

3/23/2009 2/27/2009  
3/9/2009 5/5/2008  
3/3/2009 2/4/2008

**32-O-08**

**AN ORDINANCE**

**Amending the Zoning Map and Granting a Special Use for a  
Multifamily Residential and Commercial Mixed-Use  
Planned Development with Enclosed Accessory Parking  
Located at 708 Church Street  
in the D3 Downtown Core Development Zoning District**

WHEREAS, 700 Church Street, LLC (the "Applicant"), contract purchaser of the property located at 708 Church Street (the "Subject Property"), legally described in Exhibit A, attached hereto and made a part hereof, submitted a completed application on July 2, 2007, pursuant to the provisions of Title 6 of the Evanston City Code, 1979, as amended, ("the Zoning Ordinance"), specifically: Section 6-3-4-5, "Standards for Amendments"; Section 6-3-5, "Special Uses"; Section 6-11-1-10, "Planned Developments"; Section 6-11-4-8, "Building Height"; Section 6-11-1-4, "Ziggurat Setback"; Section 6-11-4-6, "Floor Area Ratio"; Table 16-B of Section 6-16-3-5, "Parking Reduction Allowance"; and Section 6-16-4, "General Off-Street Loading Requirements"; for an amendment to the Zoning Map to re-zone the Subject Property from D2 Downtown Retail Core Zoning District ("D2 District") to D3 Downtown Core Development Zoning District ("D3 District") and for a Special Use to permit the construction and operation of a multifamily residential and commercial mixed-use Planned Development with enclosed accessory parking at the Subject Property, located in the aforementioned D3 District; and

**WHEREAS**, the Applicant sought approval for approximately two hundred eighteen (218) dwelling units, a maximum building height of approximately five hundred twenty-three feet (523') to the top of the roof of the building, approximately twenty-eight thousand six hundred fifty square feet (28,650 sq. ft.) of retail/office space, a defined gross floor area (excluding parking, loading, storage, mechanicals, and uses accessory to the building) of approximately four hundred fifty-seven thousand, seven hundred fifty-two square feet (457,752 sq. ft.), resulting in a floor area ratio of approximately fifteen and seventy-seven hundredths (15.77), and approximately two hundred thirty-four (234) off-street parking spaces enclosed within the building; and

**WHEREAS**, the Plan Commission held public hearings on the application, case no. ZPC 07-04 PD&M, pursuant to proper notice, on August 8, 2007, September 20, 2007, October 10, 2007, November 14, 2007, December 12, 2007, and December 19, 2007, heard testimony and received other evidence, made verbatim transcripts and written findings; and

**WHEREAS**, the Plan Commission's written findings state that the application for the proposed Planned Development meets the standards in Section 6-3-4-5 of the Zoning Ordinance for a Zoning Map amendment; and

**WHEREAS**, construction of the Planned Development, as proposed in the application, requires exceptions from the strict application of the Zoning Ordinance pertaining to maximum floor-area ratio, building height, setbacks, parking, loading, and the number of dwelling units; and

**WHEREAS**, pursuant to Sections 6-3-6-4, 6-3-6-5, and 6-3-6-6 of the Zoning Ordinance, the City Council may grant site development allowances and exceptions to site development allowances that depart from and/or exceed the normal maximum regulations established in the Zoning Ordinance, provided that the City Council makes written findings of fact that the exceptions are essential to achieve one or more of the public benefits described in Section 6-3-6-3 of the Zoning Ordinance; and

**WHEREAS**, the Plan Commission's written findings state that the application for the proposed Planned Development meets the standards set forth in the Zoning Ordinance for: Special Uses per Section 6-3-5-10; conditions for Planned Developments in the downtown per Section 6-11-1-10 (A); site controls and standards for Planned Developments in the downtown per Section 6-11-1-10 (B); development allowances for Planned Developments in the downtown per Section 6-11-1-10 (C); and the public benefits necessary to exceed site development allowances per Section 6-3-6-3; and

**WHEREAS**, the Plan Commission recommended the City Council approve the application for a Zoning Map amendment and for a Special Use to construct a Planned Development, subject to certain conditions; and

**WHEREAS**, at its February 11, 2008, March 10, 2008, March 17, 2008, March 24, 2008 meetings, the Planning and Development Committee considered the findings and recommendations of the Plan Commission; and

**WHEREAS**, after the March 24, 2008 meeting of the Planning and Development Committee, the Applicant submitted an amended application for the

proposed Planned Development, seeking approval for approximately two hundred eighteen (218) dwelling units, a maximum building height of approximately four hundred twenty-one feet (421') to the top of the roof of the building, approximately eighteen thousand, seven hundred twenty square feet (18,720 sq. ft.) of retail space, a defined gross floor area (excluding parking, loading, storage, mechanicals, and uses accessory to the building) of approximately four hundred fifty-one thousand, six hundred forty-four square feet (451,644 sq. ft.), resulting in a floor area ratio of approximately fifteen and fifty-six hundredths (15.56), and approximately two hundred seventy-one (271) off-street parking spaces enclosed within the building; and

**WHEREAS**, at its April 8, 2008 and May 7, 2008 meetings, the Planning and Development Committee considered the amended application; and

**WHEREAS**, on February 19, 2009, the Applicant submitted an amended application for the proposed Planned Development, seeking approval for approximately two hundred eighteen (218) dwelling units, a maximum building height of approximately three hundred forty-five feet (345'), excluding any floors of parking eligible for height deductions pursuant to Section 6-11-4-8 of the Zoning Ordinance, approximately eighteen thousand, two hundred fifty-eight square feet (18,258 sq. ft.) of retail space, a defined gross floor area (excluding parking, loading, storage, mechanicals, and uses accessory to the building) of approximately four hundred thirty-nine thousand, four hundred ninety-eight square feet (439,498 sq. ft.), resulting in a floor area ratio of approximately fifteen

and fourteen hundredths (15.14), and approximately two hundred seventy-one (271) off-street parking spaces enclosed within the building; and

**WHEREAS**, at its March 3, 2009 meeting, the Planning and Development Committee considered the amended application, amended and adopted the applicable findings and recommendations of the Plan Commission, and recommended approval by the City Council, as amended; and

**WHEREAS**, at its March 9, 2009 and March 23, 2009 meetings, the City Council considered, amended, and adopted the recommendations of the Plan Commission and the Planning and Development Committee, as amended,

**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 amends the Zoning Map, cited in Section 6-7-2 of the Zoning Ordinance, to re-zone the Subject Property to D3 Downtown Core Development District.

**SECTION 3:** That the City Council hereby grants the Special Use for a Planned Development, applied for in case no. ZPC 07-04 PD&M, to permit the construction and operation of a multifamily residential and commercial mixed-use building with enclosed accessory parking on the Subject Property. The construction and operation of said Planned Development shall be in substantial conformance with the D3 District regulations, the Development Plans in Exhibit B, attached hereto and made a part hereof, and the terms of this Ordinance.

**SECTION 4:** That, pursuant to the terms and conditions of this Ordinance 32-O-08, the City Council, as authorized by Section 6-3-6-5 of the Zoning Ordinance, hereby grants the following site development allowances for the proposed Planned Development:

- (A) To allow relief, pursuant to Section 6-3-6-5 (C), from the ziggurat setback of forty feet (40') from the Church Street, Sherman Avenue, and Orrington Avenue lot lines for the portion of the building greater than forty-two feet (42') in height, required by Section 6-11-1-4 of the Zoning Ordinance.
- (B) To allow for two hundred seventy-one (271) off-street parking spaces pursuant to Section 6-3-6-5 (D) of the Zoning Ordinance. Table 16-B in Section 6-16-3-5 of the Zoning Ordinance establishes that the Planned Development, as proposed, would require a minimum total of three hundred ninety-eight (398) off-street parking spaces.
- (C) To allow for two (2) off-street loading berths pursuant to Section 6-3-6-5 (D) of the Zoning Ordinance. Section 6-16-4 of the Zoning Ordinance requires three (3) short loading berths for the residential uses and two (2) long loading berths for the retail/office uses in the Planned Development, as proposed.
- (D) To allow for approximately two hundred eighteen (218) dwelling units pursuant to Section 6-3-6-5 (E) of the Zoning Ordinance. Section 6-11-4-4 of the Zoning Ordinance establishes a maximum of ninety-six (96) dwellings units for the Subject Property.

**SECTION 5:** That, the City Council hereby finds that exceptions to the site development allowances set forth in Section 6-11-1-10 (C)1 and 6-11-1-10 (C)2 of the Zoning Ordinance, which exceed the normal maximum regulations established in the D3 District, are necessary to achieve the following public benefits, set forth in Section 6-3-6-3 of the Zoning Ordinance:

- (A) Preservation and enhancement of desirable site characteristics and open space. The four (4)-story base of the proposed Planned Development will define the street wall in a manner similar to the building it will replace and relates well to the scale of surrounding development on the east side of Orrington Street, west side of Sherman Avenue, and the former Marshall Fields building to the northwest. TIF funds created by the proposed

Planned Development could be used toward the redevelopment of the open space at Fountain Square.

- (B) Preservation and enhancement of historic resources that significantly contribute to the character of the city. The Applicant has agreed to donate one million dollars (\$1,000,000.00) to the City for the renovation of the Fountain Square public space.
- (C) Use of design, landscape, or architectural features to create a pleasing environment or other special development features. The tall, slender tower, setback from the four (4)-story base, relates well to the surrounding development in downtown Evanston and will be a strong visual landmark for the downtown. Its design will create dramatic images for those who approach the downtown, but will minimize the visual impact on pedestrians and motorists in the downtown. The setback also serves to minimize the effect of wind on pedestrians experience in the downtown. The architecture of the building's base, which includes entrances with canopies, relates strongly to traditional storefronts and the scale of commercial development in the downtown. The slender tower, with vertical articulation on the east and west faces, inset balconies, horizontal bands at approximately every tenth floor, and harmonious colors of glass and aluminum skin, is subtly articulated and will provide an elegant addition to the downtown skyline of the City. And, the future residents of the tower's dwelling units will enhance the City's move towards a downtown environment that is active and productive around-the-clock.
- (D) Provision of a variety of housing types in accordance with the City's housing goals. The proposed Planned Development will provide high-quality and upscale housing within the downtown. Units will be available in a variety of sizes, including, in the upper portions of the tower, units larger than what is generally available in the downtown. Moreover the construction of dwelling units beyond those normally allowed in the zoning district requires the Applicant, pursuant to the terms of Title 5, Chapter 7 of the City Code, to either build more affordable units on-site or contribute more money to the City's Affordable Housing Fund that the City can use to create, preserve, maintain, and improve affordable housing.
- (E) Business, commercial, and manufacturing development to enhance the local economy and strengthen the tax base. The incorporation of the first-floor office/retail space preserves the commercial space that exists on the site today, albeit in a higher quality, more expensive form.
- (F) The efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds, buildings, and other facilities. The proposed Planned Development will be well-served by public transportation and makes efficient use of the existing streets and utilities. The project is expected to add few school-age children to the community

while providing significant tax revenue, after the expiration of the local TIF, to the school districts.

- (G) The substantial incorporation of generally recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality, such as level Silver or higher LEED (Leadership in Energy and Environmental Design) certification. The Applicant has committed to seek Silver LEED certification for the proposed Planned Development and will incorporate green roofs into the building.

**SECTION 6:** That, pursuant to the terms and conditions of Section 6-3-6-6 of the Zoning Ordinance and this Ordinance 32-O-08, the authority to exceed the following site development allowances is hereby granted by a vote of at least two-thirds (2/3) of the Aldermen elected to the City Council:

- (A) To allow a floor area ratio of fifteen and fourteen hundredths (15.14). Section 6-11-4-6 (C) establishes a maximum permitted floor area ratio of four and five tenths (4.5) in the D3 District. Section 6-11-1-10 (C) 2(b) allows a site development allowance that increases the maximum floor area ratio for residential Planned Developments in the D3 District of three and five tenths (3.5) to a total of eight and zero tenths (8.0).
- (B) To allow a maximum building height of approximately three hundred forty-five feet (345'), excluding any floors of parking eligible for height deductions pursuant to Section 6-11-4-8 of the Zoning Ordinance. Section 6-11-4-8 of the Zoning Ordinance permits a maximum building height of eighty-five feet (85') in the D3 District, provided that the height of any story of a Planned Development may be excluded from the calculation of building height when seventy-five percent (75%) or more of the gross floor area of such story consists of parking required for the building, up to a maximum of four (4) stories or forty feet (40'), whichever is less. Section 6-11-1-10 (C)1 of the Zoning Ordinance allows a site development allowance that increases the maximum building height to two hundred twenty feet (220') for residential Planned Developments in the D3 District.

**SECTION 7:** That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of the requested Special Use for a Planned Development:

- (A) The Applicant shall ensure that the architectural quality of the Planned Development achieves the highest standards.



- (B) To ensure continued development and quality architecture, a committee of two (2) representatives of the Planning and Development Committee of City Council, two (2) representatives of the Plan Commission, City staff, and two (2) representative architecture professionals from the community shall be appointed to work with the development team on the continued development of the project's architecture;
- (C) The Applicant shall improve the architectural quality of the proposed four (4) -story base of the Planned Development by using higher-quality materials, such as natural stone and/or terra cotta, and increasing the level of detail in the articulation of the architectural elements, particularly at the major entrances, to make it more compatible with the surrounding architecture of downtown Evanston.
- (D) The Applicant shall construct a four (4) -story base on the Subject Property and include one (1) level of office/retail at grade.
- (E) TIF funds generated for the project should be designated for the redevelopment of Fountain Square and other public improvements in the vicinity, and to the extent possible by law, re-cladding or razing of 1600-01 Orrington Avenue, commonly known as the Fountain Square Building and legally described in Exhibit C, attached hereto and made a part hereof, so that the essential vision for the entire block can be achieved;
- (F) The Applicant shall not demolish the building that currently exists on the Subject Property until the Applicant has secured financing for the Planned Development and submitted perfected applications to the City's Department of Community Development for building permits necessary to construct the proposed Planned Development.
- (G) The Planned Development shall meet all of the City's requirements including, but not limited to, Community Development standards, Public Works standards, Fire Department standards, and wind tunnel testing.
- (H) The Applicant shall donate one million dollars (\$1,000,000.00) to the City for the renovation of the Fountain Square public space before the City may issue a temporary certificate of occupancy for any portion of the proposed Planned Development.
- (I) The Applicant shall cause the general contractor and subcontractors to hire no fewer than five (5) residents of the City of Evanston to work on the construction of the Planned Development authorized by the terms of this ordinance, with preference given to qualified minorities, women, and/or unskilled workers. The goal of hiring these workers shall be to provide them with gainful employment for a reasonable period of time during said

construction and to mentor each of them. To effect said mentoring, the Applicant shall cause the general contractor to assign an employee as a mentor to help said resident workers acquire the skills and experience necessary for them to continue working in the same or similar jobs after their work on the Planned Development authorized by the terms of this ordinance is complete.

- (J) The Applicant and its successors shall pay real estate taxes to the City, Evanston Township, School District 65, and Evanston Township High School District 202 (the "Taxing Districts") based on the then-current assessment rate applicable to the Subject Property or any portion thereof. In the event the Applicant or its successors are or become exempt from the payment of real estate taxes, the Applicant or its successors shall make an annual payment in lieu of taxes, at the then-current rate applicable to the portion of the Subject Property exempt from real estate taxes, to the Taxing Districts, for thirty (30) years thereafter, unless sooner released by the City. Nothing herein shall be construed to preclude the Applicant or its successors from seeking and/or filing a value assessment complaint, or a senior citizen application, a homeowner's exemption and/or any such other complaint or partial exemption that is available to property owners, individual dwelling unit owners or homeowners' associations under the laws of the State of Illinois. The Applicant shall record a covenant against the Subject Property, which shall be in form and content acceptable to the City reflecting the terms and provisions of this Section 7 (J). The covenant shall run with the land in favor of the Taxing Districts, and all owners of portions of the Subject Property, and shall expressly provide that it shall be recorded against each portion of the Subject Property. The Applicant and its successors specifically acknowledge and affirm that they have notice of, and are aware of, the provisions and obligations of this Section 7 (J), that they acquire title subject to the provisions and obligations of this Section 7 (J), and, as a condition precedent to the grant of Special use for Planned Development, in the case of Applicant, and as a condition precedent to purchase or acquisition, in the case of the successors, that they expressly agree to pay the aforementioned taxes in a timely manner consistent with the then-current Cook County real estate tax payment schedule. The Applicant or its successors shall abide by the terms of this Section 7 (J) for as long as the terms of this ordinance are in effect and/or the Applicant or its successors operate the Planned Development authorized by the terms of this ordinance.
- (K) The Applicant shall, at its sole cost and expense, renovate the streetscape adjacent to the Subject Property and the two parcels immediately south of the Subject Property in accord with the Applicant's approved streetscape plans. Said streetscape shall extend along Sherman Avenue from the northern boundary of Fountain Square to Church Street, along Church

Street from Sherman Avenue to Orrington Avenue, and along Orrington Avenue from Church Street to the northern boundary of Fountain Square.

- (L) The Applicant shall, no later than one hundred eighty (180) days after the issuance of a final Certificate of Occupancy for any portion of the Planned Development authorized by the terms of this ordinance, submit to the City a report from the U.S. Green Building Council that certifies said Planned Development as LEED Silver or better.
1. Should the Applicant submit said report late, the Applicant shall owe the City a penalty in the amount of five hundred dollars (\$500.00) per day for every day after the aforementioned due date until and including the day the Applicant submits said report.
  2. Should the Planned Development fail to receive a rating of Silver or better, the Applicant shall owe the City a penalty to be calculated according to the following formula:

$$P = [(LSM - CE) / LSM] \times CV \times 0.0075$$

P is the penalty; LSM is the minimum credits needed to earn a LEED Silver rating, or LEED Silver minimum; CE is the number of credits earned as documented in the U.S. Green Building Council report; and CV is the Construction Value as set forth in the building permit for the Planned Development.

- (M) The Applicant shall pay to the City a fee in the amount of two thousand, two hundred fifty dollars (\$2,250.00) per meter for the net loss of metered parking spaces from the City block whereon the Subject Property is found, removed as a result of the construction of the Planned Development authorized by the terms of this ordinance. The Applicant shall pay said fee on an annual basis and prior to December 31<sup>st</sup> of each year, beginning in the year wherein said meters are removed. The annual fee shall be adjusted to match any change enacted by the City Council to the parking meter rate for the district wherein the Subject Property is found.
- (N) The Applicant shall extend a right of first refusal for market-rate leases of the first-floor retail spaces in the Planned Development authorized by the terms of this ordinance to those Evanston-based retailers who occupy the first-floor retail space in the building that exists on the Subject Property as of the effective date of this ordinance.

**SECTION 8:** That the deadlines set forth in Subsections 6-3-5-15 (A) and 6-11-1-10 (A) 4 of the Zoning Ordinance notwithstanding, the Applicant shall have until December 31, 2013 to obtain a building permit to construct the Planned Development authorized by the terms of this ordinance and thirty (30) months to complete construction of said Planned Development pursuant to said building permit.

**SECTION 9:** The Applicant shall develop and use the Subject Property in substantial compliance with all applicable legislation, with the Applicant's testimony and representations to the Plan Commission, the Planning and Development Committee, and the City Council, and with the approved plans and documents on file in this case.

**SECTION 10:** That, except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

**SECTION 11:** That the Applicant, at its cost, shall record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits related to the construction of the proposed Planned Development hereby authorized.

**SECTION 12:** That, when necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall read as "Applicant's agents, assigns, and successors in interest."

**SECTION 13:** That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 14:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 15:** 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: 6


Nays: 3

Introduced: March 9, 2009


Approved:

Adopted: March 23, 2009


3/27, 2009

  
Lorraine H. Morton, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
Elke Tober-Purze, Interim  
First Assistant Corporation Counsel

**EXHIBIT A**

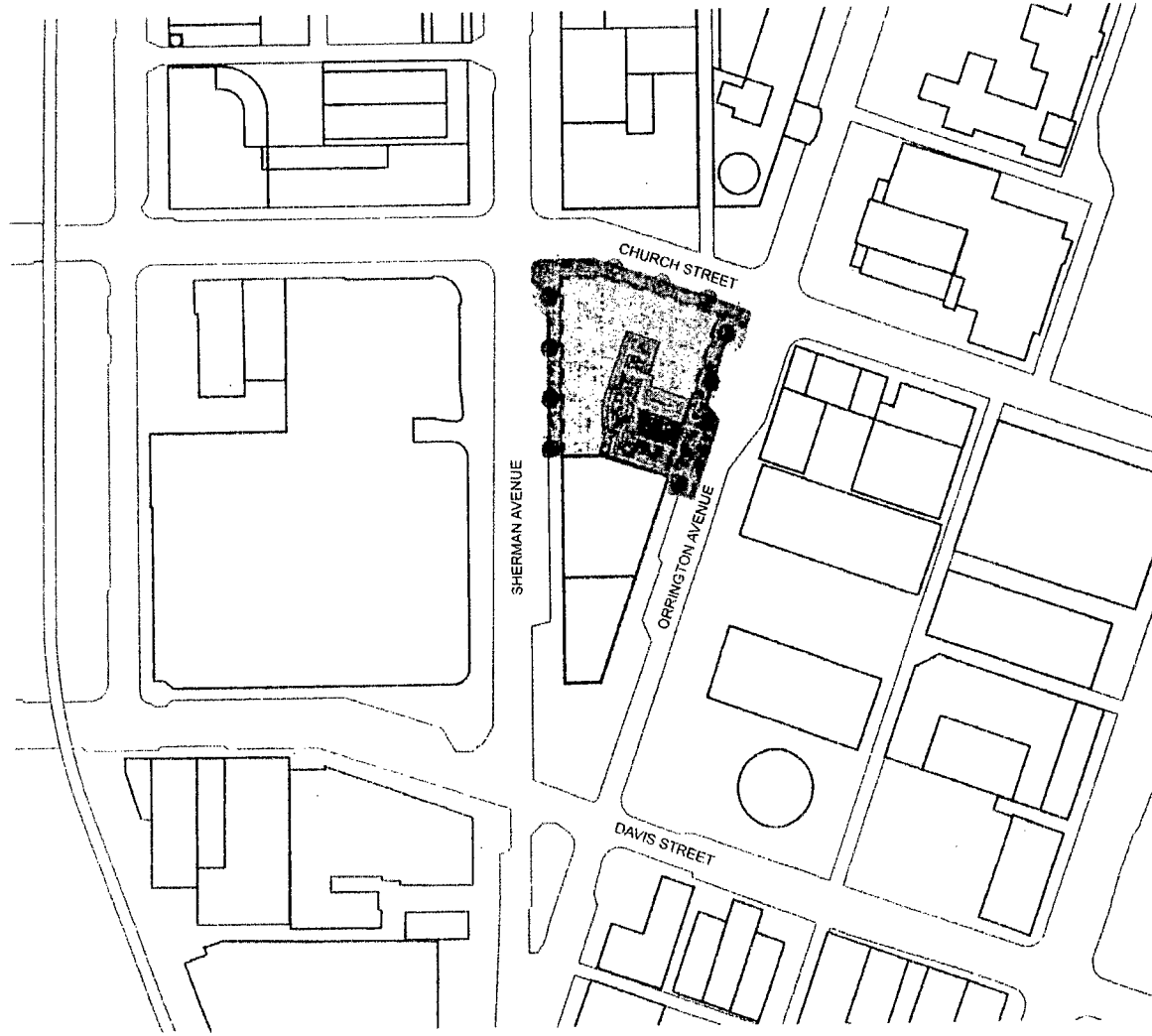
**LEGAL DESCRIPTION OF  
708 CHURCH STREET**

LOTS 1, 2, 3, 4, 12, 13, 14 AND 15 IN RESUBDIVISION OF BLOCK 28 IN VILLAGE OF EVANSTON IN THE EAST  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

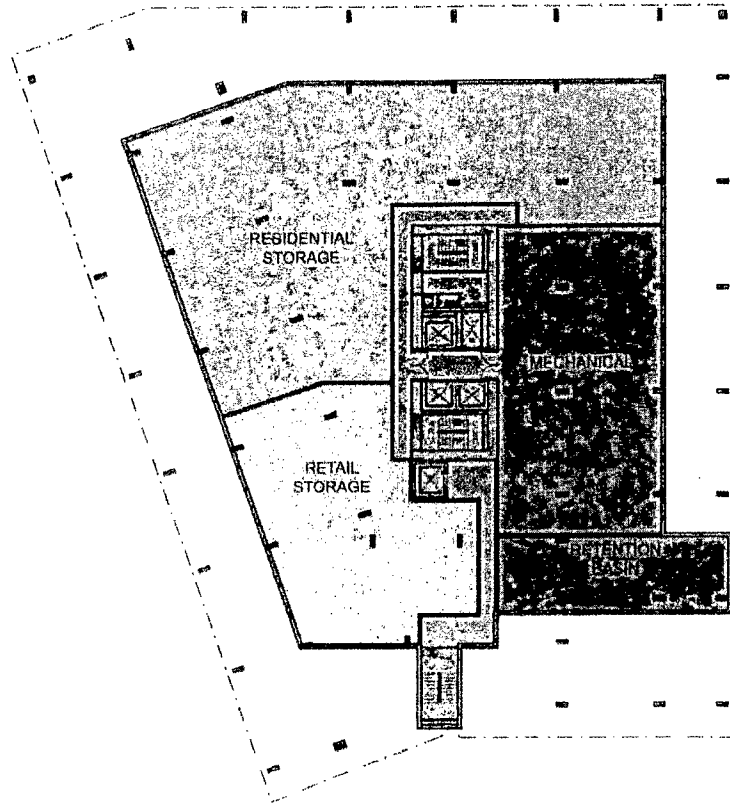
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**EXHIBIT B**

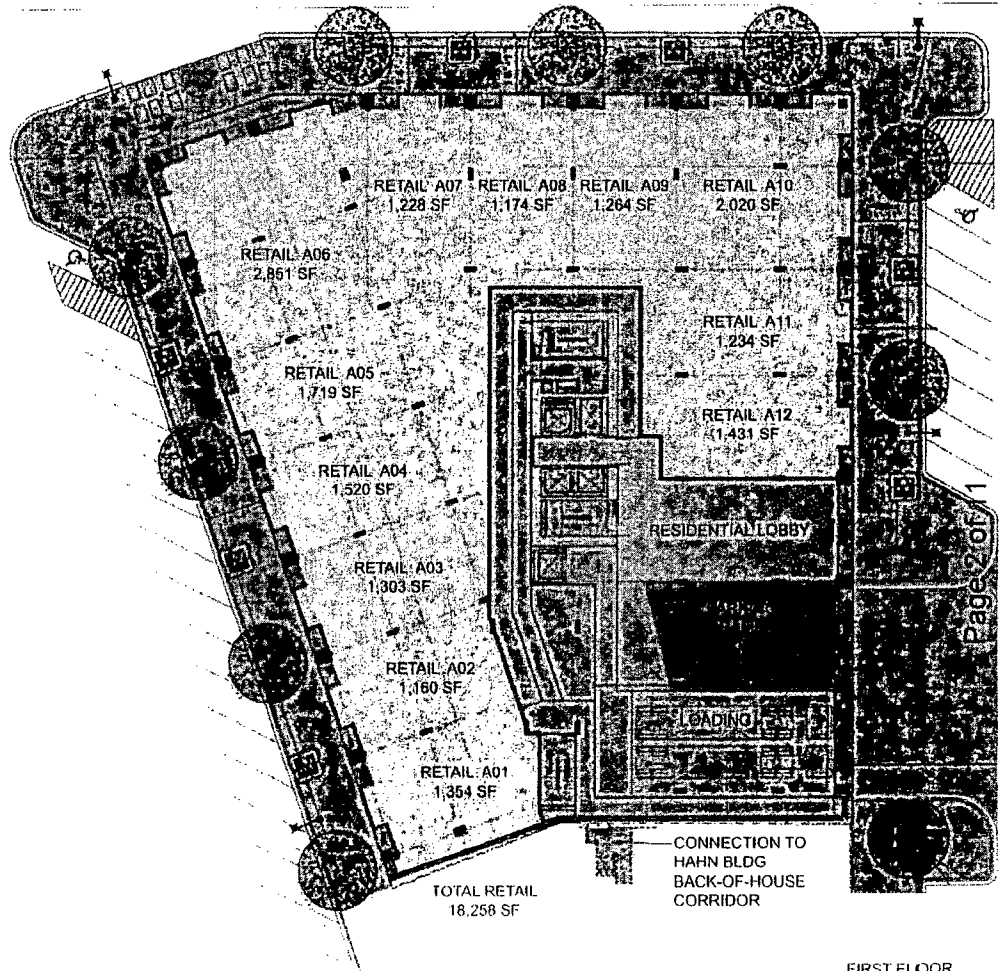
**DEVELOPMENT PLANS**



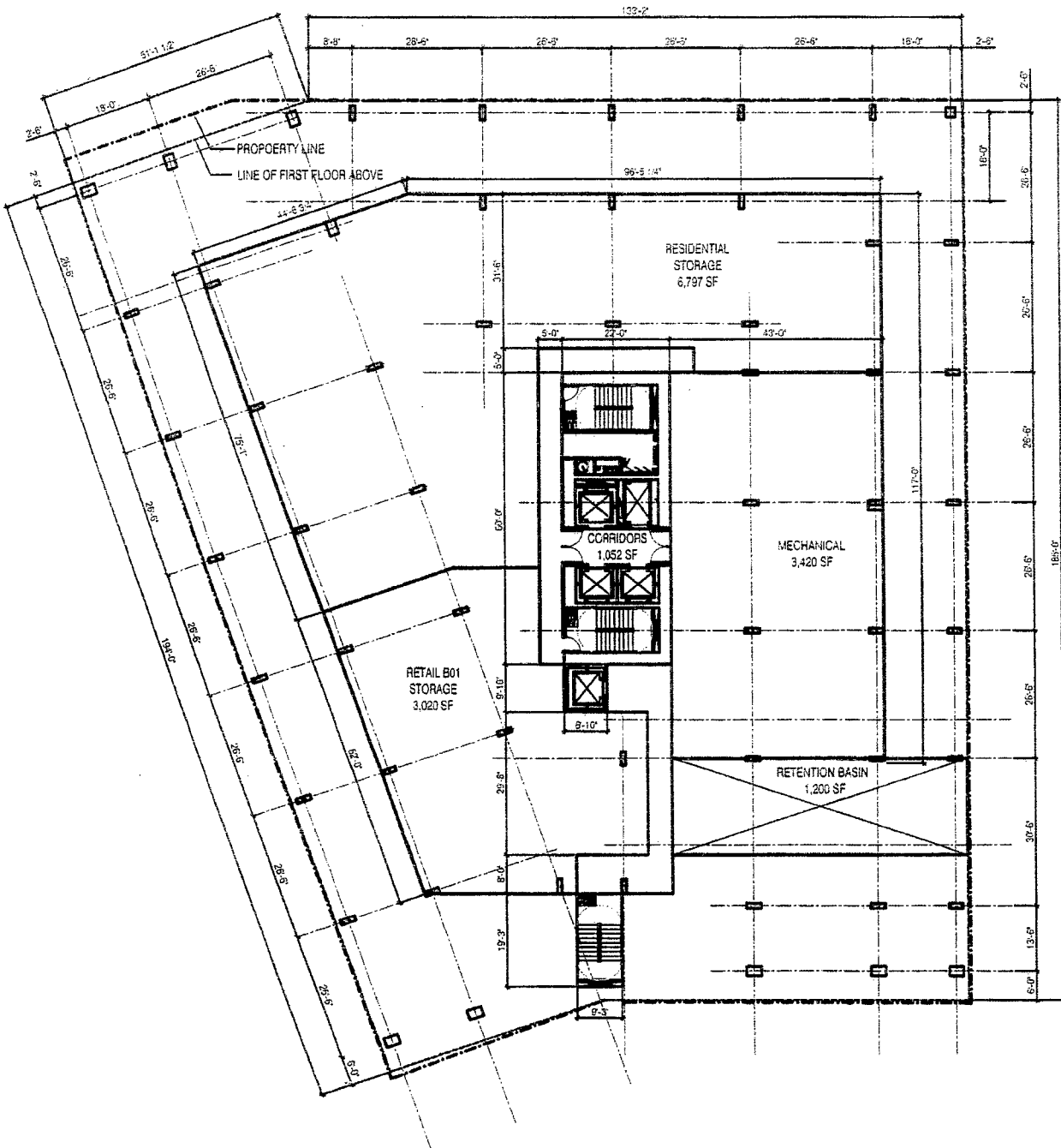




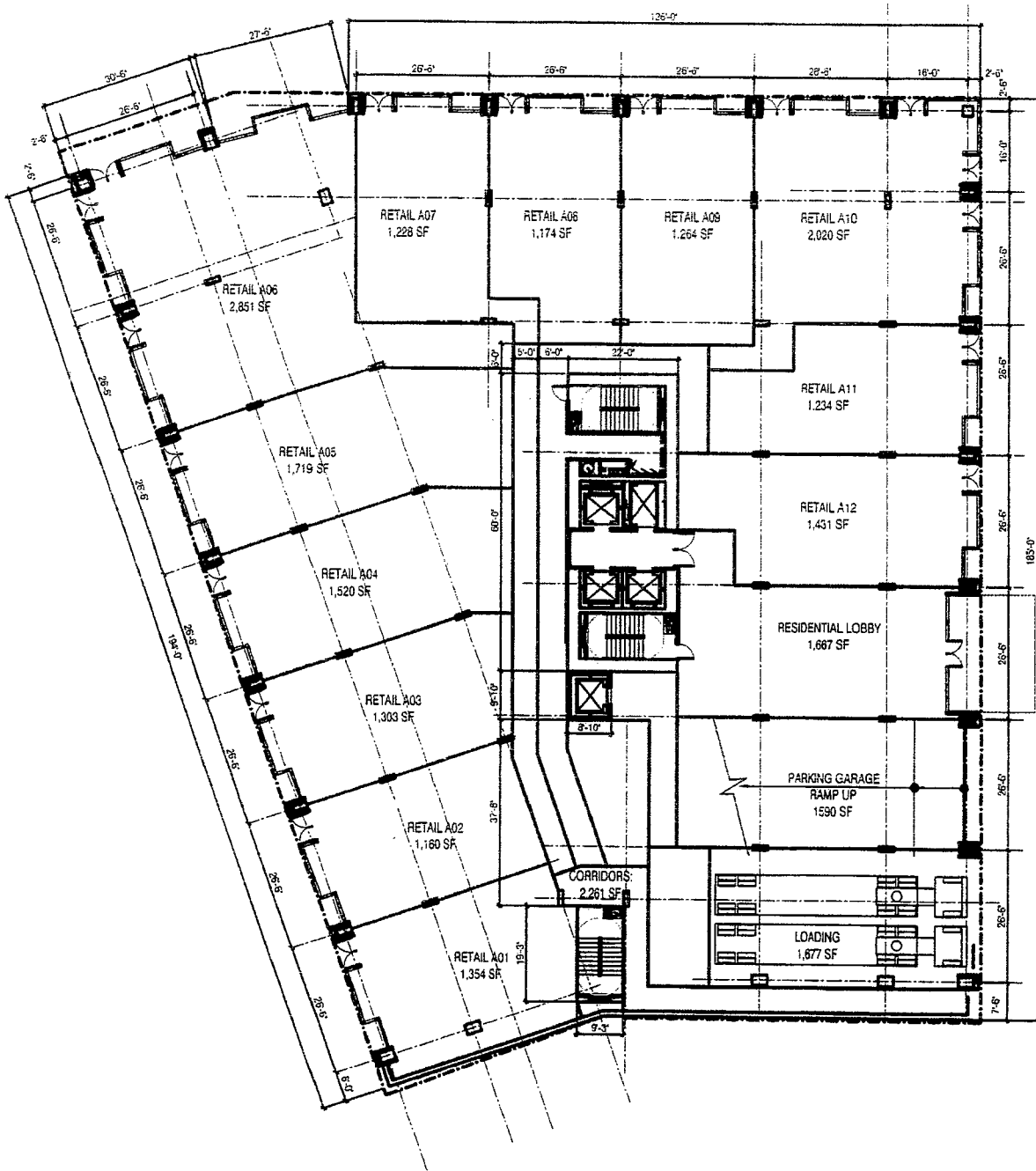
LOWER LEVEL




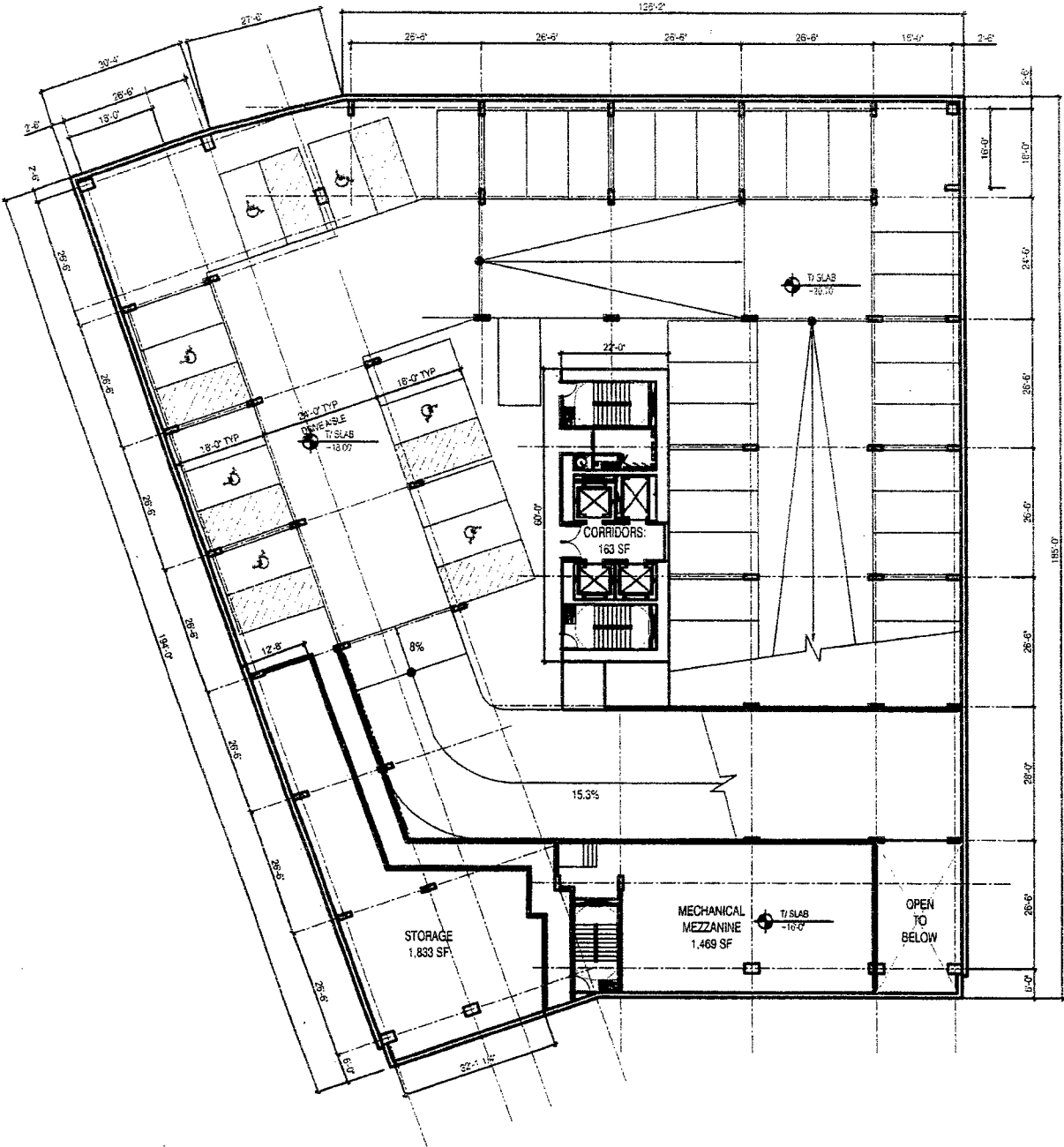
FIRST FLOOR



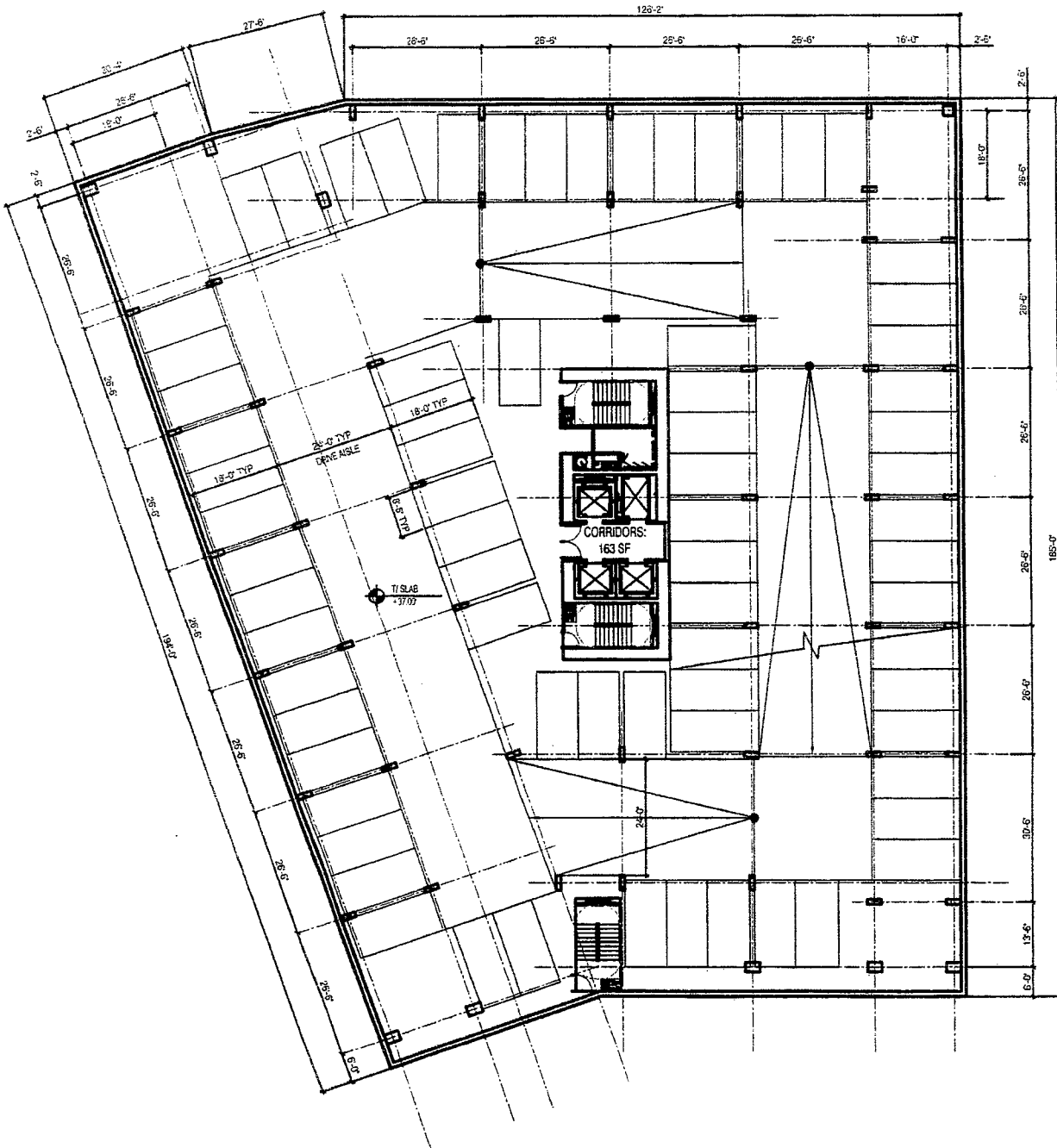
1 BASEMENT FLOOR



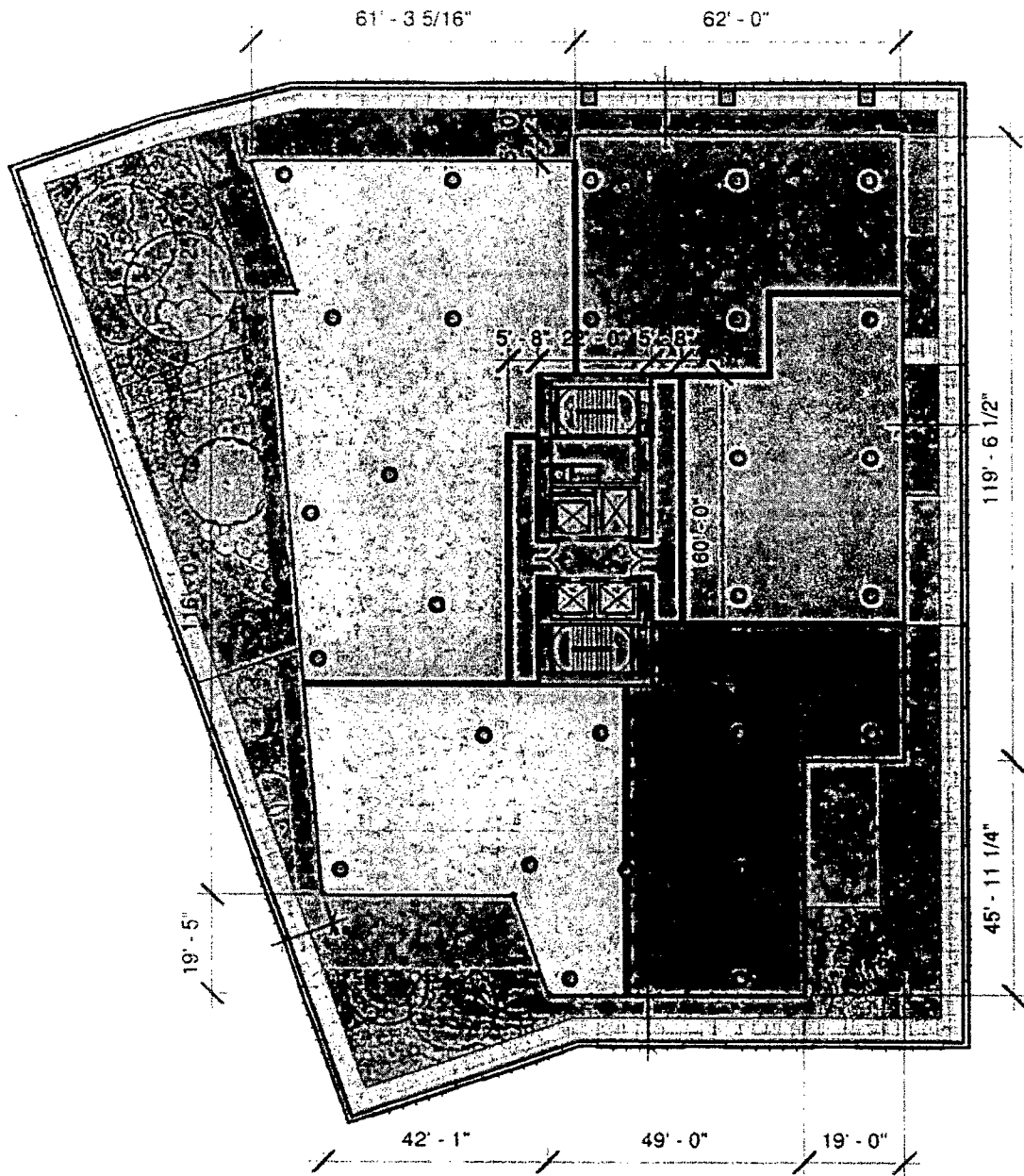
 FIRST FLOOR



① SECOND FLOOR



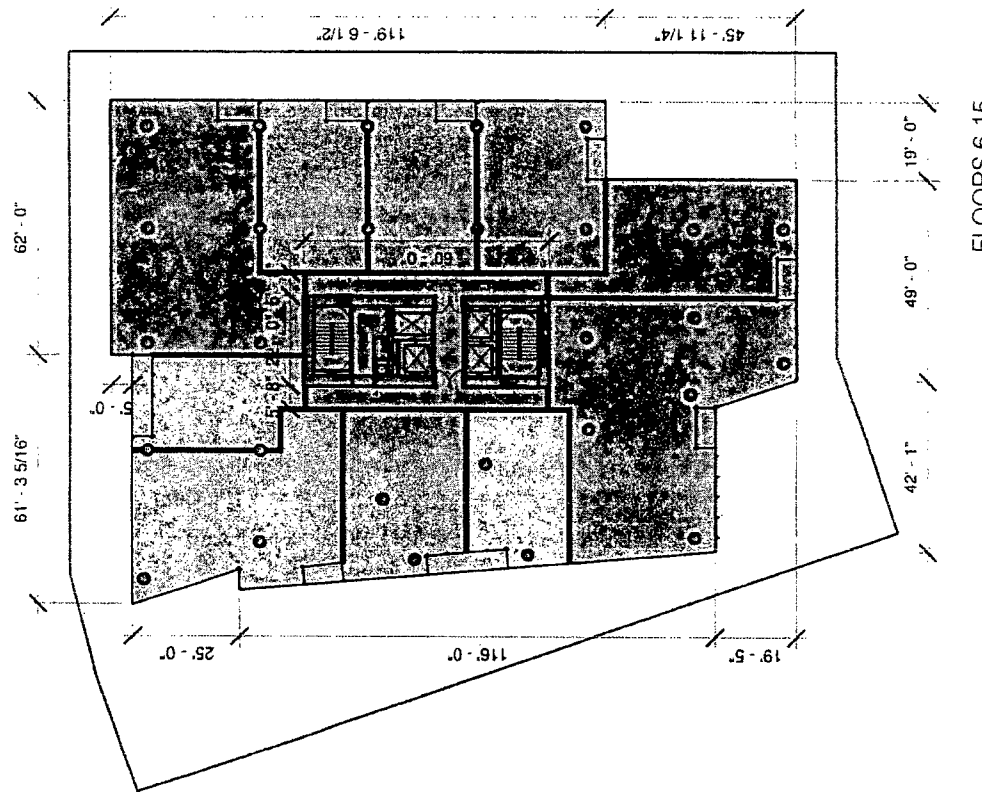
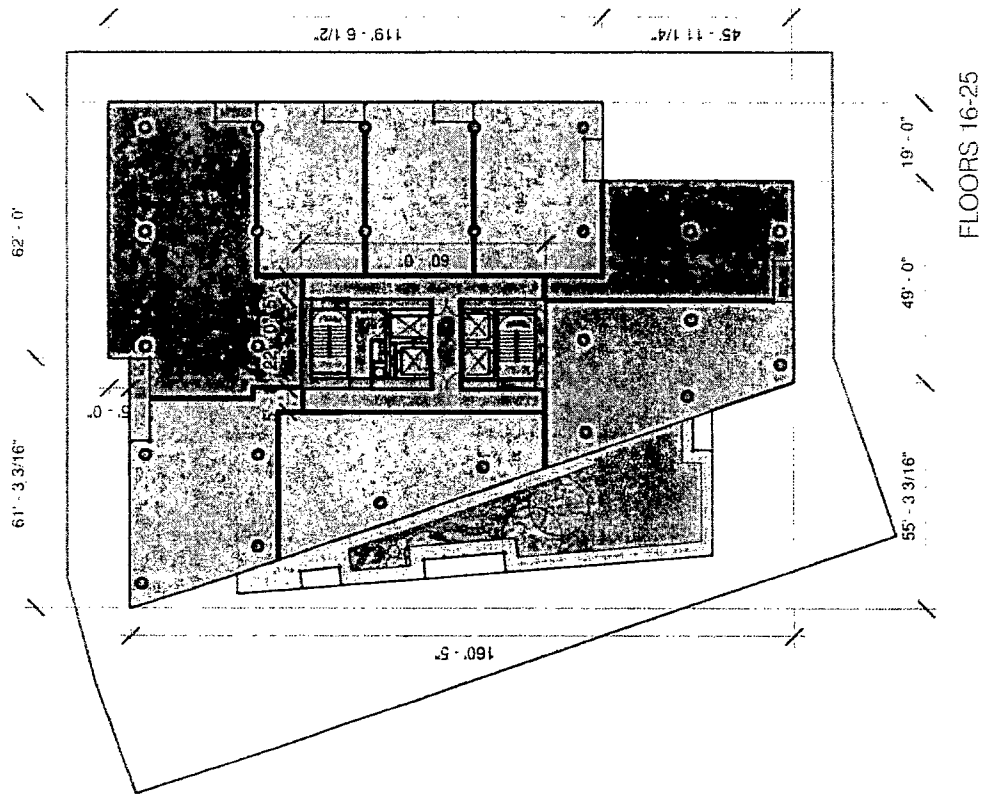
① TYPICAL PARKING FLOOR

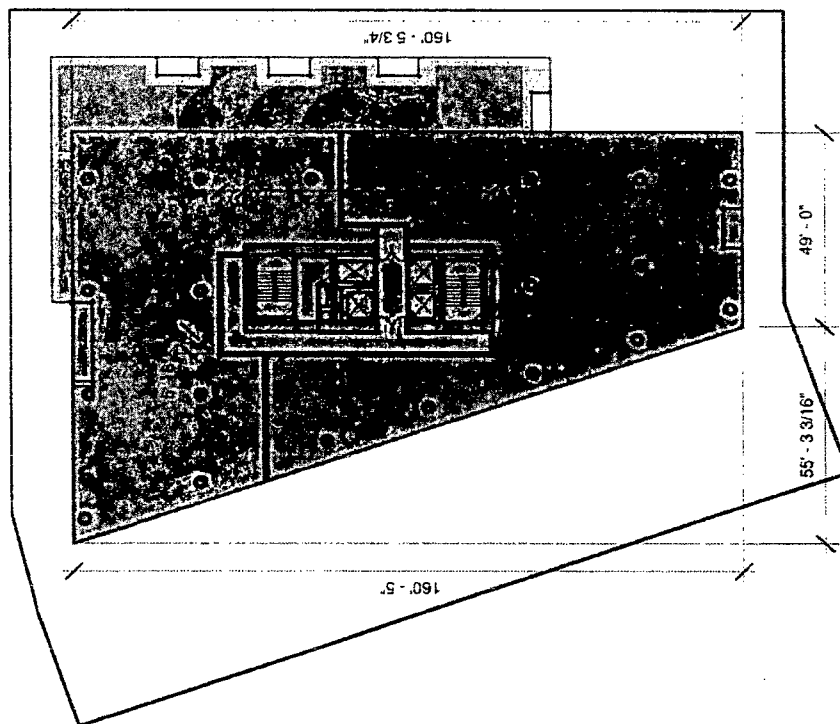


5TH FLOOR

EXHIBIT B

32-O-08





FLOORS 26-35



32-O-08

EXHIBIT B

TOP OF ROOF SLAB

35 FLOORS: 395 FEET

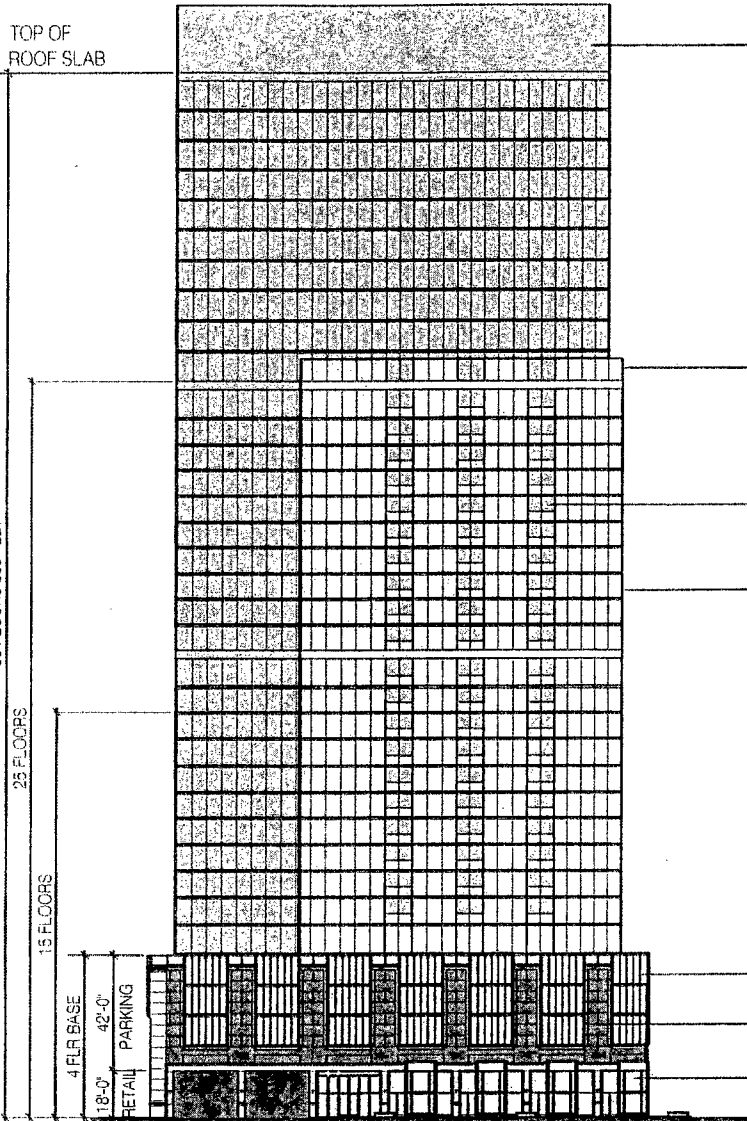
25 FLOORS

15 FLOORS

4 FLR BASE

18'-0" RETAIL

42'-0" PARKING



MECHANICAL EQUIPMENT SCREEN

TERRACE SCREENS

RECESSED BALCONIES

WINDOW SYSTEM

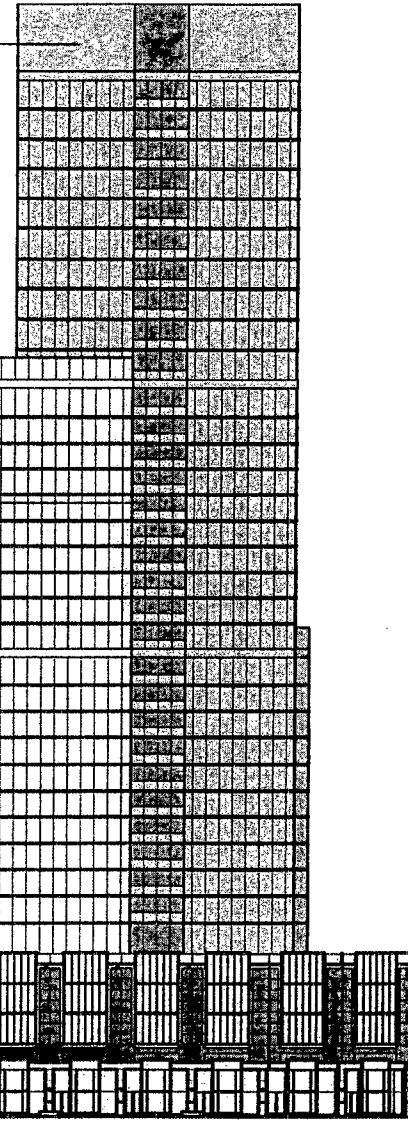
OPAQUE GLASS

STONE

RETAIL STOREFRONT

1 EAST ELEVATION (ORRINGTON AVE)

SCALE 0 15 30 60



2 NORTH ELEVATION (CHURCH STREET)

SCALE 0 15 30 60

32-O-08

TOP OF ROOF SLAB

EXHIBIT B

36 FLOORS/285 FEET

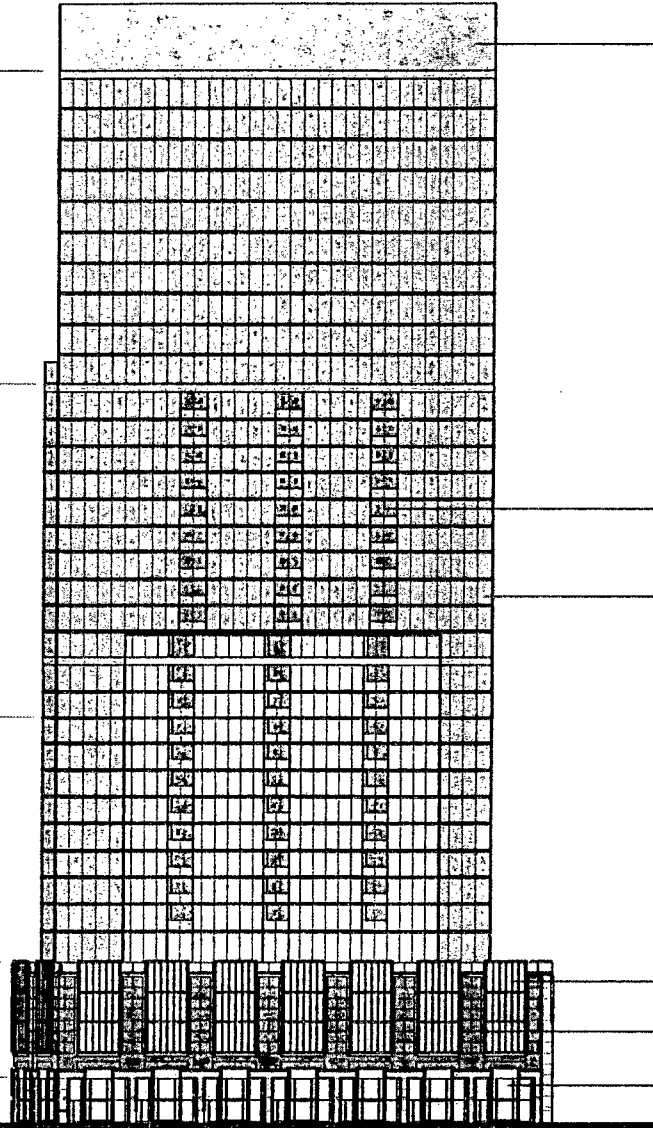
25 FLOORS

15 FLOORS

4 FLR BASE

18'-0" RETAIL

42'-0" PARKING



MECHANICAL EQUIPMENT SCREEN

RECESSED BALCONIES

WINDOW SYSTEM

OPAQUE GLASS

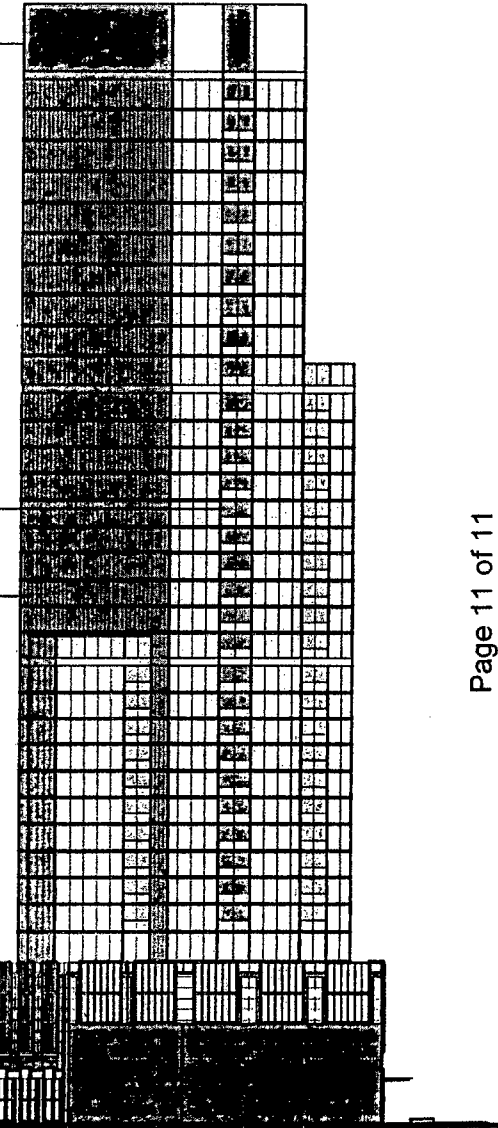
STONE

RETAIL STOREFRONT

1

WEST ELEVATION (SHERMAN AVE)

SCALE 0 15 30 60



2

SOUTH ELEVATION

SCALE 0 15 30 60

**EXHIBIT C**

**LEGAL DESCRIPTION OF  
1600-1601 ORRINGTON AVENUE**

LOTS 8, 9 AND 10 IN THE SUBDIVISION OF BLOCK 28 IN THE VILLAGE OF EVANSTON IN THE WEST ½ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

**PIN: 11-18-305-003-0000**

