

Certificate as Keeper of
Records, Files and Seals

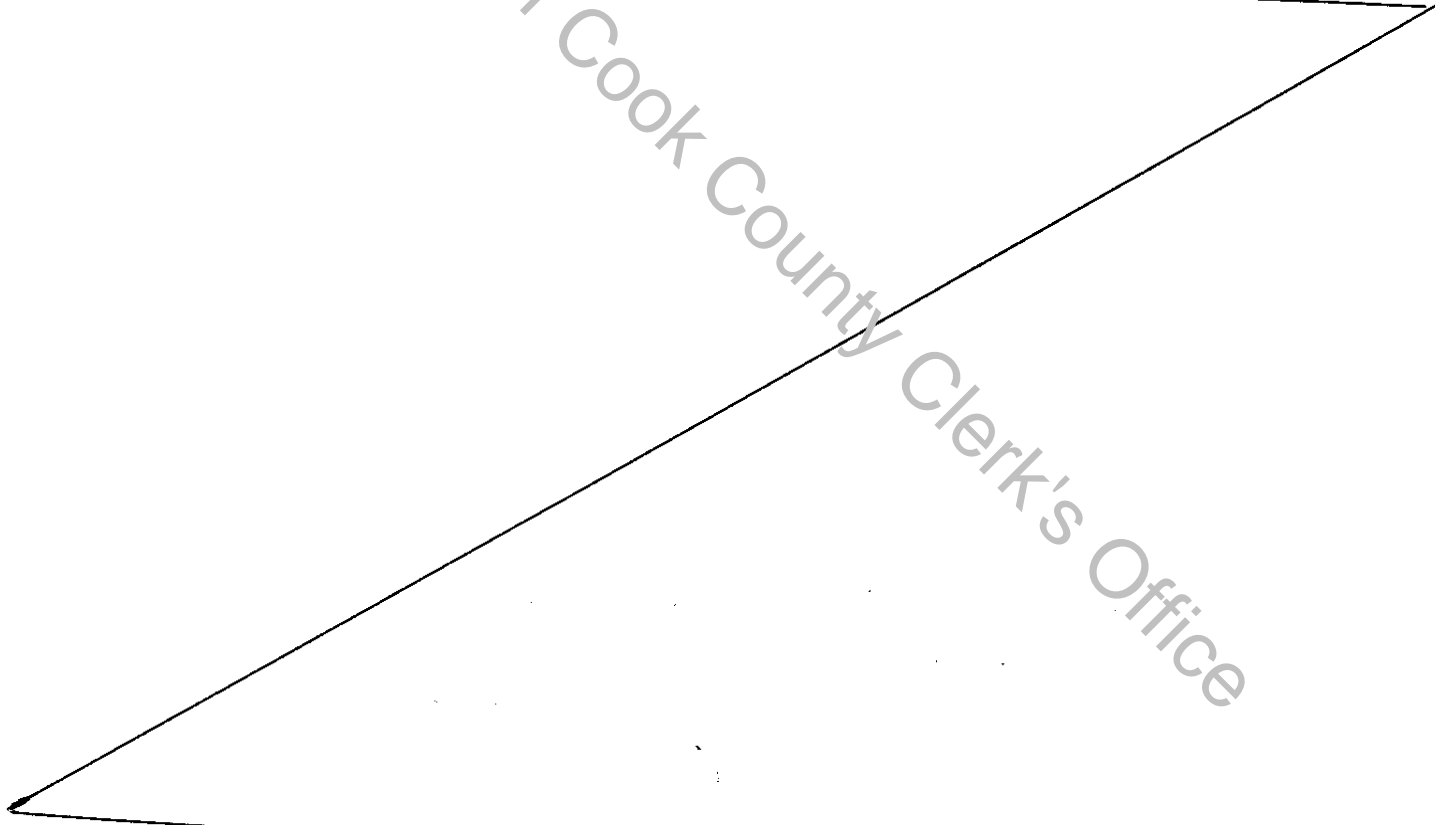
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Doc#: 0728460066 Fee: \$54.00
Eugene "Gene" Moore RHSP Fee: \$10.00
Cook County Recorder of Deeds
Date: 10/11/2007 02:29 PM Pg: 1 of 16

STATE OF ILLINOIS)
) §
COUNTY OF COOK)

I, MARY P. MORRIS, City Clerk of the City of Evanston in the County of Cook and State aforesaid,
and Keeper of the Records, Files and Seal of said City, do hereby certify that attached hereto is a true
and correct copy of Ordinance 45-0-07, an ordinance granting a Special Use for a
Multifamily Residential and Commercial Mixed-Use Planned Development with
Accessory Parking located at 1890 Maple Avenue in the RP Research Park
Zoning District



all of which appears from the records and files in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed the corporate seal of the City of Evanston this

8th day of October 2007

Mary P. Morris
City Clerk

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9/24/2007
 6/26/2007
 6/18/2007
 5/18/2007

45-O-07**AN ORDINANCE**

**Granting a Special Use for a
 Multifamily Residential and Commercial Mixed-Use
 Planned Development with Accessory Parking
 Located at 1890 Maple Avenue
 In the RP Research Park Zoning District**

WHEREAS, Carroll Properties, Inc., contract purchaser (the "Applicant"), with permission from 1890 Maple, LLC, owner of the property located at 1890 Maple Avenue (the "Subject Property"), legally described in Exhibit A, attached hereto and made a part hereof, submitted a completed application on December 5, 2006, pursuant to the provisions of Title 6 of the Evanston City Code, 1979, as amended, ("the Zoning Ordinance"), specifically, Section 6-3-5, "Special Uses"; Section 6-3-6, "Planned Developments"; Section 6-12-2-3, "Special Uses in the RP Research Park District"; Section 6-12-1-7 (D), "Mandatory Planned Development Minimum Thresholds"; and Section 6-12-2-8, "Building Height", for a special use to permit the construction and operation of a multifamily residential and commercial mixed-use planned development with accessory parking at the Subject Property; located in the RP Research Park Zoning District ("RP District"); and

WHEREAS, the Applicant sought approval for approximately one hundred fifty-two (152) dwelling units, a maximum defined building height of approximately one hundred fifty-eight feet (158'), approximately forty thousand

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square feet (40,000 sq. ft.) of commercial space, a defined gross floor area (excluding parking loading, storage, mechanicals, and uses accessory to the building) of approximately one hundred eighty-three thousand, nine hundred twenty-seven square feet (183,927 sq. ft.), resulting in a floor area ratio of approximately four and 93/100 (4.93), and approximately two hundred sixty-nine (269) off-street parking spaces enclosed within the building and forty-four (44) off-site off-street parking spaces; and

WHEREAS, the Plan Commission held public hearings on the application, case no. ZPO 07-01 PD, pursuant to proper notice, on February 21, 2007, March 14, 2007, and April 11, 2007, heard testimony and received other evidence, made verbatim transcripts and written findings, and recommended that the City Council approve the application; and

WHEREAS, construction of the Planned Development, as proposed in the application, requires an exception from the strict application of the Zoning Ordinance pertaining to maximum building height, and

WHEREAS, pursuant to Sections 6-3-6-4, 6-3-6-5, and 6-3-6-6 of the Zoning Ordinance, a planned development may provide for development allowances and modifications to site development allowances that depart from, and/or exceed maximum building height restrictions and other regulations established in the Zoning Ordinance, subject to approval of the City Council; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed planned development meets the standards for special uses indicated in Section 6-3-5-10 of the Zoning Ordinance; adequately

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addresses the general conditions for planned developments in RP District indicated in Section 6-12-1-7 (A) of the Zoning Ordinance; adequately addresses the site controls and standards for planned developments in RP District indicated in Section 6-12-1-7 (B) of the Zoning Ordinance; and adequately addresses the development allowances for planned developments in the RP District indicated in Section 6-12-1-7 (C) of the Zoning Ordinance; and

WHEREAS, the Plan Commission recommended approval of the application for a special use for a planned development; and

WHEREAS, at its May 29, and June 11, 2007 meetings, the Planning and Development Committee of the City Council considered the record in Case No. ZPC 07-01 PD; and

WHEREAS, at the May 29, 2007 meeting of the Planning and Development Committee, the Applicant proposed that the second floor of commercial retail space be optional; and

WHEREAS, at its June 11, 2007 meetings, the Planning and Development Committee adopted the findings and recommendations of the Plan Commission, and recommended approval by the City Council; and

WHEREAS, the City Council, at its June 11, June 25, July 9, and September 24 2007 meetings, considered, amended, and adopted the respective records and recommendations of the Plan Commission and the Planning and Development Committee, as amended;

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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 special use for a multi-family residential and commercial planned development with accessory parking in the RP District, applied for in case no. ZPC 07-01 PD, as approved, meets the standards for special uses in Section 6-3-5-10 in that, among other reasons:

- (A) Planned developments are a listed special use in the RP District;
- (B) The requested special use is in keeping with purposes and policies of the Comprehensive General Plan ("CGP") and the Zoning Ordinance;
- (C) The proposed planned development 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 the site is an appropriate location for multi-family residential with ground floor retail and has adequate capacity for off-street parking and loading;
- (D) The proposed planned development will not interfere with, or diminish the value of property in the neighborhood in that it will replace a nearly vacant office building with a structure containing mixed residential and retail uses of an appropriate scale, density, design, and materials;
- (E) The proposed planned development can be adequately served by public facilities and services;
- (F) The proposed planned development will not cause undue traffic congestion and the Applicant's donation of one hundred fifty thousand dollars (\$150,000.00) toward the costs of signal modernization and coordination within the Emerson corridor from Elgin to Asbury will improve traffic circulation; and
- (G) It will comply with all other applicable requirements, except as modified by this Ordinance 45-O-07, in that this Ordinance is conditioned upon construction and operation of the subject planned development in accordance with all applicable requirements.

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SECTION 3: That the City Council hereby finds that the special use for a multifamily residential and commercial mixed-use planned development with accessory parking in the RP District, applied for in case no. ZPC 07-01 PD, as approved, meets the general conditions for planned developments in the RP District in Section 6-12-1-7 (A) in that, among other reasons:

- (A) The proposed planned development, to be built in a transition area along a major thoroughfare, is compatible with the surrounding environment;
- (B) The proposed land use is compatible with the Zoning Ordinance and the City's Comprehensive General Plan ("CGP");
- (C) The proposed land use intensity is consistent with the Zoning Ordinance and the CGP;
- (D) The proposed housing is consistent with the Zoning Ordinance and the CGP;
- (E) The proposed planned development will not cause undue traffic congestion and the Applicant's donation of one hundred fifty thousand dollars (\$150,000.00) toward the costs of signal modernization and coordination within the Emerson corridor from Elgin to Asbury will improve traffic circulation;
- (F) The proposed planned development can be adequately served by public facilities and services;
- (G) The proposed planned development is consistent with the City's Design Guidelines for Planned Developments in that it is consistent with transit-oriented development, given the site's proximity to the METRA and CTA stations, and the Applicant is commended for seeking LEED (Leadership in Energy and Environmental Design) certification for the building; and
- (H) The project will enhance the taxable value of the Subject Property in that it will replace a vacant office building in a prominent corner of the Research Park. The mixed residential and ground floor retail use should stimulate economic revitalization of the retail environment at this northern edge of downtown and along the Emerson corridor by providing retail spaces and increased pedestrian traffic from the residential use.

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SECTION 4: That the City Council hereby finds that the special use for a multifamily residential and commercial mixed-use planned development with accessory parking in the RP District, applied for in case no. ZPC 07-01 PD, as approved, meets the site controls and standards for planned developments in the Residential District in Section 6-12-1-7 (B) in that, among other reasons:

- (A) The Subject Property is approximately thirty-seven thousand, two hundred eighty-three square feet (37,283 sq. ft.), exceeding the established minimum of nineteen thousand five hundred square feet (19,500 sq. ft.);
- (B) The Applicant will construct sidewalks with landscaping along the Emerson Street and Maple Avenue frontages in substantial compliance with the Development Plans, attached hereto as Exhibit B and made a part hereof;
- (C) The proposed planned development will not cause undue adverse affects on residential parking uses due to the accessory off-street parking;
- (D) The proposed planned development shall provide minimum hazards to vehicular and pedestrian traffic; and
- (E) The Applicant, at its sole cost and expense, shall, if feasible, bury the existing utility lines that serve the Subject Property.

SECTION 5: That the City Council hereby grants the application in case no. ZPC 07-01 PD, for a special use for planned development to allow construction and operation of a multifamily residential and commercial mixed-use planned development with accessory parking on the Subject Property, legally described in Exhibit A, attached hereto and made a part hereof, with approximately one hundred fifty-two (152) dwelling units, a maximum defined building height of approximately one hundred fifty-eight feet (158'), approximately forty thousand square feet (40,000 sq. ft.) of retail commercial space and approximately two hundred sixty-nine (269) off-street parking spaces enclosed within the building and forty-four (44) off-site off-street parking spaces.

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SECTION 6: That an exception to site development allowances is essential to achieve one or more of the public benefits set forth in Section 6-3-6-3, the Council hereby finds that granting the special use for a planned development in case no. ZPC 07-01 PD will provide the following public benefits:

- (A) Enhancement of desirable site characteristics and open space by improving the existing streetscape along Emerson Avenue and creating a public plaza area at the gateway to Downtown Evanston;
- (B) Excellent architectural features and design sensitive to the area;
- (C) Provision of a variety of housing types in accordance with the City's housing goals, specifically rental housing near downtown;
- (D) Elimination of a blighted, vacant office building through redevelopment, replacing it with residential and retail use;
- (E) Commercial and residential development that will enhance the local economy and strengthen the retail and real estate tax base;
- (F) Efficient use of the land resulting in more economic networks of utilities, streets, schools, public grounds, buildings, and other facilities;
- (G) Substantial incorporation of generally recognized sustainable design practices and/or building materials to promote energy conservation and improve environmental quality, specifically LEED certification.

SECTION 7: Pursuant to the terms and conditions of this Ordinance, the authority to exceed the following site development allowance is hereby granted:

- (A) To allow a maximum defined building height of approximately one hundred fifty-eight feet (158'). 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.

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SECTION 8: 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 construct the planned development approved hereby in substantial conformance with the terms and conditions of this Ordinance, all other applicable legislation and requirements, and in accordance with Applicant's representations to the Site Plan and Appearance Committee, Plan Commission, Planning and Development Committee, and City Council. In the event that Applicant's representations to the foregoing bodies conflict with the terms of this Ordinance, the Ordinance shall govern and control in all such instances.
- (B) The Applicant, at its sole cost and expense, shall construct and/or install sidewalk and landscaping along the Emerson Street and Maple Avenue frontages in substantial compliance with the Development Plans, attached hereto as Exhibit B and made a part hereof.
- (C) The Applicant, at its sole cost and expense, shall, if feasible, bury the existing utility lines that serve the Subject Property. The Applicant shall restore any landscaping disrupted by such work to its condition prior to commencement of such work.
- (D) The Applicant shall employ unbalanced glazing to reduce noise transmission to the Subject Property.
- (E) The Applicant shall use thermally broken frames for all exterior glazing to reduce noise transmission to the Subject Property.
- (F) The Applicant shall construct all south-facing balconies with concrete fronts and solid glass railings to enclose the ends of said balconies to reduce noise transmission to the Subject Property.
- (G) The Applicant shall construct all south-facing walls, except for any associated glazing, with poured-in-place concrete and masonry to reduce noise transmission to the Subject Property.
- (H) The Applicant shall articulate the bottom faces of any south-facing balconies that project from the building with a decorative pattern to reduce noise transmission to the Subject Property and enhance the appearance of the proposed planned development.

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- (I) Prior to issuance of a building permit, the Applicant shall execute and deliver to the owner of the property located at 1001 University Place in Evanston, Illinois, a recordable notice recognizing the concerns regarding noise emanating from the rooftop of 1001 University Place.
- (J) Trucks longer than thirty feet (30') making deliveries to or moving residents into the Subject Property shall not be permitted to use the private drives within the city block located in Evanston bounded to the north by Emerson Street, to the east by Maple Avenue, to the west by Oak Avenue, and to the south by University place ("the Block").
- (K) Prior to issuance of a temporary certificate of occupancy, the Applicant shall provide a modification to the existing service drive easement for the Block to: (i) widen said drive from seventeen feet (17') to twenty-one feet (21') to allow for two (2)-lane operation and improved truck access to the Block; and (ii) transfer snowplowing responsibility from the owner of the property located at 1001 University Place in Evanston to the Applicant.
- (L) The Applicant, for a nine (9)-month period from the date of the Ordinance, shall use all commercially reasonable efforts to locate an appropriate grocery/food store tenant for the first floor retail space of the Project (the "First Floor Space"). On a monthly basis commencing on the date of this Ordinance, the Applicant shall provide the City Manager with a written summary of its efforts to locate and secure a grocery/food store user for the First Floor Space. In the event the Applicant is not able to lease the First Floor Space to a grocery/food store user by the expiration of such nine (9)-month period, the Applicant shall: (i) continue to provide the City with monthly updates summarizing the Applicant's efforts to find an end user(s) for the First Floor Space; and (ii) be permitted to lease the First Floor Space to any other commercial, office or retail tenant permitted by the applicable terms of the Zoning Ordinance; provided however, without the City's prior consent, for a period of ten (10) years commencing on the date of this Ordinance, no portion of the First Floor Space shall be occupied by a Convenience Store as such term is defined in the Zoning Ordinance in effect as of the date hereof.

SECTION 9: If the Applicant determines that retail use for the second-floor commercial space is not viable, the Applicant shall use commercially reasonable efforts to cause such second-floor space to be used for other commercial or office uses. If the Applicant determines that a commercial or office use for the second-floor space is not viable, then the Applicant,

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notwithstanding anything to the contrary contained in this Ordinance, shall have the option to construct additional residential units instead of the second floor of commercial space and, in such event, to modify the number of parking spaces and loading spaces provided for the Subject Property to satisfy the applicable requirements of the Zoning Ordinance, as determined by City staff during the permitting process. The Applicant must exercise said option prior to installing a foundation on the Subject Property or forfeit said option.

SECTION 10: Should the Applicant convert the residential units provided for herein from rental to owner-occupied, the planned development:

- (A) shall be deemed a covered development as defined in Section 5-7-3 of the City Code; and
- (B) shall be subject to all requirements of the Inclusionary Housing Ordinance as defined in Title 5, Chapter 7 of the City Code.

SECTION 11: 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 the Applicant shall record a certified copy of this Ordinance, at its cost, 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.

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SECTION 13: 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.

SECTION 16: Except as otherwise provided for in this Ordinance, all applicable regulations of the Zoning Ordinance shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

Introduced: May 29, 2007

Adopted: September 24, 2007

Approved:

October 1, 2007

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mary R. Morris
Mary R. Morris, City Clerk

Approved as to form:

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

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EXHIBIT A

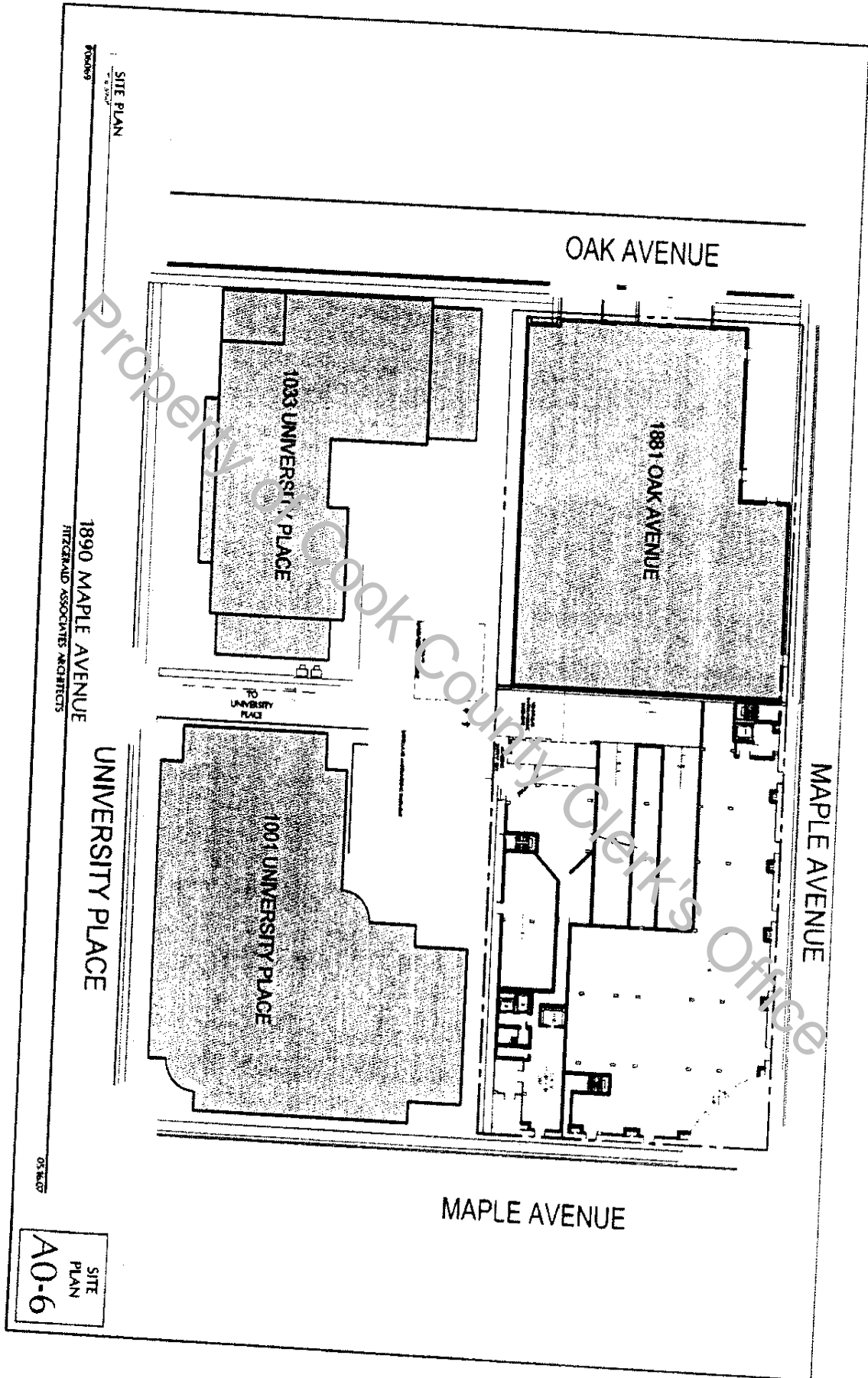
LEGAL DESCRIPTION OF 1890 MAPLE AVENUE

PARCEL 1:

LOT 1 (EXCEPT THE WEST 20 FEET THEREOF) IN CITY CONSOLIDATION NO. 1 OF LOTS 1, 2, 3, 4, AND 5 IN CIRCUIT COURT SUBDIVISION OF PARTITION OF LOT 22, BEING A 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 $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ 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.

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