

SPECIAL MEETING AGENDA
PLANNING & DEVELOPMENT COMMITTEE

Tuesday, March 3, 2009

6:00 P.M.

EVANSTON CIVIC CENTER
City Council Chambers

I. DECLARATION OF QUORUM

II. ITEMS FOR CONSIDERATION

(P1) **Ordinance 32-O-08 Plan Commission Recommendation for a Map Amendment & Planned Development at 708 Church Street**

Consideration of a recommendation from the Plan Commission to rezone the property at 708 Church Street from D2, Downtown Retail Core Zoning District, to D3, Downtown Core Development District, and to grant a Planned Development on that site of a 49-story residential and retail tower known as the "Fountain Square Development." (Revised plan is for a 38-story residential & retail tower.) **TABLED IN COMMITTEE UNTIL COUNCIL ADOPTS THE DOWNTOWN PLAN.**

III. **Presentation of Addendum of February 19, 2009 to 708 Church Street Development Proposal**

IV. CITIZEN COMMENT

V. DISCUSSION

VI. ADJOURNMENT



**CITY OF EVANSTON
AGENDA ITEM SUMMARY**

For Special Planning & Development Committee Meeting of: 3/3/09

Title: Ordinance 32-O-08 – Plan Commission Recommendation for a Map Amendment and Planned Development at 708 Church Street

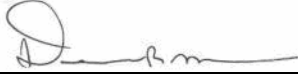
Resolution/Ordinance Number: 32-O-08

Council Action:

- Business of the City by Motion
- Resolution
- Ordinance–Introduction (Date)
- Ordinance–Action (Date)
- Discussion only
- Communication

Committee:

- Administration & Public Works
- Planning & Development
- Human Services
- Budget
- Other (i.e. CDBG, EDC)

<p>Description (Including Funding Source): Consideration of a recommendation from the Plan Commission to rezone the property at 708 Church Street from D2 Downtown Retail Core zoning district to D3 Downtown Core Development district, and to grant a Planned Development of a 49-story residential and retail development known as the “Fountain Square Development.” (Revised plan is for a 35-story development.)</p>	
<p>Recommended Action: Plan Commission voted to recommend approval.</p>	
<p>Summary of Item: A revised application by 700 Church Street, LLC, contract purchaser of the property known as 708 Church Street, for a map amendment from the D2 Downtown Retail Core zoning district to the D3 Downtown Core Development zoning district, and for a planned development as a form of special use permit including such development allowances, exceptions to development allowances, and other relief as may be necessary to allow redevelopment of 708 Church Street for multi-family residential use with accessory parking and ground-floor retail.</p> <p><u>Changes</u> to the original application are summarized below:</p> <p>Number of Stories: 35 (original: 49 stories) Actual Building Height: 385 feet¹ (original: 523 feet actual height²) Gross Floor Area: 439,498 Square Feet (original: 457,752 square feet) Floor Area Ratio: 15.14 (original: 15.77) Retail Space: 18,720 Square Feet (original: 28,650 square feet of retail and office) Off-Street Parking Spaces: 271 (original: 234)</p> <p>The number of dwelling units proposed remains <u>unchanged</u> at 218.</p> <p>Adoption of the proposal requires granting site development allowances for required ziggurat setback, number of off-street parking spaces, number of off-street loading berths, and number of dwelling units; and will require a favorable super-majority vote of 2/3 at City Council to exceed site development allowances for maximum floor area ratio and building height.</p> <p>¹ for purposes of zoning calculations, a height of 345 feet is used for the revised proposal, which subtracts 40’ for three stories of structured parking. ² 484 feet used for zoning calculations for the original proposal.</p>	
<p>Additional Information Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Legislative History: Plan Commission voted to recommend approval on 12/10/2008; Planning and Development Committee heard public comment on 3/17/2008; 3/24/2008: the applicant requested and received a continuance and subsequently submitted a revised development plan; 4/4/2008: the applicant presented the revised proposal and the item was held for public comment until 5/7/2008; 5/7/2008: the Committee tabled the item until the Downtown Plan was adopted; 2/9/2009: Council adopts the Downtown Plan; 2/19/2009: Applicant submitted a second revised proposal</p>	
<p>Departmental Approval:</p> 	<p>Department Submitting Agenda Item: Community Development</p>
<p>Manager's Office Approval:</p>	<p>Final Council Action:</p>



Memorandum

To: Rolanda Russell, Acting City Manager
From: Dennis Marino, Acting Director, Community Development
Bill Dunkley, Zoning Administrator
Subject: 708 Church Street (P&D 3-3-09)
Date: 27-February-2009

This memo outlines the current status of the combined petition for a map amendment from D2 to D3 and application for planned development at 708 Church Street, to be heard by the P&D Committee at a special meeting on 3-3-2009. The petitioner/applicant, 700 Church St, LLC – contract purchaser for the site – has recently submitted a revision (2/19/09) to the proposed development, which includes the following substantive changes to the proposed tower:

- A decrease in the actual height from 421 feet to 385 feet.
- A decrease in the number of stories from 38 to 35 stories.
- Removal of the Hahn Building from the proposal.
- Addition of a one million dollar (\$1,000,000.00) donation toward the rehabilitation of Fountain Square.

Note that there has been no change in the requested number of dwelling units, which stands at 218. Also note that the small change in FAR of the revision results from the exclusion of storage areas from the calculation of floor area, as should have been done for the previous revision, not from any change to the proposed development. These changes have been reflected in the supporting material included for this item.

Also noteworthy is the status of the proposal vis-à-vis the recently-adopted Downtown Plan. Although the proposal may have been revised to meet the objectives and recommendations of the adopted plan, the regulations under which the proposal is governed remain those in effect on the date the application was submitted to the City. The Zoning Ordinance, Zoning Map, Building Code, etc., against which the project must be evaluated, remain unchanged.

2/27/2009
5/5/2008
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, adopted the applicable findings and recommendations of the Plan Commission, and recommended approval by the City Council; and

WHEREAS, at its March 9, 2009 and March 23, 2009 meetings, the City Council considered and adopted the records and recommendations of the Plan Commission and 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 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-nine~~ ninety-eight (399 398) 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 Field 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 ~~preserve the structure located at 1609-1619 Sherman Avenue and 1618-1626 Orrington Avenue (the "Hahn Building"), legally described in Exhibit C, attached hereto and made a part hereof, an Evanston landmark that is located immediately south of the Subject Property~~ 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 round-the-clock ~~while the Applicant's commitment to not develop the aforementioned Hahn Building all but ensures that the block on which the Subject Property sits will not have a final density greater than the recently developed blocks immediately east and west of the Subject Property.~~
- (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 retail and second-floor office/retail space preserves the mix of commercial and office 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 ~~fifty-six~~ fourteen hundredths (~~15.56~~ 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 ~~four hundred twenty-one feet (421')~~ 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 maintain a four (4) -story base similar to what currently exists on the Subject Property and include one (1) level of office/retail above grade and locate at least one (1) level of parking below 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 D, attached hereto and made a part hereof, so that the essential vision for the entire block can be achieved;
- (F) The building that currently exists on the Subject Property shall not be demolished 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 must 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 restore the exterior of the aforementioned Hahn Building to first class condition.~~ 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.

SECTION 8: 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 9: 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 10: 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 11: 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 12: 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 13: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 14: 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: _____

Nays: _____

Introduced: _____, 2009

Approved:

Adopted: _____, 2009

_____, 2009

Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Rodney Greene, City Clerk

Elke Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

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.

PIN: 11-18-305-005-0000

COMMONLY KNOWN AS: 708 Church Street, Evanston, Illinois.

EXHIBIT B

DEVELOPMENT PLANS

EXHIBIT C

**~~LEGAL DESCRIPTION OF
1609-1619 SHERMAN AVENUE / 1618-1626 ORRINGTON AVENUE~~**

~~LOTS 5, 6, 7 AND 11 IN BLOCK 28 IN THE VILLAGE (NOW CITY) OF
EVANSTON, SECTION 18, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE
THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.~~

~~PIN: 11 18 306 029 0000
11 18 306 032 0000
11 18 306 035 0000
11 18 306 005 0000
11 18 306 022 8002
11 18 306 007 0000
11 18 306 036 0000~~

EXHIBIT D

**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 1/2 OF SECTION 18, TOWNSHIP 41 NORTH,
RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,
ILLINOIS.~~

~~PIN: 11 18 305 003 0000~~

February 19, 2009

City of Evanston – Planning & Development Committee
c.o. Mr. Dennis Marino
City of Evanston
2100 Ridge Avenue
Evanston, IL 60201

Sent Via: Hand Delivered

Re: Addendum to our May 7, 2008 P&D Submittal
Project: 708 Church Street

Dear City of Evanston's Aldermen and Staff:

Since the 708 Church Street project was tabled on May 7, 2008, our team has been diligently attending the Downtown Planning meetings and carefully listening to both the concerns and recommendations offered by all stakeholders. Overall we left the Downtown Planning process with some clear ideas on how to improve our project while staying true to our original design concept. Therefore, on behalf of our development team, I ask that you accept the attached addendum to our previously submitted Planning and Development Committee submission dated May 7, 2009. Within this addendum, you will find that we incorporated many of the concepts of the approved Downtown Plan while also maintaining the architectural integrity we have been striving for since our initial submittal in July 2007. In addition, we have also adjusted our public benefits to reflect feedback that we received from our earlier proceedings with the Planning and Development Committee. In summary, we have made the following changes:

- The current design contemplates a 35 story building that is within the height limitations outlined in the approved Downtown Plan.
- The current design meets the form based building setbacks as prescribed in the approved Downtown Plan.
- The development team has committed to contributing \$1,000,000 to the redesign and renovation of the Fountain Square Plaza.
- Recognizing that the acquisition and enhancement of the Hahn Building would not be considered a public benefit, the property is no longer under contract and, therefore, the development team has withdrawn its request for TIF subsidy.

In conclusion, we look forward to the opportunity to present our addendum to the Planning and Development Committee. Please feel free to contact me with any questions prior to the meeting at 847-441-0474 Ext. 13.

Yours truly,

A handwritten signature in black ink, appearing to read 'Tim Anderson', with a long horizontal flourish extending to the right.

Tim Anderson
President

Encl: 708 Church Street Planning and Development Addendum Dated February 19, 2009
CC: Jim Klutznick
Marc Klutznick
George Halik

CITY OF EVANSTON ZONING ANALYSIS REVIEW SHEET

APPLICATION STATUS: **NON-COMPLIANT** February 27, 2009

Z.A. Number: ZA 09 - ZONA - 708CHURCH-1

District D3

Overlay: None

Received:

2/19/09

For Address: 708 Church Street

Preservation District:

- Lakeshore Northeast (federal only)
 Ridge LANDMARK
 Northeast (local) None

Modified:

Applicant: Tim Anderson

Telephone: 847-441-0474

Zoning Officer: Bill Dunkley, Zoning Administrator

THIS APPLICATION PROPOSES (select all that apply):

- New Principal Structure Change of Use Plat of Consolidation
 New Accessory Structure Retention of Use Sidewalk Cafe
 Addition to Structure Temporary Use Home Occupation
 Alteration to Structure Plat of Subdivision "Garage" Sale
 Retention of Structure Plat of Resubdivision Other...

ANALYSIS BASED ON:

Plans Dated: May 7, 2008 including amendment dated February 19, 2009.

Prepared By: Kutznick-Fisher Development Company and Focus Development, Inc.

Survey Dated: April 19, 2007

Plans Are: Preliminary Construction Drawings

Point of Origin: Building Permit Application Business License
 Zoning Analysis Application Other...

Bldg Permit

Appl #:

Existing: 2-story mixed use building (retail, office) to be razed

Improvements:

Specifically:

Construct a 35-story mixed-use tower consisting of 18,258 square feet of retail space (ground floor), 271 off-street enclosed parking spaces (floors 2-4), and 218 dwelling units (floors 5-35). ANALYSIS ASSUMES D3 DISTRICT, THE RECENTLY ADOPTED DOWNTOWN PLAN NOTWITHSTANDING, THE GOVERNING REGULATIONS FOR THIS PROJECT ARE THOSE IN EFFECT AT THE TIME OF APPLICATION SUBMISSION.

ZONING ANALYSIS

PLANNED DEVELOPMENT THRESHOLDS

This Section Does Not Apply to this Application.

Does not apply to I1, I2, I3, Os, U3, or Excluded T1 & T2 Properties. See §6-8-1-10(D) for R's; §6-9-1-9(D) for B's; §6-10-1-9(D) for C's; §6-11-1-10(D) for D's; §6-12-1-7(D) for RP; §6-13-1-10(D) for MU & MUE; §6-15-1-9 for O1, T's, U's, oH, oRE, & oRD.

1. Is the request for construction of substantially new structures or a substantial rehabilitation or substantial addition as defined increasing floor area of principal structure by 35% or more? If not, skip 2 & 4 below. Yes No DNA
2. Does the zoning lot area exceed 30,000 sqft? Yes No DNA
3. Does the proposal entail more than 24 new residential, commercial, business, retail or offices units in any combination? Yes No DNA
4. Does the proposal entail the new construction of more than 20,000 sqft of true gross floor area at or above grade including areas otherwise excluded from defined gross floor area? Yes No DNA

FRONT YARDS

This Section Does Not Apply to this Application.

- § 6-4-1-9 (A) 3 - For R, T, or U District proposals, does 50% or more of the block frontage have a setback of more than 27 feet? Yes No DNA
- § 6-4-1-9 (A) 5a - Does an abutting lot have less than the required front yard setback of the zoning district? Yes No DNA
- § 6-4-1-9 (A) 5b - Is the subject property located between an improved lot and a vacant lot? Or is the subject property a corner lot? Yes No DNA

PRINCIPAL USE AND STRUCTURE

This Section Does Not Apply to this Application.

	Standard	Existing	Proposed	Determination
USE:	Sec. 6-11-4-2	TO BE DEMOLISHED	Retail Dwellings (Above Ground Floor)	COMPLIANT
Minimum Lot Width: Use: Other	None	>100'	>100'	COMPLIANT
Minimum Lot Area: Use: Multi-family	5,000 sq. ft. min.; 300 sq. ft. per dwelling unit	29,024.00 sqft	29,024.00 sqft	NON-COMPLIANT see note 1
Dwelling Unit(s):	1 du/300 sq. ft. lot area: 29,024/300 = max. 96 units permitted	TO BE DEMOLISHED	218 dwelling units	NON-COMPLIANT see note 1
Rooming Unit(s):				Does Not Apply

PRINCIPAL USE AND STRUCTURE (CONT'D)

The following three sections apply to building lot coverage and impervious surface calculations in residential districts.

Front Porch Exception (Subtract 50%)	Pavers/ Pervious Paving Exception (Subtract 20%)	Open Parking Debit (Add 200 sqft/open space)
Total Eligible Front Porch Area: <input style="width: 100px;" type="text"/>	Total Paver Area: <input style="width: 100px;" type="text"/>	Number open required spaces: <input style="width: 100px;" type="text"/>
Front Porch Deduction: <input style="width: 100px;" type="text"/>	Paver Deduction: <input style="width: 100px;" type="text"/>	Addition to building lot coverage: <input style="width: 100px;" type="text"/>

This Section Does Not Apply to this Application.

	Standard	Existing	Proposed	Determination
Building Lot Coverage (defined, including				

subtractions & additions): Impervious Surface(net defined, including bld lot coverage, with subtractions & additions applied)	None	0.00%	0.00%	Does Not Apply
	None	0.00	0.00	Does Not Apply
Accessory Structure Rear Yard Coverage:	40% of rear yard; cannot exceed building lot coverage of zoning district			Does Not Apply
Gross Floor Area: Use: All Uses	4.50 or 130608 sqft	0.00 GFAR	439,498.00 sqft 15.14 GFAR	NON-COMPLIANT see note 2.
Height:	85', plus exception for certain parking floors (Sec. 6-11-3-9 and 6-18-3, "BUILDING, HEIGHT OF").	TO BE DEMOLISHED	385' [actual height] - 40' [exemption for 3 stories of covered parking w/ht of 42'] = 345'	NON-COMPLIANT see note 3.
Front Yard (1): Direction: Street: Church St.	Build to Property Line.		0'	COMPLIANT
Front Yard (2): Direction: Street:	Build to Property Line.			Does Not Apply
Street Side Yard: E Direction: Street: Orrington Ave.	Build to Property Line.		0'	COMPLIANT
Interior Side Yard (1): w Direction:	None abutting nonresidential districts.		0'	COMPLIANT
Interior Side Yard (2): Direction:	None abutting nonresidential districts.			Does Not Apply
Rear Yard: Direction:	None, except 15' abutting residential districts (side and		0'	COMPLIANT
ACCESSORY USE AND STRUCTURE			<input checked="" type="checkbox"/> This Section Does Not Apply to this Application.	
USE (1):	Sec. 6-4-6-3 (B)		Decks, Patios, and Outdoor Facilities	COMPLIANT
Permitted Districts:	All			
Permitted Required Yard:	Rear Yard		Building Envelope	COMPLIANT
Additional Standards:	None			
Height:	Flat or mansard roof 14.5', other roofs 17.5', except garage roofs Sec. 6-4-6-4.			
Distance from Principal Building:	10.00'			

ZONING ANALYSIS (cont'd)

ACCESSORY USE AND STRUCTURE (CONT'D)		<input checked="" type="checkbox"/> This Section Does Not Apply to this Application.		
	Standard	Existing	Proposed	Determination
Front Yard (1A): Direction: Street: Church St.	None, except surface parking prohibited.			
Front Yard (1B): Direction: Street:	None, except surface parking prohibited.			
Street Side Yard: E Direction: Street: Orrington Ave.	None, except surface parking prohibited.			
Interior Side Yard (1A): Direction: W	None, except surface parking prohibited.			

Interior Side Yard (1B): Direction:	None, except surface parking prohibited.			
Rear Yard: Direction:	None, except surface parking 5', 10' abutting residential (side and rear only).			
<input checked="" type="checkbox"/> This Section Does Not Apply to this Application.				
USE (2):	Sec. 6-4-6-3 (B)		Enclosed accessory parking	COMPLIANT
Permitted Districts:	No Applicable Standard			
Permitted Required Yard:	No Applicable Standard		Building Envelope	COMPLIANT
Additional Standards:	No Applicable Standard			
Height:	Flat or mansard roof 14.5', other roofs 17.5', except garage roofs Sec. 6-4-6-4.			
Distance from Principal Building:	10.00'			
Front Yard (2A): Direction: Street: Church St.	None, except surface parking prohibited.			
Front Yard (2B): Direction: Street:	None, except surface parking prohibited.			
Street Side Yard: E Direction: Street: Orrington Ave.	None, except surface parking prohibited.			

ZONING ANALYSIS (cont'd)

ACCESSORY USE AND STRUCTURE (CONT'D)				
<input checked="" type="checkbox"/> This Section Does Not Apply to this Application.				
	Standard	Existing	Proposed	Determination
Interior Side Yard (2A): Direction: W	None, except surface parking prohibited.			
Interior Side Yard (2B): Direction:	None, except surface parking prohibited.			
Rear Yard: Direction:	None, except surface parking 5', 10' abutting residential (side and rear only).			

PARKING REQUIREMENTS				
<input checked="" type="checkbox"/> This Section Does Not Apply to this Application.				
Standard Parking Spaces:				
Use(1): Multi-family (Nonresidential District)	28 1 bdrm --> 1 1/4/DU=35 104 2 bdrm --> 1 1/2/DU=156 86 3 bdrm --> 2 /DU=172 363 residential sp.		271	NON-COMPLIANT see note 4.
Use(2): Retail Goods Establishment	1sp/350sf: ((18,258-3,000 [D3 exemption]) /350) * 0.8 [D3 reduction]= 35 non-residential sp.		0	NON-COMPLIANT see note 4.
Use(3):				

TOTAL REQUIRED:	398 total sp.		271	NON-COMPLIANT (note)
Handicap Parking Spaces:	Sec. 6-16-2-6		7	COMPLIANT
Access:	Sec. 6-16-2-2		street	COMPLIANT
Vertical Clearance:	7'		10.00'	COMPLIANT
Surfacing:	Sec. 6-16-2-8 (E)		Concrete	COMPLIANT
Location:	Sec. 6-4-6-2 Sec. 6-4-6-3 (B) 16 & 18 Sec. 6-11-4-7 Sec. 6-16-2-1		legal location	COMPLIANT
Angle (1): 90 Degree				
Width (W):	8.5'		8.50'	COMPLIANT
Depth (L):	18'		18.00'	COMPLIANT
Aisle (A):	24'		24.00'	COMPLIANT
Module: SL = single-loaded DL = double-loaded	42' SL; 60' DL.		42.00' and 60.00' DL	COMPLIANT
Angle (2): Does Not Apply				
Width (W):				
Depth (L):				
Aisle (A):				
Module: SL = single-loaded DL = double-loaded				

ZONING ANALYSIS (cont'd)

	Standard	Existing	Proposed	Determination
PARKING REQUIREMENTS (CONT'D)				
			<input checked="" type="checkbox"/> This Section Does Not Apply to this Application.	
Garage Setback from Alley Access:	Sec. 6-4-6-2 Sec. 6-4-6-3 (B) 16 & 18 Sec. 6-11-4-7 Sec. 6-16-2-1			
LOADING REQUIREMENTS				
			<input type="checkbox"/> This Section Does Not Apply to this Application.	
Loading: K = 10,000 Use: Multi-family	1 short 30K to 100K, 1 short each addtl. 200K.		3 short req. for residential & 2 short req. for retail 5 short total required	NON-COMPLIANT see note 5
TOTAL (long):			2 long provided	
TOTAL (short):	5, retail & residential uses			
Long Berth Size:	12' wide x 50' deep		(2) 12'w X 50'd	COMPLIANT
Short Berth Size:	10' wide x 35' deep		0	Does Not Apply
Vertical Clearance:	14'		18.00'	COMPLIANT
Location:	Sec. 6-16-4-1		buildable area	COMPLIANT
MISCELLANEOUS REQUIREMENTS				
			<input type="checkbox"/> This Section Does Not Apply to this Application.	
Requirement (1): Ziggurat Setback	Staggered setback along certain public streets; see Sec. 6-11-1-4.		Setback along Church, Sherman, and Orrington = 0' and 54.00' in height	NON-COMPLIANT see note 6
Requirement (2): Mandatory Planned Development	Per section 6-11-1-10 (D)		PD required	NON-COMPLIANT Requires Planned Development, see note A
Requirement (3):				Does Not Apply
MISCELLANEOUS COMMENTS AND/OR NOTES				

Non-compliant Elements (all code citations are in reference to the Zoning Ordinance (Title 6).)

- 1) Proposed **218 dwelling units** exceeds the 96 units that are permitted. Section 6-11-4-4 (B).
- 2) Proposed **FAR of 15.14** exceeds the 4.50 permitted. Section 6-11-4-6.
- 3) Proposed **building height of 345 feet** (385' act. ht. less 40' deduction for structured parking) exceeds the 85 feet permitted. Sec. 6-11-4-8.
- 4) Proposed **271 parking** spaces does not meet the minimum requirement of 399 spaces. Section 6-16, Table 16-B.
- 5) Proposed **two (2) long berths** does not meet loading requirement of 2 long and 5 short berths. Section 6-16, Table 16-E.
- 6) Proposed **building form** does not incorporate required ziggurat setback. Section 6-11-1-4.

Required Process:

- A) The **scale of proposed new construction** triggers a mandatory **planned development process**. Section 6-11-1-10 (D).

APPLICATION DETERMINATION

This application is **NON-COMPLIANT**

Site Plan & Appearance Review Committee approval is **required**