

9/20/96  
10/8/96  
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97-O-96

AN ORDINANCE

Granting Certain Variations to  
Allow for the Adaptive Reuse  
as Retail and Residential of the  
Structure at 630 Davis Street

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on September 17, 1996 pursuant to proper notice in case no. 96-0028-V(R), wherein the applicant, Enterprise Development Company, contract purchaser, for major variations from the floor area ratio, lot area per dwelling unit, building height, and off-street parking regulations of the Zoning Ordinance to permit demolition of two floors and construction of three additional floors to be used for retail space and thirty-five dwelling units on property located in a D2 Downtown Retail Core Zoning District; and

WHEREAS, based upon the testimony, plans, and other evidence presented, the ZBA made written findings of fact, determining that the proposed variations met each of the standards for variations set forth in section 6-3-8-12(E) of the Zoning Ordinance; and

WHEREAS, the ZBA voted to recommend that the City Council grant the application, and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That based upon the testimony, plans, and other evidence presented to the ZBA, the City Council hereby adopts the findings and recommendations of the ZBA and hereby grants the application of Enterprise Development Company, contract purchaser,

for major variations a) from the floor area ratio requirements of section 6-11-3-7, to permit an increase in the maximum permitted floor area ratio from 2.75 to 5.8; b) from section 6-11-3-5 to reduce the minimum required lot area for a lot improved with thirty-five dwelling units from 14,000 square feet to 8,171 square feet; c) from section 6-11-3-9 to increase the maximum permitted building height from 42 feet to 95 feet; and d) from section 6-16-3-5 to reduce the number of required parking spaces from 35 spaces to zero spaces for construction within, and in addition to, an existing structure which will reduce gross floor area devoted to retail uses and increase the number of dwelling units from none to 35, on property at 630 Davis Street, legally described as:

SUBLOT FOUR OF THE RESUBDIVISION OF LOTS ELEVEN AND TWELVE IN BLOCK TWENTY-SEVEN, ACCORDING TO THE PLAT RECORDED FEBRUARY 11, 1868, IN BOOK 166, OF MAPS, PAGE 26, AS DOCUMENT 158725, EXCEPT THE SOUTH SIXTEEN FEET OF SAID SUB-LOT FOUR, WHICH IS USED AND HAS BEEN DEDICATED FOR THE PURPOSE OF A PUBLIC ALLEY, IN COOK COUNTY, ILLINOIS.

SECTION 2: That pursuant to section 6-3-8-14 of the Zoning Ordinance, which provide, that the City Council may attach conditions to the grant of a variation, these conditions are hereby attached:

- a. The development shall substantially conform to the testimony and exhibits presented in connection with this case and at the hearing.
- b. The developer shall provide for the permanent rental of 18 spaces in a City parking facility by the owners and/or occupants of the units and to guarantee said rental, the condominium declaration and by-laws shall impose said requirement as irrevocable, which shall be subject to enforcement by the City and further subject to all applicable City ordinances with regard to such rentals.

That following the formation of the residential condominium association for the development, said association shall be required to pay to the City, on a monthly basis in advance, an amount equal to not more than the City's

prevailing rate for the 18 spaces.

- c. If more than eighteen (18) vehicles are owned or operated, by residents of the development, the owners or operators of those vehicles shall provide documentation, acceptable to the City, that off-street parking spaces have been secured for said vehicles. That said documentation shall be subject to review by the City upon request.
- d. Further, all lessees of retail space in the development, shall provide documentation, acceptable to the City, that off-street parking spaces have been secured for themselves as well as their employees. That such documentation shall be subject to review by the City upon request.
- e. The condominium association and the lessees shall submit proof of compliance with the commitments of section 2, conditions c and d of this Ordinance on an annual basis on the anniversary of the formation of the condominium association, subject to a fine of \$50.00 per day for non-compliance.
- f. The above commitments shall be embodied in a covenant, which shall run with the land and be binding upon successors in interest of the applicant and of each unit owner.
- g. A condition precedent to the issuance of any building permits is that applicant shall, within sixty days of the effective date of this Ordinance, record the aforesaid covenant with the Office of the Cook County Recorder and provide a copy of the recorded covenant to the City's Law Department.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

Introduced: September 30, 1996

Adopted: October 14, 1996

Approved: October 17, 1996

Lorraine H. Morton  
Mayor

ATTEST:

Kristen L. Davis  
City Clerk (AKA)

Approved as to form:

[Signature]  
Corporation Counsel