

29-O-04

AN ORDINANCE

**GRANTING A SPECIAL USE FOR A
PLANNED DEVELOPMENT IN THE B3 BUSINESS
DISTRICT AT 413-421 HOWARD STREET**

WHEREAS, Bristol Chicago Development, LLC ("Applicant"), as contract purchaser of the property commonly known as 413-421 Howard Street ("subject property"), sought approval of a special use for a planned development (the "Planned Development") pursuant to Section 6-9-4-3 of the Zoning Ordinance in case no. ZPC 04-1-PD to construct multi-family dwellings located in a B3 Business District; and

WHEREAS, construction of the Planned Development as proposed by the Applicant requires the granting of a special use to allow for multiple-family dwellings and the granting of site development allowances and exceptions to development allowances for the number of dwellings, floor area ratio, building height, yard requirements, parking, and build-to-lot-line and ground floor retail/service use requirements; and

WHEREAS, the Plan Commission conducted a public hearing on January 14, 2004 and February 11, 2004, pursuant to proper notice in said case no. ZPC 04-1-PD making a written record thereof, and certain findings of fact that the proposal meets the standards for special uses in Section 6-3-5-10, the conditions for planned developments in B3 Business Districts in Section 6-9-1-9 (A), the site controls and standards of Section 6-9-1-9 (B), and the development allowances of Section 6-15-1-9 (C), and achieves the public benefits in Section 6-3-6-3, and

recommended that the Planned Development be approved, subject to certain conditions; and

WHEREAS, the Planning and Development Committee of the City Council considered and adopted the record and recommendations of the Plan Commission with amendments at its February 23, 2004 and March 8, 2004 meetings and recommended approval of the application; and

WHEREAS, the City Council considered and adopted the respective records and recommendations of the Plan Commission, as amended, and the Planning and Development Committee at its February 23, 2004 and March 8, 2004 meetings, and

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

SECTION ONE: That the foregoing recitals are found as fact and made a part hereof.

SECTION TWO: That the aforescribed Special Use for a Planned Development, case no. ZPC-04-1-PD, be and it is hereby approved to permit the construction and operation on the subject property of a multi-story residential building substantially in conformance with the B3 Business District regulations, as they may have been modified by this Ordinance 29-O-04, the Development Plan as approved by the City, and the terms of this Ordinance 29-O-04, all on property commonly known as 413-421 Howard Street, legally described in Exhibit A attached hereto and made a part hereof.

SECTION THREE: Development and operation of the Special Use for a Planned Development granted hereby shall be in substantial conformity with the Development

Plan attached hereto as Exhibit B and made a part hereof, except as said Plan is modified by this Ordinance 29-O-04. Said Development Plan includes and provides for the following:

- a) 221 dwelling units, by grant of an exception to the site development allowance in Section 6-9-4-4 for the B3 District. Without the exception, the number of dwelling units allowed as a matter of right on this 28,412 square-foot lot is 71. Of the 221 dwelling units, 169 will be either one-bedroom or studio units and 52 will be two-bedroom units;
- b) By grant of an exception to Section 6-9-4-8, a height of 170 feet to the top of the roof (180 feet to the top of the elevator penthouse) of which 40 feet are excluded for parking for a defined building height of 130 feet. Without the exception to this site development allowance, the maximum allowed building height in the B3 District is 85 feet with certain exclusions, or a maximum height of 97 feet not including the 40-foot parking exclusion;
- c) A defined gross floor area by grant of an exception to Section 6-9-4-6 (excluding parking, loading, mechanicals, and uses accessory to the building) of 206,000 square feet, resulting in a floor area ratio of 7.25. Without the exception, the B3 District planned development allowances provide for an increase of 1.0 over the number allowed as of right, or an increase of approximately 28,412 square feet to 114,417 square feet or a FAR of 4.00;
- d) 245 parking spaces, by grant of an exception to Section 6-16-3, which requires 289 parking spaces, with 211 ½ required for 169 one bedroom and studio units, plus 78 required for 52 two-bedroom units;
- e) An exception to Section 6-16-2-10 which requires parking structures in the B3 District to include retail or service uses at the ground level of all portions fronting a dedicated public street, to allow for the planned development granted hereby to locate parking and other accessory functions of the multi-family use at the ground level of the parking structure fronting Howard Street;
- f) A site development allowance to Section 6-9-4-7 to allow an intermittent front setback of one foot instead of the build-to-property-line, requirement of that provision;

- g) A site development allowance from Section 6-9-4-7 to allow for a rear yard of zero feet, instead of the required minimum rear yard when abutting a non-residential District in the B3 Business District;
- h) A site development allowance to Section 6-16-2 to allow parking aisle widths as narrow as 22 feet and module widths as narrow as 58 feet. Without the site development allowances, the requirement is for 90°-parking spaces opening on to aisles with two-way traffic to provide an aisle width of 24 feet and a module width of 40 feet.

SECTION FOUR: That pursuant to Section 6-3-6-6 of the Zoning Ordinance, modifications to the site development allowances set forth in Section 6-9-1-9 (C) of the Zoning Ordinance in excess of those established in the B3 Business Zoning District, are hereby allowed, the City Council adopting the Plan Commission's findings and that said site development allowances are necessary to achieve the following public benefits set forth in Section 6-3-6-3:

- a) The subject property lacks desirable site characteristics and open space.
- b) The subject property, covered with dilapidated paving punctuated with weed intrusions, lacks natural vegetation, and has no noteworthy topographic and geologic features.
- c) The subject property has no historic and natural resources and makes no contribution to the positive character of the City, but rather encourages the appearance of decay and dis-investment in this portion of the City.
- d) The proposed development incorporates a design that strives to maximize a pleasing appearance and to make a statement showing private investment in the neighborhood on a site rendered difficult because of narrow and steep access through the present alley system.
- e) The project will provide an addition to the City's quality housing supply in an area lacking in new multi-family construction, and the project also will increase the supply of rental dwellings.
- f) Replacement of an untended vacant lot on a major thoroughfare with new housing with close access to a major transportation hub

will enhance the vitality of the area, provide pedestrian traffic, and draw new businesses to the area, and provide a visible statement of economic investment.

- g) The proposed development will enhance the Howard Street tax base by increasing the taxable value of the subject property, heightening the development potential of the surrounding properties, and by providing shoppers and increased pedestrian traffic for the enhancement of the Howard Street retail district.
- h) The development will encourage the use of public transportation systems by placing new housing close to a major transit hub currently undergoing renovation and is a positive example of transit-oriented development calculated to reduce traffic volumes in the region. The development has no negative impact on public services or resources, but rather improves the City's ability to provide these.

SECTION FIVE: Construction of the Planned Development as set forth in the approved Development Plan and this Ordinance shall be subject to the following conditions:

- a) In accordance with representations of the Applicant to the Plan Commission, the Planning and Development Committee, and the City Council.
- b) Construction of the Planned Development as set forth in the Development Plan and this Ordinance shall be subject to the Site Plan and Appearance Review provisions of the City Code and all other applicable codes, regulations and legislation.
- c) At the "base" portion, ground to 4th floor, of this Planned Development, the south elevation and return of one bay at both the east and west elevations are to have brick cladding in 2 colors; accented with limestone / cast stone. All the brick veneer is to be either Norman or Standard size brick. One brick color (brick type "A") is to be the primary facing material used, with a blend of a darker brick color (brick type "B") used at accent and spandrel locations. Ground floor level areas will include thermally broken prefinished aluminum framing and insulated glazing. Glass is to be either clear (vision) or ceramic frit patterned translucent / opaque, depending on location. Entrance doors shall be of glass and stile / rail construction; set in prefinished aluminum framing to match window frame color. Parking level exterior openings along Howard

Street will be prefinished aluminum framing with a combination of perforated metal panel and spandrel glass infill. Canopy element shall be included at ground level to assist in breaking down the base's scale along Howard Street. The north elevation and the remainder of the east and west elevations at the building's base will be architectural cast in place concrete columns, beams and slab edges with acrylic waterproof coating in 2 colors. The infill walls at the east and west elevations will be masonry block. At the ground floor, this masonry will be finished with paint, while at the levels above, it will be finished with either paint or exterior synthetic plaster finish system. Open wall areas of the naturally ventilated parking garage at north elevation are to have highway crash barrier rails. In the event that the garage requires mechanical ventilation, pursuant to applicable codes adopted by the City, the north walls will be infilled, similar to the east and west parking levels with prefinished architectural louvers integrated onto the east elevation. Further development of forms and materials will be in accordance with Attachment B, attached hereto and made a part hereof.

- d) At the "Tower" portion (5th – 17th floors) of this Planned Development, the exterior walls, spandrels, piers and balconies are to be articulated (horizontal and vertical reveals) architectural cast in place concrete with acrylic waterproof coating in 2 colors. Residential balconies will be approximately 5' deep x 9' - 6" wide with prefinished perforated metal railings. The patio doors will be glass with prefinished aluminum framed doors will allow access to the balconies. Typical residential windows will be in-swing hopper units below fixed upper units consisting of thermally broken prefinished aluminum framing and insulated glazing. Although some window sizes may vary, the majority of "Tower" windows will be approximately 6' wide x 7' high in size. Ornamental aluminum mullion extensions are to be located as shown on north and south elevations in Exhibit B to express the building's verticality.
- e) The main residential entry will be located on Howard Street. Entry to the parking garage will be located on Howard Street, near the west end of the Site with overhead sectional doors controlled by automated entry devices. Laminated glass ceiling canopy elements will be located along Howard Street for purposes of creating a pedestrian scale and maximize natural light at sidewalk level.
- f) This Planned Development will conform its streetscape sidewalk and landscape to the streetscape developed through the joint efforts of the City of Evanston and the City of Chicago along Howard Street. Proposed Conceptual streetscape elements include colored concrete sidewalks (one color) with saw cut joints, flush

wrought iron tree grates and waterproof outlet (for seasonal decorations) at each sidewalk tree location. The existing decorative street lighting and fixture types along Howard Street will be maintained (light pole relocation may be necessary based on new construction requirements). Integral raised landscape planters will be located adjacent to the parking areas along Howard Street. Each planter will be irrigated and have a waterproof outlet for seasonal decorations. Conceptual landscape areas will be as shown in Exhibit B. The fifth floor level rooftop landscaping will consist of planter boxes as conceptually shown in Exhibit B. The obligation to maintain, repair and replace such landscaping shall be an obligation of either the building owner or the condominium association to be formed to administer the subject property, which obligation shall be contained in the Declaration of Condominium for the subject property and not be subject to amendment without the prior written consent of the City. The Applicant shall warrant the parkway trees to be planted along Howard Street for a period of one (1) year after such plantings are established and accepted by the City in connection with the City's customary review and acceptance procedures for public improvements installed by private developers. After the warranty obligations of the Applicant are fulfilled, maintenance, repair and replacement of the accepted parkway trees shall revert to the City.

SECTION SIX: No building permit for initial construction shall issue without the City having first received evidence satisfactory to it that the Applicant is either the owner of the subject property or a limited liability company in which either Applicant or William Walsh is either a member or manager.

SECTION SEVEN: All requirements applicable in the B3 Business 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 requirements have been modified by this Ordinance.

SECTION EIGHT: References herein to the "Owner" shall in all cases mean Bristol Chicago Development, LLC and any and all successor owners and operators of the subject property, as applicable.

SECTION NINE: Applicant is required to record at its cost a certified copy of this Ordinance along with the development plan attached in the Cook County Recorder's Office and to provide a copy of same to the City's Zoning Administrator before any permits may be obtained.

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

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

AYES: 9

NAYS: 0

Introduced: February 23, 2004

Adopted: March 8, 2004

Approved: March 9, 2004

Suzanne H. Norton
Mayor

ATTEST:

Mary P. Morris
City Clerk

Corporation Counsel:
[Signature]

EXHIBIT A TO ORDINANCE 29-O-04

PARCEL 1:

ALL THAT PART OF SOUTH 6.25 CHAINS OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON A LINE PARALLEL TO AND 33 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST 1/4 AT A POINT 153.46 FEET EAST OF THE EASTERLY LINE OF CLARK ST., NOW KNOWN AS CHICAGO AVE., THENCE EAST ALONG SAID LAST MENTIONED LINE 97.41 FEET; THENCE NORTH A DISTANCE OF 85 FEET TO THE SOUTH LINE OF AN EAST AND WEST ALLEY; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 97.41 FEET, THENCE SOUTH A DISTANCE OF 85.00 FEET TO POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

ALL THAT PART OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING ON A LINE PARALLEL TO AND 33 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST 1/4 AT A POINT 350.87 FEET EAST OF THE EASTERLY LINE OF CLARK ST. (NOW KNOWN AS CHICAGO AVE.); THENCE EAST ALONG SAID FIRST MENTIONED LINE 100 FEET; THENCE NORTH A DISTANCE OF 85 FEET TO THE SOUTH LINE OF AN EAST AND WEST ALLEY; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 100 FEET; THENCE SOUTH A DISTANCE OF 85 FEET TO THE POINT OF BEGINNING;

PARCEL 3:

THE EAST 100 FEET OF THE WEST 197.41 FEET OF THOSE PARTS OF THE SOUTH 6.25 CHAINS OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; TO WIT:

BEGINNING ON A LINE PARALLEL TO AND 33 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST 1/4 AT A POINT 153.46 FEET EAST OF THE EASTERLY LINE OF CLARK ST. (NOW KNOWN AS CHICAGO AVE.); THENCE EAST ALONG SAID LINE 546.91 FEET TO THE WESTERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY, 115.29 FEET TO A POINT 118 FEET DUE NORTH OF THE SOUTH LINE OF SAID NORTHEAST 1/4; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 469.02 FEET; THENCE SOUTH 85 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS; AND

PARCEL 4:

THE TO BE VACATED EAST-WEST ALLEY LYING NORTH OF AND ADJOINING PARCELS 1, 2 AND 3 ABOVE, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

ALL THAT PART OF SOUTH 6.25 CHAINS OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT 33 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST 1/4 AND 153.46 FEET EAST OF THE EASTERLY LINE OF CHICAGO AVE.; THENCE NORTH A DISTANCE OF 85 FEET TO THE POINT OF BEGINNING; THENCE EAST PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 297.41 FEET; THENCE NORTH A DISTANCE OF 16 FEET; THENCE WEST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 297.41 FEET; THENCE SOUTH A DISTANCE OF 16 FEET TO POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

**EXHIBIT B TO ORDINANCE 29-O-04
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Exhibit B Includes:

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SK-006	Level 5 Plan	3/1/04
SK-006.1	Typical Floor Plan (6-17)	3/1/04
SK-007	South Elevation	3/1/04
SK-008	East and West Elevations	3/1/04
SK-009	North Elevation	3/1/04
SK-010	Southeast Perspective	3/1/04
SK-011	Howard Street Residential Tower (ground level partial south perspective)	3/1/04
SK-012	Northeast Perspective	3/1/04