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Certificate as Keeper of
Records, Files and Seals



Doc#: 1319113057 Fee: \$166.00
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Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 07/10/2013 03:15 PM Pg: 1 of 65

STATE OF ILLINOIS)
) §
COUNTY OF COOK)

I, RODNEY GREENE, 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 5-C-13 AN ORDINANCE Granting Amendments to the Approved Planned
Developments Located at 1890 Maple Avenue and 1881 Oak Avenue.

Property of Cook County Clerk's Office

69

all of which appear 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

9th day of July, 2013
Rodney Greene
Hon. Rodney Greene, City Clerk

604449 10F1 DW/S OEC

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1/14/2013

1/11/2013

5-0-13**AN ORDINANCE****Granting Amendments to the Approved Planned Developments
Located at 1890 Maple Avenue and 1881 Oak Avenue**

WHEREAS, the City of Evanston is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of government, the City has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; and

WHEREAS, Article VII, Section (6)a of the Illinois Constitution of 1970, which states that the "powers and functions of home rule units shall be construed liberally," was written "with the intention that home rule units be given the broadest powers possible" (*Scadron v. City of Des Plaines*, 153 Ill.2d 164); and

WHEREAS, it is a well-established proposition under all applicable case law that the power to regulate land use through zoning regulations is a legitimate means of promoting the public health, safety, and welfare; and

WHEREAS, Division 13 of the Illinois Municipal Code (65 ILCS 5/11-13-1, *et seq.*) grants each municipality the power to establish zoning regulations; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the City has adopted a set of zoning regulations, set forth in Title 6 of the Evanston City Code of 2012, as amended, ("the Zoning Ordinance"); and

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5-O-13

WHEREAS, on July 10, 2006, the City enacted Ordinance 80-O-06, attached hereto as Exhibit 1 and incorporated herein by reference, which, pursuant to the provisions of the Zoning Ordinance, granted a Special Use Permit for a Planned Development in the RP Research Park Zoning District for the property located at 1881 Oak Avenue, Evanston, Illinois (the "First Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, on October 1, 2007, the City enacted Ordinance 45-O-07, which, pursuant to the provisions of the Zoning Ordinance, granted a Special Use Permit for a Planned Development in the RP Research Park Zoning District for the property located at 1890 Maple Avenue, Evanston, Illinois (the "Second Subject Property"), which is legally described in Exhibit 2; and

WHEREAS, on August 11, 2008, the City enacted Ordinance 90-O-08, which amended certain terms of Ordinance 45-O-07; and

WHEREAS, on April 27, 2009, the City enacted Ordinance 30-O-09, attached hereto as Exhibit 2 and incorporated herein by reference, which amended certain terms of Ordinances 45-O-07 and 90-O-08; and

WHEREAS, Robert C. King, owner of the Subject Properties, and Steven Fifield ("the Applicants") proposed a new site plan ("Revised Site Plan"), attached hereto as Exhibit 3 and incorporated herein by reference, that would govern the construction and operation of a unified Planned Development on the Subject Properties; and

WHEREAS, in order to develop the Subject Properties in accord with the Revised Site Plan, the Applicants request amendments to Ordinances 80-O-06, 45-O-07, 90-O-08, and 30-O-09 (the "Previously Approved Ordinances"); and

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5-O-13

WHEREAS, the Previously Approved Ordinances are pieces of legislation enacted by the City Council of the City of Evanston, subject to revision only by said City Council; and

WHEREAS, on November 26, 2012, the Planning and Development Committee ("P&D Committee") held a meeting, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 et seq), during which it considered the Applicants' request and voted to retain jurisdiction over said request; and

WHEREAS, on January 14, 2013, the P&D Committee held a meeting, in compliance with the provisions of the Illinois Open Meetings Act, during which it considered the Revised Site Plan; and

WHEREAS, during said meeting, the P&D Committee received input from the public, carefully deliberated on the Revised Site Plan, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings of January 14 and January 28, 2013, held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's recommendation, heard public comment, made findings, and adopted said recommendation; and

WHEREAS, it is well-settled law in Illinois that the legislative judgment of the City Council must be considered presumptively valid (see *Glenview State Bank v. Village of Deerfield*, 213 Ill.App.3d 747) and is not subject to courtroom fact-finding (see *National Paint & Coating Ass'n v. City of Chicago*, 45 F.3d 1124),

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

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5-O-13

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby accepts the Revised Site Plan in order to allow the construction of a Planned Development on the Subject Properties in conformance therewith, pursuant to the Previously Approved Ordinances, as revised by this ordinance.

SECTION 3: Pursuant to Subsection 6-3-6-12-(C) of the Zoning Ordinance, the City Council hereby grants the following Major Adjustments to the Planned Developments approved by the Previously Approved Ordinances:

- (A) The maximum area of retail space is decreased from twenty-one thousand, seventy square feet (21,070 ft²) to four thousand square feet (4,000 ft²).
- (B) The maximum number of dwelling units is increased from not more than three hundred forty-two (342) to not more than three hundred sixty-eight (368).
- (C) The number of enclosed off-street parking spaces is reduced from five hundred forty-one (541) to three hundred seventy-one (371).
- (D) The maximum heights of the residential towers are reduced from one hundred eighty-five feet (185') to one hundred sixty-five feet (165') for the West Tower (1881 Oak) and from one hundred fifty-eight feet (158') to one hundred forty-six feet (146') for the East Tower (1890 Maple).
- (E) The maximum floor area ratio ("FAR") for development on the combined Subject Properties is reduced from six and four tenths (6.4) to five and three tenths (5.3).

SECTION 4: The schedules set forth in Subsections 6-3-6-4-(D) and 6-12-1-7-(A) of the Zoning Ordinance, and in Section 4 of Ordinance 30-O-09 notwithstanding, the Applicants shall have until December 31, 2013 to begin construction and December 31, 2015 to complete construction of the Planned Development on the Subject Properties pursuant to this Ordinance 5-O-13.

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5-O-13

SECTION 5: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicants' Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (A) The Applicants shall build, at their expense, new streetscapes for Maple Avenue, Emerson Street, and Oak Avenue adjacent to the proposed development and consistent with the City's specifications.
- (B) **Recordation:** The Applicants shall, at their cost, record a certified copy of this ordinance, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, and provide a copy thereof to the City, before it may apply to the City for any permits related to the Planned Development authorized by the Previously Approved Ordinances, as amended by this Ordinance 5-O-13.

SECTION 6: Except as otherwise provided for in this Ordinance 5-O-13, all applicable regulations of the Previously Approved Ordinances, the Zoning Ordinance, and the entire City Code shall apply to the Subject Properties and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 5-O-13 shall govern and control.

SECTION 7: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicants" shall be read as "Applicants, agents, assigns, and successors in interest."

SECTION 8: The findings and recitals herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

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

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5-O-13

SECTION 10: This Ordinance 5-O-13 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: January 14, 2013

Approved:

Adopted: January 28, 2013

January 30, 2013

Elizabeth B. Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

Property of Cook County Clerk's Office

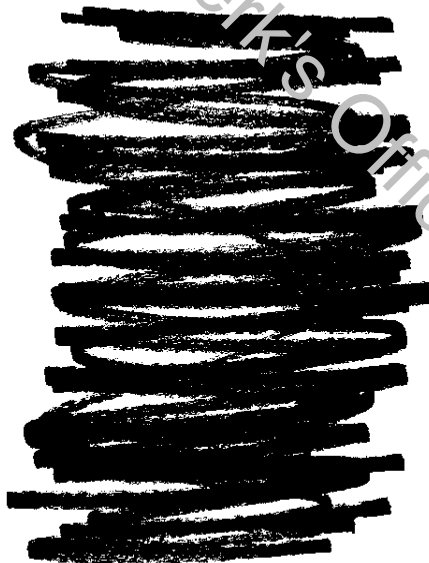
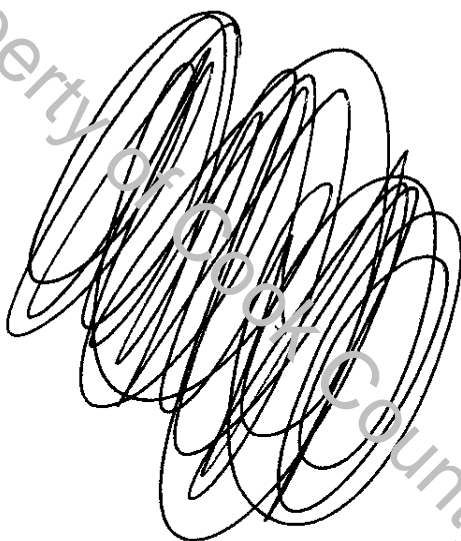
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5-0-13

EXHIBIT 1

Ordinance 80-O-06

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7/13/2006

7/12/2006

6/30/2006

6/21/2006

6/20/2006

6/16/2006

80-O-06**AN ORDINANCE****Granting a Special Use for a Mixed-Use Residential and
Retail Planned Development at
1881 Oak Avenue in the
Research Park Zoning District
("Carroll Place")**

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

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80-O-06

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

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

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

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80-O-06

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

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

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

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

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

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80-O-06

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

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

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the foregoing recitals are found as facts and made a part hereof.

SECTION 2: That the City Council hereby finds as follows with respect to the standards for special uses in Section 6-3-5-10 and for planned developments in the Research Park District in Section 6-12-1-7 as applied to the special use for a planned development for a mixed-use retail and multi-family

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80-O-06

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

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

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

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

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

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

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

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

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

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80-O-06

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

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

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

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

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80-O-06

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

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

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

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

SECTION 6: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance which provides that the City Council may impose conditions on the grant of a special use, the following conditions are hereby imposed:

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

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

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

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

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

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

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

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

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

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

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

Ayes: 6

Nays: 3

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80-O-06

Introduced: June 26, 2006

Approved:

Adopted: July 10, 2006

July 14, 2006

Lorraine H. Morton

Lorraine H. Morton, Mayor

Attest:

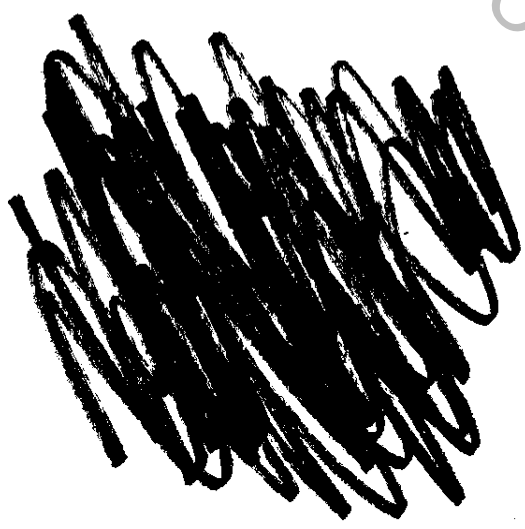
Mary P. Morris

Mary P. Morris, City Clerk

Approved as to form

Herbert D. Hill

Herbert D. Hill
First Assistant Corporation Counsel



Property of Cook County Clerk's Office

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80-O-06

EXHIBIT A

LEGAL DESCRIPTION OF 1881 OAK AVENUE

PARCEL 1:

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

PARCEL 2:

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

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80-O-06

EXHIBIT B

Carroll Place Development Plan at 1881 Oak Avenue

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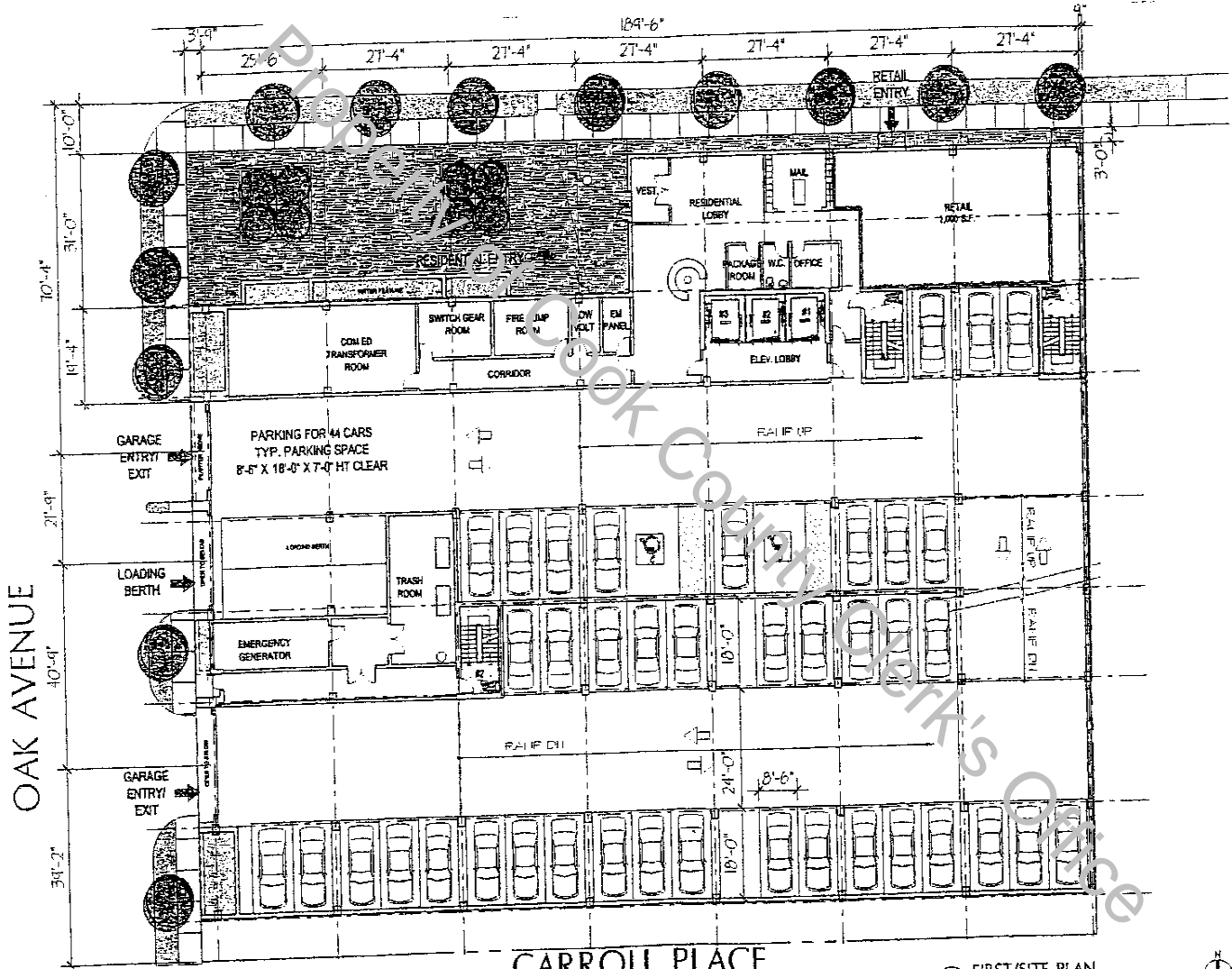


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80-O-06

EXHIBIT B

Carroll Place Development Plan at 1881 Oak Avenue



CARROLL PLACE
 1881 OAK STREET EVANSTON, IL
 FITZGERALD ASSOCIATES ARCHITECTS

FIRST/SITE PLAN
 1" = 32'-0"

April 5, 2006

A-02

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4/7/2009

30-O-09**AN ORDINANCE**

**Amending the Special Use for a Planned Development
Located at 1890 Maple Avenue
in the RP Research Park Zoning District
Granted and Amended by Ordinances 45-O-07 and 90-O-08**

WHEREAS, on October 1, 2007, the City enacted Ordinance 45-O-07, which granted Carroll Properties, Inc. (the "Applicant"), a Special Use for a Planned Development on the property located at 1890 Maple Avenue (the "Subject Property"), legally described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, on August 11, 2008, the City enacted Ordinance 90-O-08, attached hereto as Exhibit B and incorporated herein by reference, which amended certain terms of Ordinance 45-O-07; and

WHEREAS, the Applicant has submitted to the City's Community Development Department proposed amended site plans (the "Amended Plans"), attached hereto as Exhibit C and incorporated herein by reference, that differ from the plans included as Exhibit 2 of Ordinance 90-O-08 as to the commercial space square footage and the number of dwelling units and parking spaces; and

WHEREAS, pursuant to Section 9 of Ordinance 45-O-07, the Applicant seeks amendments to Ordinances 45-O-07 and 90-O-08 in order to construct the Planned Development in accord with the Amended Plans; and

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30-O-09

WHEREAS, in order to construct the Planned Development in accord with the Amended Plans, the Applicant does not require any additional relief from the terms of Title 6 of the Evanston City Code, 1979, as amended ("the Zoning Ordinance"); and

WHEREAS, at its meeting of March 23, 2009, the Planning and Development Committee of the City Council discussed the Amended Plans and directed staff to prepare an ordinance that would amend Ordinances 45-O-07 and 90-O-08 in accord with the Amended Plans; and

WHEREAS, at its meeting of April 14, 2009, the Planning and Development Committee considered the requested amendments to Ordinances 45-O-07 and 90-O-08 and recommended City Council approval of the same; and

WHEREAS, at its meeting of April 27, 2009, meeting, the City Council considered and adopted the record and recommendations of the Planning and Development Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Council hereby accepts the Amended Plans and permits the construction and operation of a Planned Development on the Subject Property, in substantial conformance with the Amended Plans, pursuant to Ordinance 45-O-07, as amended by Ordinance 90-O-08 and this Ordinance, 30-O-09.

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30-O-09

SECTION 3: That, pursuant to the Amended Plans, Section 9 of Ordinance 45-O-07, and Section 3 of Ordinance 90-O-08, the City Council hereby permits the Applicant to build the Planned Development with: (a) no second-floor retail space; (b) approximately nineteen thousand seven hundred square feet (19,700 sq. ft.) of first-floor retail space instead of fifteen thousand five hundred square feet (15,500 sq. ft.); (c) one hundred seventy-seven (177) dwelling units instead of one hundred fifty-four (154); and (d) two hundred ninety-four (294) off-street parking spaces within the building instead of two hundred forty-nine (249).

SECTION 4: That, pursuant to the motion adopted by the City Council at its meeting of February 23, 2009, the Applicant shall have until October 1, 2013, to begin, and until October 1, 2014, to complete construction of the Planned Development as per the terms of Ordinance 45-O-07, as amended by Ordinance 90-O-08 and this Ordinance, 30-O-09.

SECTION 5: That, when necessary, to effectuate the terms, conditions, and purposes of this Ordinance, 30-O-09, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 6: That the Applicant, at its cost, shall record a certified copy of this Ordinance, 30-O-09, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits or licenses related to the construction or operation of the Planned Development authorized by Ordinance 45-O-07, as amended by Ordinance 90-O-08 and this Ordinance, 30-O-09.

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30-O-09

SECTION 7: That, except as otherwise provided for in this Ordinance, 30-O-09, all applicable regulations of Ordinances 45-O-07 and 90-O-08, 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. To the extent that the terms and provisions of any of said documents conflict with the terms of this ordinance, this Ordinance, 30-O-09, shall govern and control.

SECTION 8: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that do not depend upon the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

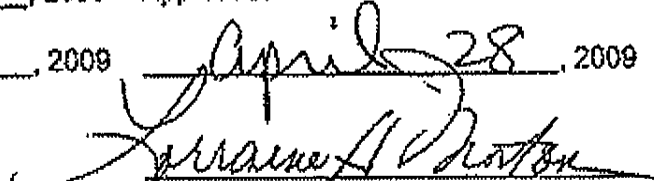
SECTION 9: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: That this Ordinance, 30-O-09, shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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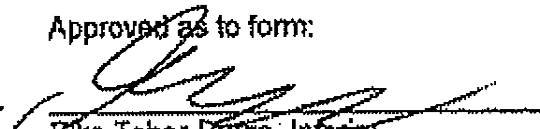
30-O-09

Introduced: April 14, 2009 Approved:
Adopted: April 27, 2009 April 28, 2009


Lorraine H. Morton, Mayor

Attest:

Rodney Greene, City Clerk

Approved as to form:

Eike Tober-Purze, Interim
First Assistant Corporation Counsel

Property of Cook County Clerk's Office



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30-0-09

EXHIBIT A

LEGAL DESCRIPTION

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 ½ OF THE NORTHWEST ¼ 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.

PINs: 11-18-112-045-0000
11-18-112-046-0000

COMMONLY KNOWN As: 1890 Maple Avenue, Evanston, Illinois.

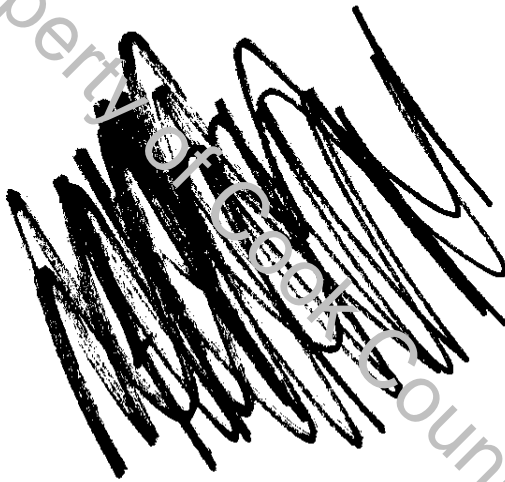
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EXHIBIT B

ORDINANCE 90-0-08

Property of Cook County Clerk's Office



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30-O-09 / EXHIBIT B

Page 1 of 25

7/23/2008

90-O-08**AN ORDINANCE**

**Amending the Special Use for a Planned Development
Located at 1890 Maple Avenue
in the RP Research Park Zoning District
Granted by Ordinance 45-O-07**

WHEREAS, on October 1, 2007, the City enacted Ordinance 45-O-07, attached hereto as Exhibit 1 and incorporated herein by reference, which granted Carroll Properties, Inc. (the "Applicant"), a Special Use for a Planned Development on the property located at 1890 Maple Avenue (the "Subject Property"), legally described in Exhibit A of Ordinance 45-O-07; and

WHEREAS, Section 8 (L) of Ordinance 45-O-07 requires the Applicant to "use all commercially reasonable efforts to locate an appropriate grocery/food store tenant for the first-floor retail space" of the proposed Planned Development granted by the terms of said ordinance; and

WHEREAS, the Applicant has submitted to the City's Community Development Department proposed amended site and landscape plans (the "Amended Plans"), attached hereto as Exhibit 2 and made a part hereof, that differs from the site plan included as Exhibit B of Ordinance 45-O-07; and

WHEREAS, the Applicant warrants that it created the Amended Plans in order to conform to the business needs of Trader Joe's, a commercial grocer and potential tenant for the aforementioned first-floor retail space; and

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90-O-08

WHEREAS, the Applicant warrants that Trader Joe's will not enter into a lease for the first-floor retail space unless the Planned Development is constructed in accord with the Amended Plans; and

WHEREAS, in order to effect construction of the Planned Development in accord with the Amended Plans, the Applicant seeks amendments to Ordinance 45-O-07 and relief from some of the terms of Title 6 of the Evanston City Code, 1979, as amended ("the Zoning Ordinance"); and

WHEREAS, at its July 28, 2008, meeting, the Planning and Development Committee of the City Council considered amendments to Ordinance 45-O-07 and recommended City Council approval of the same; and

WHEREAS, at its August 11, 2008, meeting, the City Council considered and adopted the record and recommendations of the Planning and Development Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Council hereby accepts the Amended Plans and permits the construction and operation of a Planned Development on the Subject Property, in substantial conformance with the Amended Plans, pursuant to Ordinance 45-O-07, as amended by this Ordinance 90-O-08.

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SECTION 3: That, pursuant to the Amended Plans and Section 9 of Ordinance 45-O-07, the Applicant will not build commercial space on the second floor. Said reduction in retail space: (a) increases the maximum number of dwelling units from one hundred fifty-two (152) to one hundred fifty-four (154); (b) changes the number of off-street parking spaces enclosed within the building from two hundred sixty-nine (269) to two hundred forty-nine (249); and (c) eliminates the need for forty-four (44) off-site, off-street parking spaces.

SECTION 4: That the City Council hereby amends the condition set forth in Section 8 (J) of Ordinance 45-O-07 to read as follows:

- (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"), except for any first-floor retail grocer tenant, which may receive such deliveries from trucks not to exceed sixty-two feet (62') in length. The retail grocer tenant shall endeavor to neither schedule nor accept deliveries by trucks longer than thirty feet (30') between the hours of 7:00 a.m. and 9:00 a.m. and the hours of 4:00 p.m. and 6:00 p.m. on any day other than Saturday or Sunday. When accepting a delivery from any truck longer than thirty feet (30'), the retail grocer tenant shall employ a flag person to assist the truck driver maneuver between the private drive(s) and University Place.

SECTION 5: 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 amendments to the Special Use for a Planned Development:

- (A) At its sole cost and expense, the Applicant shall create engineering plans for, and thereafter construct, any modifications to the curb, sidewalk, or parkway necessary to accommodate the construction of the Planned Development authorized by the terms of Ordinance 45-O-07, as amended by this Ordinance 90-O-08. Said plans shall be subject to review and approval by the City's Public Works Department.

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- (B) The Applicant shall pay to the City annually, prior to December 31st of each year, the sum of four thousand five hundred dollars (\$4,500.00). Said money shall replace revenue lost due to the removal of two (2) metered parking spaces on University Place in order to allow construction of the Planned Development authorized by the terms of Ordinance 45-O-07, as amended by this Ordinance 90-O-08. 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.

SECTION 6: That, Section 6-3-5-15 (A) of the Zoning Ordinance notwithstanding, the Applicant shall have until October 1, 2010, to begin, and until October 1, 2011, to complete construction of the Planned Development as per the terms of Ordinance 45-O-07, as amended by this Ordinance 90-O-08.

SECTION 7: That, when necessary to effectuate the terms, conditions, and purposes of this Ordinance 90-O-08, "Applicant" shall be read as "Applicant's agents, assigns, and successors in interest."

SECTION 8: That the Applicant, at its cost, shall record a certified copy of this Ordinance 90-O-08, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits or licenses related to the construction or operation of the Planned Development authorized by Ordinance 45-O-07, as amended by this Ordinance.

SECTION 9: That, except as otherwise provided for in this Ordinance 90-O-08, all applicable regulations of Ordinance 45-O-07, 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. To the extent that the terms and provisions of any of said documents conflict with the terms of this ordinance, this Ordinance 90-O-08 shall govern and control.

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SECTION 10: That if any provision of this Ordinance 90-O-08 or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that do not depend upon the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 11: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12: That this Ordinance 90-O-08 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

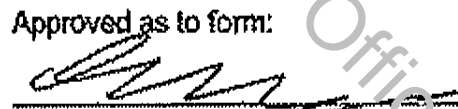
Introduced: July 28, 2008 Approved:

Adopted: August 11, 2008 _____, 2008


Lorraine H. Morton, Mayor

Attest:

Rodney Greene, City Clerk

Approved as to form:

Elke Tober-Purza, Interim
First Assistant Corporation Counsel

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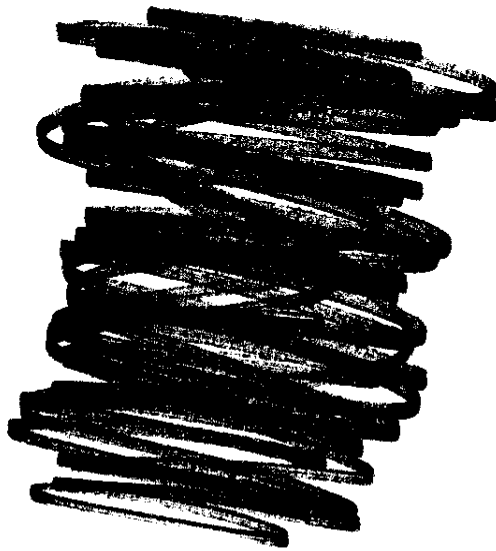
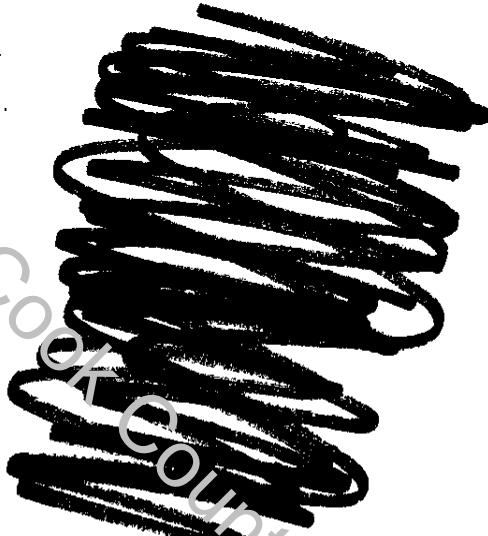
30-O-09 / EXHIBIT B

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EXHIBIT 1

ORDINANCE 45-O-07

Property of Cook County Clerk's Office



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9/24/2007
 9/26/2007
 8/18/2007
 5/18/2007

45-D-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, Carol 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 6-3-8, "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-site 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. ZPC 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 6-3-5-4, 6-3-5-5, 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 polices 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 effects 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 dilapidated, 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 mean 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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45-O-07

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

Approved:

Adopted: September 24, 2007

October, 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 ¼ OF THE NORTHWEST ¼ 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 15 FOOT ALLEY LYING SOUTH OF AND ADJOINING SAID LAND.

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EXHIBIT B

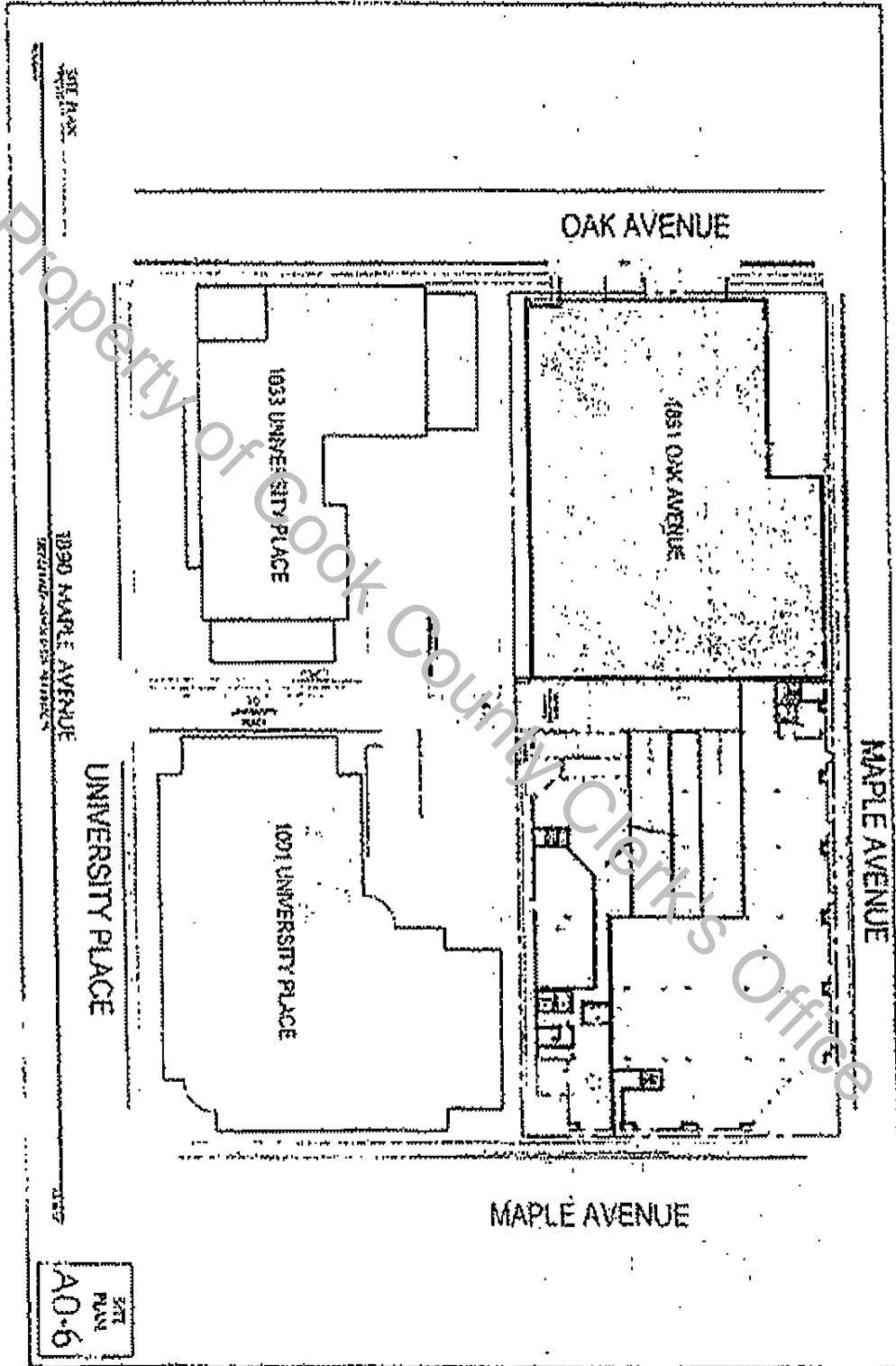
DEVELOPMENT PLANS

Property of Cook County Clerk's Office



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45-O-07



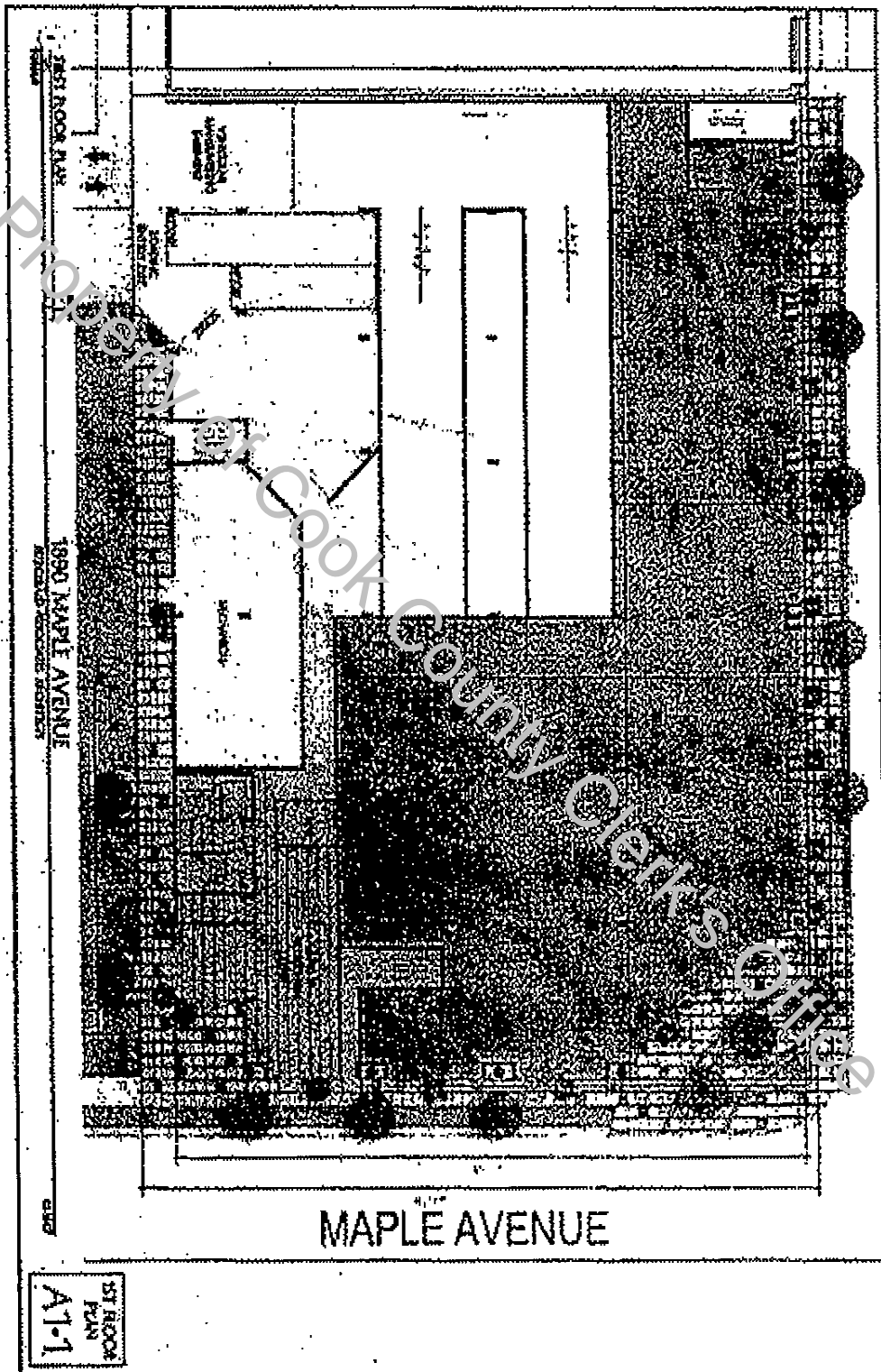
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30-O-09 / EXHIBIT B

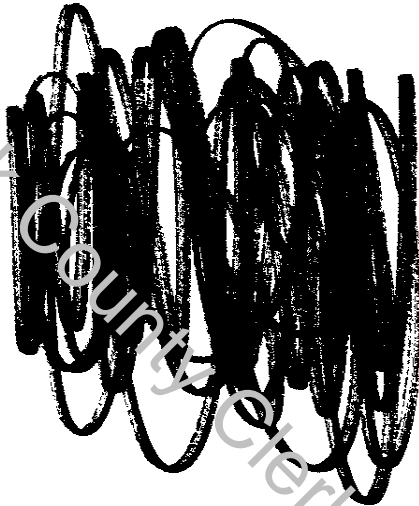
Page 22 of 25

90-O-08

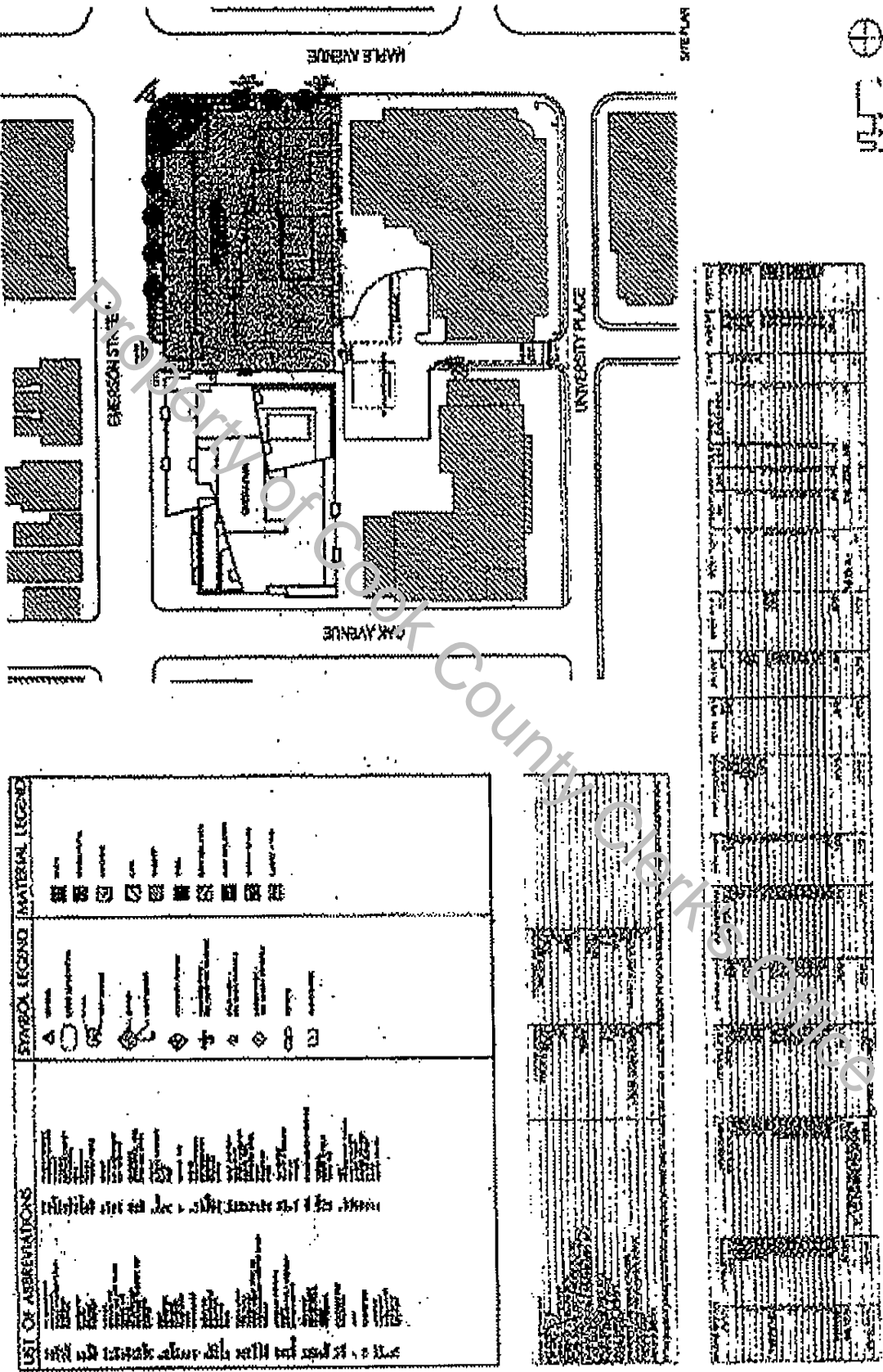
EXHIBIT 2

AMENDED PLANS

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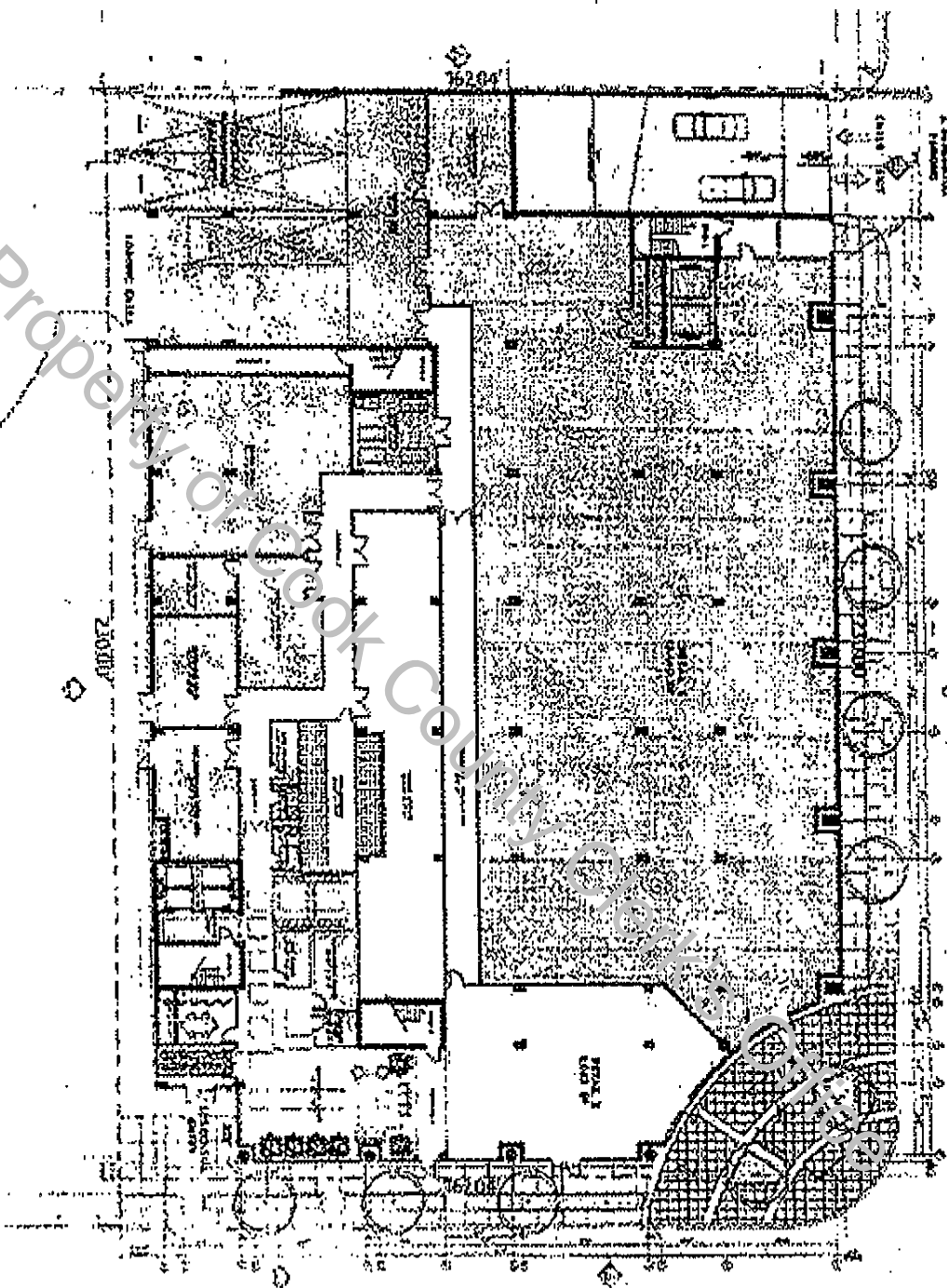
| LIST OF ABBREVIATIONS | SYMBOL LEGEND | MATERIAL LEGEND |
|--|---|--|
| <p>Abbreviations list (faint text)</p> | <p>Symbol legend with various geometric shapes and patterns (e.g., triangles, circles, squares, diamonds, lines).</p> | <p>Material legend with various hatching and shading patterns.</p> |

ZONING BUILDING SUMMARY-SITE PLAN

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PYCHERLAND
ARCHITECTS
ARCHITECTS

1ST FLOOR PLAN



| SYMBOL | DESCRIPTION |
|----------|----------------|
| (Symbol) | 1.20'-0" DIA. |
| (Symbol) | 1.50'-0" DIA. |
| (Symbol) | 2.00'-0" DIA. |
| (Symbol) | 2.50'-0" DIA. |
| (Symbol) | 3.00'-0" DIA. |
| (Symbol) | 3.50'-0" DIA. |
| (Symbol) | 4.00'-0" DIA. |
| (Symbol) | 4.50'-0" DIA. |
| (Symbol) | 5.00'-0" DIA. |
| (Symbol) | 5.50'-0" DIA. |
| (Symbol) | 6.00'-0" DIA. |
| (Symbol) | 6.50'-0" DIA. |
| (Symbol) | 7.00'-0" DIA. |
| (Symbol) | 7.50'-0" DIA. |
| (Symbol) | 8.00'-0" DIA. |
| (Symbol) | 8.50'-0" DIA. |
| (Symbol) | 9.00'-0" DIA. |
| (Symbol) | 9.50'-0" DIA. |
| (Symbol) | 10.00'-0" DIA. |
| (Symbol) | 10.50'-0" DIA. |
| (Symbol) | 11.00'-0" DIA. |
| (Symbol) | 11.50'-0" DIA. |
| (Symbol) | 12.00'-0" DIA. |
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| (Symbol) | 13.00'-0" DIA. |
| (Symbol) | 13.50'-0" DIA. |
| (Symbol) | 14.00'-0" DIA. |
| (Symbol) | 14.50'-0" DIA. |
| (Symbol) | 15.00'-0" DIA. |
| (Symbol) | 15.50'-0" DIA. |
| (Symbol) | 16.00'-0" DIA. |
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| (Symbol) | 17.00'-0" DIA. |
| (Symbol) | 17.50'-0" DIA. |
| (Symbol) | 18.00'-0" DIA. |
| (Symbol) | 18.50'-0" DIA. |
| (Symbol) | 19.00'-0" DIA. |
| (Symbol) | 19.50'-0" DIA. |
| (Symbol) | 20.00'-0" DIA. |

DATE: 04/15/03
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

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30-O-09 / EXHIBIT B

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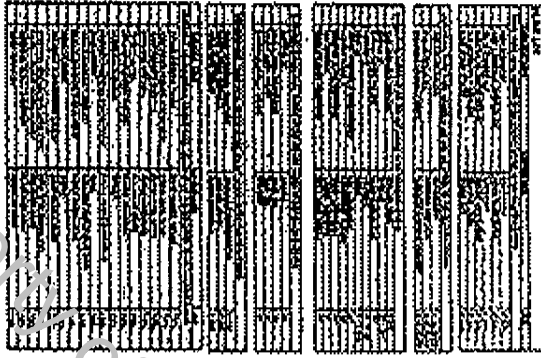
ERIK GOKWALT
ASSOCIATES
ARCHITECTS

GENERAL NOTES

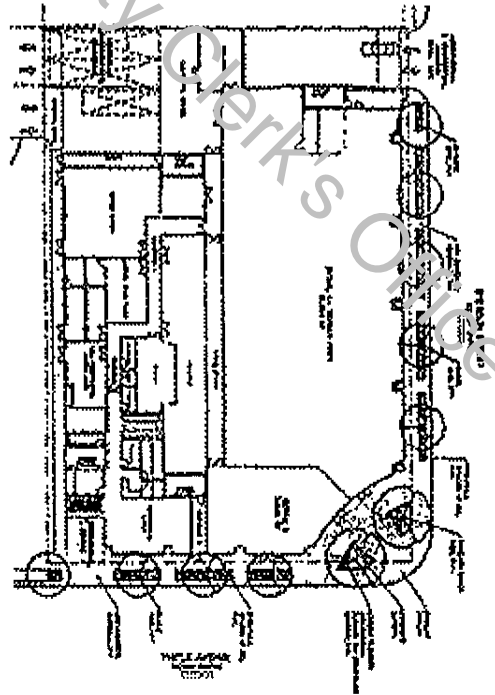
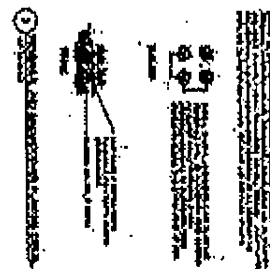
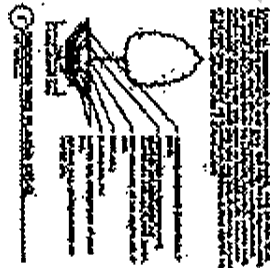
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO SPECIFICATIONS FOR CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY OF CHICAGO.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
6. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
8. ALL MATERIALS SHALL BE STORED PROPERLY ON THE SITE.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ALL DEBRIS AND WASTE.
10. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CITY OF CHICAGO SPECIFICATIONS FOR CONSTRUCTION.

EXPLANATION NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO SPECIFICATIONS FOR CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO.
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FIRST FLOOR LANDSCAPE PLAN



ERIK GOKWALT
ASSOCIATES
ARCHITECTS

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30-0-09

EXHIBIT C

AMENDED PLANS

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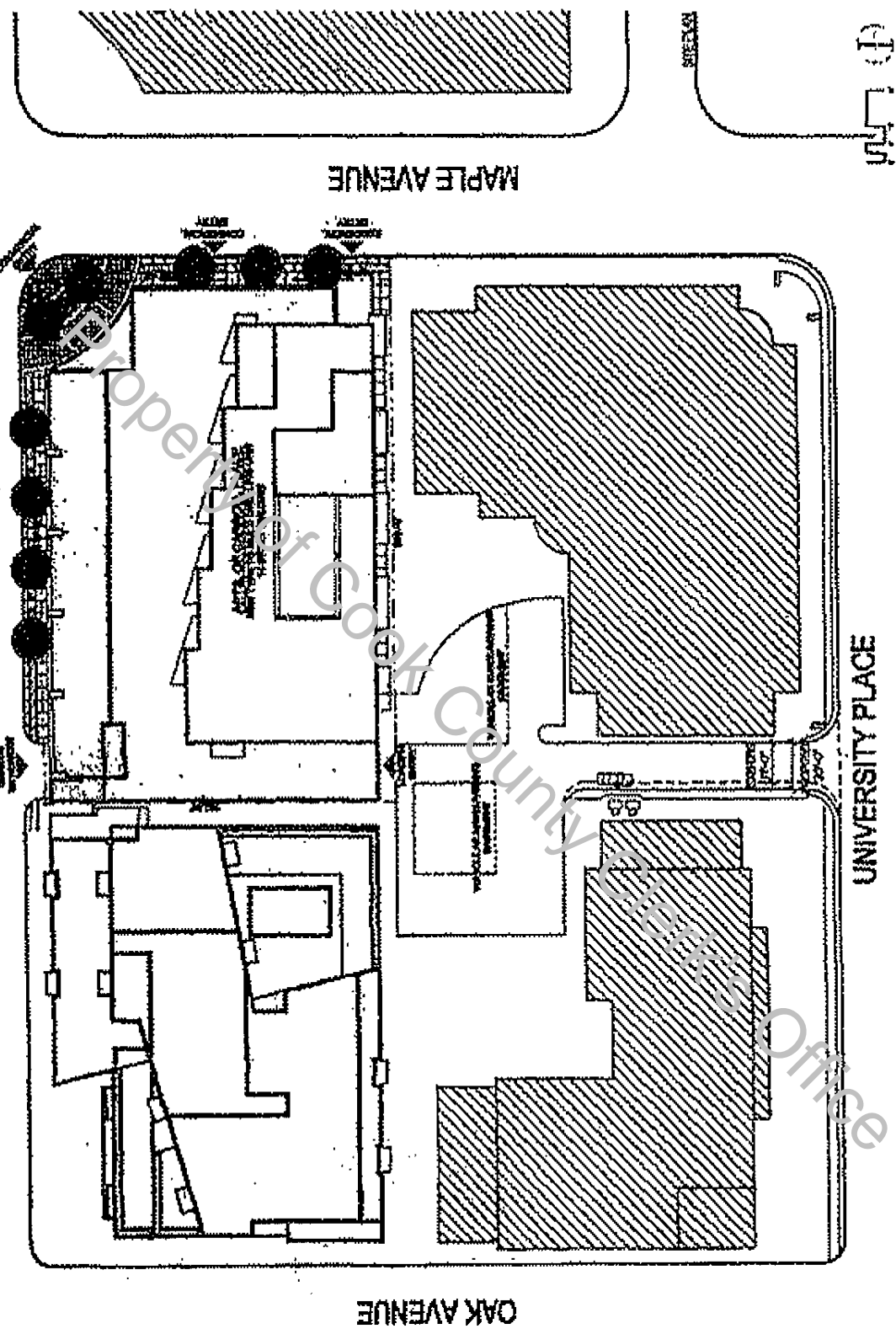


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EXHIBIT C

Page 1 of 6
EMERSON STREET

30-0-09



002024 - 008 8
 FITZGERALD ASSOCIATES ARCHITECTS
 PRELIMINARY USE ONLY
 ZONING/BUILDING SUMMARY/ SITE PLAN

UNIVERSITY PLACE
 ZONING/BUILDING SUMMARY/ SITE PLAN

PRELIMINARY USE ONLY
 ZONING/BUILDING SUMMARY/ SITE PLAN

FITZGERALD ASSOCIATES ARCHITECTS
 PRELIMINARY USE ONLY
 ZONING/BUILDING SUMMARY/ SITE PLAN

002024 - 008 8

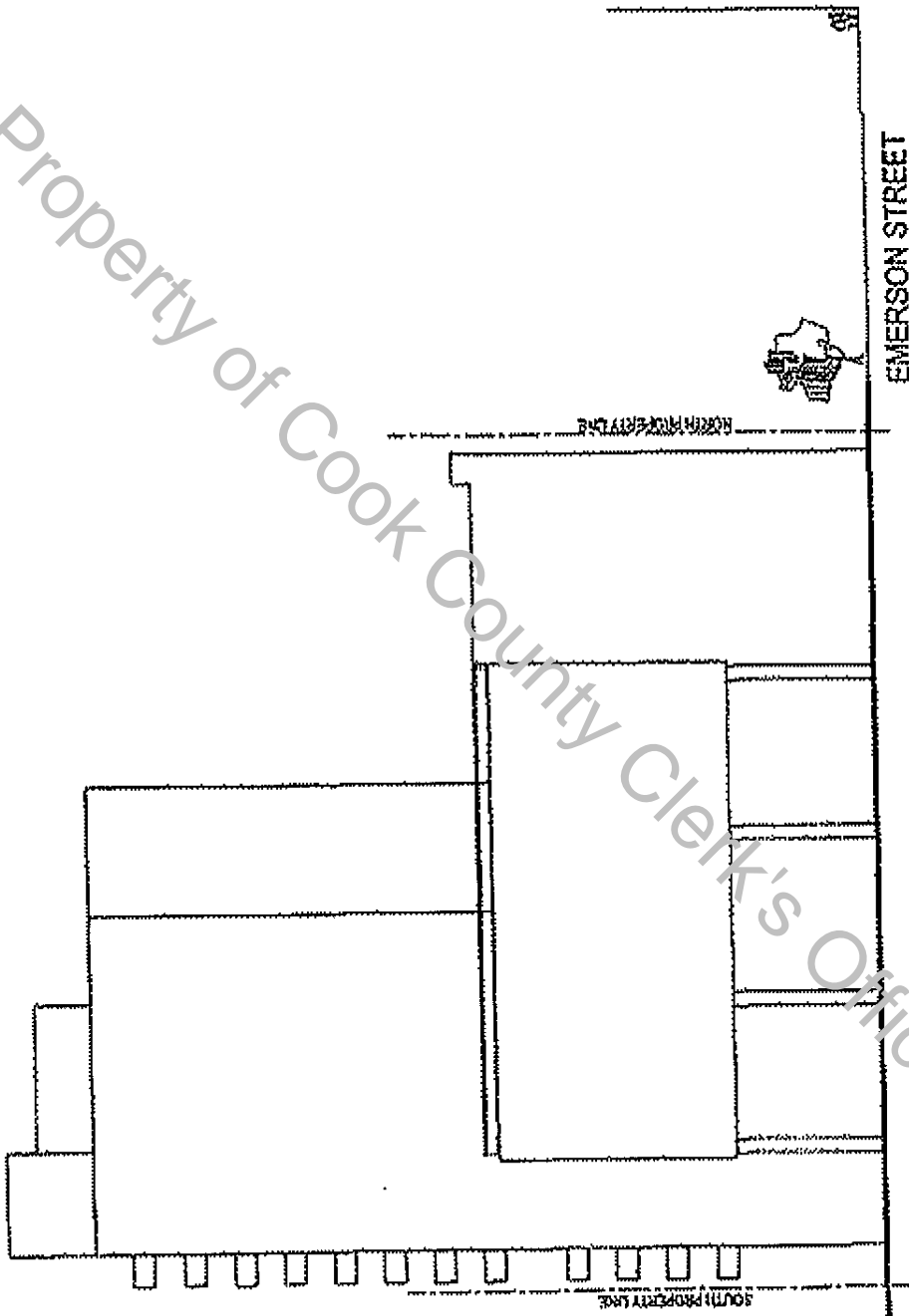
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Page 2 of 6

30-C-09

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147

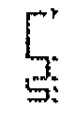
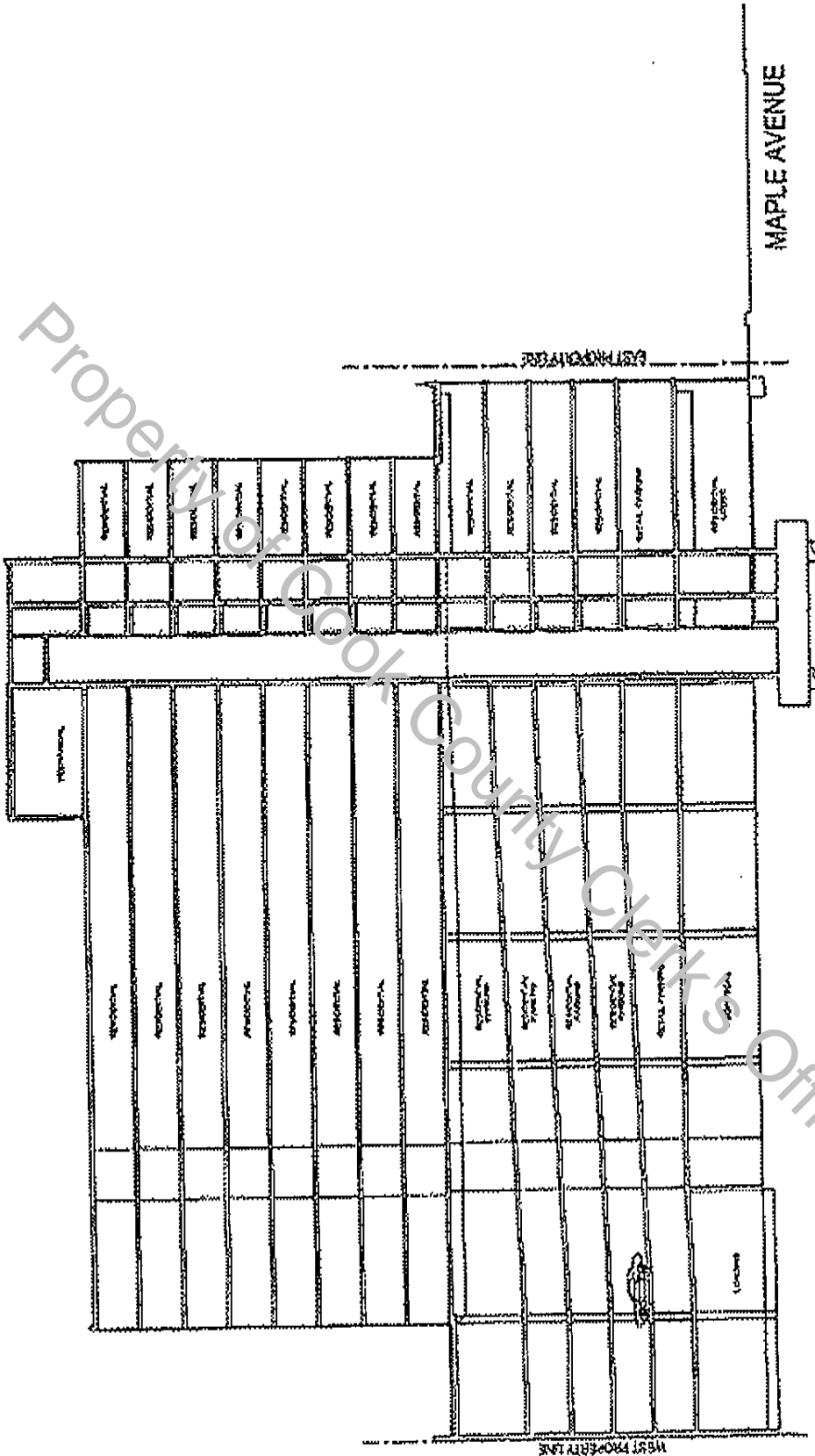
PROCESSED FOR PRELIMINARY USE ONLY
 ARCHITECTS & ASSOCIATES
 EAST ELEVATION - BUILDING PROFILE
 22-02

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EXHIBIT C

Page 3 of 6

30-C-09



FITZGERALD ASSOCIATES ARCHITECTS
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 BUILDING SECTION
 11/11/04

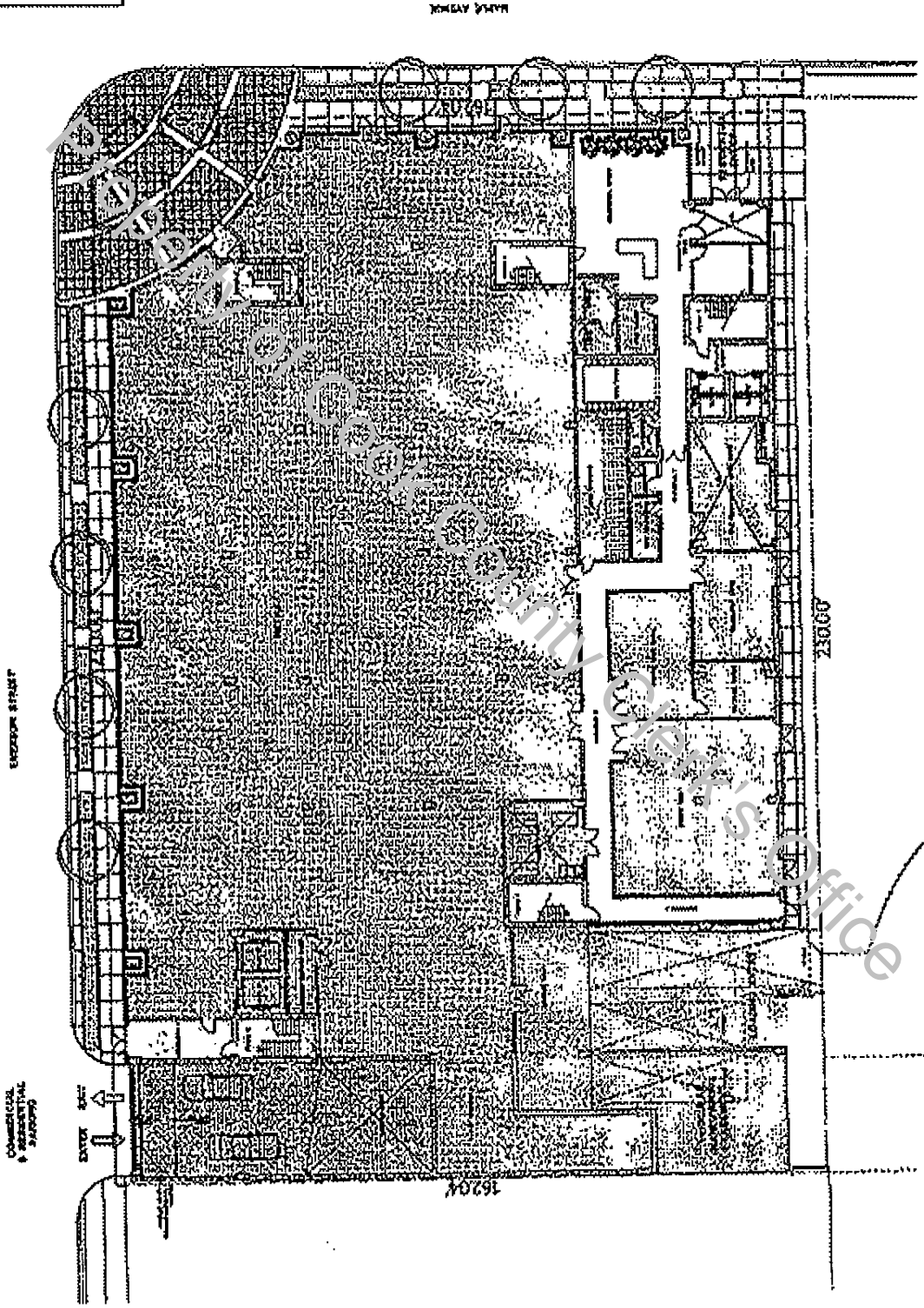
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EXHIBIT C

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30-C-09



FIRST FLOOR PLAN

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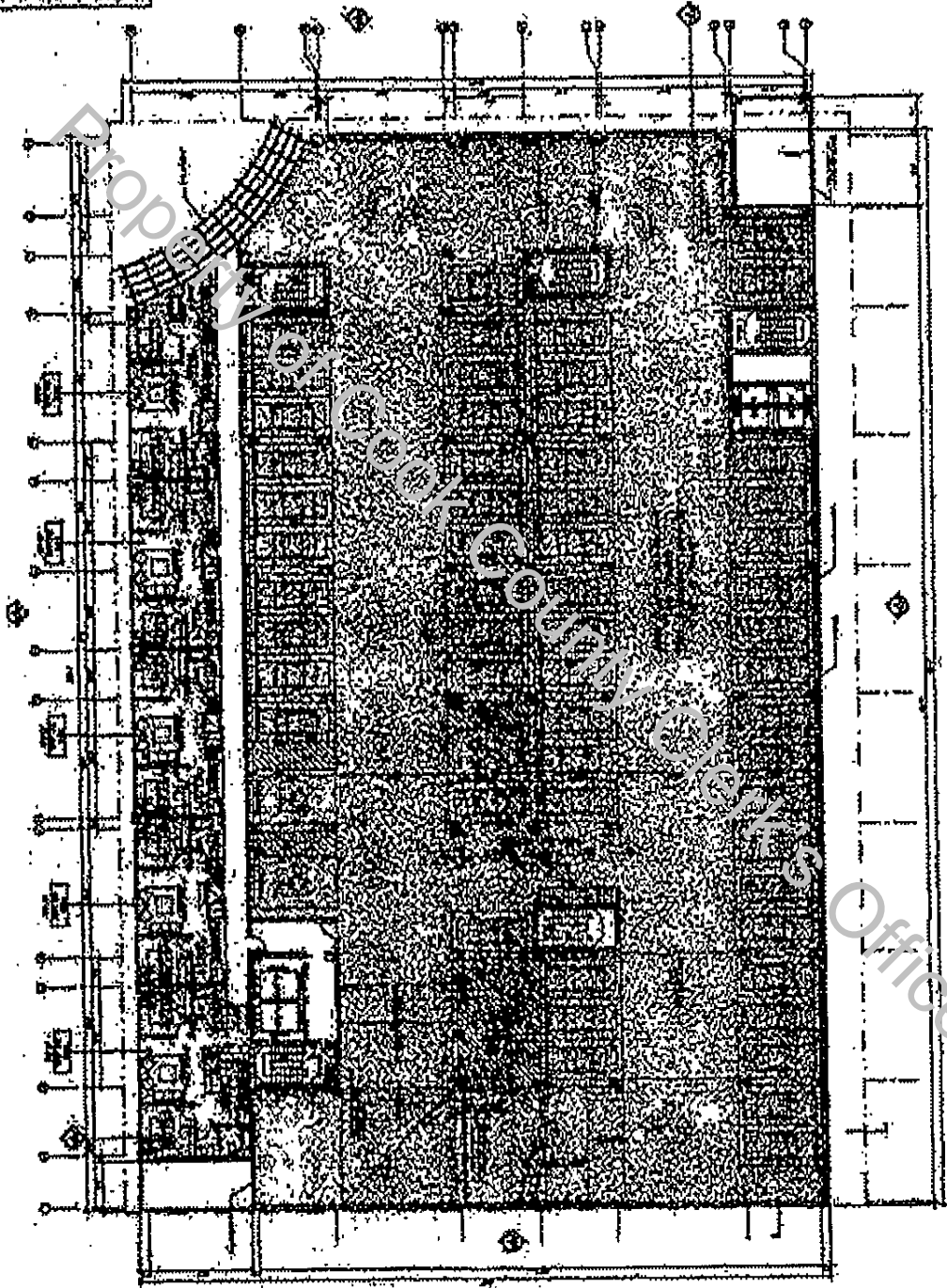
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EXHIBIT C



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30-O-09



1/11/09

THIS DRAWING IS INCLUDED AS TYPICAL OF FLOORS 2-5 IN ITS GENERAL CONFIGURATION AND IS NOT INTENDED TO PRECISELY REPRESENT ANY SPECIFIC FLOOR, INCLUDING FLOOR 2.

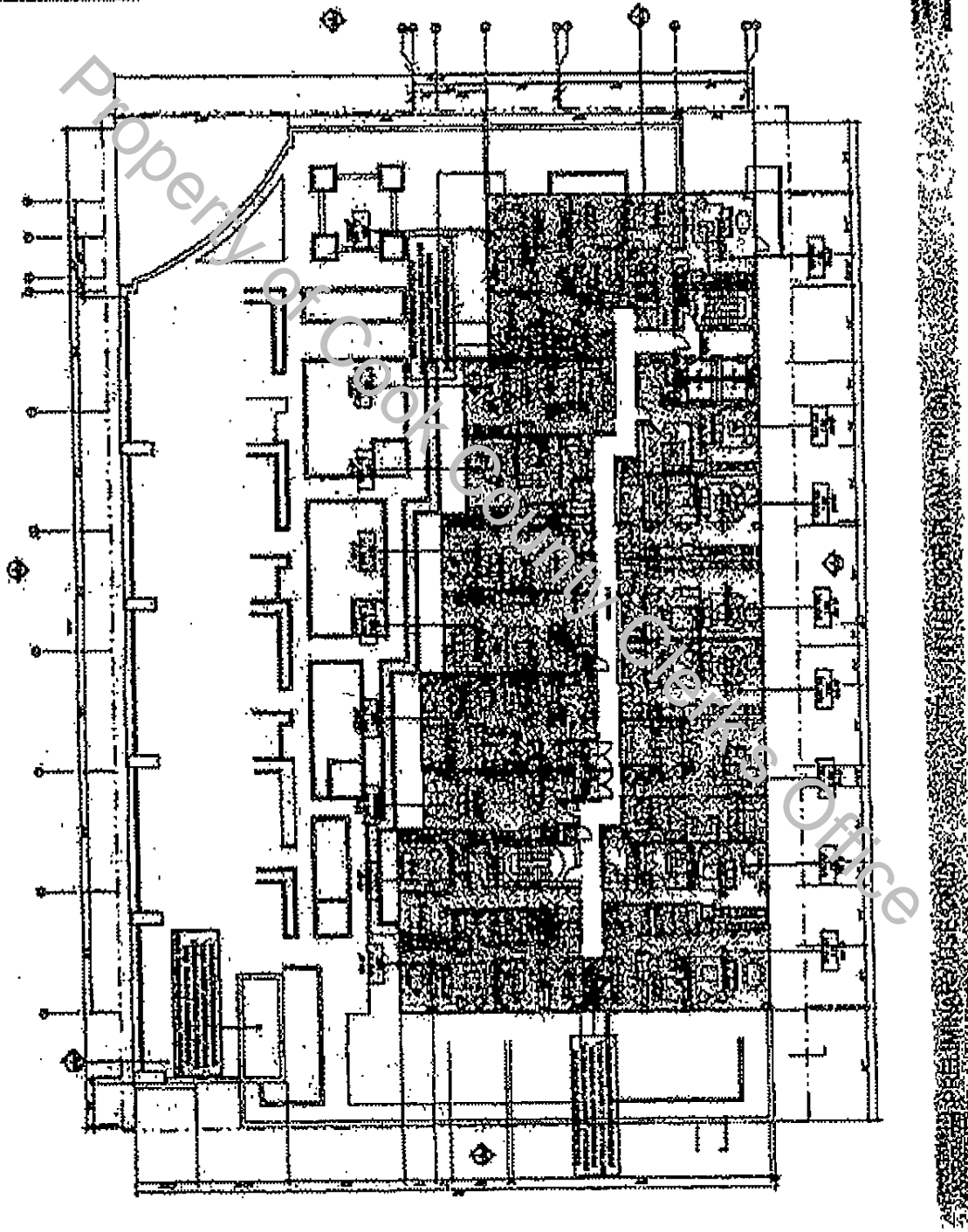
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EXHIBIT C

| | |
|----|------------------|
| 1 | WALL |
| 2 | DOOR |
| 3 | WINDOW |
| 4 | CEILING |
| 5 | FLOOR |
| 6 | STAIR |
| 7 | ELEVATOR |
| 8 | MECHANICAL |
| 9 | ELECTRICAL |
| 10 | PLUMBING |
| 11 | TELEPHONE |
| 12 | TELEVISION |
| 13 | RADIO |
| 14 | RECORDING |
| 15 | VIDEO |
| 16 | COMPUTER |
| 17 | SERVER |
| 18 | NETWORK |
| 19 | PERIPHERAL |
| 20 | SOFTWARE |
| 21 | HARDWARE |
| 22 | OPERATING SYSTEM |
| 23 | APPLICATION |
| 24 | DATABASE |
| 25 | SECURITY |
| 26 | BACKUP |
| 27 | RECOVERY |
| 28 | DISASTER |
| 29 | CONTINGENCY |
| 30 | PLAN |

Page 6 of 6

30-O-09



THIS DRAWING IS INCLUDED AS TYPICAL
 OF FLOORS 7-14 IN ITS GENERAL CONFIGURATION
 AND IS NOT INTENDED TO PRECISELY REPRESENT
 ANY FLOOR.

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5-0-13

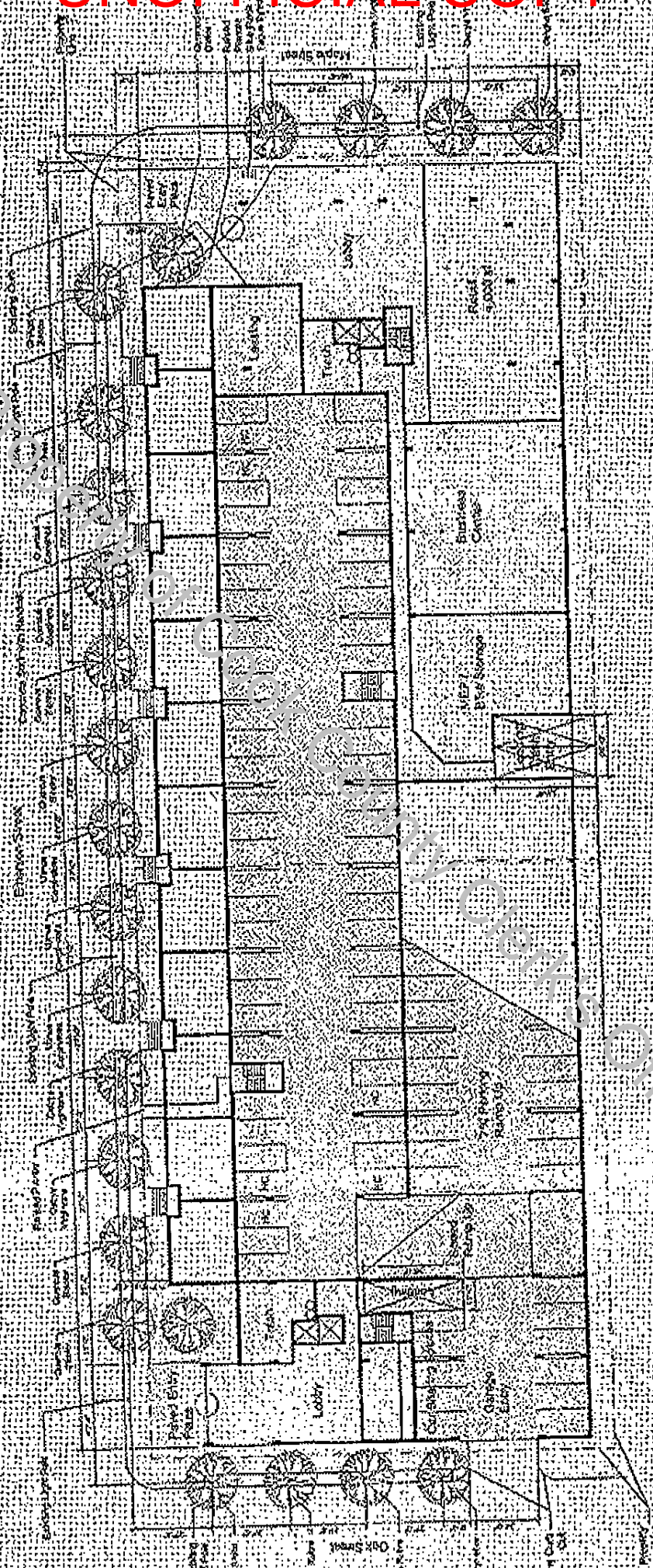
EXHIBIT 3

Revised Site Plan

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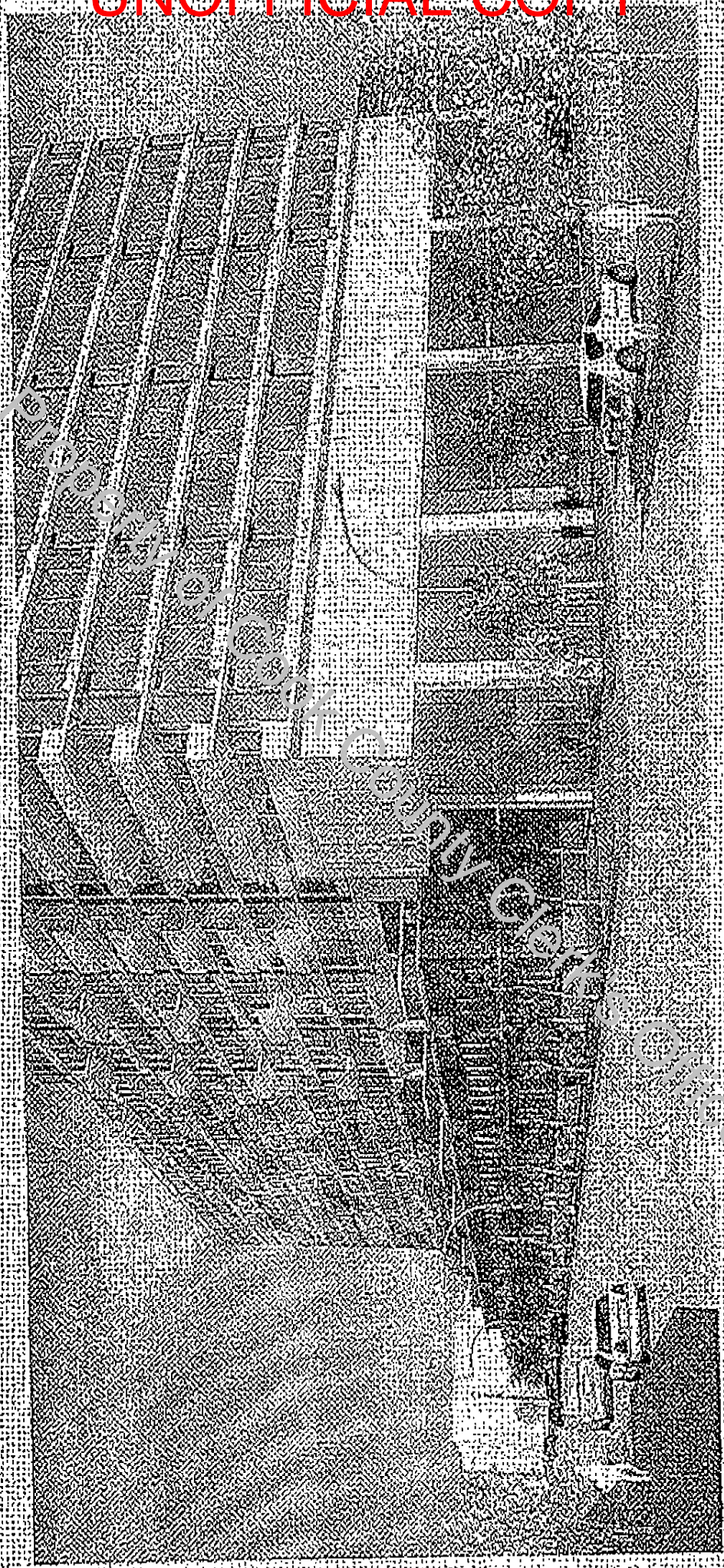


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 10/20/17

Site and Streetscape Plan

FitzGerald
 Landscape Architects

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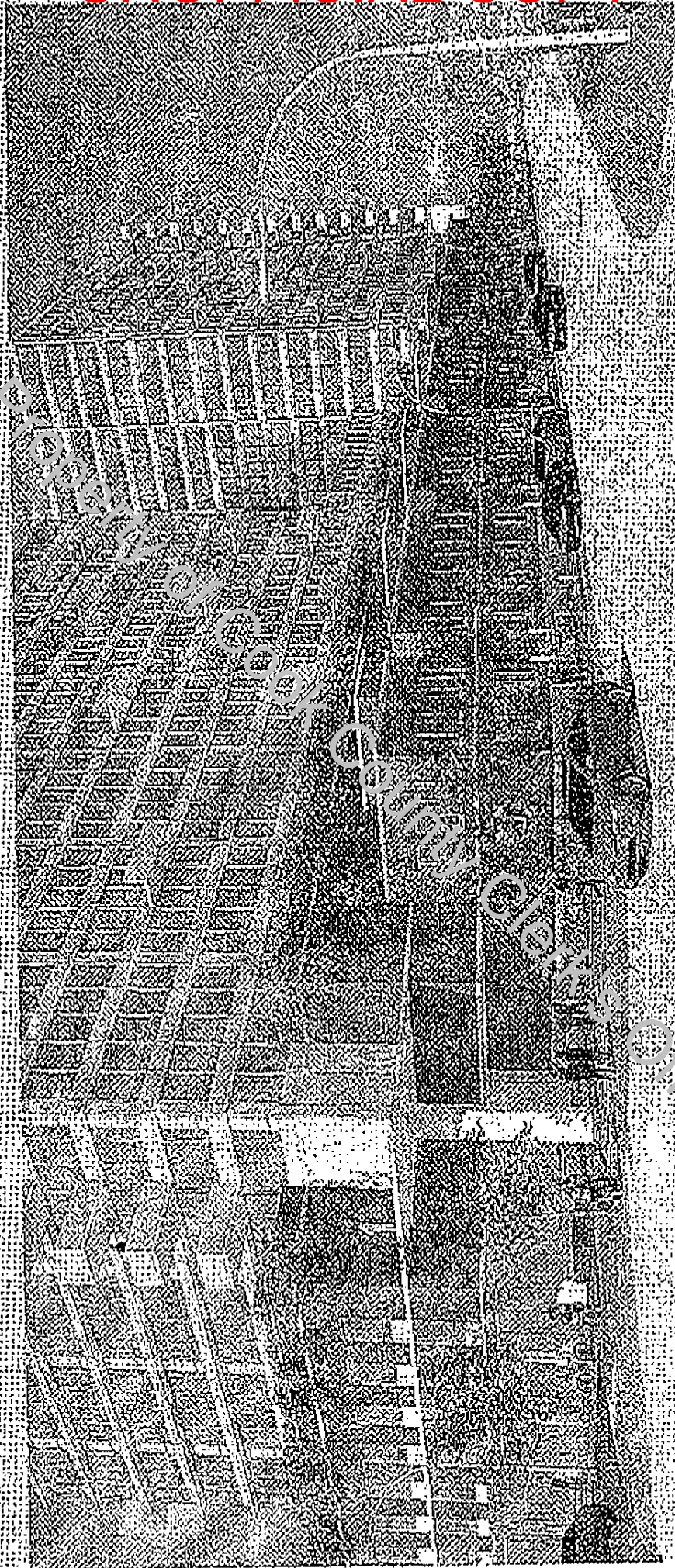
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1887 Oak Entrance

1887 Oak Entrance

FitzGerald

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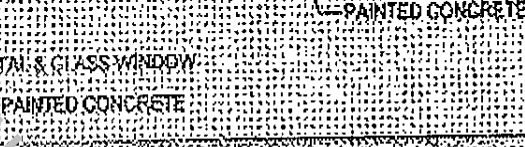
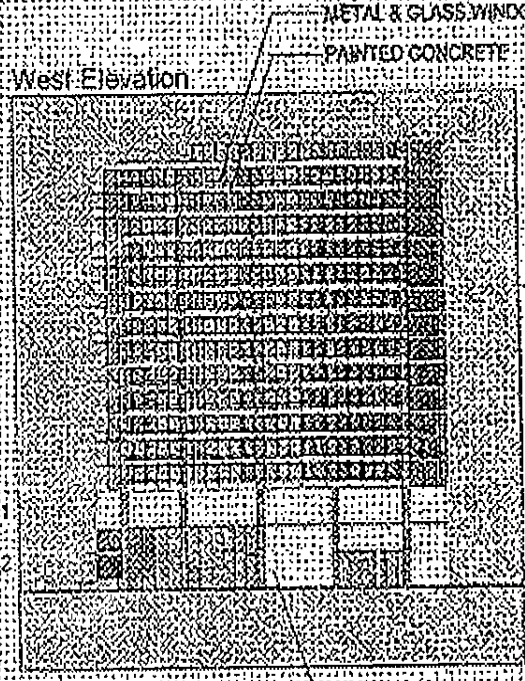
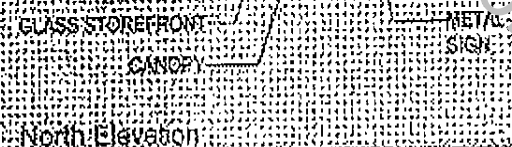
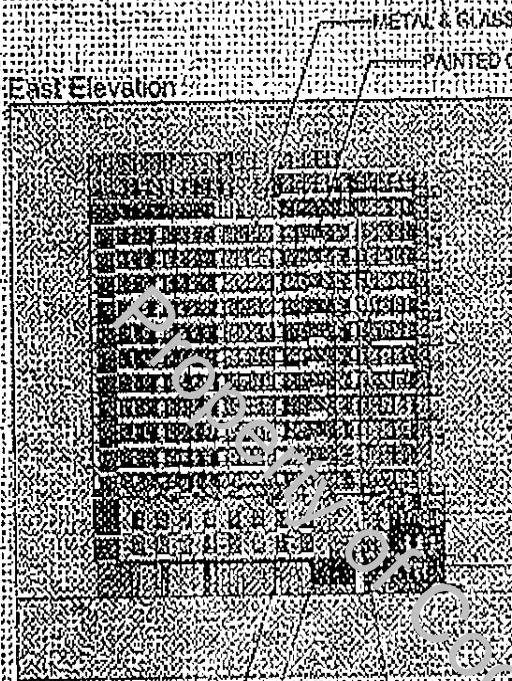


1890 Maple Entrance

FitzGerald

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METAL & GLASS WINDOW
PAINTED CONCRETE

East Elevation

West Elevation

METAL & GLASS WINDOW
PAINTED CONCRETE

BRICK COLOR 1
BRICK COLOR 2

GLASS STOREFRONT
CANDY

METAL SIGN

METAL & GLASS WINDOW
PAINTED CONCRETE

North Elevation

South Elevation

GLASS STOREFRONT
METAL SIGN

BRICK COLOR 2
BRICK COLOR 1

GLASS STOREFRONT
METAL SIGN

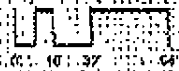
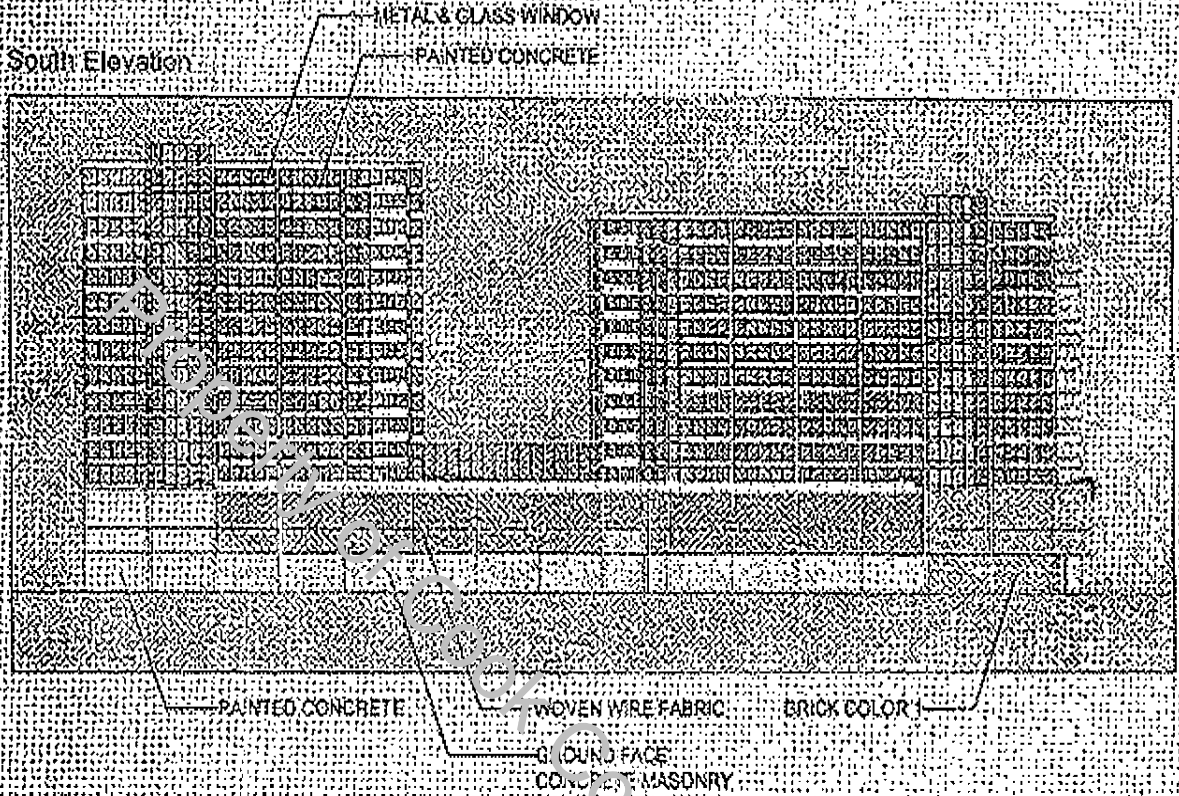
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ARCHITECTS

Elevations

1881 Oak 1890 Maple
12118
11/20/12

A2-1

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FitzGerald
 ASSOCIATES ARCHITECTS

Elevations

1881 Oak / 1890 Maple
 12116
 11/28/12

A2-2