

82-O-19

AN ORDINANCE

**Granting An Amendment to the Approved Planned Development
Located at 1815 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

WHEREAS, on July 25, 2016, the City Council enacted Ordinance 47-O-16,

attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1815 Oak Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 47-O-16 approved the construction of a 10-story independent and assisted living facility with 102 dwelling units, 31 assisted living units for residents with cognitive impairments, and 30 memory care rooms at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, per Section 6-3-6-12(B), a minor adjustment to the Planned Development was approved by the Zoning Administrator on March 15, 2017 with the recommendation of the Design and Project Review Committee ("DAPR") to reduce the Floor Area Ratio from 4.35 to 3.97, to increase the upper level building setbacks from zero feet to twenty six and a half feet at a height of forty-four feet, to relocate the stairway and mechanical equipment on the north end of the building, and for the addition of a fourth floor terrace; and

WHEREAS, on January 8, 2018, the City Council enacted Ordinance 3-O-18, attached hereto as Exhibit 2 and incorporated herein by reference, which granted an extension of time for the Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16; and

WHEREAS, on December 10, 2018, the City approved Ordinance 158-O-18, attached hereto as Exhibit 3 and incorporated herein by reference, which granted an extension of time for the Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16 and 3-O-18; and

WHEREAS, the Developer and Applicant, Michael McLean (the “Applicant”) requested a major adjustment that includes an increase in FAR to 4.47 (originally approved at 4.35 and subsequently reduced via a Minor Adjustment to 3.97 in 2017); an increase in parking spaces from 67 to 70 (including 2 compact spaces); an increased side yard setback (south) from 4 feet to 5 feet, and a reduction of dwelling units from 102 to 43 (for a reduced total of 161 units/rooms from 163); eliminating the site development allowance for maximum number of dwelling units in the building approved by Ordinance 46-O-16, 3-O-18 and 158-O-18 (revised plans depicting this major adjustment are attached hereto as Exhibit 4); and

WHEREAS, in order to approve the major adjustment requested, the Applicants request amendments to Ordinances 46-O-16, 3-O-18, and 158-O-18 (the “Previously Approved Ordinances”); and

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 August 5, 2019, 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, during said meeting, the P&D Committee received input from the public, carefully deliberated on the major adjustment, and recommended approval thereof by the City Council; and

WHEREAS, at its meeting on August 5, 2019, 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:

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

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 47-O-16, 3-O-18, and 158-O-18 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: The conditions on the Special Use Permit imposed pursuant to Subsection 6-3-5-12 of the Zoning Ordinance by City Council in Ordinances 47-O-16, 3-O-18, and 158-O-18 remain applicable to the Planned Development,

SECTION 4: Except as otherwise provided for in this Ordinance 82-O-19, all applicable regulations of the Ordinances 47-O-16, 3-O-18, and 158-O-18, 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/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 82-O-19 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Michael McLean, and any and all successors, owners, and operators of the Subject Property.

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 7: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

SECTION 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 10: The findings and recitals herein are hereby 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.

Introduced: August 5th, 2019

Adopted: August 5th, 2019

Approved:

August 14, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:

Eduardo Gomez
Devon Reid, City Clerk

Eduardo Gomez, Deputy City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup,
Corporation Counsel

EXHIBIT 1

Ordinance 47-O-16

4/14/2016
6/17/2016
7/6/2016

47-O-16

AN ORDINANCE

**Granting Special Use Approval for a Planned Development and
Special Use Approval for an Independent and Assisted Living Facility
Located at 1815-1823 Ridge Avenue and Amending the Zoning Map
to Re-Zone Certain Properties from the C2 Commercial Zoning
District to the D4 Downtown Transition Zoning District**

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, 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, 174-75 (1992)); 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

WHEREAS, Michael McLean ("Applicant"), the Applicant for the proposed development located at 1815-1823 Ridge Avenue, Evanston, Illinois (the "Subject Property"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of the Zoning Ordinance, specifically Section 6-7-2, "Zoning Map," 6-3-5, "Special Uses," Section 6-3-6, "Planned Developments," and Section 6-11-1-10, "Planned Developments," to place certain properties within the D4 Downtown Transition Zoning District ("D4 District") and permit the construction and operation of a Planned Development with an Independent and Assisted Living Facility located at the Subject Property in the D4 District; and

WHEREAS, the Applicant sought approval to re-zone the Subject Property from the current C2 Commercial Zoning Districts to the proposed D4 Downtown Transition Zoning District; and

WHEREAS, the Applicant sought approval to construct a new eleven (11) -story one hundred five (105) foot tall independent and assisted living facility consisting of up to one hundred forty (140) dwelling units and twenty-five (25) memory care rooms, with a floor area ratio of approximately 5.4, approximately one hundred forty-six thousand, six hundred forty-three (146,643) square feet of residential space, seventy (70) open on-site parking spaces, zero (0) foot front setback along the west property line, four (4) foot side setback along the south property line, zero (0) foot rear setback along the east property line, and two (2) short loading docks; and

WHEREAS, construction of the Planned Development, as proposed in the application, requires exception from the strict application of the Zoning Ordinance with regards to the number of dwelling units; and

WHEREAS, pursuant to Subsection 6-3-6-5 of the Zoning Ordinance, the City Council may grant Site Development Allowances from the normal district regulations established in the Zoning Ordinance; and

WHEREAS, on March 9, 2016 and April 6, 2016, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) and the Zoning Ordinance, the Plan Commission held a public hearing on the application for Special Use Approval for a Planned Development with an Independent and Assisted Living Facility and Rezoning from the C2 Zoning Districts to the D4 Zoning District, case no. 15PLND-0112, heard extensive testimony and public comment, received other evidence, and made written minutes, findings, and recommendations; and

WHEREAS, the Plan Commission's written findings state that the application meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the D4 Downtown Transition District per Subsection 6-11-1-10 of the Zoning Ordinance and Map Amendments per Subsection 6-3-4-5 of the Zoning Ordinance; and

WHEREAS, on April 6, 2016, the Plan Commission recommended the City Council approve the application with conditions; and

WHEREAS, on June 15, 2016, the Applicant submitted revised plans seeking approval for the following: approval to construct a ten (10) -story one hundred five (105) foot tall independent and assisted living facility consisting of up to one

hundred two (102) dwelling units, thirty-one (31) assisted living with cognitive impairments units, and thirty (30) memory care rooms, with a floor area ratio of approximately 4.35, approximately one hundred forty-six thousand, six hundred forty-three (146,643) square feet of residential space, sixty-seven (67) on-site parking spaces; and

WHEREAS, on July 11, 2016, the Planning and Development (“P&D”) Committee of the City Council held a meeting, in compliance with the provisions of the Open Meetings Act and the Zoning Ordinance, received input from the public, carefully considered the Plan Commission’s record and findings, the Applicant’s amended application dated June 15, 2016, and recommended the City Council accept and approve the amended application; and

WHEREAS, at its meetings on July 11, 2016 and July 25, 2016, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council considered the recommendation of the P&D Committee, received additional public comment, made certain findings, and adopted said recommendation; and

WHEREAS, it is well-settled law 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:

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

SECTION 2: The City Council hereby amends the Zoning Map to remove those properties with the addresses and PINs listed in Exhibit B and identified in Exhibit C, both attached hereto and incorporated herein by reference, from the C2 Commercial Districts and place them within the D4 Downtown Transition District.

SECTION 3: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Approval applied for in case no. 15PLND-0112, to allow construction and operation of the Planned Development for a ten (10) - story one hundred five (105) foot tall independent and assisted living facility consisting of up to one hundred two (102) dwelling units, thirty-one (31) assisted living with cognitive impairments units, and thirty (30) memory care rooms, with a floor area ratio of approximately 4.35, approximately one hundred forty-six thousand, six hundred forty-three (146,643) square feet of residential space, sixty-seven (67) open on-site parking spaces.

SECTION 4: The City Council hereby grants the following Site Development Allowances:

- (A) **Number of Dwelling Units:** A Site Development Allowance is hereby granted for one hundred forty (102) residential dwelling units, whereas subsection 6-11-2-4(B) of the Zoning Ordinance allows for a maximum of eighty-four (84) residential dwelling units in the D4 District.

SECTION 5: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Approval granted hereby, which may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (A) **Compliance with Applicable Requirements:** The Applicant shall develop and operate the Planned Development authorized by the terms of this ordinance in substantial compliance with the following: the terms of this ordinance; the Site and Landscape Plans in Exhibit D and E, attached hereto and incorporated herein by reference; all applicable City Code requirements; the Applicant's testimony and representations to the Design and Project Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.
- (B) **Affordable Housing Contribution:** The Applicant shall pay a one-time contribution of four hundred thousand dollars (\$400,000) to the City's Affordable Housing Fund. The contribution will be made in two (2) equal installments. The first installment shall be made within ten (10) business days of the issuance of the Temporary Certificate of Occupancy (TCO) and the second installment shall be made within one (1) year of the TCO issuance date.
- (C) **Affordable Housing Units:** The Applicant shall have two (2) on site affordable housing units at eighty percent (80%) of the area median income ("AMI").
- (D) **Alley Reconstruction:** The Applicant shall reconstruct the public alley to the south adjacent to the Subject Property.
- (E) **Oak Avenue Streetscape Improvements:** The Applicant shall construct the streetscape improvements and roadway widening from the Subject Property to Clark Street and modify the island in the Clark Street and Oak Avenue intersection per proposed development plans and landscape plans in Exhibit B and Exhibit C.
- (F) **Traffic Signal Improvements:** The Applicant shall upgrade existing traffic signals located at Church Street and Oak Avenue intersection to include pedestrian countdown timers.
- (G) **Street Crosswalk Improvements:** The Applicant shall install the following crosswalks: (1) east side of the intersection at Ridge Avenue and Clark Street; (2) east side of the intersection at Clark Street and Oak Avenue; and (3) all sides of the intersection at Church Street and Oak Avenue.
- (H) **Ridge Avenue Streetscape Improvements:** The Applicant must construct the streetscape improvements along Ridge Avenue, including the new eight (8) foot wide parkway, five (5) foot wide public sidewalk, increased landscaping and two (2) public seating areas with water feature or art installation per proposed development plans and landscape plans in Exhibit B and Exhibit C.
- (I) **On-Site Bicycle Parking:** The Applicant must install twenty-eight (28) bicycle parking spaces for visitors located on the west and south portions of the development.

- (J) **Bike Share Membership:** The Applicant must provide a ten thousand dollar (\$10,000.00) sponsorship for the Divvy bike share program prior to the issuance of the building permit.
- (K) **Public Art Contribution:** The Applicant must install an art installation within the pocket park north of the proposed building.
- (L) **Landscape Maintenance:** The Applicant must submit a three (3) year maintenance agreement for all landscaped areas on site, inclusive of the gardens and green roof, prior to the issuance of the building permit.
- (M) **City of Evanston Employment:** The Applicant agrees to employ at least ten (10) Evanston residents during construction. The Applicant also agrees to offer fifty percent (50%) of the permanent jobs to Evanston residents, subject to their qualifications for employment.
- (N) **LEED Silver Certification:** The Applicant agrees to comply with the City of Evanston Green Building Ordinance and obtain a LEED Silver Certification Rating or higher for the Planned Development on the Subject Property.
- (O) **No Further Remediation Letter:** The Applicant must submit a "No Further Remediation" letter prior to the issuance of the Certificate of Occupancy.
- (P) **Changes in Use:** Any changes in use must be approved as an amendment to the Planned Development on the Subject Property.
- (Q) **Construction Management Plan:** The Applicant shall sign and agree to a Construction Management Plan (CMP) with the City of Evanston prior to issuance of the Building Permit. The CMP shall include but is not limited to the following: construction staging plan, on-street and on-site construction parking restrictions, hours of operation, a plan including cross sections showing pedestrian access around the site with the use of curb ramps, signage and/or striping, if necessary, foundation survey of surrounding structures including weekly reporting of seismographs for the duration of construction, submittal of environmental testing report prior to construction, visibility diagram for all construction site access points, proposed schedule for street opening for utility connections with cross section details, and project updates via monthly newsletter and project website.
- (R) **Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)(4) of the Zoning Ordinance, the Applicant shall obtain a building permit within eighteen (18) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
- (S) **Recordation:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide

proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

SECTION 6: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant's tenants, agents, assigns, and successors in interest."

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 8: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

SECTION 9: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 10: 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 can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 11: The findings and recitals herein are hereby 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.

Introduced: July 11, 2016

Adopted: July 25, 2016

Approved:

August 1, 2016

Elizabeth B. Tisdahl

Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

EXHIBIT A**Legal Description****TRACT 1:****Parcel 1:**

LOTS 4, 5, 6 AND 7 (EXCEPT THAT PART TAKEN FOR WIDENING RIDGE AVENUE ACCORDING TO DOCUMENT NO. 15800534 RECORDED DECEMBER 28, 1953) IN THE RESUBDIVISION OF BLOCK 1 IN E. A. PRATT'S ADDITION TO EVANSTON, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 3, 1875 AS DOCKET NO. 42276, ALL IN COOK COUNTY, ILLINOIS.

Parcel 2:

THAT PART OF THE VACATED WEST RAILROAD AVENUE (VACATED BY PLAT OF VACATION RECORDED AS DOCUMENT 87518006) ADJACENT TO THE RESUBDIVISION OF BLOCK 1 IN E. A. PRATT'S ADDITION TO EVANSTON, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 6 IN E. A. PRATT'S ADDITION, AFORESAID; THENCE EAST ON THE SOUTH LINE OF SAID LOT 6, EXTENDED EAST, 59.60 FEET TO A POINT IN THE EAST LINE OF SAID WEST RAILROAD AVENUE; THENCE NORTHWESTERLY ON THE EASTERLY LINE OF SAID WEST RAILROAD AVENUE, 302.45 FEET TO A POINT; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID EASTERLY LINE OF RAILROAD AVENUE, 50.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID RAILROAD AVENUE; THENCE SOUTHEASTERLY ON THE WEST LINE OF SAID WEST RAILROAD AVENUE, 270.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PIN(s): 11-18-116-021-0000
11-18-116-022-0000
11-18-116-023-0000

COMMONLY KNOWN AS: 1815-1823 Ridge Avenue; Evanston, Illinois.

TRACT 2:

LOTS 1, 2 AND 3 (EXCEPT THAT PART TAKEN FOR WIDENING OF RIDGE AVENUE ACCORDING TO DOCUMENT NO. 15800534 RECORDED DECEMBER 28, 1953) IN THE RESUBDIVISION OF BLOCK 1 IN ELISA A. PRATT'S ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, LYING EAST OF RIDGE ROAD, AND WEST OF THE MILWAUKEE DIVISION OF THE CHICAGO AND NORTHWESTERN RAILROAD IN SECTION 18, TOWNSHIP 40 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN.

PIN(s): 11-18-116-018-0000
11-18-116-019-0000
11-18-116-020-0000

COMMONLY KNOWN AS: Ridge Avenue & Green Bay Road, Evanston, Illinois.

EXHIBIT B

**Addresses and PINs of Properties Removed from the C2 Commercial District and
Placed Within the D4 Downtown Transition District**

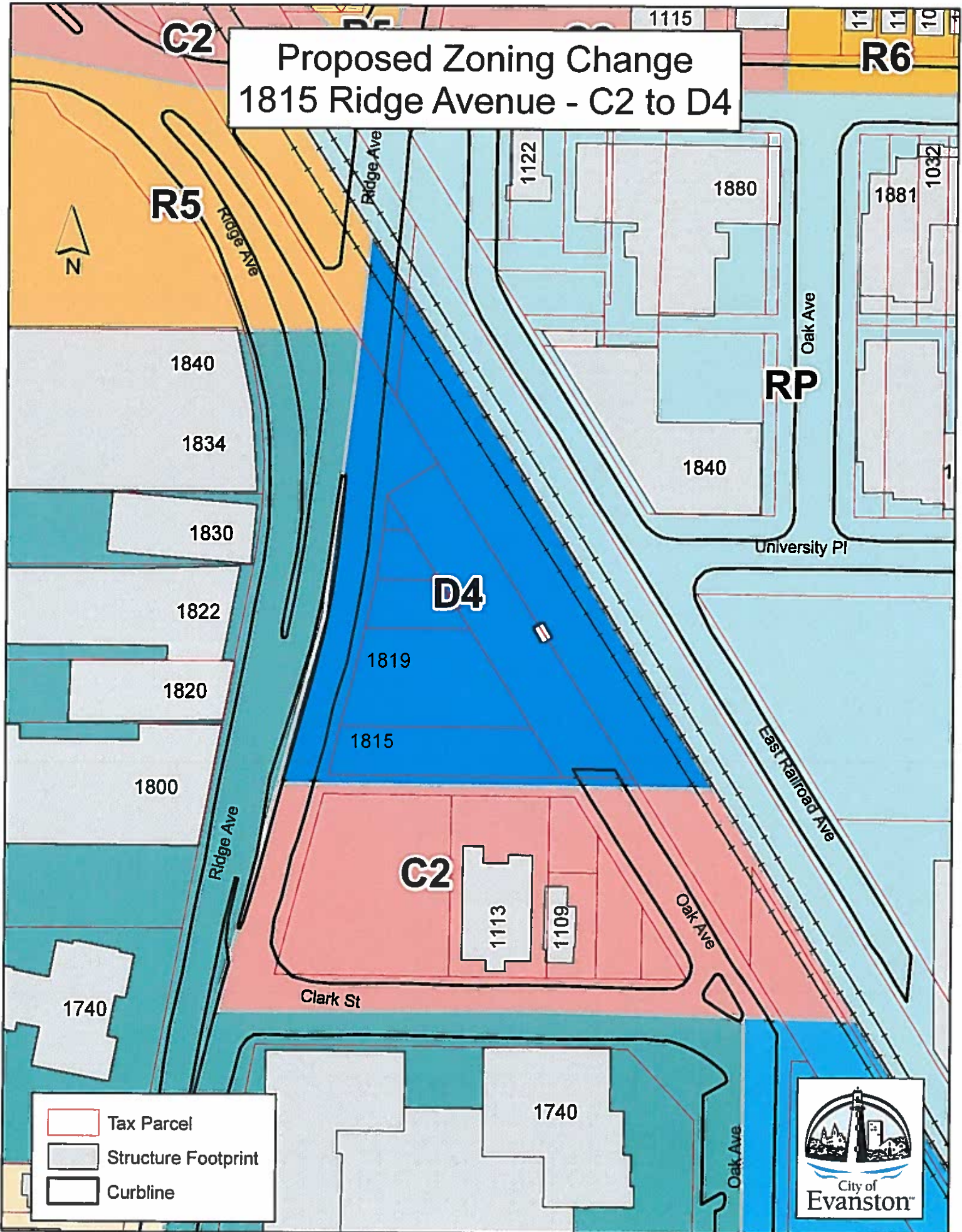
Commonly Known As: 1815-1823 Ridge Avenue

PIN(s): 11-18-116-018-0000
11-18-116-019-0000
11-18-116-020-0000
11-18-116-021-0000
11-18-116-022-0000
11-18-116-023-0000

EXHIBIT C

**Map of Properties Removed from the C2 Commercial District and Placed Within
the D4 Downtown Transition District**

Proposed Zoning Change 1815 Ridge Avenue - C2 to D4



This map is provided "as is" without warranties of any kind.
See www.cityofevanston.org/mapdisclaimers.html for more information.

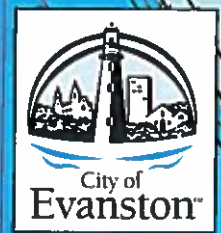
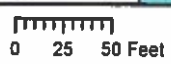


EXHIBIT D

Development Plans



1815 OAK AVENUE - SENIOR HOUSING

E v a n s t o n , I l l i n o i s

Centrum Partners LLC
15 June, 2016

Hirsch Associates LLC
Architecture + Planning



Location Map

Centrum Partners LLC

1815 OAK AVENUE

Evansville, Illinois

16 June, 2016

14021

ATM

Hirsch Associates LLC
Architecture + Planning





View From South-West

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

115 (June 2016)
14021
AJM

Hirsch Associates LLC
Architecture + Planning





View From South West - Previous Design

View From South West - Proposed Design

Centrium Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016

14021

AJM

Hirsch Associates LLC
Architecture + Planning





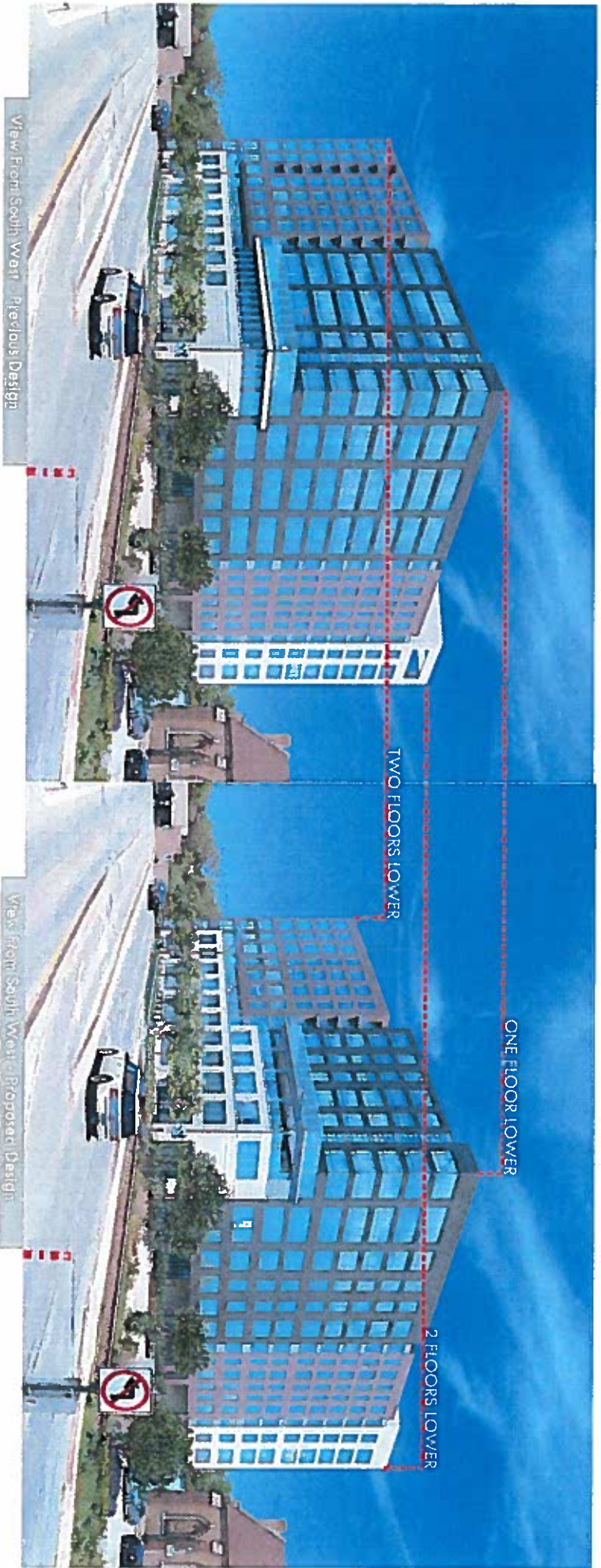
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

115 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





View From South West - Previous Design

West From South West - Proposed Design

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





Close View From West

Centrum Partners LLC

1815 OAK AVENUE

Evansville, Illinois

15 June, 2015

14021

AJM

Hirsch Associates LLC
Architecture + Planning



A.8



View from North-West

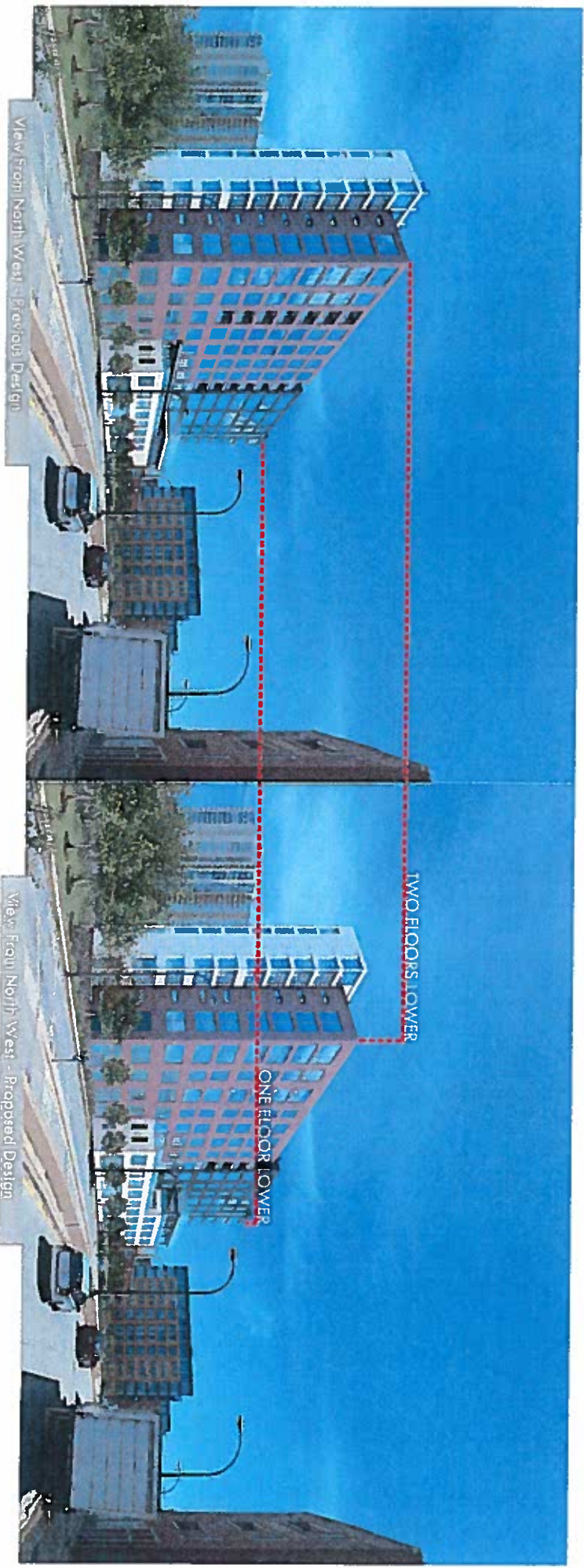
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





View From North West - Previous Design

View From North West - Proposed Design

TWO FLOORS LOWER

ONE FLOOR LOWER

Centrum Partners LLC

1815 OAK AVENUE
Expansion, Illinois

15 June, 2016
1:021
AJM

Hirsch Associates LLC
Architecture + Planning

H.A. B.5



View From East

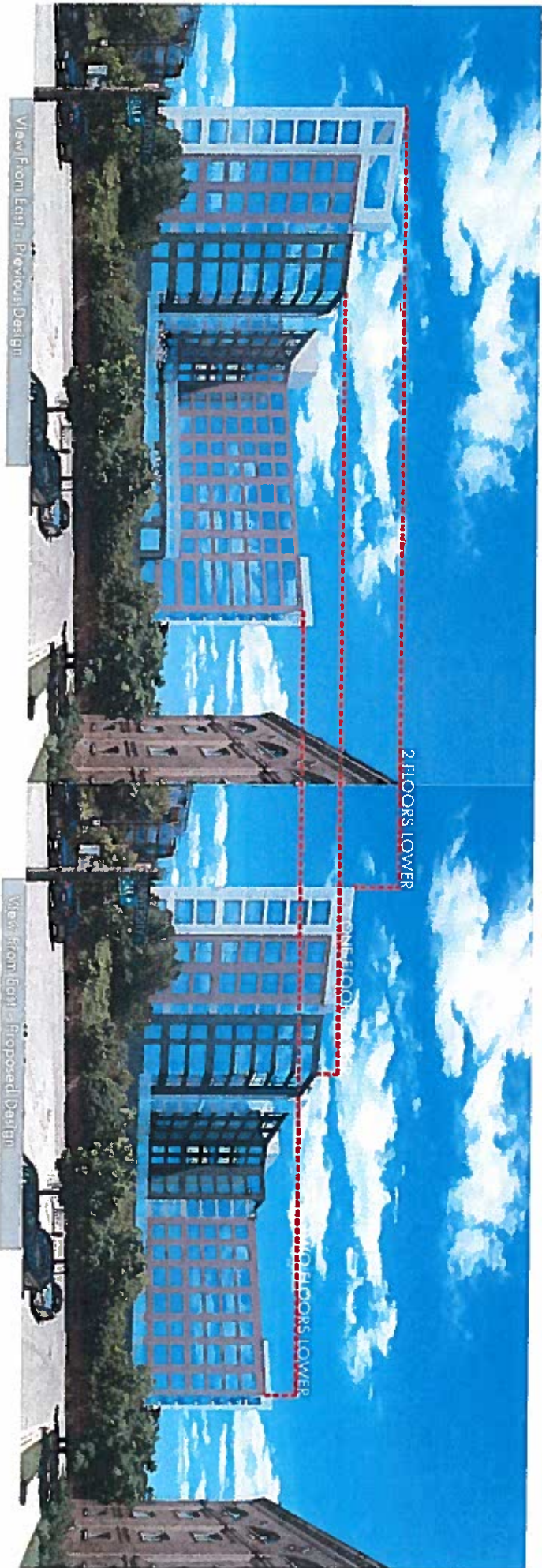
Centrum Partners LLC

1815 OAK AVENUE
Evansville, Indiana

15 June, 2016
14021
AM

Hirsch Associates LLC
Architecture + Planning





View From East - Previous Design

View From East - Proposed Design

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning





View From South East

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
A/P/M

Hirsch Associates LLC
Architecture + Planning





View From South East - Previous Design

View From South East - Proposed Design

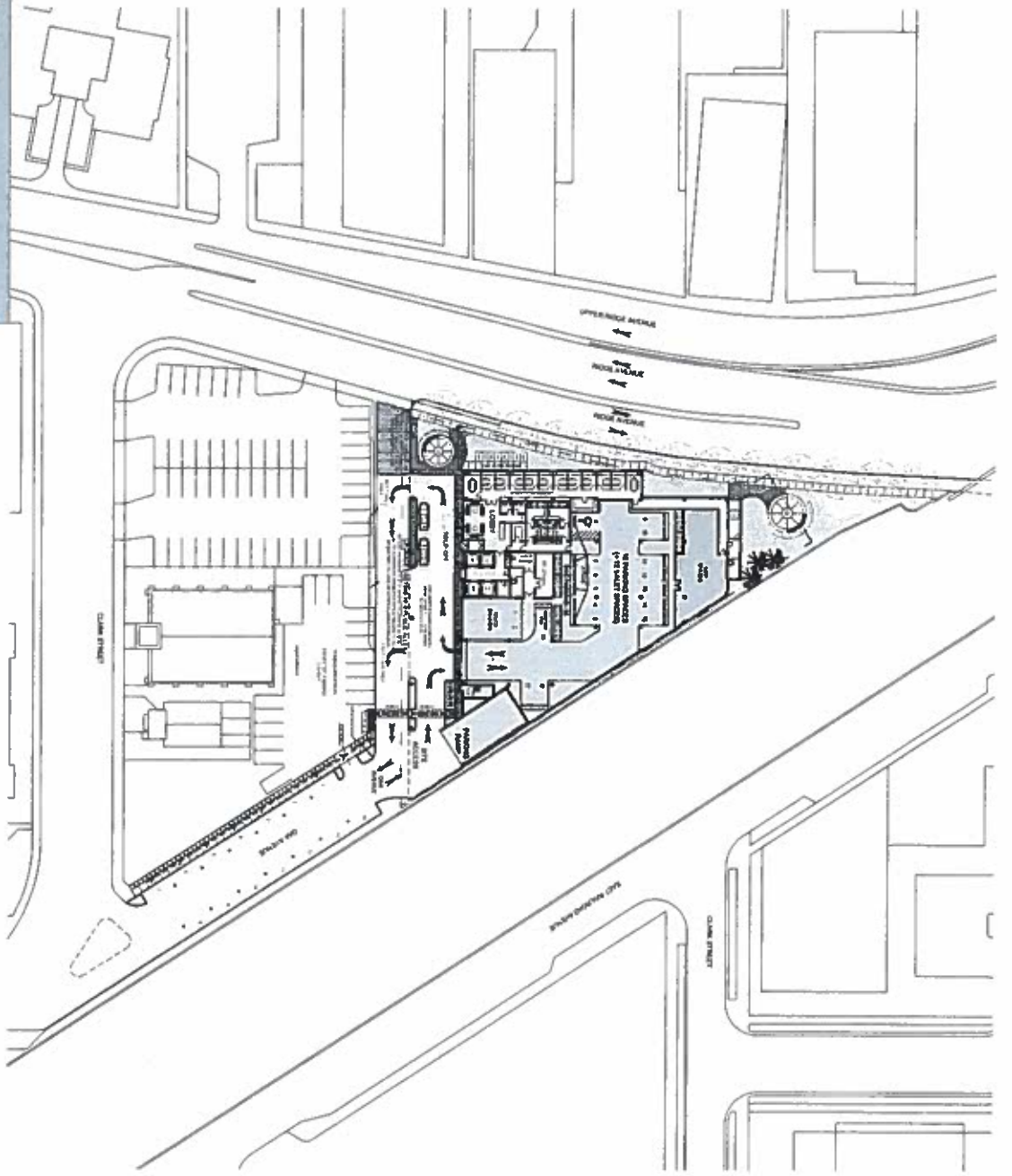
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





Site Plan

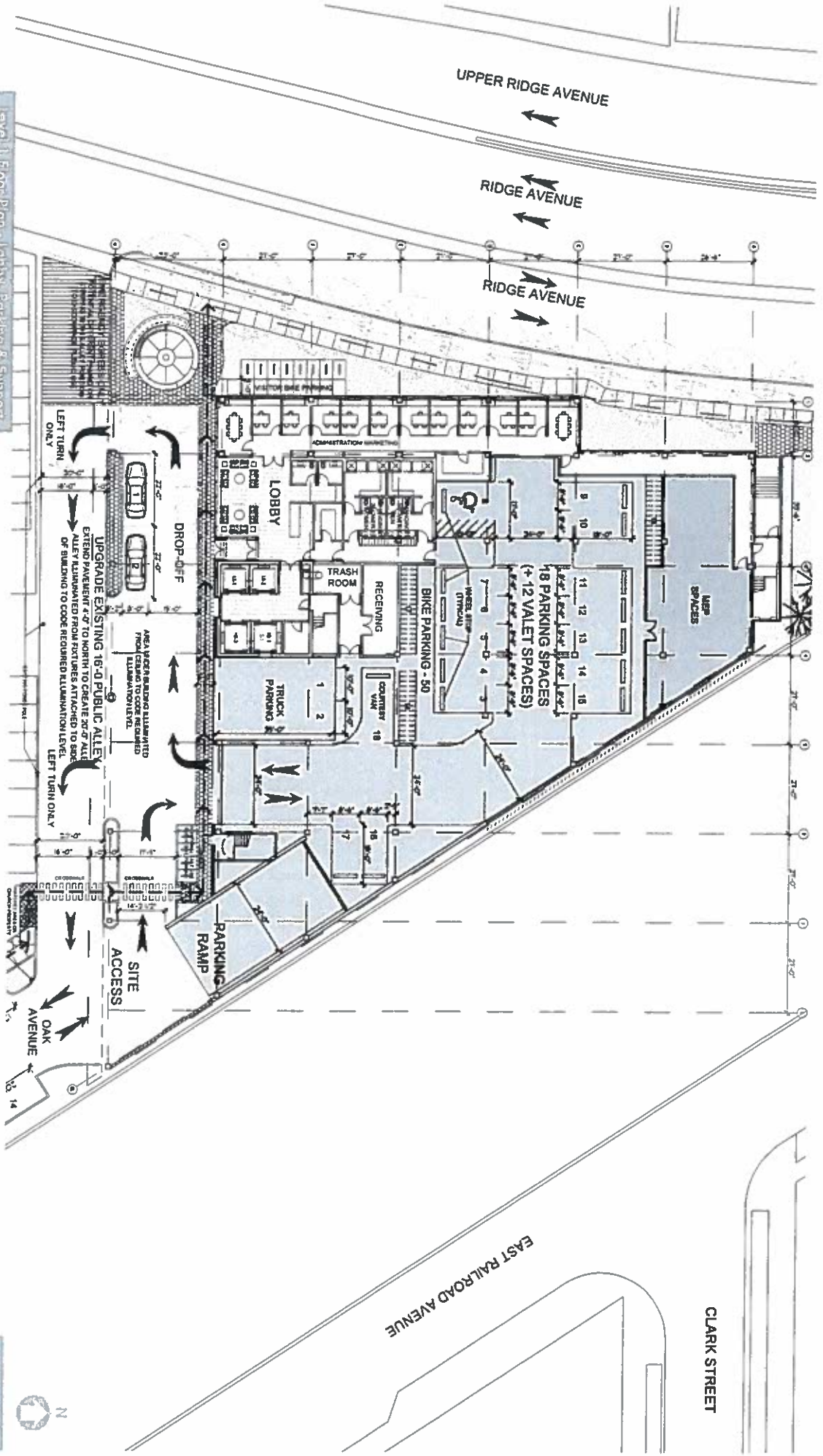
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning

Scale: 1/8" = 1'-0"



Level 11 Floor Plan - Lobby, Parking & Support

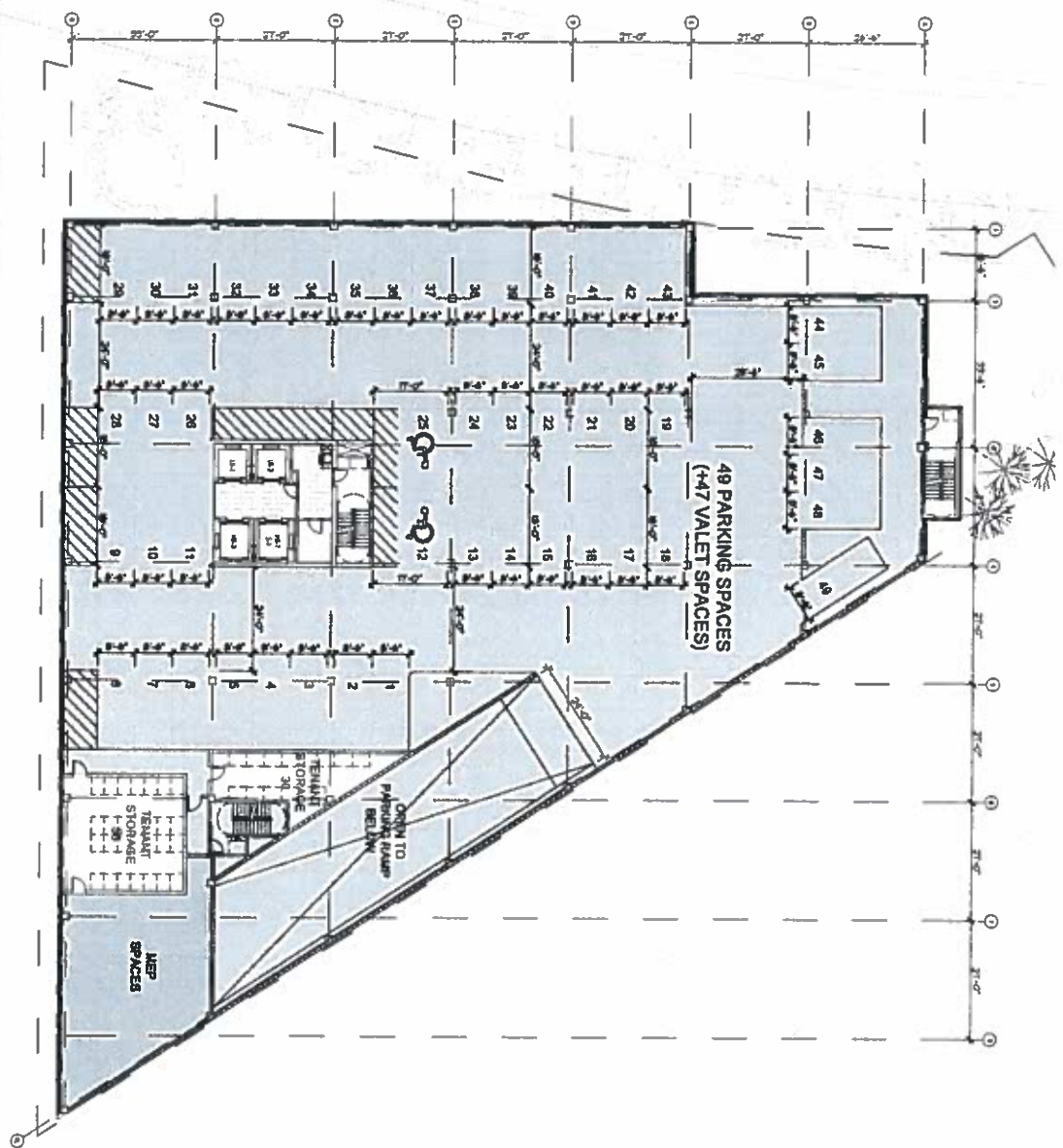
Centrum Partners LLC

1815 OAK AVENUE
Excavation, 11/1/16

1/5/17/16/2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





Level 2 Floor Plan - Parking

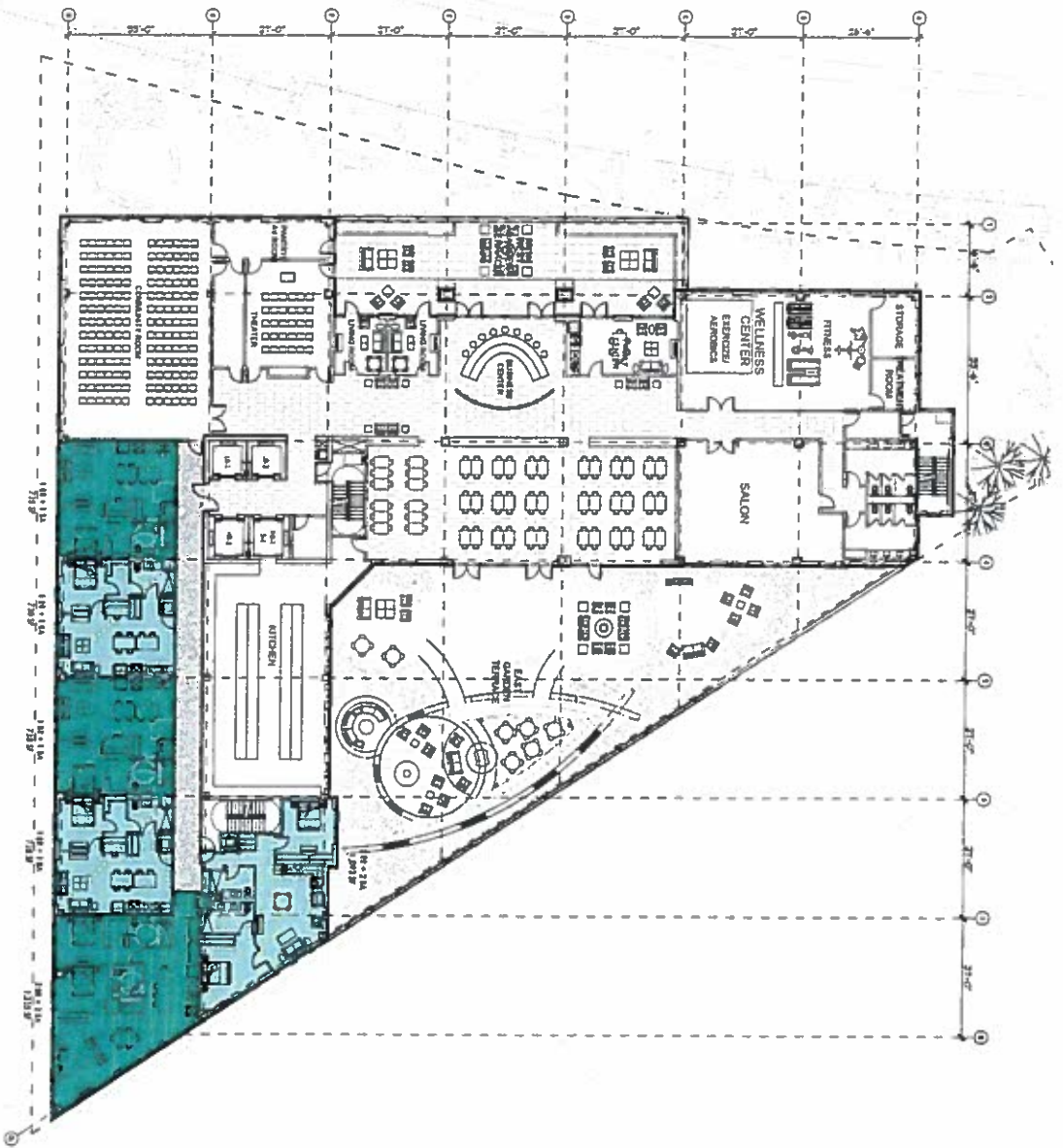
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





Level 3 Floor Plan - Town Square

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning



Level 5 Floor Plan - Assisted Living CL

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

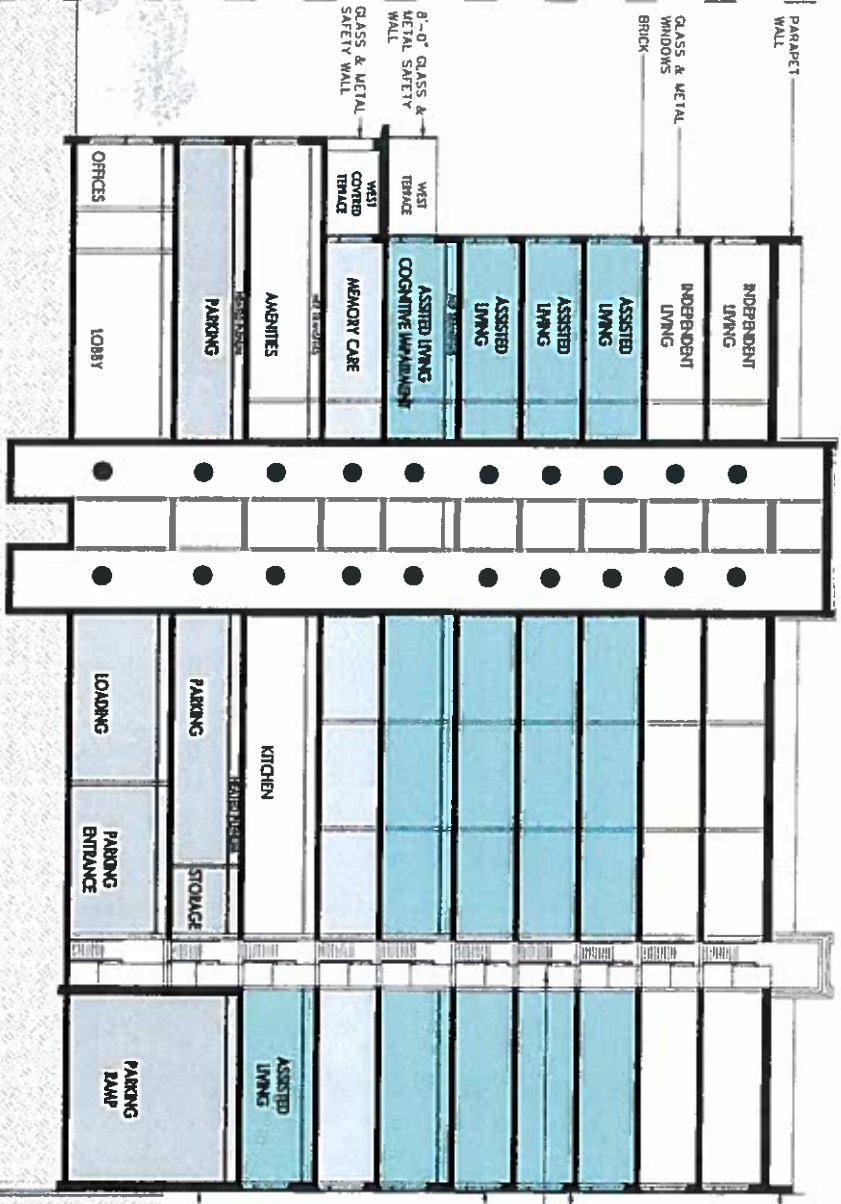
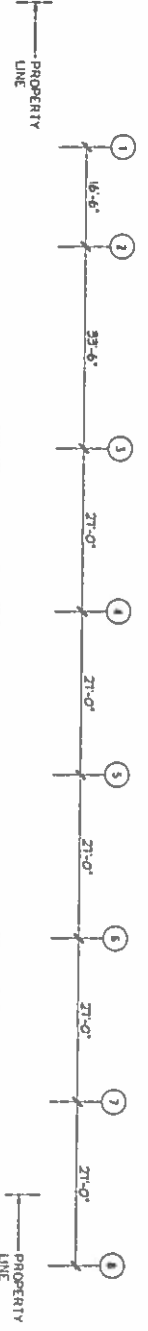
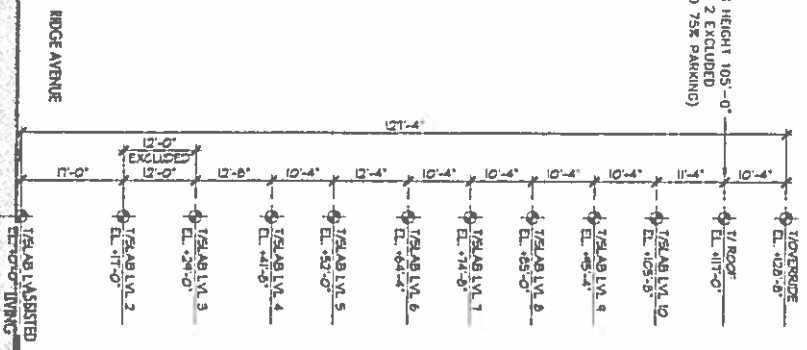
Hirsch Associates LLC
Architecture + Planning



Scale: NTS



ZONING HEIGHT 105'-0"
(LEVEL 2 EXCLUDED
DUE TO 75% PARKING)



Edin West Building Section
Centrum Partners LLC

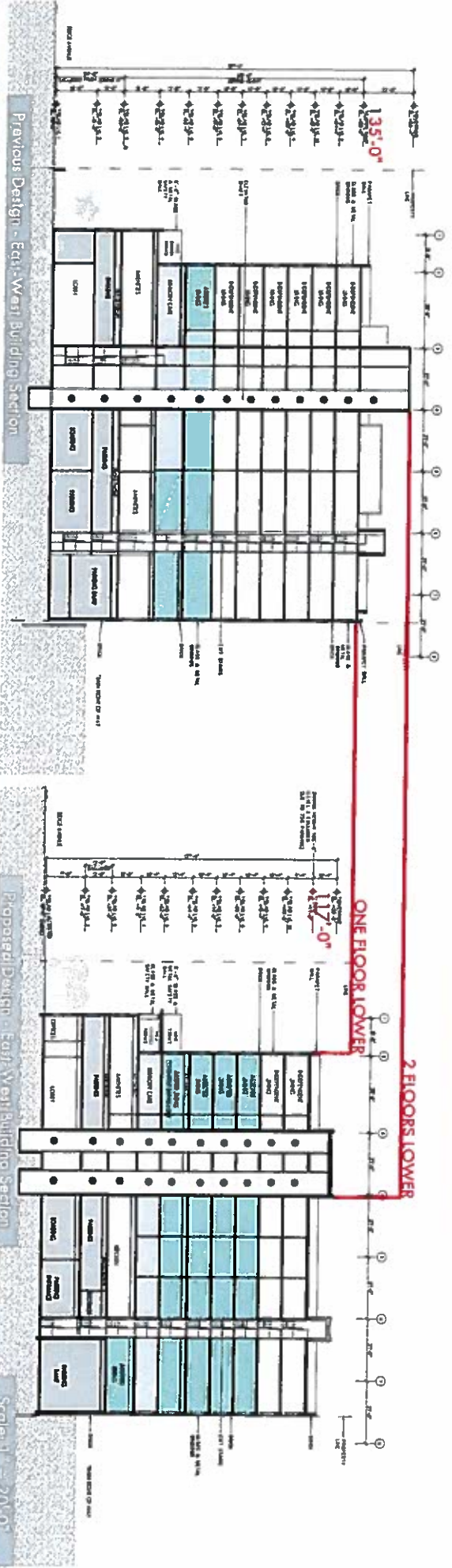
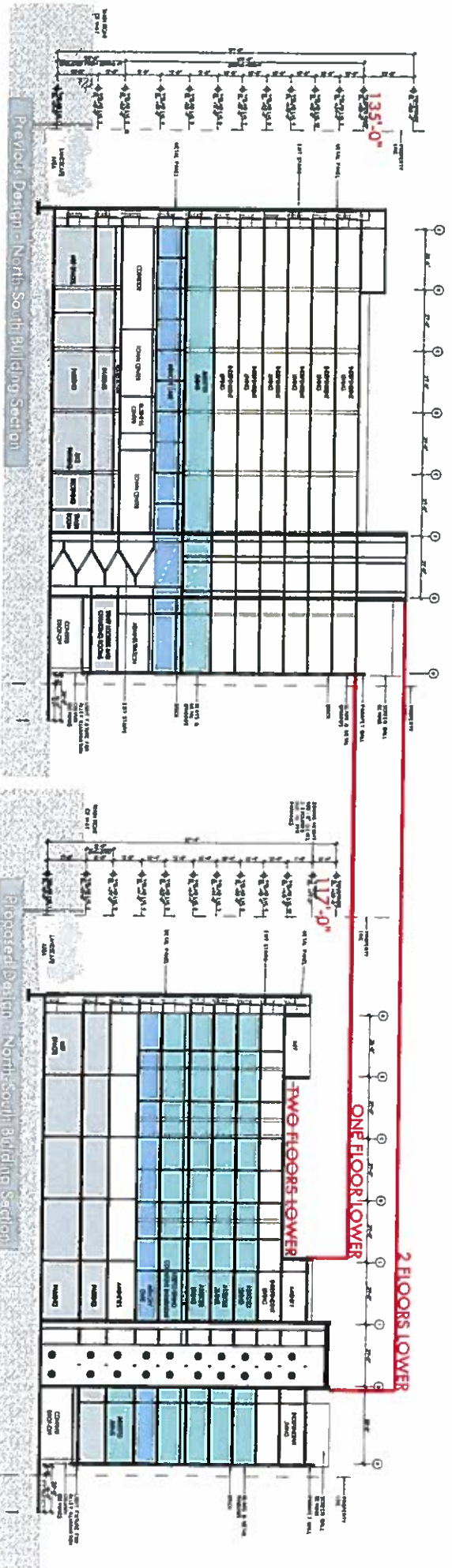
1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning



Scale: 1/8" = 20'-0"



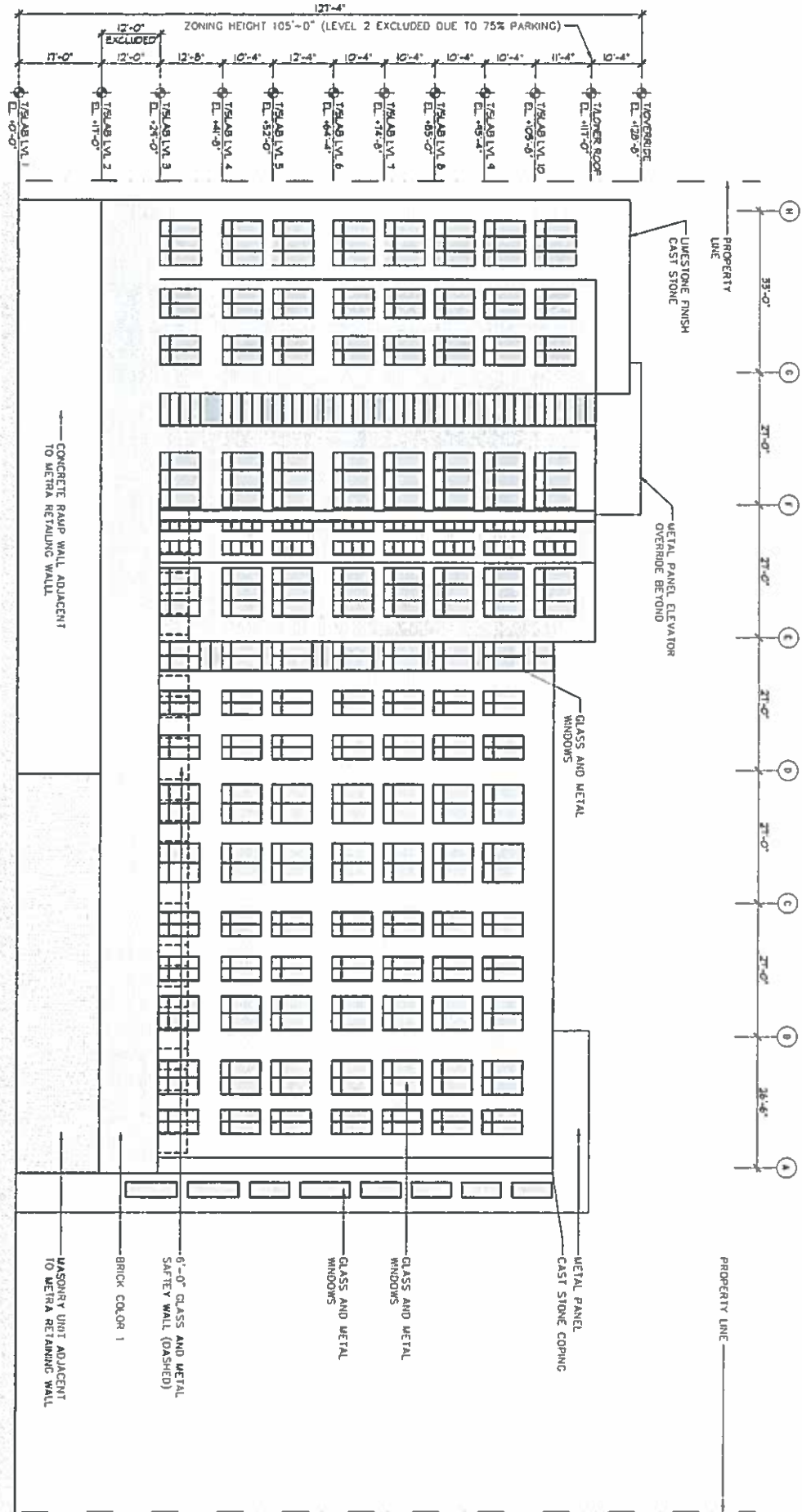
Centrum Partners LLC

Building Height Comparison
1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





East Elevation

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning



Scale: 1/8" = 20'-0"



West Elevation

Centrum Partners LLC

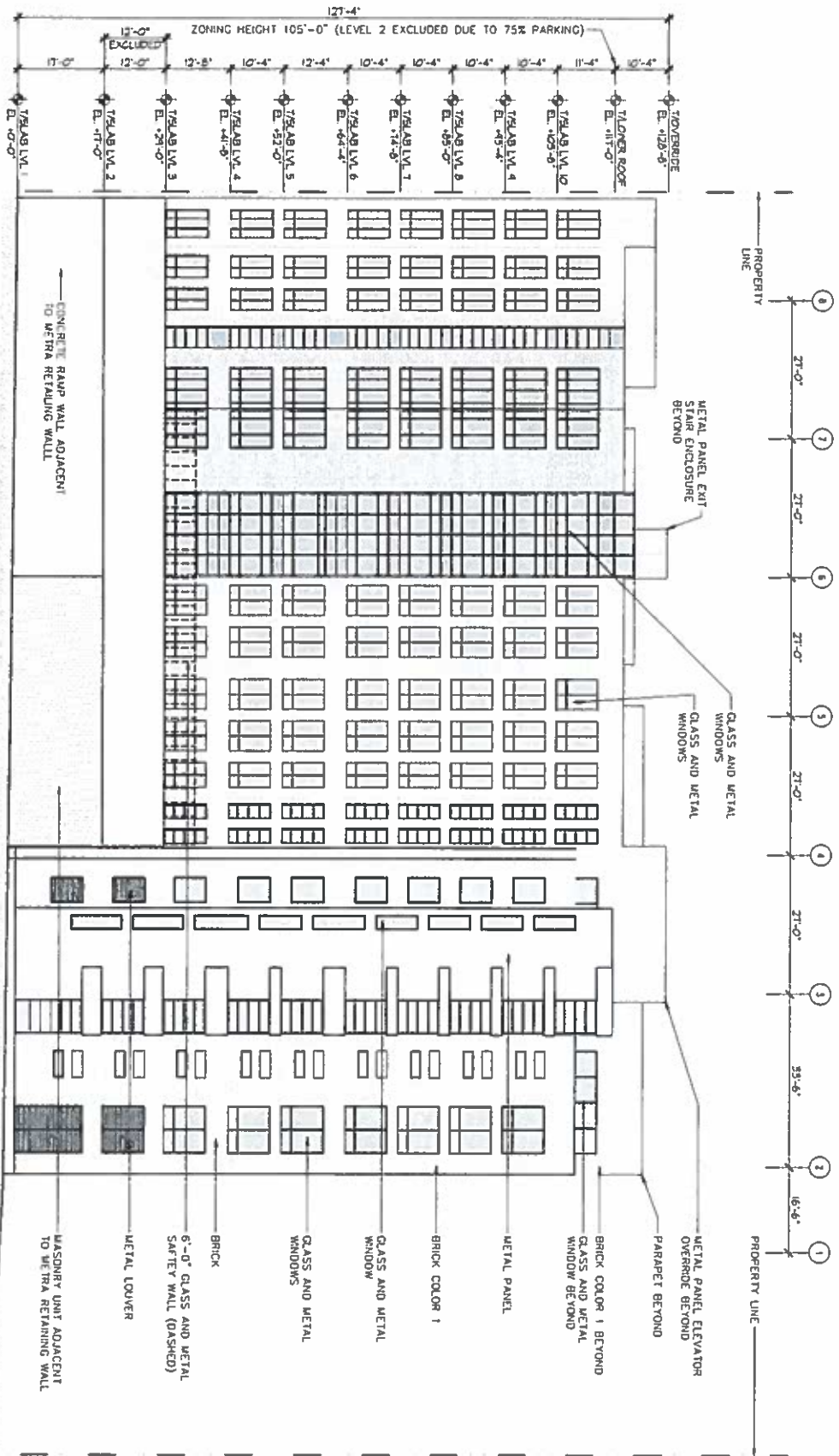
1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning

Scale: 1" = 20'-0"

12



North Elevation

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
A/M

Hirsch Associates LLC
Architecture + Planning

13

Scale: 1/8" = 20'-0"



South Elevation

Scale: 1/4" = 20'-0"

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning



1815 OAK AVENUE - 22 JUNE 2016 - REQUIRES RE-ZONING TO D4 (Max FAR in D4 is 5.4)
 HIRSCH ASSOCIATES

DWELLING UNITS ALLOWED

94 (1) Development Allowance Required - Number of Dwelling Units Allowed Increased to 102

(IU) = Independent Living, (AI) = Assisted Living, (ALC) = Assisted Living Cognitive Impairment, (MC) = Memory Care
 Available

35,488

APARTMENTS

SITE AREA:	33,728 SF	FAR ALLOWED:	5.40	182,131 SF
FAR USED:	4.35	146,643 SF		
Parking Loading	0.33	8,895 SF		
MECHA EXCLUDED	4.35	6,340 SF		
FAR GSF	0.5F	1,755 SF	APART	CORE/LOBBY B.O.I.H AMENITY
APART AREA	18,312 SF	18,312 SF	STUDIO + 1 BA (MC)	DOURNE + 1.5 BA (MC)
STUDIO	30	30	STUDIO + 1 BA (MC)	1BR+1BA (MC)
DOURNE	1	1	1BR+1BA (MC)	2BR+2BA (MC)
STUDIO	0	0	2BR+2BA (MC)	2BR+2BA (MC)
1BR+1BA	0	0	2BR+2BA (MC)	2BR+2BA (MC)
2BR+2BA	0	0	2BR+2BA (MC)	2BR+2BA (MC)
2BR+2BA	0	0	2BR+2BA (MC)	2BR+2BA (MC)
TOTAL	31	31	TOTAL	TOTAL
SUB-TOTALS	61	61	SUB-TOTALS	SUB-TOTALS

NO.	USE	FLR	ELEVATION ABOVE LOBBY	FLR/FLR	# OF UNITS	GROSS ENC.	Parking Loading	Elevators	Mechanical	TOTAL	FAR GSF	APART AREA	CORE/LOBBY B.O.I.H AMENITY	EFFIC.	UNIT AVE.	PARKING SPACES	STUDIO + 1 BA (MC)	DOURNE + 1.5 BA (MC)	STUDIO + 1 BA (MC)	1BR+1BA (MC)	1BR+1BA (MC)	2BR+2BA (MC)	2BR+2BA (MC)	TOTAL	SUB-TOTALS		
UPPER ROOF																											
1	ROOF*	EL+ 117'	0"	10'	4"	650 SF	0.33	564 SF	776 SF	0.5F	1,755 SF	8,895 SF	3,630 SF	70.80%	800 SF	0	0	0	0	0	0	0	0	0	0	0	0
2	APARTMENTS (AI)	EL+ 105'	4"	11'	8"	12,432 SF	0.33	663 SF	113 SF	677 SF	18,312 SF	18,312 SF	3,630 SF	82.51%	750 SF	3	3	6	6	10	10	2	2	1	1	11	33
3	APARTMENTS (AI)	EL+ 95'	0"	10'	4"	19,788 SF	0.33	663 SF	113 SF	976 SF	18,312 SF	18,312 SF	3,630 SF	82.56%	750 SF	2	2	6	6	10	10	2	2	1	1	21	69
4	APARTMENTS (AI)	EL+ 74'	4"	10'	4"	19,788 SF	0.33	663 SF	113 SF	976 SF	18,312 SF	18,312 SF	3,630 SF	82.56%	750 SF	2	2	6	6	10	10	2	2	1	1	21	69
5	APARTMENTS (AI)	EL+ 64'	0"	10'	4"	19,788 SF	0.33	663 SF	113 SF	976 SF	18,312 SF	18,312 SF	3,630 SF	82.56%	750 SF	2	2	6	6	10	10	2	2	1	1	21	69
6	MEMORY CARE (MC)	EL+ 51'	8"	12'	4"	19,326 SF	0.33	663 SF	113 SF	976 SF	18,350 SF	18,350 SF	7,291 SF	61.76%	365 SF	0	0	0	0	0	0	0	0	0	0	0	31
7	MEMORY CARE (MC)	EL+ 41'	4"	10'	4"	19,326 SF	0.33	663 SF	113 SF	976 SF	18,350 SF	18,350 SF	7,454 SF	61.43%	396 SF	1	1	0	0	0	0	0	0	0	0	0	30
8	AMENITY/ART. (AI)	EL+ 29'	0"	12'	4"	19,954 SF	0.33	663 SF	113 SF	976 SF	18,978 SF	18,978 SF	1,693 SF			0	0	0	0	0	0	0	0	0	0	6	
9	PARKING	EL+ 17'	0"	17'	0"	27,218 SF	22,852 SF	663 SF	1,810 SF	25,525 SF	4,269 SF	1,693 SF					49										
10	LOBBY/PARKING/LOADING	EL+ 0'	0"	17'	0"	21,047 SF	12,415 SF	663 SF	1,590 SF	16,778 SF	4,269 SF	1,693 SF					18										
TOTAL																											
						197,105 SF	35,267 SF	8,895 SF	6,340 SF	49,812 SF	146,643 SF	96,878 SF	31,358 SF				67	59	2	12	24	49	12	5	163	41,106	

NOTES:
 * Zoning height = 105'-0" - Level 2 not counted in height calculations due to having 75% parking
 ** PARKING REQUIREMENTS FOR SENIOR LIVING:
 1 parking space per 4 employees: 100 = 25
 1 parking space per 4 rooming units: 61 = 16
 1 parking space per 3 dwelling units: 102 = 26
 67

Aved Ghari

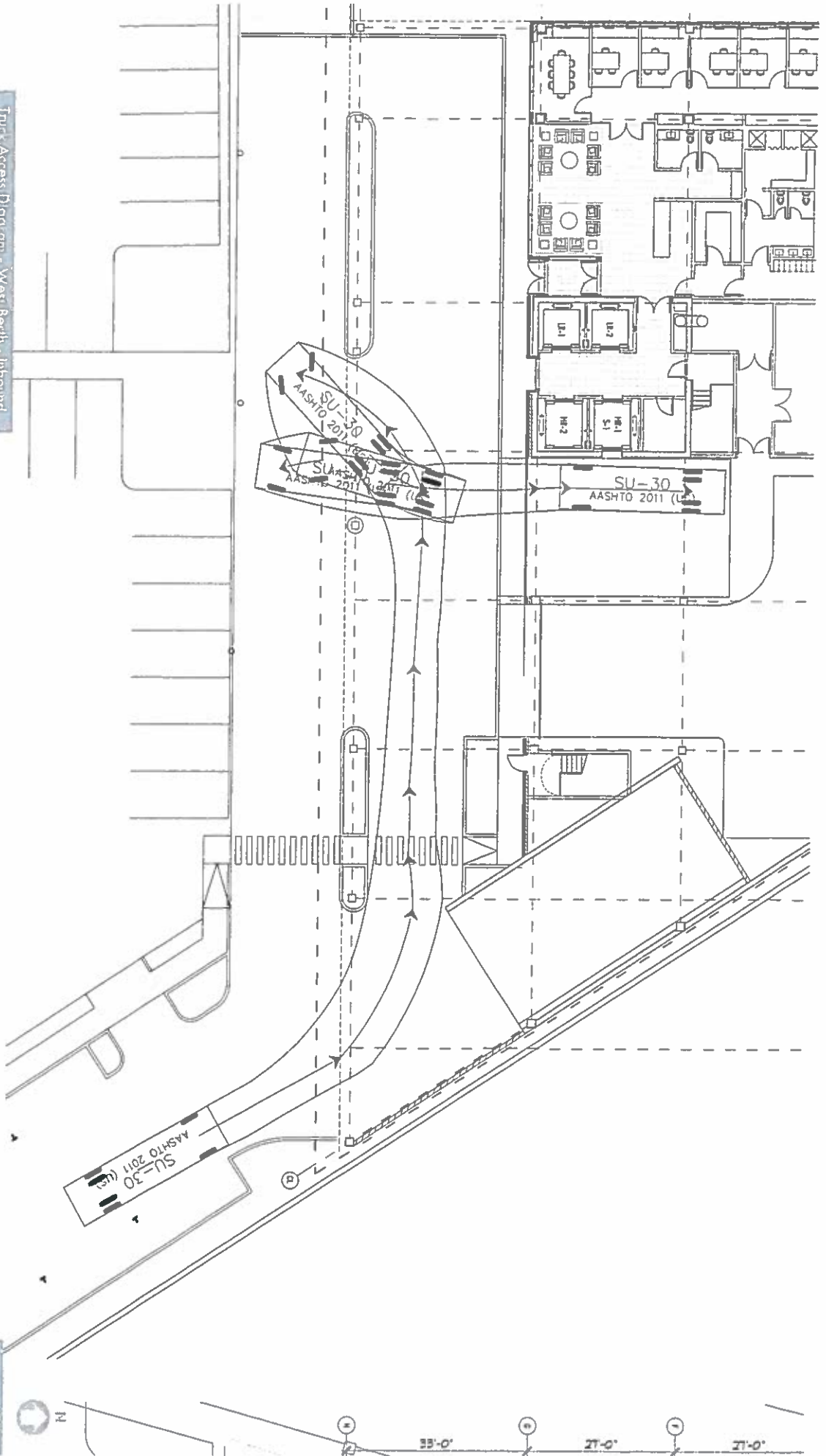
Centrum Partners LLC

1815 OAK AVENUE
 Evanston, Illinois

22 June, 2016
 14071
 A/M

Hirsch Associates LLC
 Architecture + Planning

E



Truck Access Diagram - West Berth - Inpound

Centrum Partners LLC

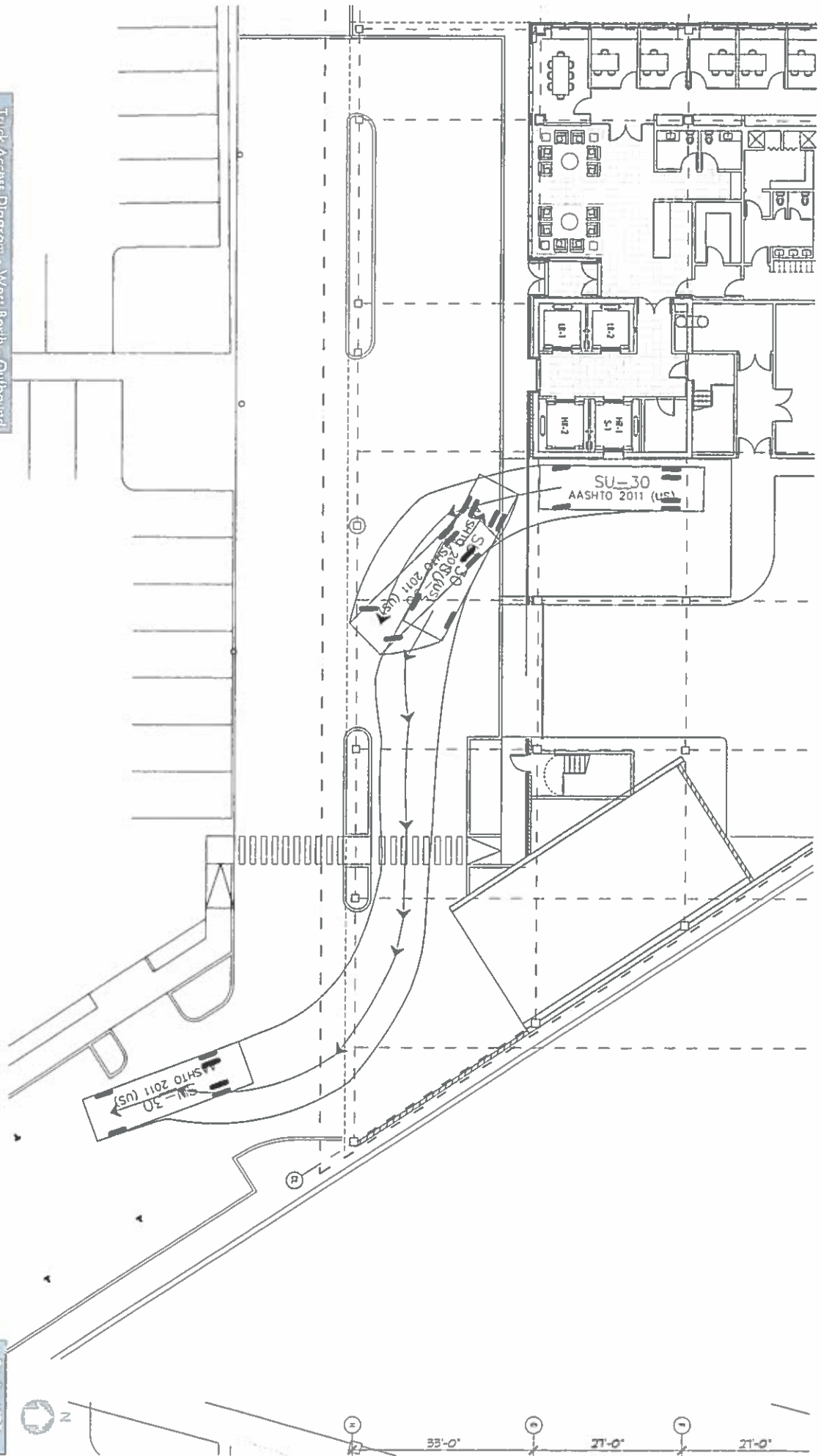
1815 OAK AVENUE
 Evanston, Illinois

15 June, 2016
 14021
 AJM

Hirsch Associates LLC
 Architecture + Planning



Scale: NTS



Truck Access Diagram - West Berth - Outbound

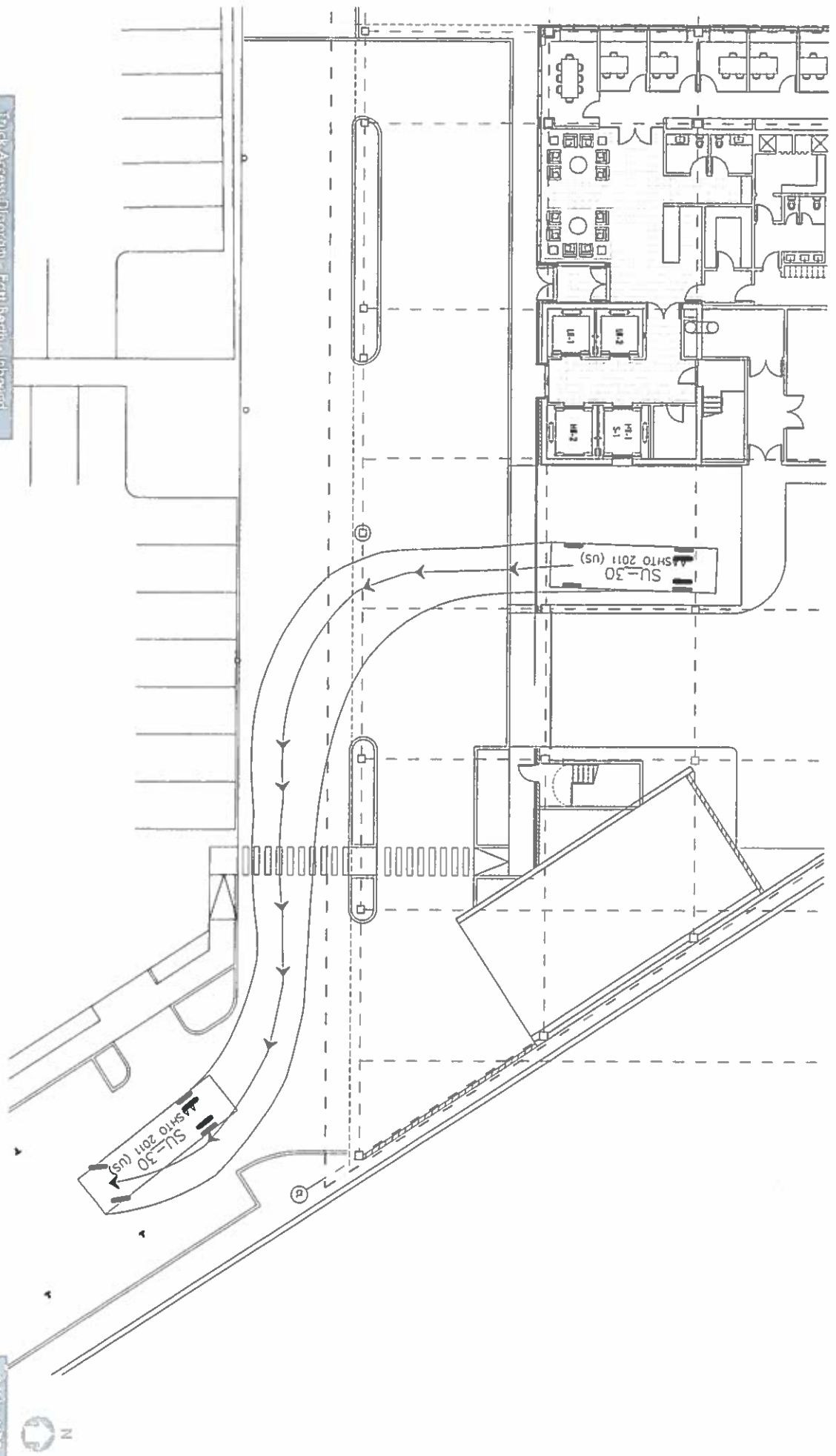
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning

Scale: NTS
F.2



Truck Access Diagram - Entry Berth - Inbound

Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 June 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning

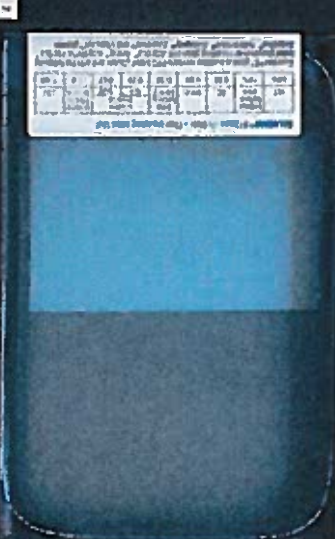
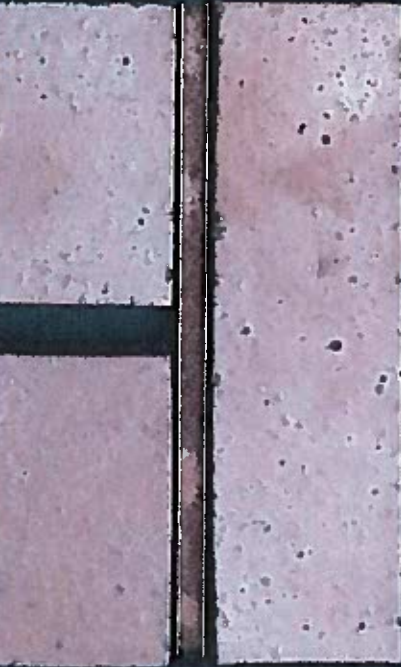
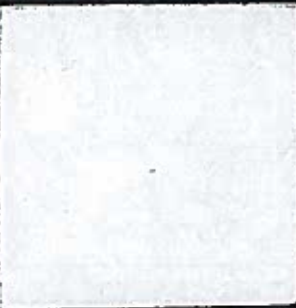
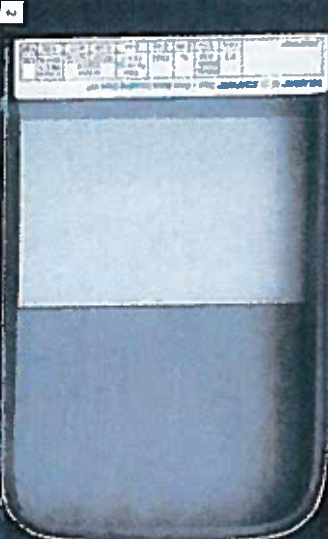


SedlerNTS

Material's Sample Legend

1. Light Medium and Hard Finish
2. Medium Hard - Clear
3. Medium Hard - Matte
4. Medium Hard - Gloss
5. Hard - Medium - Gloss
6. Dark Medium and Hard Finish
7. Medium Hard - Green Tint
8. Dark Green
9. Green
10. Hard - Orange Red - Gloss

1815 OAK AVENUE
Essexville, IL



Exterior Materials

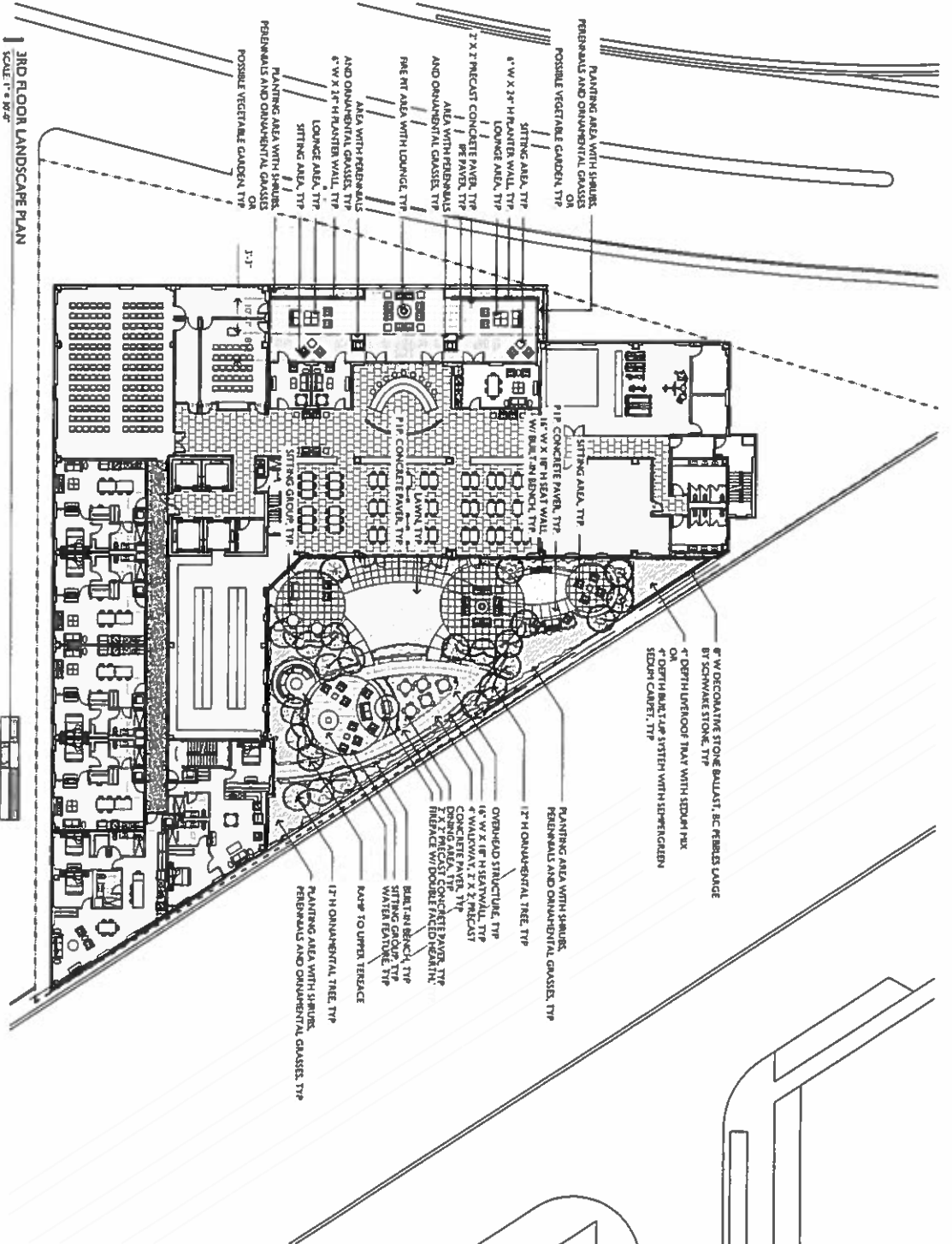
Centrum Partners LLC

1815 OAK AVENUE
Essexville, Illinois

15 June, 2016
14021
AJM

Hirsch Associates LLC
Architecture + Planning





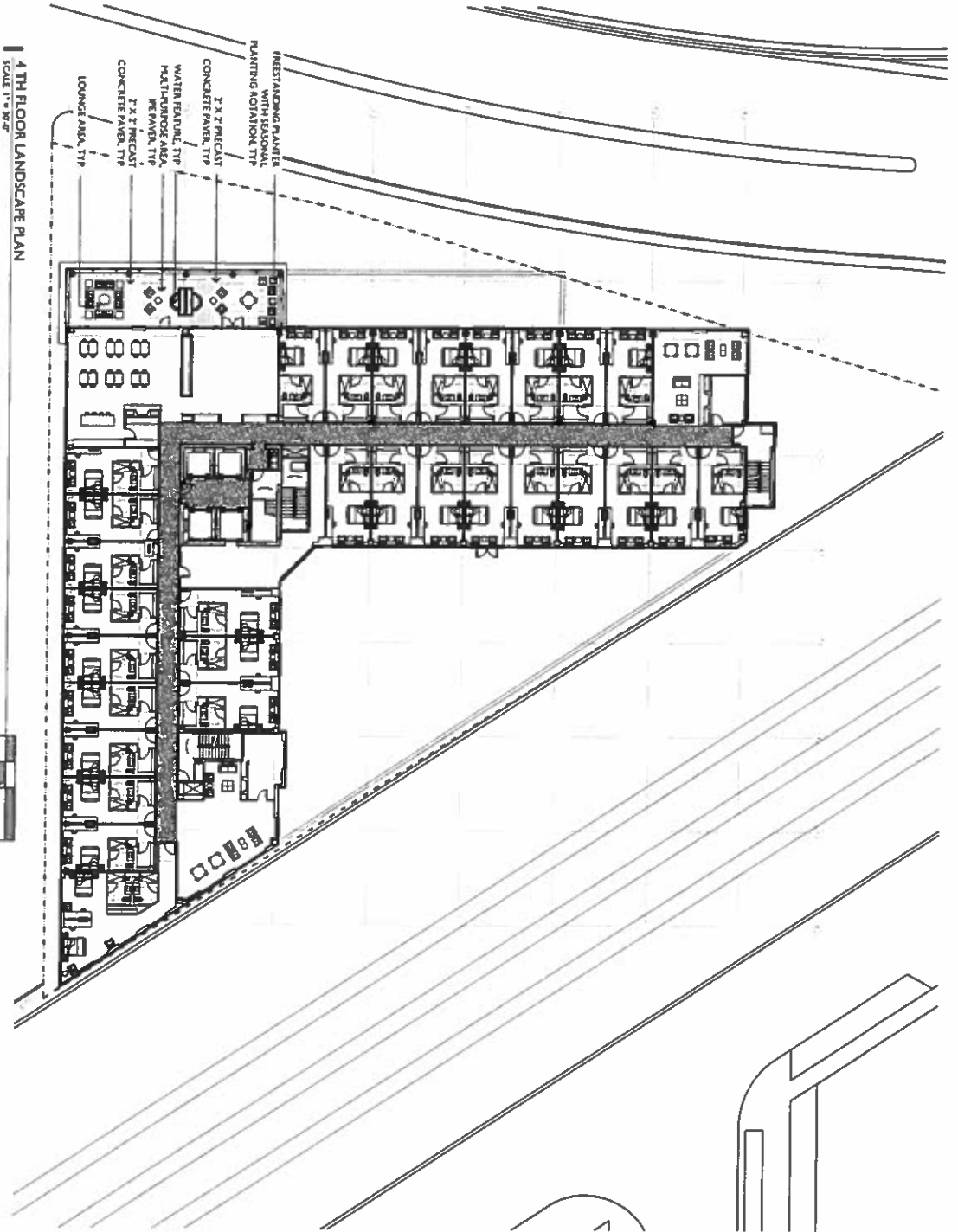
Centium Partners LLC

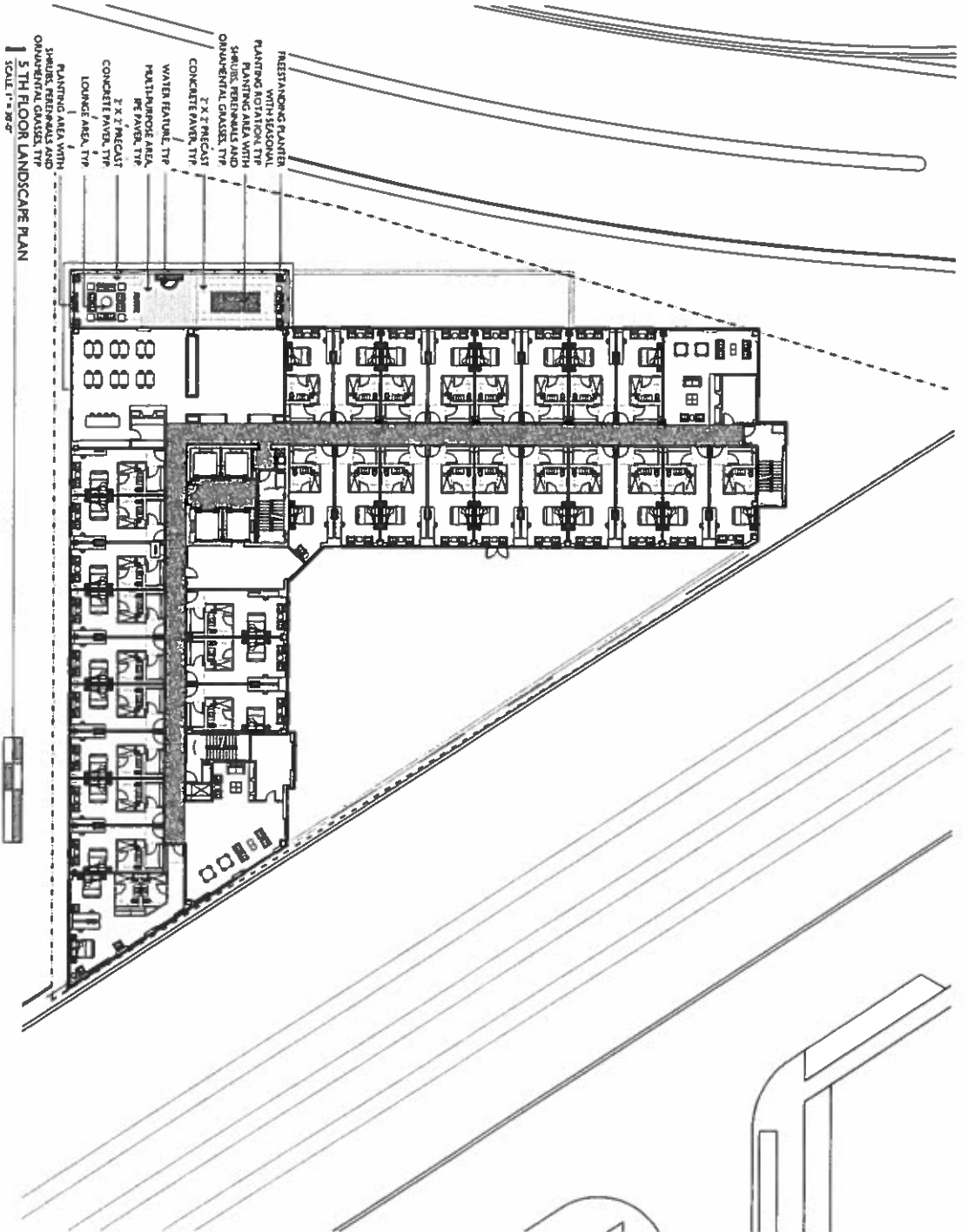
1815 OAK AVENUE
Evanston, Illinois

15 JUNE 2016
14021

WOLFF LANDSCAPE ARCHITECTURE

LI.03





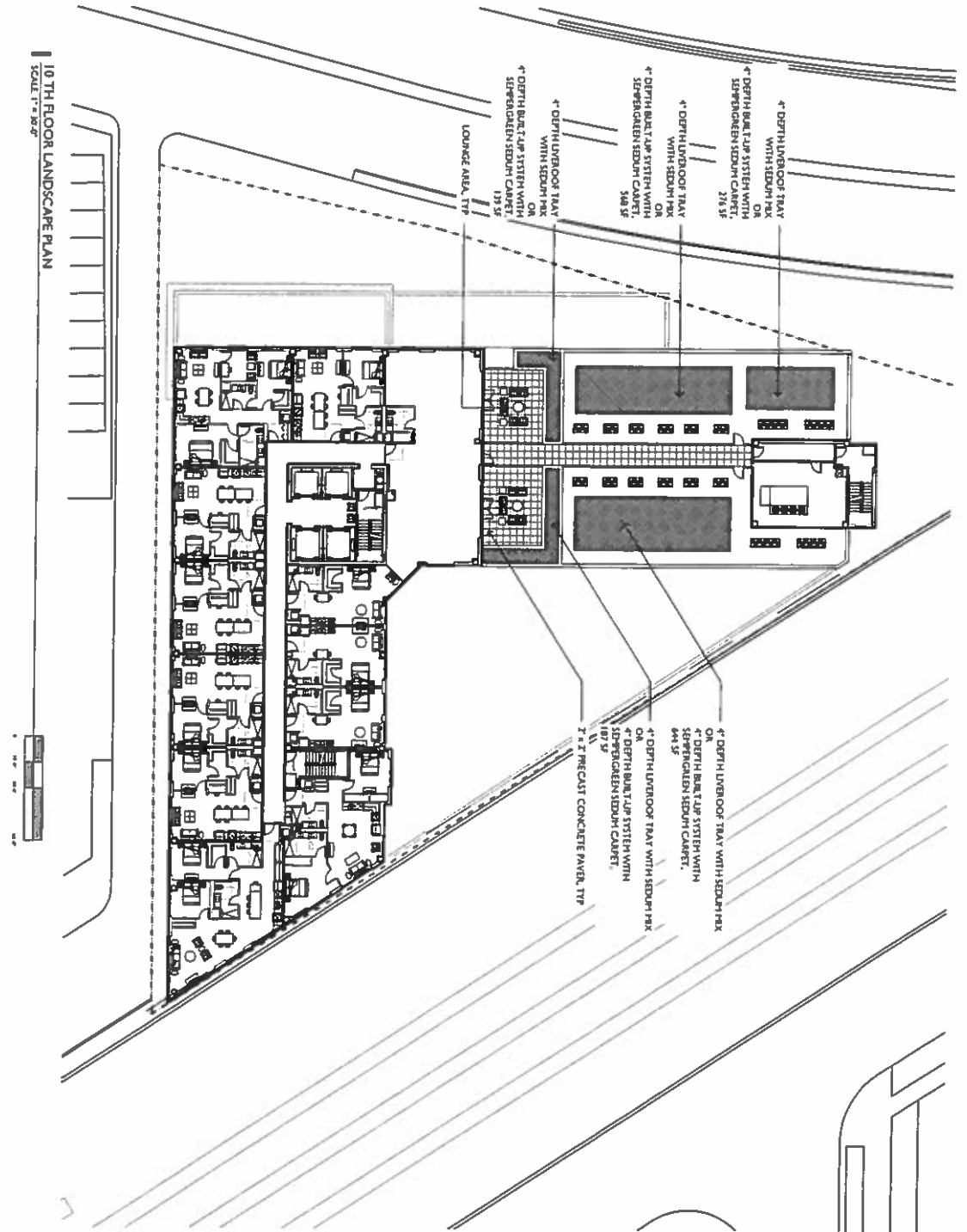
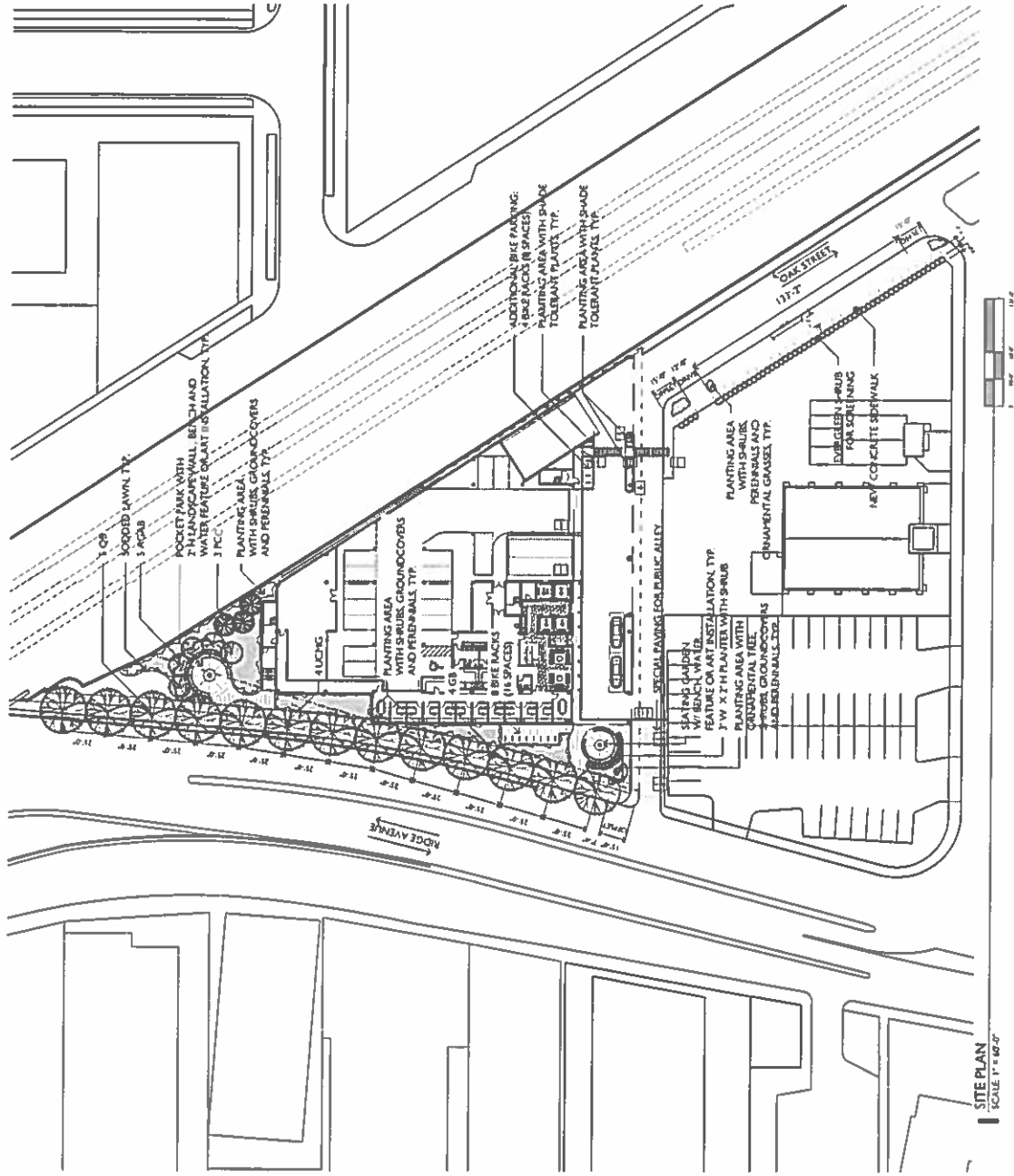


EXHIBIT E

Landscape Plans



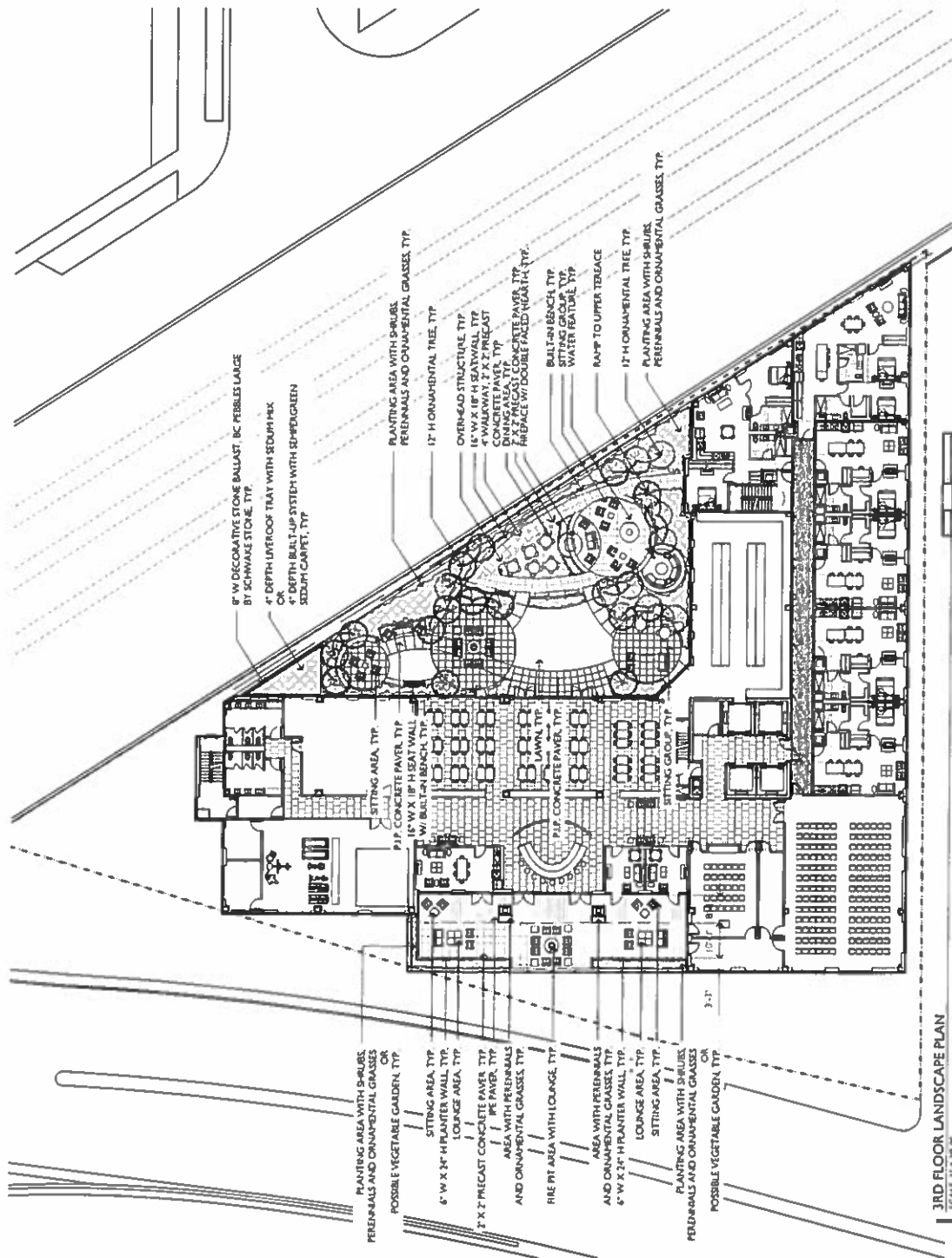
15 JUNE, 2016
14021

1815 OAK AVENUE
Evanston, Illinois

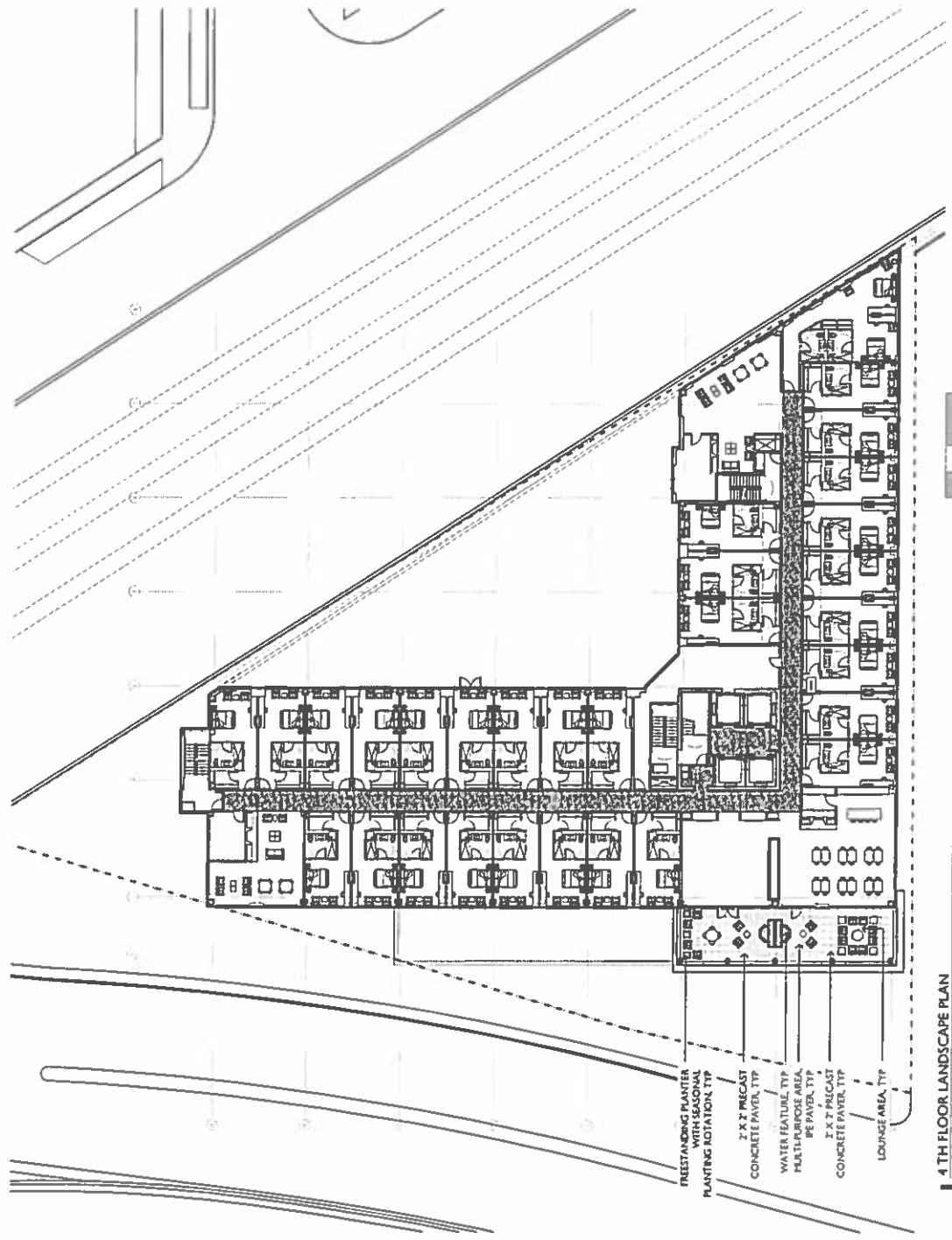
Centrum Partners LLC

WOLFF LANDSCAPE ARCHITECTURE

L.I.00



3RD FLOOR LANDSCAPE PLAN
SCALE: 1" = 10'-0"



4 TH FLOOR LANDSCAPE PLAN
SCALE 1/8" = 1'-0"

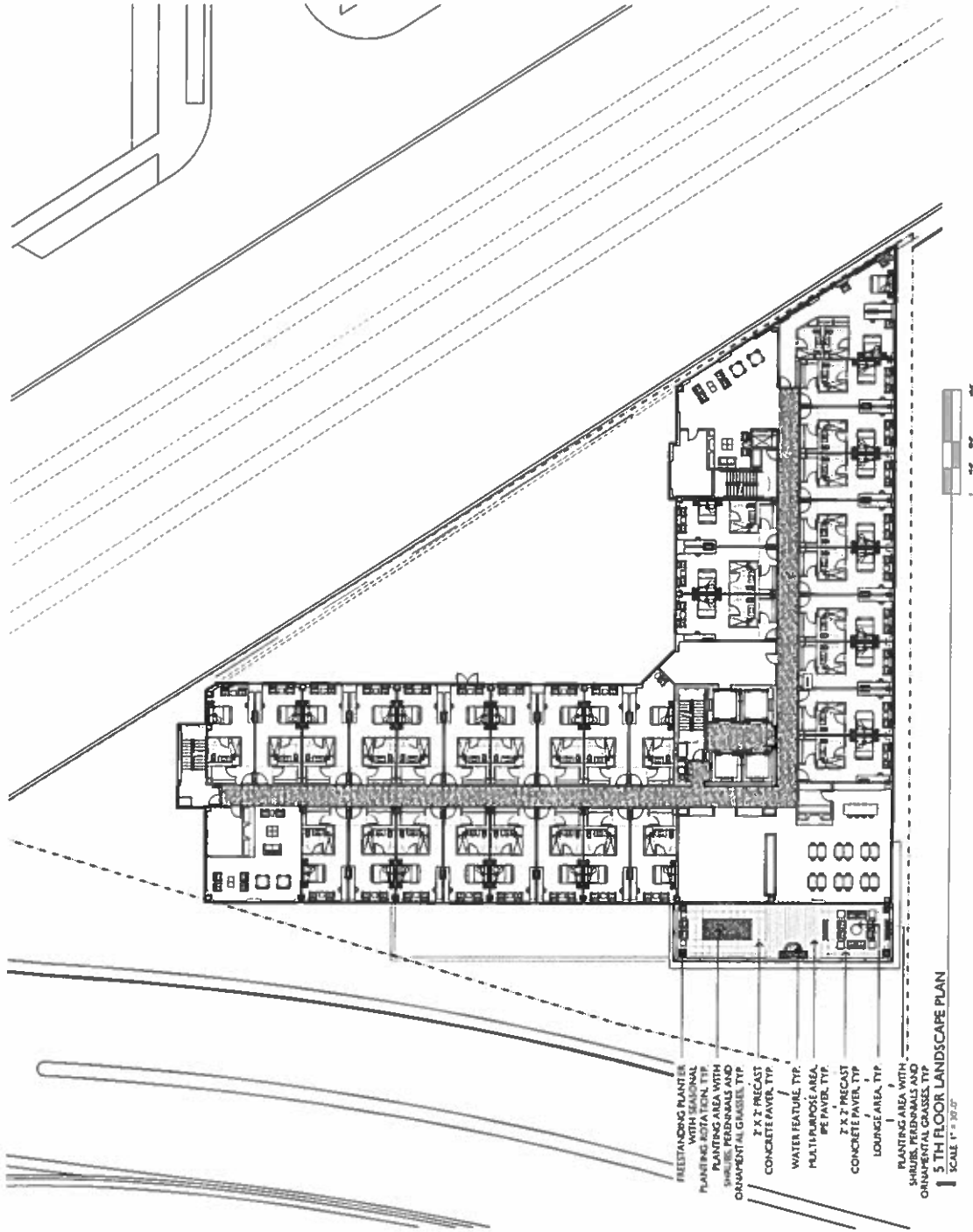
Centrum Partners LLC

1815 OAK AVENUE
Evanston, Illinois

15 JUNE, 2016
14021

WOLFF LANDSCAPE ARCHITECTURE

LI.03



- FREESTANDING PLANTER WITH SEASONAL PLANTING MATERIAL, TYP.
- WATER FEATURE, TYP.
- MULTI-PURPOSE AREA, PE PAVEL, TYP.
- 7' X 7' PRECAST CONCRETE PAVEL, TYP.
- LOUNGE AREA, TYP.
- PLANTING AREA WITH WATER FEATURE AND ORNAMENTAL GRASSES

5 TH FLOOR LANDSCAPE PLAN
SCALE 1" = 20'-0"

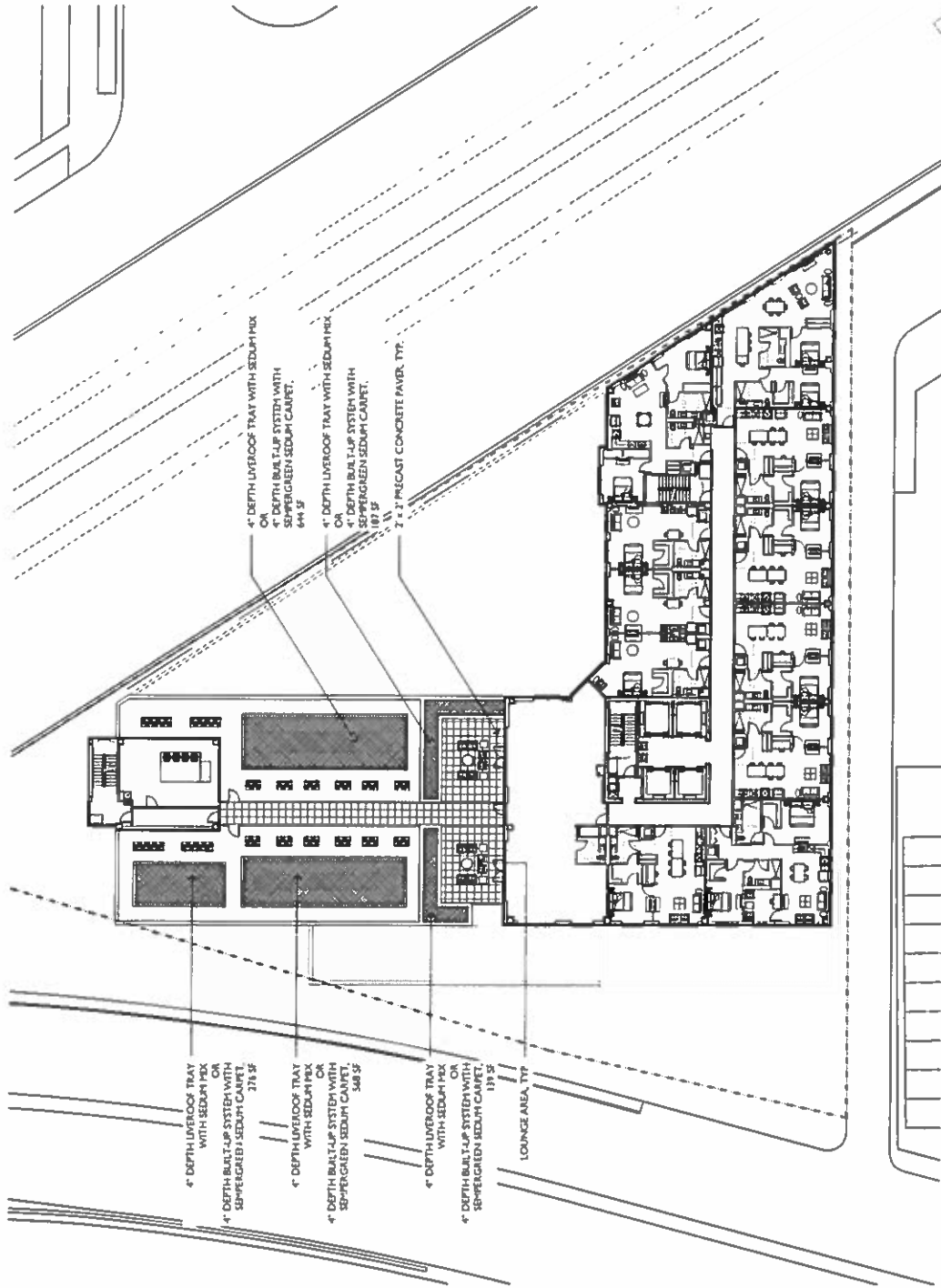
15 JUNE, 2016
14021

1815 OAK AVENUE
Evanston, Illinois

Centrum Partners LLC

WOLFF LANDSCAPE ARCHITECTURE

LI.04



4" DEPTH LIVEROOF TRAY WITH SEDUM MIX WITH SEDUM PEX 278 SF
 4" DEPTH BLUE T-JOINT SYSTEM WITH PERMEABLE SEDUM CARPET
 4" DEPTH LIVEROOF TRAY WITH SEDUM PEX OR 4" DEPTH BLUE T-JOINT SYSTEM WITH PERMEABLE SEDUM CARPET 548 SF
 4" DEPTH LIVEROOF TRAY WITH SEDUM PEX OR 4" DEPTH BLUE T-JOINT SYSTEM WITH PERMEABLE SEDUM CARPET 178 SF
 LOUNGE AREA, TYP.

4" DEPTH LIVEROOF TRAY WITH SEDUM MIX OR 4" DEPTH BLUE T-JOINT SYSTEM WITH PERMEABLE SEDUM CARPET 694 SF
 4" DEPTH LIVEROOF TRAY WITH SEDUM MIX OR 4" DEPTH BLUE T-JOINT SYSTEM WITH PERMEABLE SEDUM CARPET 111 SF
 2' x 2' PRECAST CONCRETE PAVER, TYP.

10 TH FLOOR LANDSCAPE PLAN
 SCALE: 1" = 30'-0"

15 JUNE, 2016
 14021

1815 OAK AVENUE
 Evanston, Illinois

Centrum Partners LLC

WOLFF LANDSCAPE ARCHITECTURE
 LI.05

EXHIBIT 2

Ordinance 3-O-18

3-O-18

AN ORDINANCE

Extending the Time for the Applicant to Obtain a Building Permit to Construct the Planned Development at 1815 Oak Authorized by Ordinance 47-O-16

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 legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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

WHEREAS, on July 25, 2016, the City Council enacted Ordinance 47-O-16, attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1815 Oak Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 47-O-16 approved the construction of a 10-story

independent and assisted living facility with 102 dwelling units, 31 assisted living units for residents with cognitive impairments, 30 memory care rooms at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, per Section 6-3-6-12(B), a minor adjustment to the Planned Development was approved by the Zoning Administrator on March 15, 2017 with the recommendation of the Design and Project Review Committee ("DAPR") to reduce the Floor Area Ratio from 4.35 to 3.97, to increase the upper level building setbacks from zero feet to twenty six and a half feet at a height of forty-four feet, to relocate the stairway and mechanical equipment on the north end of the building, and for the addition of a fourth floor terrace; and

WHEREAS, by letter to the City dated November 21, 2017, the Developer and Applicant, Michael McLean (the "Applicant") requested an extension of the one-year time period to obtain a building permit and start construction for the Planned Development (the "Amendment"); and

WHEREAS, Section 6-11-1-10(A) of the City Code and Section 5(R) of Ordinance 47-O-16 provides that the Applicant must obtain a building permit and start construction within eighteen (18) months and has not obtained a building permit to date; and

WHEREAS, in order to remain in compliance with the terms of Ordinance 19-O-16 and provide for Applicant to obtain a building permit and start construction, the Applicant requests an amendment to the Planned Development; and

WHEREAS, on January 8, 2018, 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 retained jurisdiction over the Planned Development Amendment request; and

WHEREAS, during said meetings, the P&D Committee received input from the public, and carefully deliberated on the Extension request and the Applicant was given notice and the opportunity to be heard at the P&D and City Council meetings; and

WHEREAS, at its meeting of January 8, 2018 held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's deliberations and recommendations, heard public comment, made findings and considered this Ordinance 3-O-18,

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

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

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 47-O-16 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted for the Planned Development, may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

(a) Compliance with Applicable Requirements: The Applicant shall develop and operate the Planned Development authorized by the terms of this

ordinance in substantial compliance with the following: the terms of this Ordinance 3-O-18; terms of Ordinance 47-O-16 which have not been amended by this Ordinance; all applicable City Code requirements; the Applicant's testimony to the P&D Committee, and the City Council; and the approved documents on file in this case.

- (b) Changes in Property Use:** Any change as to the property's use in the future must be processed and approved as an additional amendment to the Planned Development.
- (c) Construction Schedule: Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant must obtain a building permit within twelve (12) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
- (d) Recording:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

SECTION 4: Except as otherwise provided for in this Ordinance 3-O-18, all applicable regulations of the Ordinance 47-O-16, 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/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 3-O-18 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Michael McLean, and any and all successors, owners, and operators of the Subject Property.

SECTION 6: This ordinance shall be in full force and effect from and after

its passage, approval, and publication in the manner provided by law.

SECTION 7: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

SECTION 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.


SECTION 10: The findings and recitals herein are hereby 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.

Ayes: 7


Nays: 0

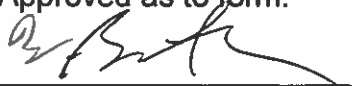
Introduced: January 8th, 2018

Adopted: January 8th, 2018

Attest: 

Devon Reid, City Clerk

Approved:
January 16, 2018, 2018

Stephen H. Hagerty, Mayor

Approved as to form:


W. Grant Farrar, Corporation Counsel

EXHIBIT 3

Ordinance 158-O-18

158-O-18

AN ORDINANCE

Extending the Time for the Applicant to Obtain a Building Permit to Construct the Planned Development at 1815 Ridge Authorized by Ordinance 47-O-16

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 legislation and to promulgate rules and regulations that protect the public health, safety, and welfare of its residents; 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

WHEREAS, on July 25, 2016, the City Council enacted Ordinance 47-O-16, attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the “Planned Development”) at 1815 Oak Avenue (the “Subject Property”), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 47-O-16 approved the construction of a 10-story

independent and assisted living facility with 102 dwelling units, 31 assisted living units for residents with cognitive impairments, 30 memory care rooms at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, per Section 6-3-6-12(B), a minor adjustment to the Planned Development was approved by the Zoning Administrator on March 15, 2017 with the recommendation of the Design and Project Review Committee ("DAPR") to reduce the Floor Area Ratio from 4.35 to 3.97, to increase the upper level building setbacks from zero feet to twenty six and a half feet at a height of forty-four feet, to relocate the stairway and mechanical equipment on the north end of the building, and for the addition of a fourth floor terrace; and

WHEREAS, on January 8, 2018, the City Council enacted Ordinance 3-O-18, attached hereto as Exhibit 2 and incorporated herein by reference, which granted an extension of time for the Applicant to obtain a building permit to construct the Planned Development authorized by Ordinance 47-O-16; and

WHEREAS, by letter to the City dated October 12, 2018, the Developer and Applicant, Michael McLean (the "Applicant") requested an extension of the one-year time period to obtain a building permit and start construction for the Planned Development (the "Amendment"); and

WHEREAS, Section 6-11-1-10(A) of the City Code and Section 3(c) of Ordinance 3-O-18 provides that the Applicant must obtain a building permit and start construction within twelve (12) months of the passing Ordinance 3-O-18 and has not obtained a building permit to date; and

WHEREAS, in order to remain in compliance with the terms of Ordinance

47-O-16 and provide for Applicant to obtain a building permit and start construction, the Applicant requests an amendment to the Planned Development; and

WHEREAS, on December 10, 2018, 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 retained jurisdiction over the Planned Development Amendment request; and

WHEREAS, during said meetings, the P&D Committee received input from the public, and carefully deliberated on the Extension request and the Applicant was given notice and the opportunity to be heard at the P&D and City Council meetings; and

WHEREAS, at its meeting of December 10, 2018 held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the P&D Committee's deliberations and recommendations, heard public comment, made findings and considered this Ordinance 158-O-18,

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

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

SECTION 2: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants an amendment to the Special Use Permit previously authorized by Ordinance 47-O-16 to allow for the construction and operation of the Planned Development described herein.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council imposes the following conditions on the Special Use Permit granted for

the Planned Development, may be amended by future ordinance(s), and violation of any of which shall constitute grounds for penalties or revocation of said Special Use Permit pursuant to Subsections 6-3-10-5 and 6-3-10-6 of the Zoning Ordinance:

- (a) **Compliance with Applicable Requirements:** The Applicant shall develop and operate the Planned Development authorized by the terms of this ordinance in substantial compliance with the following: the terms of this Ordinance 158-O-18; terms of Ordinance 3-O-18; terms of Ordinance 47-O-16 which have not been amended by this Ordinance; all applicable City Code requirements; the Applicant's testimony to the P&D Committee, and the City Council; and the approved documents on file in this case.
- (b) **Changes in Property Use:** Any change as to the property's use in the future must be processed and approved as an additional amendment to the Planned Development.
- (c) **Construction Schedule: Construction Schedule:** Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant must obtain a building permit within twelve (12) months of the passing of this Ordinance. Additionally, the Applicant must complete the construction of this Planned Development within twenty-four (24) months from the date the Applicant receives its building permit.
- (d) **Recording:** Pursuant to Subsection 6-3-6-10 of the Zoning Ordinance, the Applicant shall, at its cost, record a certified copy of this ordinance, including all exhibits attached hereto, with the Cook County Recorder of Deeds, and provide proof of such recordation to the City, before the City may issue any permits pursuant to the Planned Development authorized by the terms of this ordinance.

SECTION 4: Except as otherwise provided for in this Ordinance 158-O-18, all applicable regulations of the Ordinance 3-O-18 and Ordinance 47-O-16, 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/or provisions of any of said documents conflict with any of the terms herein, this Ordinance 158-O-18 shall govern and control.

SECTION 5: When necessary to effectuate the terms, conditions, and

purposes of this ordinance, "Applicant" shall be read as "Applicant and its agents, assigns, and successors in interest" and shall mean Michael McLean, and any and all successors, owners, and operators of the Subject Property.

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 7: Except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms herein, this ordinance shall govern and control.

SECTION 8: All ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

SECTION 9: 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 can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 10: The findings and recitals herein are hereby 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.

Ayes: _____

Nayes: _____

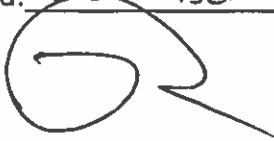
Approved:

January 8, 2018/9

Introduced: December 10, 2018

Adopted: December 10, 2018

Attest:



Devon Reid, City Clerk



Stephen H. Hagerty, Mayor

Approved as to form:



Michelle Masoncup, Corporation Counsel