee of the City Council held a meeting, in compliance with the provision of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered the findings and recommendation against approval with of the Land use Commission, and recommended approval thereof by the City Council; and

**WHEREAS**, at its meetings on February 12, 2024 and February 26, 2024, 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, and made certain findings; and

**WHEREAS**, at its February 26, 2024 meeting, the City Council referred this matter back to the P&D Committee for additional discussion; and

**WHEREAS**, on March 11, 2024, the P&D Committee of the City Council held a meeting, in compliance with the provision of the Open Meetings Act and the Zoning Ordinance, again received input from the public, carefully considered the findings and recommendation against approval with of the Land use Commission, and recommended approval thereof by the City Council; and

**WHEREAS**, at its March 11, 2024 meeting, 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 found as fact 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, as applied for in zoning case no. 23ZMJV-0046, to allow the construction of efficiency homes in the R3 Two-Family Residential District .

**SECTION 3:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the aforementioned zoning relief granted hereby, being a Special Use Permit for Efficiency Homes as requested under zoning case no. 23ZMJV-0046, 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:

1. Provide one (1) electric vehicle charging station in addition to the required EV-ready spaces
2. The elimination of curb cuts on Grant Street
3. The Special Use Permit is in general compliance with the application and testimony provided.
4. Prior to issuance of the building permit(s), the Applicant shall obtain a completion bond that lists the City as an obligee to ensure the implementation of the proposed development plan. The bond shall be held with the City until the Final Certificate of Occupancy is issued.
5. The affordable unit included in the efficiency home development at 1915-17 Grant Street shall be placed in a land trust managed by the Community Partners for Affordable Housing, ensuring its affordability is preserved in perpetuity.
6. The Applicant shall substantially comply with the documents and testimony given by the Applicant on the Record.
7. The Applicant must record the Special Use Permit 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 tenants, agents, assignees, 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: February 12, 2024

Approved:

Adopted: March 11, 2024

March 11, 2024

Daniel Biss  
Daniel Biss, Mayor  
4105Q59-1XQ68P68

Attest:

Stephanie Mendoza  
Stephanie Mendoza, City Clerk

Approved as to form:

Alexandra B. Ruggie  
Alexandra Ruggie, Interim Corporation Counsel

**EXHIBIT A**  
**LEGAL DESCRIPTION**