

**66-O-04**

**AN ORDINANCE**  
**Extending and Modifying the Special Use Permit**  
**Granted to Sherman Plaza Venture, L.L.C.**  
**for a Mixed-Use Planned Development**  
**in the D3 Downtown Development Zoning District**

**WHEREAS**, by Ordinance 145-O-99 adopted on October 10, 2000, the City Council granted a special use to Sherman Plaza Venture, LLC ("Sherman Plaza") for a Planned Development in the D3 Downtown Development Zoning District ("D3 Zoning District") situated generally between Church Street on the north, Davis Street on the south, Sherman Avenue on the east, and Benson Avenue on the west; and

**WHEREAS**, the City Council approved the Redevelopment Agreement with Sherman Plaza by Ordinance 81-O-01 adopted on July 9, 2001, and the therein-contained modifications to the special use for Planned Development; and

**WHEREAS**, the City Council approved the First Amendment to the Redevelopment Agreement by Ordinance 105-O-01 adopted on October 22, 2001; and

**WHEREAS**, the City Council approved the Second Amendment to the Redevelopment Agreement by Ordinance 99-O-02 on October 28, 2002; and

**WHEREAS**, the City Council approved the Third Amendment to the Development Plan by Ordinance 61-O-04, adopted on June 28, 2004 and the therein-contained modifications; and

**WHEREAS**, Section 6-11-10(A)4 of the Zoning Ordinance provides that a special use permit for a Planned Development shall not be valid for a period longer than one year unless a building permit is issued and construction is begun during that period; and

**WHEREAS**, the City Council adopted Ordinance 88-O-02 on September 23, 2002, which granted a one- (1) year extension of the special use for Planned Development pursuant to Section 6-11-10(A)4 of the Zoning Ordinance; and

**WHEREAS**, no building permit has been issued for the subject Planned Development; and

**WHEREAS**, Section 6-11-1-10(A)4 provides that the City Council may at any time, for good cause shown, extend the one-year period for such time it shall determine; and

**WHEREAS**, the economic and social benefits to the citizens of Evanston and downtown merchants and visitors from the Sherman Plaza Planned Development will be substantial; and

**WHEREAS**, Sherman Plaza is invested in, and committed to, the Planned Development; and

**WHEREAS**, the development pursuant to said Redevelopment Agreement, and the fulfillment generally of the Agreement, are in the vital and best interests of the City and the health, safety, and welfare of its residents and taxpayers; and

**WHEREAS**, good cause exists for extending the special use permit for the Sherman Plaza Planned Development; and

**WHEREAS**, the Plan Commission held a public hearing on May 26, 2004 on application of Sherman Plaza Venture, L.L.C. in case no. ZPC 99-8 to consider modifications to the aforescribed Planned Development to allow certain site benefit allowances and modifications to exceed site development allowances necessary to

achieve public benefits which allow certain exceptions to the requirements of the D3 Zoning District; and

**WHEREAS**, the Plan Commission heard testimony and received other evidence, made a written record of its proceedings and certain findings of fact that the application met the standards for site benefit allowances, site development allowances, and modifications to site development allowances to exceed such allowances set forth in Section 6-11-1-4, Section 6-11-4-7, and Section 6-11-4-8, and authorized by Section 6-3-6-5 and Section 6-3-6-6.

**WHEREAS**, the Plan Commission recommended City Council approval of the application; and

**WHEREAS**, the Planning and Development Committee of the City Council considered and adopted the Plan Commission's record and recommendations at its June 14, 2004 meeting and recommended City Council approval thereof; and

**WHEREAS**, the City Council considered and adopted the respective records and recommendations of the Plan Commission and the Planning and Development Committee at its June 14, 2004 meeting, introducing and adopting this Ordinance 66-O-04 on that date,

**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 facts and made a part hereof.

**SECTION 2:** Development and operation of the special use for the subject Planned Development approved by Ordinance 145-O-99 with the aforescribed amendments shall be in substantial conformity with the schedule for development and completion in the Redevelopment Agreement approved by Ordinance 61-O-04 on property legally described in Exhibit 1 attached hereto and made a part hereof, which comprises the property bounded by Sherman Avenue, Church Street, Benson Avenue and Davis Street.

**SECTION 3:** The following site development allowances are hereby authorized pursuant to Section 6-3-6-5 for this Planned Development:

(A) A site development allowance to Section 6-11-1-4 to allow structures along Church Street, Davis Street, Benson Avenue and Sherman Avenue without the ziggurat setbacks required for Downtown Zoning Districts:

(1) The residential and retail building (identified as "South Retail" in the exhibits to the application, which application is incorporated herein by reference, made a part hereof) in the southeast quadrant of the development area built to the lot line at a height of two hundred thirty-two and thirty-three hundredths (232.33) feet along Sherman Avenue, is approximately seventy-one and thirty-three hundredths (71.33) feet at the lot line along Davis Street, and rises to two hundred fifteen (215) feet above this height set back less than forty (40) feet from the Davis Street frontage.

(2) The retail building (identified as "North Retail" in the exhibits to the application) rises to forty-three and sixty-seven hundredths (43.67) feet at a setback from the lot line along Sherman Avenue of five and thirty-three hundredths (5.33) feet, and is at the lot line along Church Street at a height of fifty and forty-two hundredths (50.42) feet.

(3) The pedestrian passage from the parking garage to Sherman Avenue is set back from the lot line along Sherman Avenue and is approximately eighty-eight and twenty-five hundredths (88.25) feet tall.

(4) The parking garage and retail building (identified as "West Garage" in the exhibits to the application, made a part hereof) has a height of approximately one hundred forty-

three and forty-two hundredths (143.42) feet at approximately the lot line along Benson Street and Davis Street.

(B) A site development allowance to Section 6-11-4-7, allowing construction of the subject Planned Development not built to the lot lines along the front lot line and the side lot line abutting a street.

(C) A site development allowance to Section 6-11-1-10(C), modifying Section 6-11-4-8 as authorized by Section 6-3-6-6, to allow the following maximum building heights greater than the permitted building height maximum of eighty-five (85) feet, with the exclusion of up to four (4) floors or forty (40) feet of a floor seventy-five percent (75%) or more of the floor area of which is devoted to parking.

(1) The South Retail building, which is a residential and retail building that is two hundred eighty-one and eight hundred thirty-three thousandths (281.833) feet to the highest point of the structure and two hundred sixty and eighty-three hundredths (260.83) feet to the top of the roof of the highest occupied floor;

(2) A portion of the structure containing a pedestrian passage, elevators, and stair tower with a height of one hundred seventy-one and fifty-eight hundredths (171.58) feet; and

(3) A public garage with a height of one hundred forty-three and forty-two hundredths (143.42) feet to the top of the structure and one hundred thirty-seven and sixty-seven hundredths (137.67) feet to the top of the top parking deck.

**SECTION 4:** That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, which provides that the City Council may impose conditions on the grant of special uses, the following conditions are hereby imposed. When necessary to effectuate said conditions and limitations, "applicant" shall be read as "owner" or "operator".

(A) Development and use of the subject property shall be in substantial compliance with all applicable legislation, with the testimony and representations of the applicant to the Plan Commission, Planning and Development Committee, and City Council and with the approved plans and documents on file in this case, included but not limited to the Development Plan indexed and attached as Exhibit 2 and made a part hereof.

**SECTION 5:** 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 6:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Ayes: 7

Nays: 0

Introduced: June 14, 2004

Adopted: June 14, 2004

Approved: June 15, 2004

Lorraine H. Morton  
Lorraine H. Morton, Mayor

ATTEST:

Mary J. Morris  
City Clerk

Approved as to form:  
[Signature]  
Corporation Counsel

EXHIBIT 1 TO ORDINANCE 66-O-04

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.



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