

07/18/2001, 07/06/2001, 06/29/2001

86-O-01

AN ORDINANCE

**Granting Variations from the Building Height, the
Ziggurat Setback and the Floor Area Ratio Limitation
Of the Zoning Ordinance for the Property at
1722-31 Benson Avenue**

WHEREAS, Evanston Benson Limited Partnership as beneficiary of Jefferson State Bank Trust Number 1966 submitted an application, under the case number ZBA 00-33-V(R), seeking approval, as the owner of 1723-31 Benson Avenue, of variations from the building height, ziggurat setback, floor area ratio, and off-street parking regulations of the Evanston Zoning Ordinance, 1993 as amended, to permit the construction of a multistory addition to the existing structure at 1723 Benson Avenue for the purpose of expanding the Evanston Athletic Club at that location, all in a D-2 Downtown Zoning District; and

WHEREAS, the Zoning Board of Appeals conducted a public hearing, pursuant to proper notice in case number ZBA 00-33-V(R), on November 21, 2000, making a written record, to consider the aforesaid application; and

WHEREAS, the Zoning Board of Appeals, at its November 21, 2000 meeting, after hearing testimony and receiving evidence and considering arguments, and making a written record, did not make a recommendation in this case; and

WHEREAS, the Planning and Development Committee of the City Council has considered the record of the Zoning Board of Appeals and has made and considered its own record relating to the application at its January 22, 2001, February 15, 2001,

February 26, 2001, March 12, 2001, June 11, 2001, July 9, 2001, and July 23, 2001 meetings; and

WHEREAS, the City's Parking Committee at its June 27, 2001 meeting reviewed and considered a proposal of the applicant which did not require the previously requested off-street parking variation which the applicant had heretofore sought; and

WHEREAS, the Planning and Development Committee finds that the applicant has provided the required factual basis to meet the applicable standards in Section 6-3-8-12 (E) of the Zoning Ordinance for Major Variations, as follows:

- A. The variations as to building height, floor area ratio, and ziggurat setback will not have an adverse impact on adjoining properties because the expansion is adjacent to other properties under the control of the applicant. The addition is screened by the existing structure, and separated from other properties by the public alley; and
- B. The requested variations are in keeping with the intent of the Zoning Ordinance in they preserve and protect property values and the City's tax base, provides necessary expansion for a long-time Evanston commercial resident and conforms to the permitted uses listed for the D-2 Zoning District;
- C. The applicant's proposal for expansion is based upon the physical hardship and practical difficulty encountered in providing both structural expansion and off-street parking upon the existing property which has been recently, substantially rehabilitated and

converted to retail usage, and which, if razed, would substantially and adversely affect the existing retail businesses in the downtown district, and applicant's proposal is further based upon the practical difficulty of constructing an addition to the existing health club facilities due to the necessity of matching floor levels of the existing structure with those to be constructed in order to utilize, unify, complement and expand the existing mechanical, heating, ventilating, electrical, plumbing, utility and structural systems with the new construction in a manner which will enable logical movement of staff and patrons between the addition and the existing building.

- D. The property owner would be required to eliminate current successful tenants of adjoining properties and would be prohibited from successfully completing a complementing addition to the existing structure if the strict letter of the regulation were to be carried out and applicant were limited to the existing floor area ratio, height and building ziggurat setback requirements due to the need to match the new construction to the existing facility;
- E. The variation is based upon the applicant's desire to expand an existing facility to meet a tenant's expansion needs and to accommodate the tenant's membership needs rather than solely to obtain greater return and income from the property;

- F. The practical difficulty does not rest upon the financial condition of the applicant as the project will require a substantial investment to conclude successfully;
- G. The difficulty has not been created by the owners or others interested in the property, but rather results from the effort to expand an existing multistoried structure with interrelations of floor space, mechanical equipment and utility systems in the proposed addition.

WHEREAS, the Planning and Development Committee finds that the applicant will supply the required parking for the expansion by means of a lease of eighty-nine (89) spaces in a City-owned garage and the use of a parking validation program set forth hereinafter to supply the required off-street parking spaces; and

WHEREAS, the Planning and Development Committee recommended City Council approval of variations relating to building height, ziggurat setback, and floor area limitation; and

WHEREAS, the City Council considered the application and the record at its July 9, 2001 and July 23, 2001 meetings, and

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

SECTION 1: That the foregoing recitals are found as fact and incorporated herein.

SECTION 2: That the City Council hereby grants the aforescribed application for variations from the building height, ziggurat setback, and floor area ratio

requirements of the Zoning Ordinance, hereby granted to permit the expansion of the building at 1723-31 Benson Avenue in a D-2 Downtown Zoning District and legally described as follows:

Parcel 1

Lots 15 and 16 in Northwestern University Resubdivision of Block 17 in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18, Township 41 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois;

and the South 50 feet of the following described

Parcel 2

The West 100 ft. of Lots 18, 19 and Lot 17 except the East 55.19 ft. of the North Half thereof in Northwestern University Resubdivision of Block 17 in Evanston, in Section 18, Township 41 North, Range 14, East of the Third Principal Meridian in Cook County, Illinois.

SECTION 3: That variations from the provisions of the Evanston Zoning Ordinance are granted as follows:

- A. From Section 6-11-3-7 to permit a floor area ratio of 3.5 rather than the required 2.7;
- B. From Section 6-11-1-4 to permit construction of an addition to fifty-eight (58) feet in height at the west property line rather than in accordance with the forty (40) foot setback above twenty-five (25) feet in height at the west property line as the ziggurat setback would require; and
- C. From Section 6-11-3-9 to permit the construction of an addition not to exceed one hundred seven (107) feet in height, rather than the maximum of forty-two (42) feet.

SECTION 4: That the City Council finds that the applicant has proposed and agreed to meet the off-street parking requirements of Section 6-16-3 of the Evanston Zoning Ordinance in the following manner:

A. Upon issuance of the building permit, the Applicant will lease 89 parking spaces as follows:

1. The Applicant will lease 20 permits in a City of Evanston parking facility for use by its employees. At the time of approval of this Ordinance, the City parking facility to be used is the 1800 Maple Self-Park. At the City's option, other City parking facilities may be used by the Applicant to satisfy its parking requirements. The rate for these permits will be the monthly rate in effect from time to time charged to the general public (now \$73.00 per month) and the method of accessing the facility will be at the sole discretion of the City. Transponders are the means of access used as of the date of approval of this Ordinance.
2. The Applicant will meet the remaining 69 spaces of the 89 space parking requirement through participation in a parking validation program. The Applicant will pay the City 69 times the monthly permit fee (or 69 times \$73 = \$5,037 per month at the

existing rate). For this fee, the Applicant will validate the equivalent of 4 times the number of spaces rented, or 4 times 69 = 276 validations per day, Monday through Saturday. The validation program will not operate on Sunday. Each validation will allow a patron or part-time employee of the Evanston Athletic Club to park in the 1800 Maple Self Park (or other City facility used with the City's prior approval) for up to two hours and exit without paying a fee. The City or its agent will total the validated tickets at the end of each day. In the event of 276 validations or fewer, no further action is required. For each validation over 276 each day, the Evanston Athletic Club will pay the City the value of the time between one and two hours (now \$1.00). Validations will be counted on a daily basis, but the billing of any additional costs will not occur less frequently than monthly. The cost of the validator and any related equipment will be paid by the Applicant. The cost of parking beyond the two-hour period will be paid by the parker.

- B. The details of this arrangement will be formalized in a parking lease which must be approved by City Council prior to issuance of the building permit. Said lease shall be for not less than five years and

must be maintained without a lapse, unless a substitute parking arrangement is approved in advance by City Council. If at any time the Applicant fails to maintain the required number of spaces using the methods set forth herein or other methods approved in advance by the City Council, the grant of variations to building height, ziggurat setback and floor area ratio shall be void and the certificate of occupancy revoked.

- C. The Applicant shall prepare a covenant containing the conditions set forth herein in form and content satisfactory to the Corporation Counsel and shall, within sixty (60) days of the approval of this Ordinance 86-O-01 record same at its sole expense with the Cook County Recorder and provide a copy of the recorded covenants to the City's Zoning Division.

SECTION 5: Pursuant to Section 6-3-8-14 of the Zoning Ordinance, which provides that the City Council may impose conditions upon the grant of variations, these conditions are hereby imposed:

- A. The subject addition shall be constructed substantially in accordance with the approved plans, testimony of the Applicant, and exhibits presented to the Zoning Board of Appeals, and the Planning and Development Committee of the City Council.
- B. The Ordinance shall be binding upon the Applicant and its heirs and assigns and all persons having an interest in the subject property.

C. The addition shall conform to all applicable legislation except as to such Ordinances of the City from which this ordinance has granted a variation.

D. The failure of any of the conditions imposed upon the Applicant shall terminate the grant of zoning relief provided for in this Ordinance 86-O-01.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: That this ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: July 9, 2001

Adopted: July 23, 2001

Approved:

July 24, 2001
Lorraine H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
City Corporation Counsel

