

08/30/2001

93-O-01

AN ORDINANCE

**Granting Major Variations to Allow
Construction of a Four-Story Mixed-Use
Building at 622-624 Davis Street**

WHEREAS, the Zoning Board of Appeals ("ZBA") held a public hearing on July 17, 2001 in case no. ZBA 01-25-V (R) pursuant to proper notice, on the application of Robert Perlmutter, manager of 624 Davis LLC, for certain variations from the requirements of the Zoning Ordinance to allow construction of a four-story mixed-use building at 622-624 Davis Street located in the D2 Downtown Retail Core District; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and certain negative findings pursuant to Section 6-3-8-12 of the Zoning Ordinance and determined that the application failed to meet the standards for major variations and recommended that the City Council deny the application; and

WHEREAS, the Planning and Development Committee of the City Council after considering the ZBA's record and receiving other evidence at its July 23, 2001 and August 13, 2001 meetings, made findings pursuant to Section 6-3-8-12 that the application met the standards for major variations, and recommended City Council approval thereof;

WHEREAS, the City Council considered this matter at its September 10, 2001 and September 24, 2001 meetings, and

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

SECTION 1: That the City Council hereby adopts the following findings made by the Planning and Development Committee pursuant to Section 6-3-8-12 (E) of the Zoning Ordinance in the aforescribed case no. ZBA 01-25-V (R):

- A. The requested variations will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties in that the increase in height as restricted by the building height and ziggurat requirements of the D2 District are minimal, considering, among other factors, the height of existing and proposed buildings adjacent to the subject property, the reduction of required spaces from 19 to 16, and the proximity of proposed public spaces. In view of the foregoing, there is no substantial adverse impact on adjoining properties, one of which is owned by the Applicant in this matter.
- B. The requested variations are in keeping with the intent of the Zoning Ordinance in that the requested variances have a positive effect upon the public health, safety, comfort, convenience and general welfare, that the variations have no greater impact on provision of light, air, and safety than does construction permitted as of right in the D2 District; that the variations enhance the taxable value of property on the subject property and in its general vicinity, thus lessening the tax burden on properties throughout the City; that the subject property as developed with the variations sought will be compatible in size, scale, and use with buildings and uses in the D2 District and within the general vicinity of the subject property, and is of a scale, and in keeping with, the ideal bulk intensity parameters of the District that the City seeks to guarantee through strict application of the standards of the District; and that it complies with and furthers the purposes for which the City established the D2 District, to wit:

The D2 Downtown Retail Core District is intended to define and support the traditional downtown retail shopping function of Evanston. The District is characterized by street-level retail store fronts and structures that accent a pedestrian scale. Mixed-use developments shall be encouraged within the District as shall the reuse of structures that assist in perpetuating the established pedestrian-retail character in terms of scale, architecture and street front continuity as identified in the Plan for Downtown Evanston adopted by the City Council.

- C. The alleged hardship or practical difficulty is peculiar to the property in that the requested variances are a function of the peculiar siting constraints of the subject property and the Applicant's desire to produce a building in scale with those found on the block and in the general area.
- D. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out in that the requested variances are the minimum necessary to enable the requested development of the subject property, without which the property owner would suffer hardships derived from inability to develop the property.
- E. The purpose of the variation is not based exclusively upon a desire to extract additional income from the property in that while the granting of the variation will result in additional income to the Applicant, public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, include, but are not limited to, business development to enhance the local economy and strengthen the tax base, efficient use of the land resulting in more economic networks of utilities and streets, all in keeping with Section 6-3-6-3 of the Zoning Ordinance. The Planning and Development Committee found that the requested variances are the minimum necessary to enable the requested development of the property.
- F. The alleged difficulty or hardship has not been created by any person having an interest in the property in that the difficulty or hardship is the result of the size and siting of the subject property and the structures thereon.
- G. The requested variation is limited to the minimum change necessary to alleviate the particular hardship or practical difficulty which affects the property in that the requested variances are the minimum necessary to enable the requested development of the property.

SECTION 2: The City Council hereby grants the variations sought in case no.

ZBA 01-25-V (R) as follows:

- A. To Section 6-11-3-9, allowing a building height of 54 feet whereas the Zoning Ordinance restricts building height within the D2 District to 42 feet;
- B. To Section 6-11-1-4, allowing a building height of 54 feet high at the front lot line whereas the Zoning Ordinance requires that the building be setback from the front lot line 40 feet once the building exceeds a height of 42 feet;
- C. To Sections 6-16-1-3 and 6-16-3, allowing construction that would eliminate 3 open off-street parking spaces provided for the existing land uses at 624 Davis Street whereas the Zoning Ordinance prohibits the further reduction of required parking spaces below the required number,

All on the subject property legally described as:

PARCEL 1: THE EAST 34 ½ FEET OF SUB-LOT 2 OF THE RESUBDIVISION OF LOTS 11 AND 12, IN BLOCK 27, IN THE CITY OF EVANSTON, IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, COMMONLY KNOWN AS 622 DAVIS.

PARCEL 1: THE WEST 10 ½ FEET OF SUB-LOT 2 AND ALL OF SUB-LOT 3 OF THE RESUBDIVISION OF LOTS 11 AND 12, IN BLOCK 27, IN THE CITY OF EVANSTON, IN THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, COMMONLY KNOWN AS 624 DAVIS.

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

- A. Construction, maintenance, and operation will be in substantial compliance with the testimony presented by the applicant and the plans and documents, as approved, placed on file in connection with this case.

B. The grant of zoning relief is subject to compliance with all applicable provisions of the Zoning Ordinance and all other applicable legislation.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: 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: September 10, 2001

Adopted: September 24, 2001

Approved:

September 25, 2001

Lorraine H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Approved as to form:

[Signature]
Corporation Counsel