

7/13/2006
7/12/2006
6/30/2006
6/21/2006
6/20/2006
6/16/2006

80-O-06

AN ORDINANCE

**Granting a Special Use for a Mixed-Use Residential and
Retail Planned Development at
1881 Oak Avenue in the
Research Park Zoning District
("Carroll Place")**

WHEREAS, Carroll Place LLC (the "Applicant"), owner of the property at 1881 Oak Avenue (the "Subject Property"), submitted an application on August 16, 2005, pursuant to the Zoning Ordinance (the "Ordinance") provisions of Section 6-3-5, "Special Uses"; Section 6-3-6, "Planned Developments"; Section 6-12-2-3, "Special Uses in the Research Park District"; Section 6-12-1-7(D), "Mandatory Planned Development Minimum Thresholds"; Section 6-12-2-6, "Floor Area Ratio"; Section 6-12-2-7, "Yard Requirements"; Section 6-12-2-8, "Building Height"; Section 6-16-4, "General Off-Street Loading Requirements"; and Section 6-16-4-5, "Vertical Clearance", for a special use to permit construction and operation of a mixed-use residential and retail planned development at the Subject Property; located in the Research Park Zoning District ("Research Park District"); and

WHEREAS, the Applicant sought approval for a maximum defined building height of approximately two hundred ten feet (210'), a defined gross floor area of approximately two hundred ninety-seven thousand four hundred fourteen square feet (297,414 sq.ft.), a floor area ratio of approximately nine and eighty-nine hundredths feet (9.89'), one hundred seventy-five (175) dwelling units, seven thousand five hundred square feet (7,500 sq.ft.) of retail space, and one hundred seventy-five (175) off-street parking spaces; and

WHEREAS, the Applicant amended its application on September 29, 2005 to seek approval for a maximum defined building height of approximately one hundred ninety-five feet (195'), a defined gross floor area of approximately two hundred sixty-one thousand six hundred fifty-four square feet (261,654 sq.ft.), a floor area ratio of approximately eight and thirty-six hundredths feet (8.36'), one hundred seventy-two (172) dwelling units, and two hundred seventy (270) off-street parking spaces; and

WHEREAS, after the Plan Commission hearing of January 30, 2006, the Applicant amended its application on March 29, 2006, with the major changes being a reduction in the number of dwelling units from one hundred seventy-two (172) to one hundred sixty-five (165), retail space of approximately one thousand three hundred seventy square feet (1,370 sq.ft.); a reduction in the floor area ratio from approximately eight and thirty-six hundredths (8.36) to approximately eight and sixteen hundredths (8.16); a reduction in the number of off-street parking spaces from two hundred seventy (270) to two hundred forty-

seven (247), and a reduction in the maximum defined building height from approximately one hundred ninety-five feet (195') to one hundred eighty-five feet (185'), and

WHEREAS, the Plan Commission held public hearings on the application, case no. ZPC 05-08 PD, pursuant to proper notice on January 11, 2006, January 30, 2006 at a special meeting, and on the amended application on May 10, 2006, heard testimony and received other evidence, made a *verbatim* transcript, written findings, and recommended that the City Council deny the application, as amended; and

WHEREAS, construction of the Planned Development, as proposed in the application filed on March 29, 2006, requires exceptions from the strict application of the Ordinance pertaining to floor area ratio and maximum mean building height; and

WHEREAS, the Planning and Development Committee of the City Council considered the record and recommendation of the Plan Commission on the amended application at its June 12, 2006 meeting and voted to reject the Plan Commission's recommendation and to recommend City Council approval of the amended application; and

WHEREAS, the Planning and Development Committee considered the record of the Plan Commission on the amended application at its June 26, 2006 meeting and voted to recommend City Council approval of Ordinance 80-

0-06, with modifications and referral back to the Committee for further consideration at its July 10, 2006 meeting; and

WHEREAS, the Planning and Development Committee conducted a public hearing, modified the record of the Plan Commission, adopted it as modified, considered and adopted the traffic signal optimization and retiming analysis prepared by the City's Traffic Engineers, made written findings that the amended application met all applicable standards, and recommended City Council approval of the amended application at its July 10, 2006 meeting, and

WHEREAS, the City Council considered the record of the Plan Commission, as modified by the Planning and Development Committee, and the record and recommendation of the Planning and Development Committee at its June 26, 2006, and July 10, 2006 meetings, and adopted same at its July 10, 2006 meeting; and

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 as follows with respect to the standards for special uses in Section 6-3-5-10 and for planned developments in the Research Park District in Section 6-12-1-7 as applied to the special use for a planned development for a mixed-use retail and multi-family

residential development in the Research Park District applied for in case no. ZPC 05-08 PD, as amended by the Applicant on March 29, 2006:

(A) The planned development, as approved, meets the standards for special uses in Section 6-3-5-10 and the standards for special uses in the Research Park District in Section 6-12-1-7 of the Ordinance, in that, among other reasons:

(1) Planned developments are a listed special use in the Research Park District.

(2) The requested special use is in keeping with purposes and policies of the Comprehensive General Plan (CGP) and the Zoning Ordinance in that the property is located in the Research District. The planned development is consistent with the goal of making downtown Evanston an attractive, convenient, and economically vital center of diverse activity. The proposed use will develop a vacant site and provide new housing and business activity to this area, adding to the viability and success of the downtown. The Subject Property is located in the Central Business District identified by the Comprehensive General Plan as having a "mixture of office, retail, entertainment, institutional, and residential uses".

(3) It will not cause a negative cumulative effect on various special uses of all types in the immediate neighborhood and the City as a whole in that it will enhance the tax base.

(4) It will not interfere with or diminish the value of property in the neighborhood in that it will enhance the tax base.

(5) It can be adequately served by public facilities and services.

(6) It will not cause undue traffic congestion in that it is located near existing commuter rail and public transit lines. All parking and loading facilities will be accessed from Oak Avenue and no curb cuts will be added along Emerson Street. The planned development will reduce potential vehicle traffic by locating vehicular access along the public way which has less pedestrian traffic. The City's Traffic Analysis indicates that added left turns from Oak Avenue onto Emerson Street can be accommodated by adding extra green time to the east-west Emerson Street corridor, and by prohibiting parking on the north side of Emerson between Oak Avenue and Ridge Avenue during the afternoon peak hours. The long-range solution is to upgrade the Emerson Street signals.

(7) The standard that the requested special use preserves significant historical and architectural resources is inapplicable. The Subject Property is not a landmark, nor is it in a Historic District.

(8) The standard that the requested special use preserves significant natural and environmental features is inapplicable.

(9) It will comply with all other applicable requirements, except as modified by this Ordinance 80-O-06, in that this Ordinance is conditioned upon construction and operation of the subject planned development in accordance with all applicable requirements.

SECTION 3: That the City Council hereby grants the application in case. no. ZPC 05-08 PD, as amended by the Applicant, for a special use for planned development to allow construction and operation of a mixed-use retail and multi-family residential planned development with accessory parking at 1881 Oak Avenue, legally described in Exhibit A attached hereto and made a part hereof, of one hundred sixty-five (165) dwelling units, two hundred forty-seven (247) enclosed off-street parking spaces, a maximum of approximately one thousand three hundred seventy square feet (1,370 sq.ft.) of retail space, a maximum defined building height of approximately one hundred eighty-five feet (185'), a floor area ratio of approximately eight and sixteen one hundredths (8.16), and a side yard along Emerson Street of three feet (3'); and

SECTION 4: That the authority to exceed site development allowances in excess of the requirements set forth in Section 6-12-1-7(C)1, and Section 6-12-7-1(C)2 is, among other reasons, essential to achieve one or more of the public benefits set forth in Section 6-3-6-3 in that the Council hereby finds that granting the development tax revenue will enhance the tax base, the Subject Property has been vacant for many years, the Applicant will make a donation to the Mayor's Special Affordable Housing Fund, and the addition of approximately

one hundred sixty-five (165) residences to the downtown area will further enhance the tax base and the local economy.

SECTION 5: Pursuant to the terms and conditions of this Ordinance, the following authority to exceed site development allowances is hereby granted:

(A) To allow a building of approximately two hundred feet (200') tall as measured from grade to the top of the mechanical penthouse, with a maximum defined building height of approximately one hundred eighty-five feet (185') as measured from grade to the top of the roof. Section 6-12-2-8 of the Zoning Ordinance otherwise permits a maximum height in the Research Park District of eighty-five feet (85'). Section 6-12-1-7(C) allows for a height increase over that otherwise permitted to achieve the building density desired in the Research Park Master Plan.

(B) To allow a floor area ratio of approximately eight and sixteen hundredths (8.16). Section 6-12-2-6 otherwise permits a maximum floor area ratio of five and eighteen hundredths (5.18). The site development allowance in Section 6-12-1-7(C)2 allows the maximum permitted floor area ratio, five and eighteen hundredths (5.18), to increase by a maximum of two and zero hundredths (2.0), for a total of seven and eighteen hundredths (7.18) otherwise allowed.

SECTION 6: 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:

(A) Construction of the planned development approved hereby shall be in substantial conformance with the approved Development Plan, attached hereto as Exhibit B and made a part hereof, the terms and conditions of this Ordinance, all other applicable legislation and requirements, and in accordance with representations of the Applicant to the Site Plan and Appearance Committee, Plan Commission, Planning and Development Committee.

(B) That the Applicant voluntarily agrees to make the following donations prior to the issuance of a building permit:

(1) One hundred sixty-five thousand dollars (\$165,000.00), which represents the sum of one thousand dollars (\$1,000.00) per each of the

approved maximum one hundred sixty-five (165) dwelling units, to the Mayor's Special Housing Fund, consistent with the Policy of the Comprehensive General Plan to "encourage proposals from the private sector that will maintain the supply of moderately-priced housing, both rental and owner-occupied"; and

(2) Thirty-five thousand dollars (\$35,000.00) to the City to fund existing and proposed City of Evanston youth job training programs, to repaint the viaduct at the intersection of Emerson Street and Ridge Avenue, or to improve traffic flow along Emerson Street between Ridge and Maple Avenues.

(C) That the Applicant will have, as a primary goal, the employment of twenty-five (25) Evanston residents. Said residents, without regard to sex, race, or ethnicity, can be sub-contractors or vendors to the development. The Applicant will hire as many competent minority and/or women Evanston subcontractors, workers, and residents as possible for the construction of this project.

(D) That the Developer will incorporate the cornerstones of the Emerson YMCA and Butler buildings into the plaza along Emerson Street.

SECTION 7: When necessary to effectuate the terms, conditions and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assign and successors in interest".

SECTION 8: That the Applicant is required to record a certified copy of this Ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before any City permits may be obtained.

SECTION 9: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: That this Ordinance shall be in full force and effect from on and after its passage, approval, and publication in the manner provided by law.

Ayes: 6

Nays: 3

Introduced: June 26, 2006

Approved:

Adopted: July 10, 2006

July 14, 2006

Lorraine H. Morton

Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Mary P. Morris
Mary P. Morris, City Clerk

Herbert D. Hill
Herbert D. Hill
First Assistant Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION OF 1881 OAK AVENUE**PARCEL 1:**

LOTS 6, 7, 8 AND LOT 9 (EXCEPT THE WEST 26 FEET THEREOF) IN BLOCK 1 IN CIRCUIT COURT SUBDIVISION, IN PARTITION OF LOT 22 IN THE COUNTY CLERK'S DIVISION OF UNSUBDIVIDED LANDS IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS; ALSO, THE NORTH HALF OF THE VACATED 16 FOOT ALLEY LYING SOUTH OF AND ADJOINING SAID LOTS 6, 7, 8, AND LOT 9 (EXCEPT THE WEST 26 FEET THEREOF).

PARCEL 2:

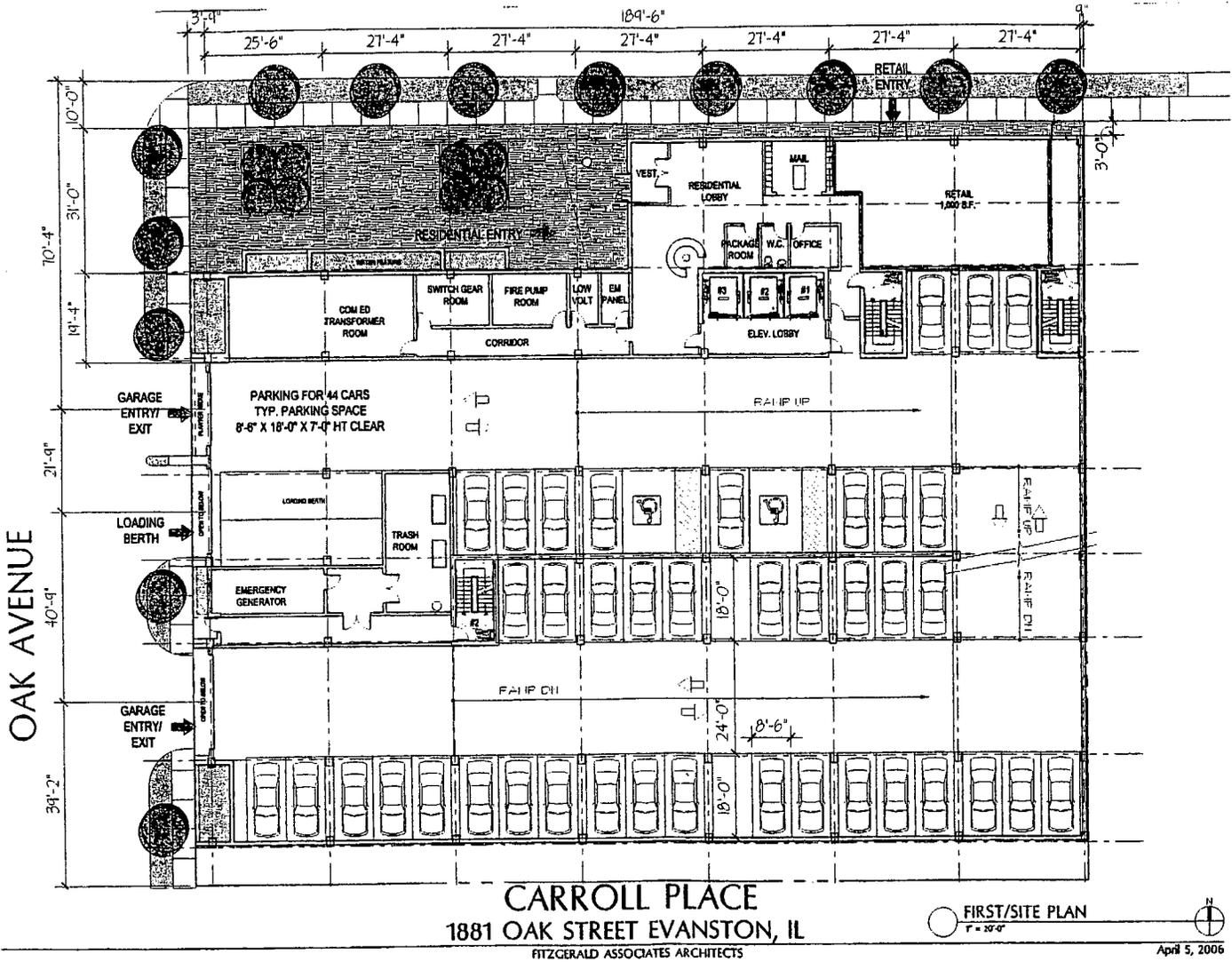
THE WEST 20 FEET OF LOT 1 IN CITY CONSOLIDATION NO. 1 OF LOTS 1, 2, 3, 4 AND 5 IN CIRCUIT COURT SUBDIVISION IN PARTITION OF LOT 22, BEING THAT TRIANGULAR PIECE OF LAND BOUNDED ON THE NORTH BY EMERSON STREET, ON THE SOUTHWESTERLY BY EAST RAILROAD AVENUE, AND ON THE EAST BY MAPLE AVENUE (EXCEPT 1 ACRE IN THE NORTHWEST CORNER THEREOF) IN COUNTY CLERK'S DIVISION, IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY ILLINOIS; TOGETHER WITH THE WEST 20 FEET OF THE NORTH HALF OF THE VACATED 16 FOOT ALLEY LYING SOUTH OF AND ADJOINING SAID LAND.

EXHIBIT B

Carroll Place Development Plan at 1881 Oak Avenue

EXHIBIT B

Carroll Place Development Plan at 1881 Oak Avenue



A-02