

10/25/2005
10/17/2005
10/5/2005

118-O-05

AN ORDINANCE

**Granting a Special Use for a
Planned Development in the
D3 Downtown Core Development District
at 1567 Maple Avenue**

WHEREAS, Winthrop Properties, LLC, (the "Applicant"), owner of the Property commonly known as 1567 Maple Avenue (the "Property"), submitted an application seeking approval for a special use for a planned development (the "Planned Development") pursuant to the provisions of Section 6-3-5 "Special Uses", Section 6-3-6 "Planned Developments", Section 6-11-1-10, "Planned Developments" (the D3 Downtown Core Development District) ("D3 District"), Section 6-11-4-3, "Special Uses" (a D3 District) of the Zoning Ordinance to permit construction and operation of a mixed-use development at the Property consisting of retail, parking, multi-family residential, and other uses permitted in the D3 District; and

WHEREAS, the Plan Commission held public hearings on the proposed Planned Development, case no. ZPC 04-10-PD, pursuant to proper notice on July 22, 2004, August 11, 2004, and September 8, 2004, heard testimony and received other evidence, made a *verbatim* transcript, written findings, and recommended that City Council deny the application; and

WHEREAS, on February 14, 2005, at the Applicant's request for an opportunity to prepare and present a revised application for consideration, the

Planning and Development Committee of the City Council referred the application back to the Plan Commission; and

WHEREAS, the application as revised and presented to the Plan Commission sought one hundred twenty-six (126) dwelling units, a floor area ratio of 5.6, a height of one hundred eighty feet and five inches (180'5"), one short loading berth, and a frontage along Elmwood Avenue devoted exclusively to non-commercial uses; and

WHEREAS, the Plan Commission conducted hearings on the revised application on June 8, 2005, June 22, 2005, July 13, 2005, and August 10, 2005, and voted to recommend that City Council deny the application; and

WHEREAS, the Applicant further revised its application for consideration by the Planning and Development Committee by decreasing the ceiling height of each floor for a total reduction in height of twenty-seven (27) feet; and

WHEREAS, the Planning and Development Committee conducted further public hearings on September 12, 2005 and September 26, 2005, October 10, 2005, and October 24, 2005, received testimony and other evidence, and voted to reject the Plan Commission's recommendation and recommend City Council approval of the application as revised after the August 10, 2005 Plan Commission meeting; and

WHEREAS, at its October 24, 2005 public hearing, the Planning and Development Committee made findings applicable to approval of a planned development in the D3 District; and

WHEREAS, construction of the Planned Development, as amended by the Applicant and approved by the City Council, requires development allowances from the strict application of the requirements of the Zoning Ordinance pertaining to height, floor area ratio, minimum square footage per dwelling unit, off-street loading, and pertaining to retail or service uses at the ground level of any portion of a parking garage; and

WHEREAS, pursuant to Sections 6-3-6-5 and 6-3-6-6 of the Zoning Ordinance, the City Council may approve a planned development with site development allowances that depart from the strict application of the Zoning Ordinance; and

WHEREAS, at its October 10, 2005 meeting, the Planning and Development Committee recommended City Council approval of the Planned Development after making findings that the proposed Planned Development, as last amended by the Applicant and with certain conditions upon the grant, meets the standards for special uses set forth in Section 6-3-5-10 of the Zoning Ordinance; achieves the public benefits of a planned development indicated in Section 6-3-6-3 of the Zoning Ordinance; addresses the general conditions for planned developments in a D3 District in Section 6-11-1-10 of the Zoning Ordinance, the site controls and standards for a D3 District in Section 6-11-1-10(B) of the Zoning Ordinance, and the development allowances for a D3 District in Section 6-11-1-10(C) of the Zoning Ordinance; and

WHEREAS, the City Council, at its October 10, 2005 and October 24, 2005 meetings, considered and adopted the record evidence of the Plan Commission

and the record, findings, and recommendation of the Planning and Development Committee,

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: That the City Council hereby finds that the proposed Planned Development as last revised meets the standards for special uses set forth in Section 6-3-5-10 of the Zoning Ordinance.

1) Planned developments are a listed special use in Section 6-11-4-3 in the D3 Downtown Core Development District.

2) The requested special use is in keeping with purposes and policies of the Comprehensive General Plan (CGP) and the Zoning Ordinance. The Property is located within the D3 Downtown Core Development District. The proposed mixed-use office and multi-family residential use is consistent with the types of development intended for this District. The purpose statement for the D3 District states, "the D3 Downtown Core Development District is intended to provide for the highest density of business infill development and large-scale redevelopment within downtown Evanston... Planned developments are an encouraged special use in this D3 district." The subject Property is located within the Central Business District area identified by the CGP as having a "mixture of office, retail, entertainment, institutional, and residential uses."

3) The requested special use will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole. The Planned Development approved hereby will create additional pedestrian traffic and thereby contribute to the economic and social well-being of the City's downtown.

4) The requested special use does not interfere with or diminish the value of property in the neighborhood. The addition of approximately one hundred twenty-six (126) additional residences to the downtown area will strengthen the City's tax base and contribute to the City's downtown as a destination.

5) The requested special use can be adequately served by public facilities and services. The development is within a short walk of a major transportation center served by two trains as well as busses.

6) The requested special use does not cause undue traffic congestion. The development is located adjacent to existing commuter rail and public transit lines. All parking and loading facilities will be accessed from Elmwood Avenue, and no curb cuts will be added along Maple Street. Vehicular access will be located along Elmwood Avenue which does not have significant pedestrian traffic.

7) The requested special use preserves significant historical and architectural resources. This standard is inapplicable.

8) The requested special use preserves significant natural and environmental features. The Applicant will establish and maintain landscaping on the railroad embankment abutting Elmwood Avenue to the east. These plantings will help maintain stability of the soil and beautify a hitherto plain site.

9) The requested special use complies with all other applicable regulations of the District in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation. The approved Planned Development includes site development allowances and exceptions thereto to bring the structure within applicable regulations. The permitting and inspectional processes are designed to provide additional assurance of Code compliance.

SECTION 3: That the City Council finds that the proposed Planned Development as last revised meets the standards for achieving the public benefits set forth in Section 6-3-6-3, as follows:

1) The Planned Development preserves and enhances natural resources that significantly contribute to the City's character through the Applicant's commitment to beautify the railroad embankment adjacent to Elmwood Avenue with landscaping.

2) The Planned Development provides a variety of housing types in accordance with the City's housing goals by adding housing types in one, two, and three bedrooms as well as affordable housing components. The Applicant will donate one hundred fifty thousand dollars (\$150,000.00) to the Mayor's Special Affordable Housing Fund.

3) The Planned Development enhances the local economy and strengthens the tax base by the positive economic impacts of construction. Residential uses in the City's downtown will bring more pedestrian traffic to the downtown and increase patronage at restaurants and other businesses and commercial enterprises.

SECTION 4: That the City Council hereby finds that the proposed Planned Development as last revised meets the general conditions for Planned Developments in the Downtown District set forth in Section 6-11-1-10(A), as follows:

1) The Planned Development will be compatible with surrounding development, and will not exercise any influence contrary to the purpose and intent of the Zoning Ordinance, as stated in Section 6-1-2, owing to height, bulk, or scale. This is a downtown district which permits planned developments of this scale.

2) The proposed Planned Development will enhance the existing Downtown District by:

a) Preserving character-giving buildings. This standard is not applicable.

b) Enhancing existing streetscape amenities. This development will improve the streetscape on both Elmwood Avenue and Maple Avenue by providing retail and streetscape improvements, including the beautification of the Elmwood Avenue railroad embankment with plantings to enhance the pedestrian experience.

c) Maintaining retail continuity where prominent. Retail does not now exist in this area, and the Planned Development will provide retail on Maple Avenue.

d) Strengthen pedestrian orientation and scale. The Planned Development will provide landscape, streetscape, and a retail component.

e) Contribute to mixed-use vitality. This Planned Development will bring additional pedestrians to the neighborhood and, as a mixed-use building, provide retail and residential use.

3. The Planned Development and all landscaping must be compatible with and implement the Comprehensive General Plan, a plan for downtown Evanston, any adopted land use or urban design plan, the Zoning Ordinance, and any other pertinent City planning and development policies, particularly in terms of:

a) Land use. This is a downtown district.

b) Land use intensity. This is a downtown district and the Planned Development and all the landscaping proposed are compatible with existing structures and uses.

c) This Planned Development adds to the housing stock and adds affordable housing to the housing stock in the Downtown District.

- d) Preservation. This standard is inapplicable.
- e) Environmental and urban design. The LEED program which is planned for this development is particularly environmentally friendly, and this design is also compatible with the urban design of downtown.
- f) Traffic impact and parking on schools, public services, and facilities. Parking is provided in accordance with the zoning regulations in the Downtown District.
- g) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on the tax rolls.

SECTION 5: That the City Council hereby finds that the site controls and standards for planned development in downtown districts in Section 6-11-1-10(B) are met:

1) Walkways shall be logical, safe, and convenient. The site plan shall segregate pedestrian and motor vehicle ways. The Planned Development is so designed that pedestrian traffic and vehicular traffic have been separated through design and placement of entrances and exits. The Elmwood Avenue parking entry will provide vehicular access on a street less used by pedestrians than other surrounding streets.

2) Parking, loading, and service areas shall avoid adverse effects on residential uses within and without the development. Where possible, the Planned Development is encouraged to provide more parking than required to serve synergistic downtown parking needs. The parking does meet the standard. In addition, the Planned Development has provided guest parking. Loading areas are on Elmwood Avenue where there are no residential uses.

3) Vehicular access shall provide minimum hazards to other traffic. Local streets within a planned development shall not connect to streets outside the development so as to encourage through traffic. This standard is not applicable.

4) The Planned Development shall provide for underground installation of utilities if possible. All utilities will be underground.

5) The Planned Development incorporates acceptably designed facilities for storm water and treatment of turf and maintenance of facilities. The design has gone beyond this standard in providing energy efficiency and green design with the LEED certification sought to be achieved.

6) The Applicant has provided a market feasibility study for a downtown planned development indicating:

a) consumer market areas for uses in development as provided and submitted in the proposal;

b) population potential for the areas served by the Development provided in the submitted proposal is acceptable;

c) other information regarding the need for the proposed uses is not applicable.

7) The Applicant has provided a traffic circulation impact study including ameliorating road and traffic control improvements, which is provided in the submitted proposal and made a part hereof.

SECTION 6: That the City Council hereby adopts the record evidence of the Plan Commission and the record, findings, and recommendation of the Planning and Development Committee and approves a special use for a planned development permitting the construction and operation on the Property commonly known as 1567 Maple Avenue, and legally described in Exhibit 1 attached hereto and made a part hereof, of the following:

1) A multi-family residential building with a maximum of one hundred twenty-six (126) dwelling units.

2) A defined gross floor area (excluding parking, loading, storage, mechanicals, and uses accessory to the building) of approximately one hundred sixty-one thousand (161,000) square feet, with the floor area ratio of 5.6.

3) A maximum defined building height of one hundred twenty feet two inches (120'2"), with the absolute building height of one hundred fifty-three feet five inches (153'5"), less the thirty-three feet three inches (33'3") used for parking and excluded from the height computation pursuant to Section 6-11-4-8 of the Zoning Ordinance.

4) No fewer than two hundred ten (210) parking spaces.

5) No more than five thousand two hundred (5,200) square feet of ground floor retail, office, and / or commercial space, all in conformance with the D3 District in which the Property is located, the approved Planned Development Plan attached

hereto as Exhibit 2 and made a part hereof, and the terms and conditions of this Ordinance.

SECTION 7: That pursuant to Sections 6-3-6-5 and 6-3-6-6 of the Zoning Ordinance and the terms and conditions of this Ordinance, the following site development allowances and exceptions to site development allowances are hereby granted to the Planned Development:

1) An exception to the site development allowance authorized under Section 6-3-6-6, to the requirements of Section 6-11-4-8 and Section 6-11-1-10(C) which, in total, allow for a maximum height of two hundred twenty (220) feet including levels of parking, provided that the tower or towers above a height of forty-two (42) feet are set back no less than thirty (30) feet from the front or street side lot line and twenty-five (25) feet from the interior side lot line(s). The application is approved for one hundred fifty-three foot five-inch (153'5") tall building, including thirty-three feet three inches (33'3") of parking levels, for a maximum defined building height of approximately one hundred twenty feet two inches (120'2") with the tower set back less than twenty-five (25) feet from the interior side lot lines and less than thirty (30) feet from the front or street side lot line.

2) A site development allowance under Section 6-11-1-10(C)(2) as authorized under Section 6-3-6-5, to allow a defined zoning floor area ratio of 5.6 or one hundred seventy thousand (170,000) square feet. Without the allowance, the maximum permitted floor area pursuant to Section 6-11-4-6 is 4.5 or one hundred thirty thousand one hundred eighty (130,180) square feet for the twenty-eight thousand nine hundred twenty-nine (28,929) square foot Property.

3) A site development allowance as authorized under Section 6-3-6-5 to Section 6-11-4-4 which requires a minimum of three hundred (300) square feet per dwelling unit for residential uses. Without the allowance, the lot area for the Property, approximately twenty-eight thousand nine hundred twenty-nine (28,929) square feet, would permit a maximum total of ninety-six (96) dwelling units. The application is approved for one hundred twenty-six (126) dwelling units.

4) A site development allowance as authorized under Section 6-3-6-5 to the requirements of Section 6-16-2-10 which requires retail or service uses at the ground level of any portion of a parking structure fronting a street. The application is hereby approved to allow commercial frontage along Maple Avenue and frontage along Elmwood Avenue devoted exclusively to non-commercial uses.

5) A site development allowance as authorized under Section 6-3-6-5 to the requirements of Section 6-16-2-10 which establishes the specific off-street loading requirements for all retail / commercial and residential uses. The application is hereby

approved for one short ten-foot by thirty-five foot (10' by 35') loading berth, whereas two are required.

SECTION 8: 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 a special use, the following conditions are hereby imposed:

1) Development and use of the Property shall be in substantial compliance with all applicable legislation and City Ordinances, with the testimony and representations of the Applicant to the Plan Commission, the Planning and Development Committee, and the City Council, and with all approved plans and documents on file in this case no. ZPC 04-10-PD.

2) When necessary to effectuate the purposes of this Ordinance, "Applicant" shall be read as "Applicant's assigns and successors in interest" including, but not limited to, any condominium association or entity formed to administer and / or manage the Property.

3) The Applicant will voluntarily agree to donate one hundred fifty thousand dollars (\$150,000) to the Mayor's Special Affordable Housing Fund, consistent with the Comprehensive General Plan's policy to "Encourage proposals from the private sector that will maintain the supply of moderately-priced housing, both rental and owner-occupied."

4) The Applicant shall establish and maintain plantings on the railroad embankment adjacent to the east side of Elmwood Avenue in accordance with the landscape plan made a part of the approved development plan, attached hereto as Exhibit 3 and made a part hereof.

5) Plantings shown in the approved plans shall be planted and maintained in good and slightly condition. Any planting that dies or fails to thrive (each a "Failed Planting") shall be replaced during the earliest available planting season thereafter. The procedure in connection with Failed Plantings shall be as follows:

a) If the City makes written notification to the Applicant of the obligation to replace Failed Plantings in the "Landscape Notice", it shall specify therein the plantings to be replaced.

b) Within thirty (30) days after the date of receipt of the Landscape Notice (the "Replanting Period"), (i) each Failed Planting shall be replaced, or (ii) if a replacement therefor is not available, or if the weather does not permit planting within the Replanting Period, the City shall be notified in writing (the "Extension Notice") of the circumstances preventing replacement of a Failed Planting and provided with a reasonable estimate of the time in which a replacement planting 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"). For Failed Plantings not replanted within the Replanting Period, or the Extended Replanting Period, if an Extension Notice has been delivered and accepted by the City, the Applicant shall pay \$500.00 (five hundred and no/100 dollars) for each such plant to the City within thirty (30) days after expiration of the Replanting Period or the Extended Replanting Period, as the case may be.

c) The City's Zoning Division shall be promptly notified in writing of changes to the Applicant's notice address set forth below for purposes of this provision.

Winthrop Properties, LLC
Robert Horner, Manager
c/o 2708 Grant Street
Evanston, Illinois 60201

d) The obligations herein to plant, maintain, and replant shall also be obligations of any condominium association formed to administer the Property, which obligations shall be contained in any Declaration of Condominium for the Property and not be subject to amendment without the City's prior consent.

e) The Applicant shall assure that the obligation to adhere to this landscape plan is imposed upon any condominium association or other entity formed to administer and / or manage the Property, and that said obligation continues unless released or modified by prior written consent of the City Council.

6) The Applicant shall pay to the City annually, prior to December 31st of each year, the sum of eight hundred twenty dollars (\$820.00) per parking space to be based on the net spaces lost due to the subject development. The developer will receive a credit for any spaces replaced on Maple Avenue due to the elimination of driveways. The City shall determine the net loss of spaces after consultation with the developer. The annual fee per space shall be adjusted to match the parking meter rate for meters on Elmwood Avenue in this block. Fee payments shall be directed to the attention of the Director of Community Development.

The developer shall make the annual fee requirement a prominent part of the condominium declaration and disclosure documents. The Applicant shall assure that the obligation to adhere to the annual fee requirement is imposed upon the condominium association or other entity formed to administer and/or manage the property, and that said obligation continues unless released or modified by prior consent of the City Council.

The Traffic Report from Director of Public Works David C. Jennings to City Manager Julia A. Carroll dated October 17, 2005, regarding the subject development

shall be incorporated herein by reference as an Exhibit to this Ordinance. This Ordinance shall control over the Traffic Report in the event of any inconsistencies.

SECTION 9: That the Applicant is required to record a certified copy of this Ordinance, including all Exhibits attached hereto, at its cost with the Cook County, Illinois Recorder of Deeds before any City permits may be obtained.

SECTION 10: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Ayes: 8
Nays: 0 Abstain: 1

Introduced: October 10, 2005

Adopted: October 24, 2005

Approved:

October 27, 2005

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary P. Morris
Mary P. Morris, City Clerk

Approved as to form: [Signature]
Corporation Counsel

EXHIBIT 1
Legal Description

PARCEL 1: LOT 1 IN WHEELER'S SUBDIVISION OF THE SOUTH 250 FEET WEST OF RAILROAD OF BLOCK 63 IN EVANSTON, EXCEPT THAT PART OF SAID LOT BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT AND RUNNING THENCE WEST ON THE SOUTH LINE OF SAID LOT 26.3 FEET; THENCE NORTHWESTERLY IN A STRAIGHT LINE TO A POINT IN THE NORTH LINE OF SAID LOT 29.1 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE EAST 29.1 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTHEASTERLY ALONG THE EAST LINE OF SAID LOT 55.4 FEET TO THE POINT OF BEGINNING, LYING IN THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: LOT 2 (EXCEPT THAT PART THEREOF CONVEYED TO THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY BY WARRANTY DEED DATED FEBRUARY 2, 1906, AND RECORDED FEBRUARY 2, 1906, AS DOCUMENT 382472, IN BOOK 9336, PAGE 490), IN WHEELER'S SUBDIVISION OF THE SOUTH 250 FEET WEST OF RAILROAD IN BLOCK 63 (EXCEPT THAT PART TAKEN FOR ELMWOOD AVENUE) IN EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 3: THE NORTH 23.67 FEET OF LOT 1 IN PLAT OF CONSOLIDATION OF THE PART OF BLOCK 63 IN THE CITY OF EVANSTON IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1981, AS DOCUMENT NUMBER 25888318.

The subject Property is commonly known as 1567 Maple Avenue, and bears the following Permanent Identification Numbers:

PIN 11-18-310-010
PIN 11-18-310-011
PIN 11-18-310-025 (partial)

EXHIBIT 2
Planned Development Plan

EXHIBIT 2 Planned Development Plan

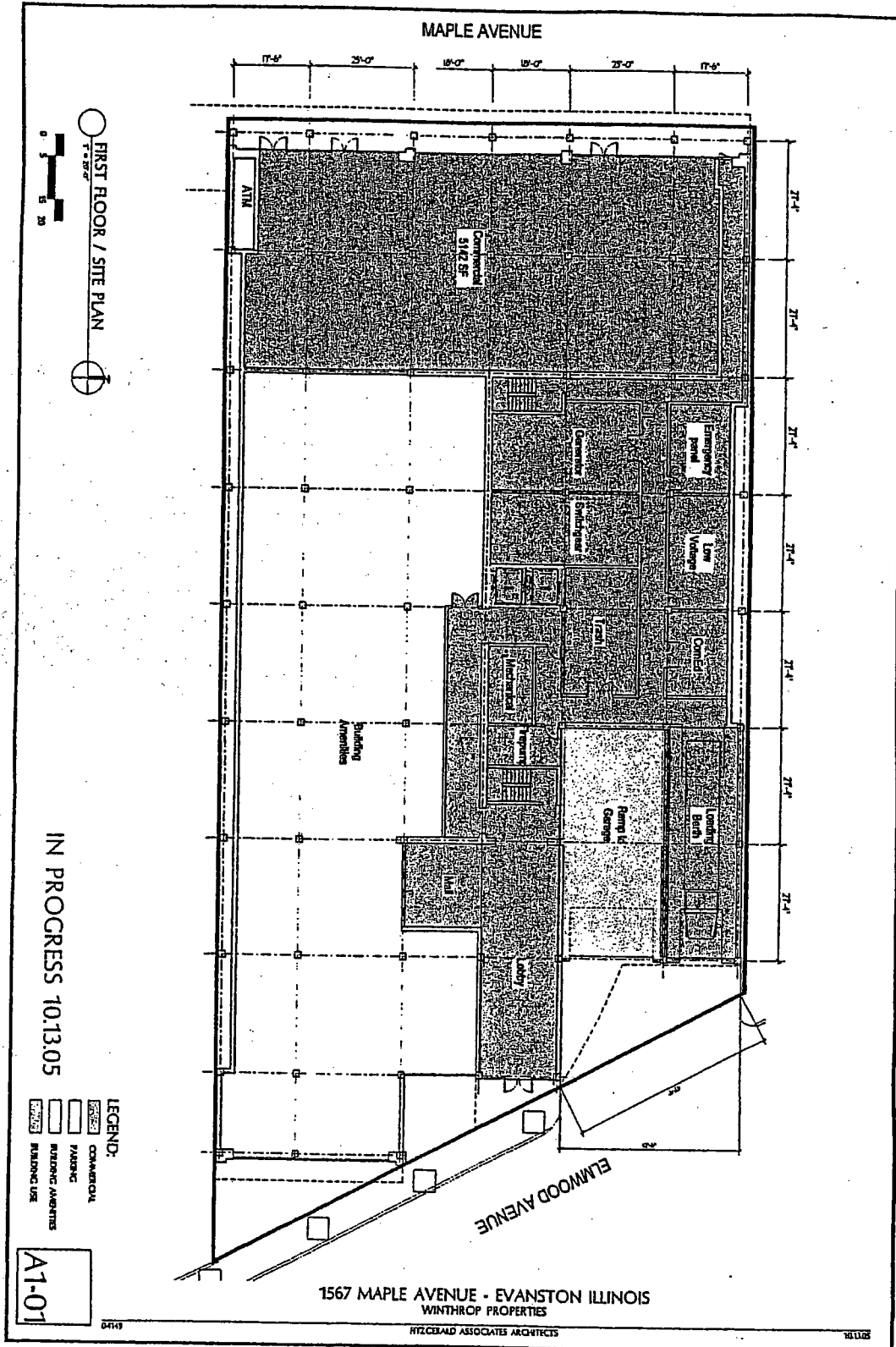
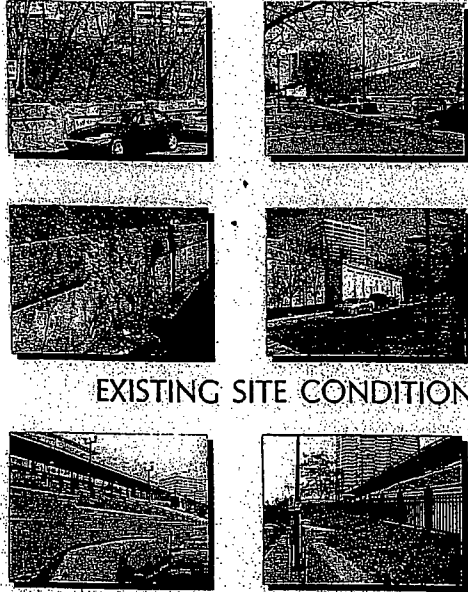


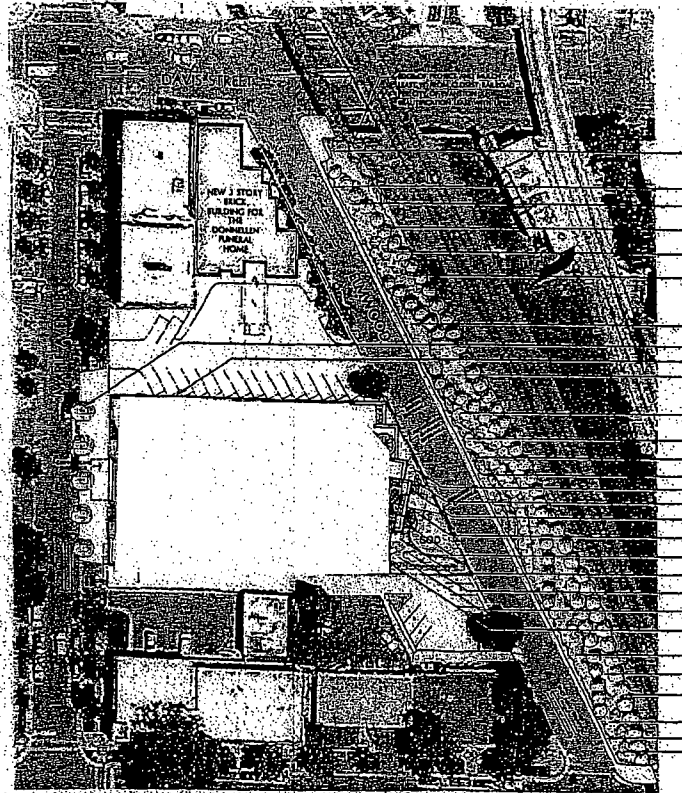
EXHIBIT 3
Landscape Plan

EXHIBIT 3
Landscape Plan



EXISTING SITE CONDITION

IMPROVED RAILROAD EMBANKMENT



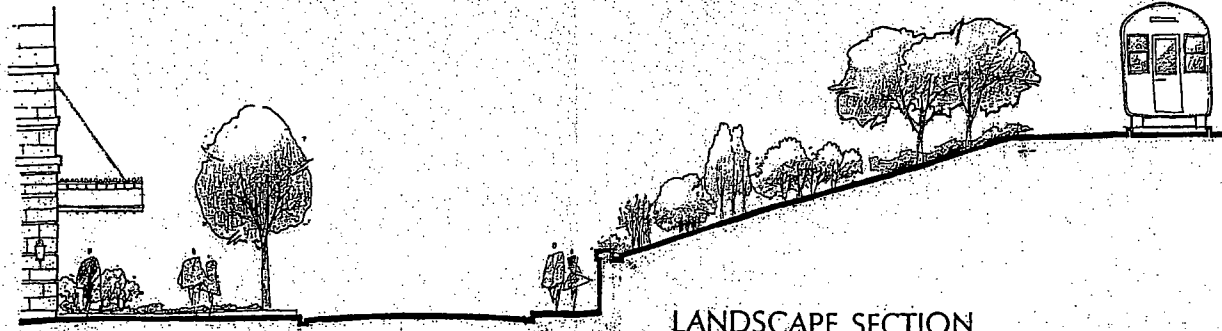
LANDSCAPE PLAN

- KEY:**
1. Burning Bush 3' QTY. 40
 2. Common Daylily 1QT. or Field Collect QTY. 400
 3. Juneberry 4' QTY. 6
 4. "Wichita Blue" Juniper 4' QTY. 75
 5. Gre-Low Sumac 2 Gallon QTY. 80
 6. Schubert Cherry 3' QTY. 15
 7. Red Barberry 2' QTY. 20
 8. Bronx Forsythia 2 Gallon QTY. 20
 9. Bridgewater Spirea 3' QTY. 10
 10. Horizontal Juniper "Wilson" 2 Gallon QTY. 50
 11. Witch-Hazel 3' QTY. 1
 12. Fothergilla 3' QTY. 10
 13. Dwarf Japanese Yew 18" QTY. 8
 14. Pachysandra QTY. 1200
 15. Hemlock 8' QTY. 1
 16. Mohican Viburnum 3' QTY. 5
 17. Upright Arborvitae 4' QTY. 10
 18. Hack Berry 2' In Tree Pits QTY. 6
 19. Boston Ivy 1QT. 10' o.c. Along Edge of Bldg. QTY. 20
 20. SOD

- General Notes:**
1. Railroad embankment: all brush and trees to be removed and all stumps treated with herbicide prior to planting.
 2. Mulch: entire planting on railroad embankment to receive 4" wood chip mulch. Use traditional bark mulch on plantings around building.
 3. Guarantee: two years on all materials.

Stephan F. Christy, Jr.

Registered landscape architect IL - 157-000524



LANDSCAPE SECTION



SITE PLAN
SCALE 1"=30'-0"

L-1

1567 MAPLE STREET - EVANSTON, ILLINOIS
WINTHROP PROPERTIES

FITZGERALD ASSOCIATES ARCHITECTS

