

10/04/00  
10/10/00

145-O-99

**AN ORDINANCE**

**Granting a Special Use to Sherman Plaza Venture, LLC for a  
Planned Development in the D3, Downtown Development District**

WHEREAS, the City of Evanston ("City") and Sherman Plaza Venture, LLC, as co-applicants, submitted an application to the City seeking approval of a special use for a planned development (the "Planned Development"), including approval of development allowances from certain setback and building height requirements of the Zoning Ordinance of the City (the "Zoning Ordinance), and modifications to site development allowances, as affects certain property located in the D3 Downtown Development District and lying generally between Church Street on the north, Davis Street on the south, Sherman Avenue on the East, and Benson Avenue on the west (the "Property"); and

WHEREAS, the Property is intended to be developed within the Planned Development as one zoning lot, as defined in the Zoning Ordinance, and is intended to be developed with structures containing retail, residential, parking, and other uses permitted in the D3, Downtown District; and

WHEREAS, the development of the Property requires development allowances from the strict application of the Downtown District regulations of the Zoning Ordinance so as to permit construction of structures to heights in excess of heights permitted by, and with other setbacks than those required by, applicable zoning regulations of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 6-3-6-4, 6-3-6-5, and 6-3-6-6 of the Zoning Ordinance, a planned development may provide for development allowances and modifications to site development allowances which depart from height, setback and other

regulations established in the Zoning Ordinance, subject to approval of the City Council;  
and

WHEREAS, the City's Plan Commission conducted a public hearing on November 3, 1999, pursuant to proper notice in case no. ZPC 99-8-PD, upon application of the City and Sherman Plaza Venture, LLC, for approval of a special use to establish the Planned Development and the Plan Commission made certain positive written findings of fact pursuant to the Zoning Ordinance and recommended the approval of said matters, including the requested relief for height and setbacks, which findings and recommendations are incorporated herein by reference; and

WHEREAS, the Planning and Development Committee of the City Council of Evanston considered the application, documents, and testimony related to the Planned Development at its December 13, 1999, September 25, 2000, and October 10, 2000 meetings; and

WHEREAS, the Planning and Development Committee recommended City Council approval of the Planned Development as modified; and

WHEREAS, the City Council finds that the proposed redevelopment of the Property as a mixed use development in a Planned Development is appropriate, including the required development allowances and has determined that the approval of the Planned Development within the Property as herein set forth is in the best interests of the City and meets the standards and requirements therefor set forth in the Zoning Ordinance,

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

**SECTION 1:** That the Planned Development be and it is hereby approved to permit the construction and operation on the Property of a mixed use development generally in conformance with the Downtown Zoning District regulations, the Conceptual Site Plan of Exhibit 3(A) of the Sherman Plaza Application for Planned Development, attached as Attachment 1 to this ordinance, and the terms of this Ordinance, on the Property legally described in Attachment 2, made a part hereof.

**SECTION 2:** Pursuant to Section 6-3-6-5 of the Zoning Ordinance, a development allowance relative to the regulations of Section 6-11-1-4 of the Zoning Ordinance is hereby granted to allow use of the Property for structures on Church Street, Davis Street, Benson Avenue and Sherman Avenue that do not conform to the required ziggurat setback for Downtown Zoning districts, namely that buildings on these streets be built to the lot line to a height not less than 24 feet nor more than 42 feet, and thereafter, be set back a minimum of 40 feet. The Planned Development consists of separate, related structures, specifically:

- (a) The residential and retail building (identified as Retail A in the exhibits) in the southeast quadrant of the development area is built approximately to the lot line at a height of 216 feet along Sherman Avenue, is approximately 57½ feet in height at the lot line along Davis, and rises to 216 feet above this height setback less than 40 feet from the Davis frontage. The residential building shall include an approximately 200-unit, upscale retirement community, of which there will be up to a maximum of 70 assisted living dwelling units.
- (b) The retail building identified as Sears in the exhibits is built approximately to the lot line at a height not to exceed 64 feet along Sherman Avenue and thereafter conforms to the requirements of the Zoning Ordinance.

- (c) The pedestrian passage from the parking garage to Sherman Avenue is set back from the lot line along Sherman Avenue and is approximately 175 feet tall.
- (d) The retail building identified as Retail B and C, rises to 73 feet at a setback from the lot line along Sherman Avenue of approximately 15 feet, and approximately at the lot line along Church Street.
- (e) The parking garage and retail building (identified as Retail D in the exhibits) has a height of approximately 147 feet to the top of the parapet at approximately the lot line along Benson Avenue.

**SECTION 3:** Pursuant to Section 6-3-6-5 of the Zoning Ordinance, a development allowance relative to the regulations of Section 6-11-4-7 allowing for construction of the Property not exclusively built to the lot lines along the front lot line and the side lot line abutting a street is hereby granted.

**SECTION 4:** Pursuant to Section 6-3-6-6 of the Zoning Ordinance, a modification to a site development allowance in excess of that established for the D3 Downtown Development is hereby granted to Section 6-11-4-8 and Section 6-11-1-10(C) of the Zoning Ordinance, to allow the following maximum building heights in excess of the permitted building height maximum:

- (a) A residential and retail building (identified as Retail A in the exhibits) which is approximately 240 feet to the top of the mechanical penthouse and 216 feet to top of roof of highest occupied floor;
- (b) A pedestrian passage with a height of 175 feet; and
- (c) A public garage with a height of 147 feet to top of the structure and 138 to the top of top parking deck.

**SECTION 5:** All regulations applicable in the D3 Downtown Zoning District as provided in the Zoning Ordinance shall govern and remain in full force and effect with

respect to the use and development of the Property, except as and to the extent said regulations have been modified by this Ordinance, and the Property may be developed in any manner that conforms to said regulations as modified hereby; provided, however, that any material change in the use to which the land user devotes the subject property deviating from substantial compliance with the application, testimony and exhibits of the hearing, specifically from the Conceptual Site Plan of Exhibit 3(A) of the Sherman Plaza Application for Planned Development as modified herein and attached as Attachment 1 to this Ordinance, will require the land user to submit those material changes for review and approval through the planned development process set forth in Section 6-3-6-12 of the Zoning Ordinance.

**SECTION 6:** Nothing herein shall be construed to prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein except to the extent specifically otherwise set forth in any Redevelopment Agreement which may be applicable to the Property.

**SECTION 7:** Construction of the Planned Development shall be subject to the Site Plan and Appearance Review provisions of the Zoning Ordinance and other applicable codes and ordinances of the City; provided, however, that no action relating to such matters shall contradict or conflict with the terms of this Ordinance.

**SECTION 8:** The conditions, limitations and allowances of the planned development permit authorized herein notwithstanding, the City shall issue no building permits for any construction or demolition pursuant to the planned development plan approved herein and incorporated as Attachment 2 to Ordinance 145-O-99 until such time as the City Council of the City of Evanston has authorized the City Manager to sign and the

City Manager has signed a Redevelopment Agreement with Sherman Plaza Venture, LLC for the development of the subject property. The conditions, limitations and allowances of the planned development permit authorized herein notwithstanding, all development and redevelopment of the subject property shall in all cases comply with the applicable terms of the Redevelopment Agreement during the term thereof and as this Redevelopment Agreement may from time to time be amended.

**SECTION 9:** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form in the manner provided by law.

AYES: 9  
NAYS: 0

PASSED AND APPROVED THIS 10th DAY OF October, 2000

Introduced: September 25, 2000

Adopted: October 10, 2000

Approved: October 26, 2000

Lorraine H. Norton  
Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:

[Signature]  
Corporation Counsel

**CITY OF EVANSTON**  
Community Development Department  
Zoning Division

**Date:** October 5, 2000  
**To:** Roger Crum, City Manager  
**From:** James Wolinski, Director, Community Development  
 Arthur Alterson, Zoning Administrator  
**RE:** Sherman Plaza: Comparison of Height and Setback Figures between 12/9/99 & 10/4/00 drafts of Ordinance 145-O-99

The following table summarizes the changes between the current (10/4/00) version of Ordinance 145-O-99 and that held in the Planning & Development Committee on 12/13/99. The changes reflect modifications as the building plans have matured.

§ of 145-O-99	10/4/00 (current) draft	12/9/99 draft
§2a	The residential and retail building (identified as Retail A in the exhibits) in the southeast quadrant of the development area is built approximately to the lot line at a height of <u>216</u> feet along Sherman Avenue, is approximately <u>57½</u> feet <u>in height</u> at the lot line along Davis, and rises to <u>216</u> feet above this height setback less than 40 feet from the Davis frontage. <u>The residential building shall include an approximately 200-unit, upscale retirement community, of which there will be up to a maximum of 70 assisted living dwelling units.</u>	The residential and retail building (identified as Retail A in the exhibits) in the southeast quadrant of the development area is approximately built to the lot line at a height of <u>245</u> feet along Sherman Avenue, is approximately <u>52 ½</u> feet at the lot line along Davis, and rises to <u>245</u> feet above this height setback less than 40 feet from the Davis frontage
§2b	The retail building identified as Sears in the exhibits is built approximately to the lot line at a height of <u>64</u> feet along Sherman Avenue.	The retail building identified as Sears in the exhibits is approximately built to the lot line at a height of <u>47½</u> feet along Sherman Avenue
§2c	The pedestrian passage from the parking garage to Sherman Avenue is set back from the lot line along Sherman Avenue and is approximately <u>172</u> feet tall.	The pedestrian passage from the parking garage to Sherman Avenue is setback from the lot line along Sherman Avenue and is approximately <u>171½</u> feet tall.
§2d	The retail building identified as Retail B and C, rises to <u>70½</u> feet at a setback from the lot line along Sherman Avenue of approximately 15 feet, and approximately at the lot line along Church Street.	The retail building identified as Retail B and C, rises to <u>53 ¼</u> feet at a setback from the lot line along Sherman Avenue of approximately 15 feet, and approximately at the lot line along Church Street.
§2e	The parking garage and retail building (identified as Retail D in the exhibits) has a height of approximately <u>147</u> feet to the top of the parapet at approximately the lot line along Benson Avenue	The parking garage and retail building (identified as Retail D in the exhibits) has a height of approximately <u>442</u> feet to the top of the parapet at approximately the lot line along Benson Avenue
§4a	A residential and retail building (identified as Retail A in the exhibits) which is approximately <u>240</u> feet to the top of the mechanical penthouse and <u>216</u> feet to top of roof of highest occupied floor	A residential and retail building (identified as Retail A in the exhibits) which is approximately <u>236.17</u> feet to the top of the mechanical penthouse and <u>214.17</u> feet to top of roof of highest occupied floor
§4c	A public garage with a height of <u>146</u> feet to top of the structure and <u>138</u> to top of top parking deck.	A public garage with a height of <u>142.25</u> feet to top of the structure and <u>128</u> to top of top parking deck.

Thank you.

CC: Mayor and Aldermen





**ATTACHMENT 1 TO ORDINANCE 145-O-99**  
**CONSISTING IN ITS ENTIRETY OF**

Exhibit 3(A): Conceptual Site Plan: 13 color sheets, numbered, entitled and dated as follows.

1	Perspective Views	10/5/99
2	Perspective View	10/5/99
7	Lower Level Plan	10/5/99
8	Level 1	10/5/99
9	Level 2	10/5/99
10	Level 3	10/5/99
11	Roof Plan	10/5/99
12	Facades	10/5/99
13	Facades	10/5/99
14	North-South-East-West	10/5/99
19	Plaza Perspective & Plan	10/5/99
20	Parking Perspective & Streetwall	10/5/99
22	Typical Plans	10/5/99

[You will find this Attachment 1, in the binder "Sherman Plaza Application for Planned Development, 10/20/99"]



# ATTACHMENT 2 TO ORDINANCE 145-O-99

## PARCEL 1:

LOTS 1, 2 AND 3 IN THE RESUBDIVISION OF LOTS 1 TO 5 IN BENSON'S SUBDIVISION OF BLOCK 65 OF THE VILLAGE OF EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL 2:

LOTS 6, 7 AND 8 AND 15 TO 36 IN BENSON'S SUBDIVISION OF BLOCK 65 OF THE VILLAGE OF EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS (EXCEPT THE SOUTH 4 FEET OF LOTS 19 TO 32 TAKEN FOR WIDENING STREET THEREOF).

## PARCEL 3:

ALL OF THE TWENTY FOUR (24) FOOT VACATED ALLEY ADJOINING LOTS 15 TO 18 BOTH INCLUSIVE, TOGETHER WITH THE NORTH TEN (10) FEET OF THE TWENTY FOUR (24) FOOT ALLEY LYING SOUTH OF AND ADJOINING LOTS 19 AND 33 AND THE SOUTH LINE OF SAID LOTS EXTENDED, AND THE VACATED SOUTH TEN (10) FEET OF THE TWENTY FOUR (24) FOOT ALLEY LYING NORTH OF AND ADJOINING LOTS 15 AND 36 AND THE NORTH LINE OF SAID LOTS EXTENDED, ALL IN BLOCK 65 OF THE VILLAGE OF EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

## PARCEL 4:

ALL OF THE TWENTY-FOUR (24) FOOT ALLEY LYING NORTH OF AND ADJOINING LOTS FIFTEEN (15) AND THIRTY-SIX (36), AND ALL OF THE TWENTY-FOUR (24) FOOT ALLEY LYING SOUTH OF AND ADJOINING LOTS EIGHTEEN (18) AND THIRTY-THREE (33), ALL IN BLOCK 65 OF THE VILLAGE OF EVANSTON IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

