

07/10/03
07/09/03
6/23/03
04/29/2003

49-O-03

AN ORDINANCE

**Granting a Special Use for a
Planned Development at
603 Main Street/900 Chicago Avenue**

WHEREAS, 900 Chicago, LLC, (the "applicant") submitted an application with written approval from Esskay Development, LLC, property owner, in case no. ZPC 03-03PD to the City of Evanston seeking approval for a special use for a planned development at 603 Main Street/900 Chicago Avenue ("the property") pursuant to the provisions of Sections 6-3-5 "Special Uses"; 6-3-6 "Planned Developments"; 6-9-1-9 (A), "Planned Developments in the B3 Business District"; and 6-10-1-9 (A), "Planned Developments in the C1a Commercial Mixed-Used District" of the Zoning Ordinance to permit construction of a mixed-use development consisting of retail uses, parking, residential uses, and other uses permitted in the B3 and C1a Districts; and

WHEREAS, the parcel proposed for development is located in part in the B-3 Zoning District and in part in the C-1a Zoning District; and

WHEREAS, construction of the planned development as proposed by the applicant (the "Planned Development") requires development allowances from the strict application of the requirements, height, "built to lot line" yard requirements, lot area, floor area ratio, and loading berth required by the applicable zoning regulations of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 6-10-3-9, 6-9-4-7, 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 that depart from the height, "build to lot line" yard requirements, lot area, floor area, and loading berth requirements of the Zoning Ordinance; and

WHEREAS, the Plan Commission held public hearings in Case No. ZPC 03-03 PD pursuant to proper notice on February 12, 2003, March 12, 2003, and April 9, 2003 and made a written record thereof; and

WHEREAS, the Plan Commission after hearing testimony and receiving other evidence, made written findings that the application met the standards for special uses in Section 6-3-5-10 of the Zoning Ordinance, the general conditions in Section 6-9-1-9 (A) for planned developments in the B3 Business District, the general conditions for planned developments in the C1a Commercial Mixed-Use District in Section 6-10-1-9 (A), and the site controls and standards of Section 6-9-1-9 (B) of the B3 District and Section 6-10-1-9 (B) for the C1a District; and the development allowances of Section 6-9-1-9 (C) for the B3 District and Section 6-10-1-9 (C) of the C1a District; and

WHEREAS, the Plan Commission recommended approval of the application; and

WHEREAS, the Planning and Development Committee of the City Council considered the Plan Commission's record and recommendation in case no. ZPC 03-03 PD at its May 7, 2003, May 19, 2003, and June 9, 2003, and

July 14, 2003 meetings and recommended approval thereof with modifications; and

WHEREAS, the City Council considered the respective records and recommendations of the Plan Commission and the Planning and Development Committee at its May 7, 2003, May 19, 2003, and June 9, 2003, June 23, 2003 and July 14, 2003 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 findings and recommendations of the Plan Commission and the Planning and Development Committee and approves the Planned Development to permit the construction and operation on the subject property of a seven-story mixed-use development containing seventy-seven (77) dwelling units, one hundred thirty-six (136) parking spaces, with retail and other uses permitted in the B3 Business and C1a Commercial Districts, substantially in conformance with the underlying zoning district regulations, the Development Plan as approved by the City indexed in Exhibit 1 and set forth in Exhibit 2 attached hereto and made a part hereof, the terms of this Ordinance, and representations of the Applicant to the Plan Commission, the Planning and Development Committee, and City Council all on property legally described as follows:

THAT PART OF LOTS 1 THROUGH 4, BOTH INCLUSIVE IN BLOCK 1 IN GIBBS, LADD & GEORGE'S ADDITION TO EVANSTON, BEING A SUBDIVISION OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART TAKEN FOR CHICAGO,

EVANSTON & LAKE SUPERIOR RAIL ROAD COMPANY BY DEED RECORDED APRIL 29, 1886 AS DOCUMENT 711919) IN COOK COUNTY, ILLINOIS, COMMONLY KNOWN AS 603 MAIN STREET AND 900 CHICAGO AVENUE.

SECTION 2: Pursuant to Section 6-3-6-5 and Section 6-10-3-9 of the Zoning Ordinance and the terms and conditions of this Ordinance, these site development allowances are hereby granted to the Planned Development:

- A. Authority to exceed the requirements of Section 6-10-3-9 establishing the maximum height within the C1a District of sixty-seven (67) feet to allow a defined building height of seventy-six (76) feet.

The project complies with the maximum building height within the B3 District.

- B. Authority to exceed the "build-to-lot-line" yard requirements for the B3 District of Section 6-9-4-7, as authorized by Section 6-3-6-5, allowing construction on the subject property not exclusively and unrelentingly built to the lot lines along the east and south lot lines, but to provide a ground level setback from the south lot line-not to exceed 6 feet and from the east lot line-not to exceed six and one-half (6 ½) feet.

The proposed Planned Unit Development complies with the yard requirements of the C1a District.

- C. Authority to exceed the lot area requirements for the B3 District of Section 6-9-4-4, as authorized by Section 6-3-6-5, allowing the use of the subject property for seventy-seven (77) dwelling units providing three hundred forty-seven (347) square feet of lot area per dwelling unit whereas Section 6-9-4-4 requires that the zoning lot provide four hundred (400) square feet per dwelling unit and restricts the property to no more than sixty-seven (67) dwelling units.

The C1a Zoning District regulations require a lot area per unit of three hundred fifty (350) square feet.

- D. Authority to exceed the floor area ratio requirements for the B3 District of Section 6-9-4-6, as authorized by Section 6-3-6-5, allowing the use of the subject property for a maximum floor area ratio of 3.89, whereas Section 6-9-4-6 restricts the floor area ratio to 3.0.

The proposed Planned Unit Development complies with the floor area ratio requirements of the C1a District.

- E. Authority to exceed the loading berth requirements of Section 6-16-5, as authorized by Section 6-3-6-5, by reducing the required number of loading berths from two (2) to one (1).

SECTION 3: That the Applicant is required to record a certified copy of this Ordinance and the development plan at its cost in the Cook County Recorder's Office and provide a copy of same to the City's Zoning Division before any certificates of occupancy may be obtained.

SECTION 4: When necessary to effectuate the conditions imposed on the subject property by this Ordinance 49-O-03, "applicant" shall be read as "owner," "applicant's successor's in interest" and/or "operator of the use".

SECTION 5: The applicant has agreed to participate in the City's plan for the streetscape design and development of Chicago Avenue, commonly known as the Chicago Avenue Plan, by a contribution thereto in the amount of \$70,000.

SECTION 6: The applicant and/or the condominium association as established by a Declaration of Condominium Ownership for 900 Chicago shall plant and maintain in good and sightly condition terrace planters as indicated on Exhibit 2. The applicant agrees that any plant planted in the terrace planters that dies or fails to thrive (each a

"Failed Plant") shall be replaced during the earliest available planting season thereafter. If applicant shall not so replace the Failed Plants, applicant shall pay a fine of \$500 to the City. The procedure in connection with the Failed Plants shall be as follows:

1. The City shall notify applicant in writing of its obligation to replace a Failed Plant or Plants (the "Landscape Notice").
2. Within thirty (30) days after the date of receipt of the Landscape Notice (the "Replanting Period"), applicant shall either (i) replace each Failed Plant, or (ii) if a replacement therefor is not available or if the weather does not permit planting within the replanting period, notify the City in writing (the "Extension Notice") of the circumstances preventing it from planting a Failed Plant and its reasonable estimate of the time period in which a replacement plant will be available and/or the weather will permit planting, which in no event shall be longer than two hundred seventy (270) days from the date of receipt of the Landscape Notice (the "Extended Replanting Period"). If the City disagrees with the applicant's estimate, the City and applicant shall work together to arrive at a reasonable time period, which time period shall then be referred to as the Extended Replanting Period. If applicant shall fail to replant a Failed Plant within the Replanting Period, or the Extended Replanting period if applicant shall have delivered an Extension Notice, then applicant shall pay a fine to the

City of \$500.00 within thirty (30) days after expiration of the Planting Period or Extended Planting Period, as the case may be.

3. Applicant shall from time to time notify the City of its notice address for purposes of this provision. Said address is as follows:

900 Chicago, LLC
Matthews Development Corporation, Manager
814 N. Franklin, #301
Chicago, Illinois 60610

SECTION 7: The applicant shall construct and maintain the structure on the subject property in accordance with the materials indicated in the Development Plan and the design elements identified and incorporated herein as Exhibit 2, including the following:

1. The street frontages on the ground floor shall be used for retail, commercial, office and accessory residential uses consistent with the regulations of the underlying zoning districts.
2. At the ground level the façade shall be set back in the following manner:
 - a) From the south lot line, a distance ranging from no less than six (6) feet at the southeast corner of the building to two- and four-tenths (2.4) feet at the southwest corner of the building;
 - b) From the east lot line, a distance ranging from not less than six (6) feet at the southeast corner of the building to not less than five (5) feet at the northeast corner of the building.
3. Above ground level the south and east faces of the building shall be situated relative to the property lines in the following manner:

- a) On the second level through the sixth level the building wall shall return to the property line approximately fifteen (15) feet above the sidewalk along the south lot line and along the south eighty-seven (87) feet of the east lot line.
 - b) On the third level through the seventh level (3rd – 7th) on the east side of the building, north of a point at or above-eighty-seven feet north of the south building façade at level three, north to the north end of the building, the east wall face shall be setback from the east property line a distance of not less than eight (8) feet west.
 - c) On the seventh (7th) level the building wall shall be set back not less than six feet north of the south lot line.
 - d) On the seventh (7th) level the building wall shall be set back not less than eight feet east of the east lot line.
4. Parking areas, except for entrances and exits shall not be visible at the ground level.
 5. All brick visible from the public way shall be substantially consistent with the domestic residential size (Norman), quality and color of Glen Garry's Tuscan series in Smokey Quartz color; shall be laid with deeply raked joints and shall have smooth exposed faces.
 6. The structure of the building shall be precast concrete columns and spandrels which shall be visible as part of the building's architectural finish and shall be similar in appearance to limestone.
 7. Decorative metal (except for the ornamental grillage on the east façade) shall be finished in Kynar 500 Zinc finish and shall be used on the entrance canopy and the fascia cap at the top of the seventh (7th) story.

8. The south façade shall include at the top of the ground or arcade level a back-lit translucent glass element not less than one (1) foot in height.
9. The building shall have a pre-case spandrel beam profile containing architectural details and reveals.
10. The west elevation at the third floor and above shall feature the same finishes as used on the building's street sides, including brick and pre-cast details.
11. At and above the third (3rd) level, windows along the south and east sides of the building shall have the following characteristics:
 - a) Windows and masonry openings shall have pre-cast sills;
 - b) Windows will be approximately six (6) feet high and will vary slightly in width;
 - c) Windows shall be operable in awning style, be hinged at the top and shall have an opening limited to approximately six (6) inches;
 - d) Screens shall be installed on the interior of the building as part of the awning windows;
 - e) Windows on the upper levels shall be factory finished aluminum matching Benjamin Moore color 1484.
12. The garage doors shall have the following characteristics:
 - a) The garage doors shall feature translucent glazing.
 - b) The garage door at the north end of the east façade, serving the ground floor on the lower level and the upper residential levels, shall be set back

not less than twenty (20) feet from the east lot line, and shall be operated by proximity sensor and remote control.

- c) The garage door at the west end of the south façade, serving the residential units, shall be set back not less than two (2) feet from the south property line and shall be activated by remote control operated by vehicle drivers.
13. The owner of the commercial property shall offer, for consideration, the use of commercial parking, after normal business hours, as valet parking for local restaurants in the parking spaces otherwise used for the commercial, retail, or office uses in the building.
14. The southeast corner of the building on the third through the sixth (3rd – 6th) level shall feature open balconies integrated into the building.
15. Exhaust from the parking levels shall be vented from the west wall of the building.
16. Areas for the storage of trash and bicycles, and loading areas shall all be contained within the building and shall not be visible from the public way.
17. Ground floor commercial, retail, and office uses shall have pedestrian ingress and egress to the public way from the east and south external walls of the building.
18. Any emergency generator shall be enclosed within the structure.

19. Utility connections to the building shall, to the greatest extent possible, not be visible from the Main Street or Chicago Avenue rights-of-way.
20. Not less than two (2) exterior water supplies will be available at ground level to provide water for landscape trees planted for the Chicago Avenue and Main Street streetscape program, as designed by the City.
21. Signage area shall be provided above the ground level glass in a decorative metal band not less than eighteen (18) inches high with Kynar 500 Zinc finish.

SECTION 8: The applicant shall construct, implement and maintain safety devices and procedures for direction and control of vehicular and pedestrian traffic on the subject property and at those to entrances and exits where vehicles enter or leave the public way. The applicant shall place and maintain stop signs at all points of vehicular egress from the subject property. Left turns into and out from the westernmost vehicular exit onto Main Street shall be prohibited. Signage requiring "right turn only" shall be installed-and maintained at this vehicular exit onto Main Street. Vehicular exits shall be equipped with such traffic safety devices as required by the City Traffic Engineer to implement the terms of this ordinance.

SECTION 9: The applicant developer subject to the approval of the Director of Community Development shall have the right to substitute materials substantially similar in appearance to those materials specified herein, provided, however, that such materials shall be of quality equal to or greater than those specified.

SECTION 10: The applicant or its general contractor shall notify the Building Department of the City of Evanston of its intent to construct, install or apply any of the design elements specified in Section 7 hereof so that the Director of Community Development may ascertain that such materials or design features conform to the specifications of this ordinance and the exhibits made a part hereof.

SECTION 11: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12: That this Ordinance shall be in full force and effect from and after its passage, publication, approval, and publication in the manner provided by law.

Introduced: May 19

Adopted: July 14, 2003

Approved:

July 22, 2003
Lorraine H. Driscoll
Mayor

ATTEST:

Mary J. Harris
City Clerk

APPROVED as to form:

[Signature]
Corporation Counsel

Ayes 6

Nays 2