PLAN COMMISSION
Wednesday, November 8, 2017
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF MEETING MINUTES: September 13, 2017

3. OLD BUSINESS

A. Text Amendment 17PLND- 0095
   Special Education Institution in the I2 District
   A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning to amend the
   special uses within the I2 General Industrial Zoning District to include Special Educational
   Institution - Public

4. PUBLIC COMMENT

5. ADJOURNMENT

The next meeting of the Plan Commission is scheduled for WEDNESDAY, November 29, 2017 at 7:00
P.M. in JAMES C. LYTLE CITY COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.

Order of agenda items is subject to change. Information about the Plan Commission is available online at:
http://www.cityofevanston.org/plancommission. Questions can be directed to Meagan Jones, Neighborhood and Land Use
Planner, at 847-448-8170 or via e-mail at mmjones@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing
mobility or communications access assistance should contact the Community Development Department 48 hours in advance
of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TTY).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las
quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a
847/866-2916 (voz) o 847/448-8052 (TDD).
MEETING MINUTES
PLAN COMMISSION
Wednesday, September 13, 2017
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Jim Ford (Chair), Patrick Brown, Carol Goddard, Colby Lewis, Andrew Pigozzi, Jolene Saul

Members Absent: Simon Belisle, Terri Dubin, Peter Isaac

Associate Members Present: none

Associate Members Absent: Scott Peters

Staff Present: Meagan Jones, Neighborhood and Land Use Planner
Scott Mangum, Planning and Zoning Administrator
Johanna Leonard, Community Development Director

Presiding Member: Jim Ford, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Ford called the meeting to order at 7:07 P.M.

2. APPROVAL OF MEETING MINUTES: August 9, 2017

Commissioner Goddard made a motion to approve the minutes from August 9, 2017. Commissioner Lewis seconded the motion.

A voice vote was taken and the minutes were unanimously approved, 6-0.

3. OLD BUSINESS (Continued from August 9, 2017)

A. PLANNED DEVELOPMENT
1450-1508 Sherman Avenue
17PLND-0052

Andrew Yule, Albion Residential, is requesting approval of a Planned Development to construct a 16-story, 286-unit residential building with 9,321 square feet of ground floor commercial space and 186 parking spaces. The applicant seeks site development allowances for: number of dwelling units
(286 units proposed where a maximum of 93 units are allowed by code), building height (178 feet proposed where 105 feet is allowed by code), floor area ratio (6.78 proposed where 5.4 is allowed by code), number of parking spaces (186 spaces proposed where 409 spaces are required by code), and a ziggurat setback that is less than 40 feet at a height of 42 feet. In addition, the applicant may seek and the Plan Commission may consider additional Site Development Allowances as may be necessary or desirable for the proposed development.

Ms. Pugh provided a brief overview of changes to proposed development, stating public benefits and briefly providing the standards for project approval. Donna Pugh, of Foley & Lardner, reviewed the request site development allowances and introduced the development team which included Jason Koehn and Andrew Yule of Albion Development; Paul Alessandro of Hartshorne Plunkard Architecture; Ray Hartshorne Ted Wolff of Wolff Design Landscaping and Luay Aboona of Kenig Lindgren O'Hara & Aboona, Inc..

Chair Ford stated that a request for a continuance had been submitted from a resident within 1,000 feet of the subject property. The Commission granted the continuance with the hearing being continued to the September 13, 2017 Plan Commission meeting after additional public comment was received. He then opened the hearing to Commissioner questions and comments which included:

- Location of dedicated retail parking. Mr. Yule stated that there would be 14 dedicated parking spaces for the retail space, likely to be for employees. He also stated that the restaurant tenant would be required to have a valet service.
- Showing a demand for studio units. Mr. Yule explained that there are a number of factors contributing to the demand including: mortgage standards being higher, millennials demanding fewer bedrooms and empty nesters looking to downsize. He stated that the target audience is for millennials first and empty nesters second who are looking to be in an urban environment.
- Projected leasing rates. Mr. Yule stated that proposed rates would depend on the market but be in the range of $1500 for studio to 3 bedrooms depending on location within the building. Would like to keep a $50,000 salary range for the building
- Inclusion of Leed 55 bird migration measures within the building design.
- Consideration of other building massing options. Mr. Alessandro stated that this was done and various considerations such as shadow effects, bird migration patterns, height and other items were looked at.
- Traffic pattern concerns. Mr. Yule reiterated that parking access would be off of the alley behind the building which is proposed to exit north of the site onto
Grove Street. Mr. Aboona shared that the intersections near the site were analyzed and that it is expected that not every resident will have a vehicle and that those who do have vehicles would not all drive. Additional discussion occurred regarding traffic within and coming out of the alley.

- Why the developer decided to pay a fee-in-lieu instead of providing onsite affordable units. Financially the project would not work by adding all of the affordable units on-site.
- Additional information on the proposed partnership with Evanston Township High School.
- Clarification on required remediation of the site. Mr. Yule stated that there were a number of former uses that contributed to site contamination. The southeast corner of the site is most contaminated. Both a phase I and phase II were done and additional work will be done to remove contamination from site and put down a vapor barrier over the property to make sure contamination does not affect future uses.
- How construction will mitigate railroad noise. A triple glazed system will be used to mitigate noise, vibration not anticipated within the structural system.

Chair Ford then opened the hearing to questions from members of the public. A total of 11 people asked questions which included:

- What the vision is for the type of tenant that will be leasing in the building. Koehn stated that the description is largely anecdotal but geared to young professionals, cannot be precisely defined and that units of a similar size are occupied in similar buildings in Evanston.
- Clarification on how the figure of 14 school age children was calculated. Based on and S.B. Friedman study which looked at census tracts, building unit mix and comparison communities.
- Discussions of providing additional affordable units on site and the costs associated.
- Clarification on bird migration impact and how impacts will be mitigated.
- How the proposed amenities and benefits will be enforced or monitored. Mr. Mangum stated that the ordinance approving the project will have conditions placed which put stipulations on timing of the public benefits being in place and make them statutory requirements.
- Parking concerns and whether there will be an additional charge for residents to have a parking space. Staff provided information on the TOD Parking Study that was drafted and speaks to car ownership and parking use. Mr. Yule mentioned that valet would be handled through a partnership with the owners of nearby garages at the Holiday Inn Express or nearby City garages.
- If studies had been conducted on wind tunnel effect from the project. Mr. Alessandro explained that the podium design mitigates the effects wind may have
on the street level below.

- What commercial tenants are intended for the ground floor space. Tommy Nevins and Prairie Moon representatives spoke in support of the project. Rohit Sahajpal of Tommy Nevins Pub stated that the owners of the restaurant and site voluntarily put their property up for sale due to decreased revenues and site remediation costs. Robert Strom of Prairie Moon believes the project is a good opportunity to update the restaurant.

- Clarification on the building setback and sidewalk width. With a zero building setback on Sherman the clear sidewalk width is approximately 9 feet 6 inches wide.

- Could the project be done meeting the zoning standards.

Chair Ford then opened up the public hearing to public testimony. Five members of the public spoke with others deciding to hold their testimony to the continued meeting. The public testimony consisted of the following comments:

- Appreciation of the building design but wanting more on-site affordable units to be included and consideration of possible residents.

- Requiring wind study, bird migration study and solar study as requested by similar project in Oak Park.

- Possible ways to adjust the building design to address development allowances and other zoning concerns in addition to obtaining more public benefits.

- Appreciation of working with the existing restaurants and creativity of some public benefits such as working with ETHS.

- Concern of following the 2009 Downtown Plan

Chair Ford mentioned that those who chose to hold their testimony would remain under oath and be able to speak at the next regularly scheduled Plan Commission meeting.

Chair Ford made a motion to continue the item to September 13, 2017 at 7:00 PM in Council Chambers. A voice vote was taken and the motion was approved unanimously, 6-0.

Commissioner Lewis made a motion to recommend approval of the planned development with conditions as recommended by staff and the added condition that Albion Residential provide an alternative equivalent proposal for complying with the Inclusionary Housing Ordinance, which proposal shall provide a minimum of 15 units, in a mix of studio, 1- and 2-bedroom units, affordable by households at 50-60% of AMI, and which shall be consistent with the Inclusionary Housing Ordinance.
4. PUBLIC COMMENT
There was no public comment.

5. ADJOURNMENT
Commissioner Lewis made a motion to adjourn the meeting. Commissioner Pigozzi seconded the motion.

A voice vote was taken and the motion was approved by voice call 6-0. The meeting was adjourned at 10:47 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department
To: Chair and Members of the Plan Commission

From: Johanna Leonard, Director of Community Development
      Scott Mangum, Planning and Zoning Administrator
      Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
         Amend Special Uses Within the I2 Zoning District to Include Special Educational Institution - Public
         17PLND-0095

Date: November 3, 2017

Request
Staff requests direction regarding amending the Zoning Ordinance to amend the special uses within the I2 General Industrial Zoning District to include Special Educational Institution - Public.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements.

Analysis
Background
At the September 11, 2017 City Council meeting, discussion of zoning for a potential alternative school operated by Evanston Township High School (ETHS) was referred to Planning & Development Committee. At its September 25, 2017 meeting, the Committee ultimately decided to refer the item to Plan Commission for a possible zoning ordinance map amendment or text amendment to allow the use in the I2 General Industrial District.

This Summer Applications were filed by ETHS for a Zoning Analysis (Determination of Use) and Special Use Permit to operate an alternative school for students with behavioral and emotional needs at 1233 Hartrey Avenue. The location is within a building in an area zoned I2 General Industrial District. Upon review of the application materials and zoning definitions for “business or vocational school” and “educational institution – public”, staff determined that proposed use falls under “educational
institution –public" which is not permitted within the I2 Zoning District. Therefore the application for a special use permit as a business or vocational school was subsequently rejected.

Per Section 6-18-3.- Definitions,
Business or Vocational Schools are defined as:
A privately-owned or publicly-owned post-secondary school, other than a community college or four-year "college/university institution," providing occupational or job skills in a variety of technical subjects and trades for specific occupations.

Educational Institution –public is defined as:
A publicly owned preschool, elementary school, middle school, or high school, or a facility owned by a public school district containing classrooms, and libraries, offices or similar support facilities for one (1) or more of the following district purposes: educational services and related programs for faculty and staff and for students, preschool age children and their families; district administrative staff offices. A zoning lot developed as an educational institution must be principally used for classrooms for preschool, elementary school, middle school, or high school students.

"Educational Institution- Public" uses are permitted within the R1, R2, R3, R4, R5, R6, B1, B2, B3, C1, C1a, C2, MU, MUE, MXE, T1, T2, U1, U1a, U3, and OS Zoning Districts. An “educational institution – public” is a Special use in the D1, D2, D3, and D4 Zoning Districts.

Alternatively, Business or Vocational Schools are permitted within the in the C1, C1a C2, MUE, MU, MXE, U1, U1a, U2, and U3 Zoning Districts and are a Special Use within the RP, O1, T1, T2, B1, B1a, B2, B3, D1, D2, D3, D4, I1, I2, and I3 Zoning Districts.

Proposal Overview
If the Plan Commission, and ultimately the City Council deem it appropriate, there are two possible options for this project at the proposed location: 1) Rezoning the property to a zoning district which allows the proposed use or 2) amending the permitted or special uses within the I2 district to allow the proposed use.

As the proposed tenant space is within a building with multiple uses which could become legally nonconforming and the site itself is a rather large lot with surrounding properties to the north and south also within the I2 District, rezoning is the less desirable option.

ETHS has proposed to create a new use, “Special Educational Institution- public” and has proposed the following new definition to be added to Section 6-18-3.- Definitions:
A publicly owned special education secondary school, or a facility owned or leased by a public school district (provided the owned or leased property remains subject to real estate taxes) providing occupational or job skills in a variety of technical subjects and trades for specific occupations, as well as classrooms and educational services and related programs for faculty and staff and for secondary school students who are eligible to receive special education services.

This definition could then be added to the list of Special Uses allowed within the I2 District (Section 6-14-3-3):

6-14-3-3. - SPECIAL USES.
The following uses may be allowed in the I2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Aquaponics.
Automobile storage lot.
Business or vocational school.
Car wash.
Commercial indoor recreation.
Daycare center—Domestic animal.
Firearm range (located more than three hundred fifty (350) feet from any R1, R2, R3 district, or located more than three hundred fifty (350) feet from any school, child daycare facility, or public park in any zoning district as measured from lot line to lot line).
Heavy cargo and freight terminal.
Heavy manufacturing.
Kennel.
Media broadcasting tower.
Open sales lot.
Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use).
Pharmaceutical manufacturing.
Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).
Recycling center.
Restaurant — type 1.
Restaurant — type 2.
Retail goods establishment.
Retail service establishment.
Special educational institution — public.
Urban farm.
Urban farm, rooftop.
The purpose statement for the I2 General Industrial District states that the district is intended to provide sites for light manufacturing and light industrial uses under controls that minimize any adverse effects on property in nearby residential, business, and commercial districts.

The Comprehensive General Plan calls for recognizing the benefits of mixing residential commercial and institutional uses in neighborhoods in addition to maintaining the appealing character of Evanston’s neighborhoods while guiding their change. The text amendment could also lend itself to the goal of supporting and encouraging efforts at employment assistance and linkages. Alternately, allowing another non-industrial use within the I2 District could be contrary to the goal of retaining existing manufacturers.

**Standards of Approval**

The proposed Zoning Ordinance Text to amend the special uses within the I2 General Industrial Zoning District to include Special Educational Institution – public may meet the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposed text amendment may not have adverse effects on the values of adjacent properties as the use will need to follow zoning regulations and will have several points of review through the special use process.

The proposal is consistent with the Comprehensive General Plan’s objectives to maintain the appealing character of Evanston’s neighborhoods while guiding their change and recognizing the benefits of having a mix of uses within neighborhoods. The proposed text amendment may not have any adverse effects on the values of the properties in the area. However, allowing another non-industrial use within the I2 District could be contrary to the goal of retaining existing manufacturers and also contrary to the Zoning Ordinance purpose for the I2 District.

**Recommendation**

Staff believes the proposed text amendment to amend the special uses within the I2 General Industrial Zoning District to include Special Educational Institution – public may meet the standards of approval as outlined above. Staff recommends the Plan Commission make a recommendation to the City council regarding the proposed text amendment.

**Attachments**

- Fact Sheet for ETHS District 202 Special Education Day School
- Memo to City Council dated September 25, 2017
- Application Materials for ETHS
- Zoning Analysis, Including Zoning Administrator’s Determination of Use
- Law Department Memorandum
Evanston Township High School District 202 Special Ed Day School Fact Sheet

- Currently over 90 Special Education students receive daily services outside of the City of Evanston, at public and private day schools, and residential settings
- Average cost is $40,000 - $55,000 per student, per year (tuition only)
- Students can spend up to 60 minutes one-way on buses and vans to get to the serving facility
- ETHS proposes to create a Special Education Day School that would be operated by the District. This day school would start with approximately 22 students, with potential expansion up to 40 students
- This day school would create 12 new employment positions (teachers and support staff) to start. Future expansion up to 15-18 employees is expected
- This day school will create a structured and supportive educational environment in the Evanston community
- Situated three blocks from ETHS, this school will allow students to come back to campus after school and participate in sports, clubs, and extra-curricular activities which is not currently practical for students that are bused out of the community
- Proximity to ETHS will also allow students to integrate back into the main campus – for a few classes, half-day, and eventually for the entire day (as appropriate).
- Taxpayer dollars would be kept in Evanston, by funding 12-18 new jobs rather than paying tuition costs to outside entities
- Transportation costs and times will decrease (the amount of savings depends on the student’s current placement).
- There would be NO property tax loss to the City or Evanston or other taxing districts
- ETHS has secured a rental location at 1233-1235 Hartrey. The lease includes a pro-ration of the building’s property taxes – ETHS would pay the taxes to the landlord, who then pays to the County.
- The leased portion of the property is currently vacant. This lease would fill that vacancy
- This is not the first property to be vetted, but it is the one that best suits the needs
- Current neighbors at the property include KinderCare, Goldfish Swim School, Erie Health and Have Dreams. All of these businesses serve Evanston children
Memorandum

To: Honorable Mayor and Members of the City Council
    Planning and Development Committee

From: Johanna Leonard, Director of Community Development
      Scott Mangum, Planning and Zoning Administrator

Subject: 1233-1235 Hartrey Avenue – Proposed ETHS Alternative School

Date: September 13, 2017

Recommended Action
Staff requests direction from the Planning and Development Committee, which could come in the form of a referral to the Plan Commission if a Map or Text Amendment is recommended or a recommendation for no further action.

Livability Benefits
Education, Arts & Community: Provide quality education from cradle to career

Summary
At the September 11, 2017 City Council meeting, Alderman Braithwaite referred discussion of zoning for a potential alternative school operated by Evanston Township High School (ETHS) at a property within an Industrial Zoning District to the Planning and Development Committee for consideration.

ETHS submitted applications for a Zoning Analysis for a determination of use and Special Use Permit to operate an alternative school for students with behavioral and emotional needs at 1233-1235 Hartrey Avenue. The property is located in the I2 General Industrial District. After reviewing the description of use submitted and Zoning Ordinance definitions (6-18-3) for "business or vocational school" and "educational institution - public", the Zoning Administrator determined that the proposed use falls under the "educational institution - public" use category and is not a "business or vocational school". Therefore, the associated Special Use Permit application submitted for a "business or vocational school" was rejected.

Pursuant to City Code Section 6-18-3, a business or vocational school is defined as: “[a] privately-owned or publicly-owned post-secondary school, other than a community college or four-year ‘college/university institution,’ providing occupational or job skills in a
variety of technical subjects and trades for specific occupations.” The proposed establishment falls within the definition of “educational institution – public.” An education institution – public is defined as “[a] publicly owned preschool, elementary school, middle school, or high school, or a facility owned by a public school district containing classrooms, and libraries, offices or similar support facilities for one (1) or more of the following district purposes: educational services and related programs for faculty and staff and for students, preschool age children and their families; district administrative staff offices. A zoning lot developed as an educational institution must be principally used for classrooms for preschool, elementary school, middle school, or high school students.” An “educational institution – public” is not a permitted or special use in the I2 zoning district.

However, an “educational institution – public” is a Permitted Use in the R1, R2, R3, R4, R5, R6, B1, B2, B3, C1, C1a, C2, MU, MUE, MXE, T1, T2, U1, U1a, U3, and OS Zoning Districts. An “educational institution – public” is a Special use in the D1, D2, D3, and D4 Zoning Districts and the use is not a permitted use in only the I1, I2, I3, RP, O1, and U2 Zoning Districts. Therefore, the applicant could locate the proposed use within one of the Zoning Districts where the use is permitted by right or where a Special Use Permit could be requested.

If the City Council seeks to consider allowing the proposed land use at the proposed location, options include either a Text Amendment to the Zoning Ordinance to change the list of either permitted or special uses within all I2 Districts, citywide, or a Map Amendment to reclassify the property from the I2 General Industrial District to one of the aforementioned zoning districts that allows for “educational institutions – public” as a permitted or special use.

Finally, the applicant has the ability to appeal the determination of use (“educational institution – public” instead of “business or vocational school”) to the Zoning Board of Appeals.

Attachments
Application materials from ETHS
Zoning Analysis, including Zoning Administrator’s Determination of Use
Law Department Memorandum
ZONING ANALYSIS
APPLICATION

I am applying for a zoning review of a:

- Construction project of less than 10,000 sq. ft.
- Construction project of 10,000 sq. ft. or more
- Determination of Use
- Other

PROPERTY

Address: 1233 and 1235 Hartrey Avenue

- Mixed-use
- Non-Residential
- Residential

# of Units

For projects required to comply with Inclusionary Housing Ordinance:

- In TOD Area
- Outside of TOD Area

(For more information visit: http://www.cityofevanston.org/IHO)

Proposed Project:

The proposed renovations to 1233 and 1235 Hartrey Avenue would be for an alternative school for students with behavioral and emotional needs, which do not allow them to be part of the greater student population at the main ETHS campus. These students receive specialized, therapeutic and supported educational needs that include technical, tech, and vocation skills to help them to be job ready after the program is complete.

APPLICANT

Name: Mary Rodino

Organization: Evanston Township High School

Address: 1600 Dodge Avenue City, State, Zip: Evanston, IL 60201

Phone: 847-424-7104 Cell:

E-mail: rodinom@eths.k12.il.us

PROPERTY OWNER (if different than applicant)

Name: Dempster Limited Partnership

Address: 1235 Hartrey Avenue City, State, Zip: Evanston, IL 60202

Phone: 847-570-3551 Cell:

E-mail: r.beidler@larkmanagement.com

What is the relationship of the applicant to the property owner?

- same
- builder/contractor
- architect
- real estate agent
- attorney
- lessee
- other: 

Community Development Department
2100 Ridge Ave
551 of 594
847-448-4311 & 847-448-8126 zoning@cityofevanston.org www.cityofevanston.org/zoning Evanston, IL 60201
REQUIRED DOCUMENTS AND MATERIALS

Please submit the following:

☒ (This) Completed Application Form
☐ Completed Inclusionary Housing Plan Proposal Form
   If the project includes five (5) or more new residential units in TOD Areas or ten (10) or more residential units outside of TOD Areas. This includes new for sale, or rental developments, and condominium conversions.

☒ Two (2) Copies of Plat of Survey Date of Survey: 3/22/1971
   Plat of survey must be completed by a licensed surveyor and must be current so that it displays every structure, patio, dock, walkway, etc. that is currently on the property. Copies must be legible for all dimensions and details.

☒ Two (2) Sets of Building Plans Date of Drawings: 8/8/2017
   Building plans must be drawn to scale and must include interior floor plans and exterior elevations. For simple projects such as flat-work patios, plans may be hand drawn to scale directly onto the Plat of Survey.

☒ Determination of Use Description
   If you are applying for a Determination of Use, skip to the end of the application, sign and date, include a simple site plan of the proposed use (interior floor layout, seating, parking, etc.) and a one page letter that describes all aspects of the use (employees, hours of operation, loading/unloading, deliveries, parking, noise, etc.).

☒ Application Fee Amount $100
   Application Fees may be paid by cash, check, or credit card.

Zoning Analysis Applications take up to 10 business days for initial review. Alterations or modifications that require re-review may take longer. Feel free to contact the Zoning Office directly at 847.448.8230 with any questions. Complete applications may be submitted in person or by mail to:

City of Evanston
Zoning Division, Room 3202
2100 Ridge Avenue
Evanston, IL 60201

PROPERTY INFORMATION

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<tr>
<th>Lot Area</th>
<th>EXISTING</th>
<th>PROPOSED</th>
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<td>Lot Width (frontage)</td>
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<td>Dwelling Units / Rooming Units</td>
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<td>Open Parking Spaces</td>
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<td>Enclosed Parking Spaces</td>
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<td>Off-site Parking Spaces</td>
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<td>Loading Berths - Short</td>
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<td>Loading Berths - Long</td>
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<td>Employees</td>
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**BUILDING SETBACKS**

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<td>Front yard</td>
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<td>Street side yard (if corner lot)</td>
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<td>Interior side yard (1)</td>
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<td>Interior side yard (2)</td>
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<td>Rear yard</td>
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**RESIDENTIAL & TRANSITIONAL CAMPUS DISTRICTS ONLY**

**BUILDING LOT COVERAGE**

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<th>PROPOSED</th>
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<td>Principal Structure Footprint (excluding front porch)</td>
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<td>Roofed Front Porch (receives 50% credit)</td>
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<td>Detached Garage Footprint</td>
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<td>Other Accessory Structures' Footprints</td>
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<td>Other Roofed Areas</td>
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**TOTAL BUILDING LOT COVERAGE**

**IMPERVIOUS SURFACE COVERAGE** *(hard surfaced areas not under a roof: asphalt, concrete, decks, brick pavers, etc.)*

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<td>Patios &amp; Terraces (brickwork receives 20% credit)</td>
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<td>Sidewalks</td>
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<td>Driveways</td>
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<td>Stairs/Landings</td>
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<td>Other Impervious Areas</td>
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**SUB-TOTAL**

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<td>+ Building Lot Coverage</td>
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**TOTAL IMPERVIOUS SURFACE AREA**

**BUILDING HEIGHT**

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<tbody>
<tr>
<td>Principal Structure – Peak Height</td>
<td></td>
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<tr>
<td>Principal Structure – Number of Stories</td>
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<tr>
<td>Detached Garage – Peak Height</td>
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<tr>
<td>Other Accessory Structures – Peak Height</td>
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</table>
**ALL OTHER DISTRICTS (Business, Commercial, Downtown, Industrial, Mixed Use, University)**

<table>
<thead>
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<td>Parking/ Loading</td>
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<td>Dwelling Units</td>
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<td>Hallways/ Elevator/Lobby</td>
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<td>Mechanical/ Accessory Space</td>
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<td>Gross Floor</td>
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<td>Basement</td>
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<td>1st floor</td>
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<td>3rd floor</td>
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<tr>
<td>4th floor</td>
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<tr>
<td>5th floor</td>
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<tr>
<td>Total</td>
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</tbody>
</table>

**GROSS FLOOR AREA:** The sum of areas of all floors of a building measured from the exterior walls or from the center line of walls separating 2 buildings. The gross floor area of a building shall also include but not be limited to: basements, interior balconies and mezzanines, enclosed porches, and attic space finished or unfinished having minimum 5-foot floor to rafters height. The following areas shall be excluded from the calculation of gross floor area: elevator shafts, stairwells, space used solely for heating, cooling, mechanical, electrical and mechanical penthouses, refuse rooms and uses accessory to the building, off-street parking and loading.

**BUILDING REGULATIONS**

<table>
<thead>
<tr>
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</thead>
<tbody>
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<tr>
<td>Principal Structure – Number of Stories</td>
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<tr>
<td>Other Accessory Structures – Peak Height</td>
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<tr>
<td>FAR (Floor to Area Ratio)</td>
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<td></td>
</tr>
</tbody>
</table>

**AUTHORIZING SIGNATURE**

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

Mary Rodino

**Applicant's Signature**

Mary Rodino

**Date**

8/14/17

**Community Development Department**

2100 Ridge Ave

Evanston, IL 60201

554 of 594
DETERMINATION OF USE DESCRIPTION (TO BE SUBMITTED WITH ZONING ANALYSIS APPLICATION)

The renovations to 1233 and 1235 Hartrey Avenue proposed by Evanston Township High School would create a new ETHS public day school for students with behavioral and emotional needs which do not allow them to be part of the greater student population at the main campus. These students are currently educated outside of Evanston at various public and private facilities in order to receive specialized, therapeutic and supported educational needs. The high school level curriculum will be taught and individualized on a student-by-student basis to meet each student’s unique needs. They learn technical, tech, and vocational skills to help them to be job ready after the program is complete.

In many cases, these students are spending significant time in taxis and buses each day to get to their current educational facility. ETHS can provide the necessary and beneficial individualized education in the new facility at 1233-35 Hartrey, which would be closer to their homes in all cases.

The proposed floor plan would create five classrooms, a multipurpose room, conference room, and support spaces such as offices, storage, and toilet facilities. Initially, the target is 20-25 students. The intent is that all of these students would attend between the hours of 8am – 3pm, Monday-Friday. If program enrollment is increased in the future or expanded with student needs, there is potential that these hours may extend to earlier AM, later PM, or Saturday morning hours, but this has not been determined. The maximum future enrollment (if ever achieved) will be no more than 40 students. There will be 10-12 staff members on-site continuously throughout the day. Staff includes program coordinator; teachers; paraprofessionals; social worker/psychologist; safety/security, and support personnel. These would be newly created jobs in our community, not merely transfers from the ETHS campus.

Some existing parking lot spaces located at the front of the property will be designated as dedicated spots. Students will arrive to the facility either privately by a caregiver, or by an activity bus/small van prearranged by Evanston Township High School. Deliveries will be limited to miscellaneous office supplies and equipment and will not require semi-truck delivery or loading dock access. Noise will be contained within the facility as all activities will be indoors.
1. PROPERTY

Address: 1233 and 1235 Hartrey Avenue

Permanent Identification Number(s):

PIN 1: 110 24 103 001 000 00

(Note: An accurate plat of survey for all properties that are subject to this application must be submitted with the application.)

2. APPLICANT

Name: Mary Rodino

Organization: Evanston Township High School

Address: 1600 Dodge Avenue

City, State, Zip: Evanston, IL 60201

Phone: Work: 847-424-7104 Home: Cell/Other: 

Fax: Work: Home: 

E-mail: rodinom@eths.k12.il.us

What is the relationship of the applicant to the property owner?

☐ same ☐ builder/contractor ☐ potential purchaser ☐ potential lessee

☐ architect ☐ attorney ☐ lessee ☐ real estate agent

☐ officer of board of directors ☐ other:

3. PROPERTY OWNER (Required if different than applicant. All property owners must be listed and must sign below.)

Name(s) or Organization: Dempster Limited Partnership

Address: 1235 Hartrey Avenue

City, State, Zip: Evanston, IL 60202

Phone: Work: 847-570-3551 Home: Cell/Other: 847-846-3551

Fax: Work: 847-424-0421 Home: 

E-mail: r.beidler@larkmanagement.com

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters concerning this application. I understand that the Applicant will be the primary contact for information and decisions during the processing of this application, and I may not be contacted directly by the City of Evanston. I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office in writing."

[Signature]

Property Owner(s) Signature(s) -- REQUIRED

Date: 8/16/17

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

[Signature]

Applicant Signature -- REQUIRED

Date: 8/16/17

PAGE 1 OF 6
5. REQUIRED DOCUMENTS AND MATERIALS

The following are required to be submitted with this application:

☑ (This) Completed and Signed Application Form
☑ Plat of Survey Date of Survey: March 22, 1971
☑ Project Site Plan Date of Drawings: August 15, 2017
☑ Plan or Graphic Drawings of Proposal (If needed, see notes)
☐ Non-Compliant Zoning Analysis
☑ Proof of Ownership Document Submitted: Owner/Lessee Verification Affidavit
☑ Application Fee Amount $600

Notes: Incomplete applications will not be accepted. Although some of these materials may be on file with another City application, individual City applications must be complete with their own required documents.

Plat of Survey
(1) One copy of plat of survey, drawn to scale, that accurately reflects current conditions.

Site Plan
(1) One copy of site plan or floor plans, drawn to scale, showing all dimensions.

Plan or Graphic Drawings of Proposal
A Special Use application requires graphic representations for any elevated proposal—garages, home additions, roofed porches, etc. Applications for a/c units, driveways, concrete walks do not need graphic drawings; their proposed locations on the submitted site plan will suffice.

Proof of Ownership
Accepted documents for Proof of Ownership include: a deed, mortgage, contract to purchase, closing documents (price may be blacked out on submitted documents).
- Tax bill will not be accepted as Proof of Ownership.

Non-Compliant Zoning Analysis
This document informed you that the proposed change of use is non-compliant with the Zoning Code and requires a variance.

Application Fee
The application fee depends on your zoning district (see zoning fees). Acceptable forms of payment are: Cash, Check, or Credit Card.
6. PROPOSED PROJECT

A. Briefly describe the proposed Special Use:

The proposed function of the renovations to 1233 and 1235 Hartrey would be for an alternative school for students with behavioral and emotional needs, which do not allow them to be part of the greater student population at the main ETHS campus. These students receive specialized, therapeutic and supported educational needs that include technical, tech, and vocation skills to help them to be job ready after the program is complete.

APPLICANT QUESTIONS

a) Is the requested special use one of the special uses specifically listed in the Zoning Ordinance? What section of the Zoning Ordinance lists your proposed use as an allowed special use in the zoning district in which the subject property lies? (See Zoning Analysis Review Sheet)

The proposed use as a specialized, alternative school is similar to the listed special use of vocational school (Section 6-14-3-3).

b) Will the requested special use interfere with or diminish the value of property in the neighborhood? Will it cause a negative cumulative effect on the neighborhood?

The requested special use will compliment other existing services offered in the same building, such as Have Dreams, an autistic services organization. The hours of operation would be similar to the hours of adjacent businesses, and would therefore not extend existing hours of impact on the neighborhood. The occupancy of the currently-vacant property will increase value of adjacent properties.

c) Will the requested special use be adequately served by public facilities and services?

Transportation to the facility will be provided personally by student caregivers, or by activity bus/van transportation pre-arranged with Evanston Township High School.
d) Will the requested special use cause undue traffic congestion?

The traffic impact on the neighborhood is anticipated to be minimal and mainly limited to student pick-up and drop-off.

---

e) Will the requested special use preserve significant historical and architectural resources?

There are no significant historical or architectural resources of note.

---

f) Will the requested special use preserve significant natural and environmental features?

Exterior renovations are limited to the modification of the existing entry stoop to provide a ramp for ADA compliance. No natural or environmental features are being affected.

---

g) Will the requested special use comply with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation?

Yes, the special use will comply. Additionally, the interior renovations will comply with all regulations as governed by the Regional Office of Education for school facilities.
The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made: Does not apply

2. If a person or organization owns or controls the proposed land user, list the name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

3. List the name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number above, or indicated below.

Reed Beidler
1235 Hartrey Avenue, Evanston, IL 60201
847-570-3551

4. List the name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number above, or indicated below.
If Applicant or Proposed Land User is a Corporation

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

b. Names, addresses, and percentage of interest of all shareholders. If there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation or if there are more than 33 shareholders.

________________________________________________________________________
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If Applicant or Proposed Land User is not a Corporation

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

________________________________________________________________________
________________________________________________________________________
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________________________________________________________________________
ZONING CERTIFICATE NUMBER: 17ZONA-0233

DATE ISSUED:

PROPERTY ADDRESS: 1233 HARTREY AVE

ZONING DISTRICT: I2

OVERLAY DISTRICT: 

USE: Alternative school for students with behavioral and emotional needs.

CONDITIONS OR COMMENTS: After reviewing the description of the use submitted to operate an alternative school for students with behavioral and emotional needs in the I2 District and Zoning Ordinance definitions (6-18-3) for "business or vocational school" and "educational institution - public", the Zoning Administrator determines that the proposed use falls under the "educational institution - public" use category and is not a "business or vocational school". Therefore, the associated Special Use Permit application submitted for a "business or vocational school" is rejected.

Pursuant to City Code Section 6-18-3, a business or vocational school is defined as: "[a] privately-owned or publicly-owned post-secondary school, other than a community college or four-year "college/university institution," providing occupational or job skills in a variety of technical subjects and trades for specific occupations." The proposed establishment without question falls within the definition of "educational institution – public." An education institution – public is defined as "[a] publicly owned preschool, elementary school, middle school, or high school, or a facility owned by a public school district containing classrooms, and libraries, offices or similar support facilities for one (1) or more of the following district purposes: educational services and related programs for faculty and staff and for students, preschool age children and their families; district administrative staff offices. A zoning lot developed as an educational institution must be principally used for classrooms for preschool, elementary school, middle school, or high school students." An "educational institution – public" is not a permitted or special use in the I2 zoning district.

CERTIFICATE BASED ON:

Plans Prepared As: 

Plans Dated: 

Plans Prepared By: 

Plat of Survey Dated: 

PlansOriginatingAs: 

Zoning Analysis Application 

Related Application ID: 

Miscellaneous: 

THIS ZONING CERTIFICATE IS NOT A BUILDING PERMIT.
ISSUED BY:

Melissa Klotz
Zoning Officer
9/5/17
City of Evanston
ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: Closed/Non-compliant   September 05, 2017
RESULTS OF ANALYSIS: Non-Compliant

Z.A. Number: 17ZONA-0233
Address: 1233 HARTREY AVE
Applicant: Mary Rodino

Purpose: Zoning Analysis without Bid Permit App
District: I2
Overlay: Preservation
Preservation

Reviewer: Melissa Kloz
Director: Not Within

THIS APPLICATION PROPOSES (select all that apply):
New Principal Structure  X  Change of Use
New Accessory Structure  Retention of Use
Alteration to Structure  Plat of Resubdiv/Consol
Alteration to Structure  Business License
Retention of Structure  Home Occupation

ANALYSIS BASED ON:
Sidewalk Cafe
Other
Plans Dated: 08.16.17
Prepared By:
Survey Dated:
Existing
Improvements:

Proposal Description:
Alternative school for students with behavioral and emotional needs.

ZONING ANALYSIS

PRINCIPAL USE AND STRUCTURE

Standard   Existing   Proposed   Determination

USE:
Edi Inst - Public   Non-Compliant

Comments:

Minimum Lot Width (LF)

USE:

Comments:

Minimum Lot Area (SF)

USE:

Comments:

Dwelling Units:
Comments:

Roaming Units:
Comments:

Building Lot Coverage
(SF) (defined, including
subtractions & additions):
Comments:

Impervious Surface
Coverage (SF, %)

Comments:

Accessory Structure

40% of rear yard

Rear Yard Coverage:

Comments:

LF: Linear Feet   SF: Square Feet   FT: Feet

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<table>
<thead>
<tr>
<th>Gross Floor Area (SF) Use:</th>
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<th>Front Yard(2) (FT) Direction:</th>
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<th>Interior Side Yard(1) (FT) Direction:</th>
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<th>Interior Side Yard(2) (FT) Direction:</th>
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<tr>
<th>Rear Yard (FT) Comments:</th>
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<td>Direction:</td>
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### ACCESSORY USE AND STRUCTURE

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<td>Permitted Districts:</td>
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<tr>
<td>Comments:</td>
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| Permitted Required Yard: |
| Comments: |

| Additional Standards: |
| Comments: |

| Height (FT) Flat or mansard roof 14.5', ot |
| Comments: |

| Distance from Principal Building: 10.00' |
| Comments: |

| Front Yard(1A) (FT) Direction: |
| Street: |
| Comments: |

<p>| Comments: |</p>
<table>
<thead>
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<td>Front Yard(1B) (FT)</td>
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<td>Street:</td>
<td>Comments:</td>
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| Street Side Yard (FT) | Direction: | Street: | Comments: |

| Interior Side Yard(1A) (FT) | Direction: | Comments: |

| Interior Side Yard(1B) (FT) | Direction: | Comments: |

| Rear Yard (FT) | Direction: | Comments: |

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**ACCESSORY USE AND STRUCTURE 2**

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| Permitted Required Yard: | | | | |
| Comments: | | | | |

| Additional Standards: | | | | |
| Comments: | | | | |

| Height (FT) | | | | |
| Flat or mansard roof 14.5' | | | | |

| Comments: | | | | |

| Distance from Principal Building: | 10.00' | | | |
| Comments: | | | | |

| Front Yard(2A) (FT) | Direction: | Street: | Comments: |

| Front Yard(2B) (FT) | Direction: | Street: | Comments: |

| Street Side Yard (FT) | Direction: | Street: | Comments: |

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* LF: Linear Feet  SF: Square Feet  "FT": Feet
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<td>Comments:</td>
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<tr>
<td>Interior Side Yard (2B) (FT)</td>
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<td>Rear Yard (FT)</td>
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### PARKING REQUIREMENTS

| Use(1): | | | |
|---------| | | |
| Comments: | | | |

| Use(2): | | | |
|---------| | | |
| Comments: | | | |

| Use(3): | | | |
|---------| | | |
| Comments: | | | |

**TOTAL REQUIRED:**

<p>| Handicap Parking Spaces: | | | Sec. 6-16-2-6 |
|--------------------------| | | |
| Comments: | | | |
| Access: | | | Sec. 6-16-2-2 |
| Comments: | | | |
| Vertical Clearance (LF): | 7' | | |
| Comments: | | | |
| Surfacing: | | | Sec. 6-16-2-8 (E) |
| Comments: | | | |
| Location: | | | Sec. 6-4-6-2 |
| Comments: | | | |</p>
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<thead>
<tr>
<th>Standard</th>
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<th>Proposed</th>
<th>Determination</th>
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</thead>
</table>

**Angle:**

- **Width (W) (FT):**
  - Comments:

- **Depth (D) (FT):**
  - Comments:

- **Aisle (A) (FT):**
  - Comments:

- **Module (FT):**
  - Comments:

- **Garage Setback from Alley Access (FT):**
  - Comments:

**LOADING REQUIREMENTS**

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<th>Proposed</th>
<th>Determination</th>
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</thead>
</table>

**Loading Use:**

- **Comments:**

- **TOTAL (long):**
  - **TOTAL (short):**

- **Long Berth Size (FT):** 12' wide x 50' deep
  - Comments:

- **Short Berth Size (FT):** 10' wide x 35' deep
  - Comments:

- **Vertical Clearance (FT):** 14'
  - Comments:

- **Location:** Sec. 6-16-4-1
  - Comments:

**MISCELLANEOUS REQUIREMENTS**

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**Requirement (1):**

- **Comments:**

**Requirement (2):**

- **Comments:**

**Requirement (3):**

- **Comments:**

**COMMENTS AND/OR NOTES**

**Analysis Comments**
<table>
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<tr>
<th>Standard</th>
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<th>Proposed</th>
<th>Determination</th>
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</table>

**RESULTS OF ANALYSIS**

Results of Analysis: This Application is Non-Compliant

Site Plan & Appearance Review Committee approval is:

See attached comments and/or notes.

[Signature]  [9/5/17]

**SIGNATURE**

**DATE**
Memorandum

To: Members of the Planning and Development Committee

From: W. Grant Farrar, Corporation Counsel
       Mario Treto, Jr., Assistant City Attorney

Subject: Evanston Township High School Alternative School Proposal

Date: September 25, 2017

This memorandum is supplemental to the Community Development memorandum on whether or not an alternative school for students with behavioral or emotional needs falls under the City’s definition of a business or vocational school, and whether additional considerations need to be taken into account with the proposal at hand.

Executive Summary

Evanston Township High School’s zoning analysis application to determine the use for proposal to operate an alternative school for children with behavioral and emotional needs in the I2 Zoning District falls under the category of an “educational institution – public,” not a “business or vocational school” and is consequently not allowed as a permitted or special use in this zoning district; therefore, an application for a special use to operate a “business or vocational school” must be rejected. Second, a map amendment to allow a zoning change from the current I2 General Industrial Zoning District to one that permits the applicant’s proposal should be denied given City of Evanston precedent and proper planning practices. The City is well within its zoning authority to reject the special use application for a business or vocational school and to deny a map amendment, if requested. Additionally, a potential text amendment application to add an “educational institution – public” as a special or permitted use in the I2 District could create disparity between non-commercial uses within the district such as “religious institutions” and could also be denied.

Background

Evanston Township High School (“ETHS”), Applicant, submitted a zoning analysis and special use application on August 16, 2017, proposing an alternative school for children with behavioral and emotional needs at 1233-1235 Hartrey Avenue (the “Subject Location”). The Subject Location is in the I2 General Industrial Zoning District. The alternative school will serve as a branch of the main ETHS campus. The Applicant represents that the proposed alternative school is deemed a “business or vocational school,” which is an eligible special use in the I2 Zoning District. City Code Section 6-
14-3-3. City staff disagrees with the Applicant’s determination of use and, further, determines that it is an “educational institution - public”; the reasoning fully outlined in the Community Development memorandum.

Additionally, City staff must take into account the decision issued on April 30, 2013 in *JDBY Elementary School v. City of Evanston et al.* The facts in this ETHS application are somewhat similar to the *JDBY* case, which sheds light on the legal authority to deny a map amendment for the Subject Property. In *JDBY Elementary School v. City of Evanston et al.*, Joan Dachs Bais Yaakov Elementary School sought approval for an elementary school at 222 Hartrey Street, which is also located in an I2 Zoning District. *JDBY Elementary School v. City of Evanston et al.*, No. 09CH16645 (April 30, 2013), p. 2. In *JDBY*, the applicant defined the school as a “religious institution,” permitted as a special use in the I2 Zoning District; however, City staff rejected the application and properly classified it as an “educational institution, private,” a use not permitted in the I2 Zoning District. *Id.* at 6. The special use permit application was rejected by the City. *Id.* at 7. Subsequently, the JDBY applicant requested a map amendment to change the zoning of the property from I2 to C1, which was also denied. *Id.* at 9. The JDBY applicant challenged the City’s denial of the map amendment alleging the City was arbitrary and capricious, as well as religiously discriminatory. *Id.* at 15. After a thorough analysis of the *Lasalle* and *Sinclair* factors further explained below, the court found in favor of the City of Evanston on all counts. *Id.* at 46.

**Analysis**

**Special Use Application**

Pursuant to City Code Section 6-18-3, a business or vocational school is defined as: “[a] privately-owned or publicly-owned post-secondary school, other than a community college or four-year ‘college/university institution,’ providing occupational or job skills in a variety of technical subjects and trades for specific occupations.” The Applicant defines their special use as a vocational school. The proposed establishment without question falls within the definition of “educational institution – public.” An education institution – public is defined as “[a] publicly owned preschool, elementary school, middle school, or high school, or a facility owned by a public school district containing classrooms, and libraries, offices or similar support facilities for one (1) or more of the following district purposes: educational services and related programs for faculty and staff and for students, preschool age children and their families; district administrative staff offices. A zoning lot developed as an educational institution must be principally used for classrooms for preschool, elementary school, middle school, or high school students.” City Code Section 6-18-3. An “educational institution – public” is not a permitted or special use in the I2 zoning district. City Code Sections 6-14-2-2; 6-14-2-3. Therefore, the City is well within its legal authority to reject their special use application as submitted.
Map Amendment

If, in the alternative, ETHS decides to request a map amendment, the City has the precedent to deny the map amendment from an I2 zoning district to one that permits public educational institutions. Taking the JDBY opinion and order into account with the subject application at hand, it is appropriate to deny a map amendment to modify the Subject Property’s zoning from I2 to another zoning district which permits public educational facilities as a permitted or special use.

When parties challenge a municipality’s denial of a map amendment, the common assertion is that the city acted in an arbitrary and capricious manner. Whether or not a city acted in such a way requires the consideration of the factors set out in La Salle National Bank of Chicago v. County of Cook, 12 Ill. 2d 40, 46 (1957) and Sinclair Pipe Line Co. v. Village of Richton Park, 19 Ill. 2d 370, 378 (1960), as states below:

1. Whether the existing zoning of the property is consistent with the surrounding uses and zoning;
2. The extent to which property values are diminished by the particular zoning restriction;
3. The extent to which the destruction of property values of plaintiff promote the health, safety, morals, or general welfare of the public;
4. Relative gain to the public as compared to the hardship imposed upon the individual property owner;
5. Suitability of the subject property for the zoned purpose;
6. Length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property;
7. The public need for the proposed use; and
8. Diligence with which the community has planned its land use.

Under JDBY, the facts present a similar set of circumstances with Evanston Township High School. If a map amendment were granted, it could convert the existing uses (permitted in the I2 District) in the building into non-conforming uses.

Conclusion

The City of Evanston has the authority to reject Evanston Township High School’s special use application to build an alternative school for children with behavioral and emotional needs in the I2 Zoning District as it is not allowed as a permitted or special use. Additionally, the City of Evanston should deny a map amendment to allow a zoning change from the current I2 Zoning District to one that permits the applicant’s proposal.