#### 72-0-22

#### **AN ORDINANCE**

# Approving a Major Adjustment Regarding Required Parking at 1571 Maple Authorized by Ordinance 19-0-15 and Amended by Ordinance 61-0-16 and Ordinance 147-0-18

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 April 13, 2015, the City Council enacted Ordinance 19-O-15, attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1571 Maple Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 19-O-15 approved the construction of a 12-story

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mixed use building with 101 residential dwelling units at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, on May 23, 2016, 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 at its meetings of May 23, 2016 and June 13, 2016 held in compliance with the provisions of the Illinois Open Meetings Act, the City Council and considered the P&D Committee's deliberations and recommendations, heard public comment, and made findings; and on June 22, 2016 the City Council considered and adopted Ordinance 61-0-16; and

WHEREAS, in order to remain in compliance with the terms of Ordinance 19-O-15 and 61-O-16 and provide for Applicant to modify its parking requirements and on-site inclusionary housing, the Applicant again requested an amendment to the Planned Development; and

WHEREAS, by submitting an application to amend a planned development to the City dated September 12, 2018, the Developer and Applicant, 1571 Maple Avenue, LLC (the "Applicant") requested major adjustments to: (1) reduce the required number of leased parking spaces from one hundred and one (101) to fifty (50); (2) allow the City to amend the original parking lease; (3) allow the City to provide parking spaces at Sherman Plaza; and (4) seek a change to the affordable housing provisions to allow them to provide one (1) affordable housing unit at sixty percent (60%) of Area Median Income ("AMI") in lieu of two (2) affordable housing units as provided for in Ordinance 19-O-15; and

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WHEREAS, on November 12, 2018, the 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 at its meeting on November 12, 2018 held in compliance with the provisions of the Illinois Open Meetings Act, the City Council and considered the P&D Committee's deliberations and recommendations, heard public comment, and made findings; and on November 29, 2018, the City Council considered and adopted Ordinance 147-O-18; and

WHEREAS, in order to remain in compliance with the terms of Ordinance 19-O-15, 61-O-16 and 147-O-18 and provide for Applicant to modify its parking requirements, on March 25, 2022, the Applicant again requested an amendment to the Planned Development, requesting major adjustments to: (1) reduce the required number of leased parking spaces from fifty-five (55) to zero (0); and (2) eliminating the parking lease; and

WHEREAS, on June 22, 2022, the Land Use Commission, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), held a meeting as the determining body for the Planned Development Amendment request, in accordance with Section 6-3-9-8 of the Evanston Zoning Code and Ordinance 92-O-21; and

WHEREAS, the Land Use Commission recommends that the City council deny the request and amend the planned development by allowing major adjustments to relocate the fifty-five (55) parking spaces leased in the Maple Avenue garage to the Sherman Plaza garage and charge the rental company for the parking spaces that are utilized rather than for all 55 spaces; and

WHEREAS, Staff recommends that the City Council require the submission of vehicle ownership reports to the City as well as continued subsidized car-share memberships being provided to building residents; and

WHEREAS, at its meeting on August 8, 2022, held in compliance with the provisions of the Illinois Open Meetings Act, the City Council considered the Land Use Commission's deliberations and recommendations, heard public comment, made findings and considered this Ordinance 72-O-22,

# 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 19-O-15 and subsequently amended by Ordinance 61-O-16 and 147-O-18 to allow for the amended parking requirements of the Planned Development described herein.

**SECTION 3:** Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council amends condition (Z) on the Special Use Permit granted for the Planned Development in Ordinance 19-O-15, as 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:

(Z) Parking Lease: The Applicant must agree and sign an amended long-term parking lease agreement with the City of Evanston to lease fifty-five (55) parking spaces and pay for the utilized spaces based on the standard current monthly parking fee from the Sherman Plaza Parking garage located at 821 Davis Street. The amended lease agreement will mandate that the Applicant pay any increases in the rental rate structure through the term of the lease agreement. The long-term lease agreement shall be set for a minimum period of seven (7) vears. For the lifetime of the project, the Applicant must require all Residents to disclose their vehicle ownership and conduct periodic reviews to ensure that all vehicles owned by Residents of the building are accounted for within the Maple Avenue garage. The Applicant must provide the certified vehicle ownership report to the City of Evanston annually by January 31st of each calendar year during the first seven (7) year. The City of Evanston's Department of Administrative Services will monitor the Applicant's certified vehicle ownership reports and the costs incurred by the City of Evanston for such oversight shall be paid for by Applicant's parking lease fees. If at any time during this seven (7) year period such annual vehicle ownership report indicates that the Residents of the building own more than fifty-five (55) cars and require more than fifty-five (55) parking spaces, the Applicant agrees to amend the parking lease agreement with the City and lease the additional parking spaces necessary. The Applicant also agrees to deny apartment leases to potential Residents who own vehicles until such time as the number of vehicles owned by the Residents of the building and required to park in the Sherman Plaza garage by terms of this Ordinance falls below fifty-five (55) or until the surplus parking spaces can be accommodated in the revised lease agreement with the City of Evanston.

Following the seven (7) year anniversary of the parking lease agreement date, the parking lease agreement may be amended. The number of parking spaces leased from the City may be reduced to match the highest number of vehicles owned by the Residents and required to park in the Sherman Plaza garage by the terms of this Ordinance in any year during the seven (7) year period per the annual parking reports. The number of parking spaces leased by the City may not be reduced in the first seven (7) years and any reduction after the seven (7) year anniversary shall be approved by the City Council as an amendment to the parking lease agreement.

Following the expiration of the seven (7) year anniversary of the parking lease agreement, the agreement can be modified every five years thereafter but not before, to match the highest number of vehicles owned by the Residents and required to park in the Sherman Plaza garage by the terms of this Ordinance during any calendar year in the preceding five (5) year term per the annual parking report. Any amendments to the number of parking spaces leased from

the City of Evanston or any other amendments to the lease agreement, including term extensions, shall be approved by the City Council as an amendment to the parking lease agreement.

The Applicant must hold a valid long-term parking lease agreement with the City of Evanston for the lifetime of the project unless this condition is amended by the City Council of the City of Evanston as an amendment to the Planned Development.

**SECTION 4:** 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 5:** Except as otherwise provided for in this Ordinance 72-O-22, all applicable regulations of Ordinances 147-O-18, 61-O-16, and 19-O-15, 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 72-O-22 shall govern and control.

**SECTION 6:** 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 1571 Maple Avenue, LLC, and any and all successors, owners, and operators of the Subject Property.

**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

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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 25 , 2022

Approved:

Adopted: August 8 , 2022

August 11 , 2022

Daniel Biss

Daniel Biss, Mayor

Attest:

Stephanie Mendoza, City Clerk

Approved as to form:

All

Derke Price, Interim Corporation Counsel

72-0-22

# EXHIBIT 1

# **ORDINANCE 147-0-18**

#### 147-0-18

#### AN ORDINANCE

## Approving a Major Adjustment Regarding Required Parking and On-Site Affordable Housing at 1571 Maple Authorized by Ordinance 19-0-15 and Amended by Ordinance 61-0-16

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 April 13, 2015, the City Council enacted Ordinance 19-O-15, attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1571 Maple Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 19-O-15 approved the construction of a 12-story

mixed use building with 101 residential dwelling units at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, by submitting an application to amend a planned development to the City dated September 12, 2018, the Developer and Applicant, 1571 Maple Avenue, LLC (the "Applicant") requested major adjustments to: (1) reduce the required number of leased parking spaces from one hundred (100) to fifty (50); (2) allow the City to amend the original parking lease; (3) allow the City to provide parking spaces at Sherman Plaza; and (4) seek a change to the affordable housing provisions to allow them to provide one (1) affordable housing unit at sixty percent (60%) of Area Median Income ("AMI") in lieu of two (2) affordable housing units as provided for in Ordinance 19-O-15; and

WHEREAS, in order to remain in compliance with the terms of Ordinance 19-O-15 and 61-O-16 and provide for Applicant to modify its parking requirements and on-site inclusionary housing, the Applicant requests an amendment to the Planned Development; and

WHEREAS, on October 10, 2018, the Evanston Plan Commission ("Plan Commission") held a meeting, in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 *et seq*), during which it received input from the public, and carefully deliberated on the request and the Applicant was given notice and the opportunity to be heard at the Plan Commission meeting; and

WHEREAS, the Plan Commission recommended that the City council amend the planned development by allowing major adjustments to: (1) reduce the required number of leased parking spaces from one hundred one (101) to seventy (70); (2) allow the City to amend the original parking lease; (3) allow the City to provide parking spaces at Sherman Plaza; and (4) change the affordable housing provisions to allow the Applicant to provide one (1) affordable housing unit at fifty percent (50%) of Area Median Income ("AMI") in lieu of two (2) affordable housing units as provided for in Ordinance 19-O-15; and

WHEREAS, on November 12, 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 meeting, the P&D Committee received input from the public, and carefully deliberated on the major adjustment 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 November 12, 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 147-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 19-O-15 and subsequently amended by Ordinance 61-O-16 to

allow for the amended parking requirements and on-site affordable housing of the Planned Development described herein.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance,

the City Council amends conditions (Q) and (Z) on the Special Use Permit granted for the Planned Development in Ordinance 19-O-15, as 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:

- (Q) Affordable Housing in the Development: The Applicant shall provide one (1) one (1) bedroom on-site affordable housing to a household earning at or below sixty percent (60%) of Area Median Income (AMI). The units provided shall be equal in size to the market-rate units within the building. The period of affordability for the units shall be for ten (10) years. The Applicant must submit a compliance report by January 31st of each year to the Housing and Grants Division of the Community Development Department showing the following: (1) unit number; (2) number of bedrooms; (3) tenant name; (4) number of persons in each affordable household unit; (5) annual gross income of each household occupying each affordable housing unit; (6) date of income certification; and (7) monthly unit rent. The compliance report must also include the list of any utilities included in rent.
- (Z) Parking Lease: The Applicant must agree and sign an amended long-term parking lease agreement with the City of Evanston to lease fifty-five (55) parking spaces based on the standard current monthly parking fee from the Maple Avenue Parking garage located at 1800 Maple Avenue. The amended lease agreement will mandate that the Applicant pay any increases in the rental rate structure through the term of the lease agreement. The long-term lease agreement shall be set for a minimum period of seven (7) years. For the lifetime of the project, the Applicant must require all Residents to disclose their vehicle ownership and conduct periodic reviews to ensure that all vehicles owned by Residents of the building are accounted for within the Maple Avenue garage. The Applicant must provide the certified vehicle ownership report to the City of Evanston annually by January 31st of each calendar year during the first seven (7) year. The City of Evanston's Department of Administrative Services will monitor the Applicant's certified vehicle ownership reports and the costs incurred by the City of Evanston for such oversight shall be paid for by Applicant's parking lease fees. If at any time during this seven (7) year period such annual vehicle ownership report indicates that the Residents of the building own more than fiftyfive (55) cars and require more than fifty-five (55) parking spaces, the Applicant

agrees to amend the parking lease agreement with the City and lease the additional parking spaces necessary. The Applicant also agrees to deny apartment leases to potential Residents who own vehicles until such time as the number of vehicles owned by the Residents of the building and required to park in the Maple Avenue garage by terms of this Ordinance falls below fifty-five (55) or until the surplus parking spaces can be accommodated in the revised lease agreement with the City of Evanston.

Following the seven (7) year anniversary of the parking lease agreement date, the parking lease agreement may be amended. The number of parking spaces leased from the City may be reduced to match the highest number of vehicles owned by the Residents and required to park in the Maple Avenue garage by the terms of this Ordinance in any year during the seven (7) year period per the annual parking reports. The number of parking spaces leased by the City may not be reduced in the first seven (7) years and any reduction after the seven (7) year anniversary shall be approved by the City Council as an amendment to the parking lease agreement.

Following the expiration of the seven (7) year anniversary of the parking lease agreement, the agreement can be modified every five years thereafter but not before, to match the highest number of vehicles owned by the Residents and required to park in the Maple Avenue garage by the terms of this Ordinance during any calendar year in the preceding five (5) year term per the annual parking report. Any amendments to the number of parking spaces leased from the City of Evanston or any other amendments to the lease agreement, including term extensions, shall be approved by the City Council as an amendment to the parking lease agreement.

The Applicant must hold a valid long-term parking lease agreement with the City of Evanston for the lifetime of the project unless this condition is amended by the City Council of the City of Evanston as an amendment to the Planned Development.

SECTION 4: 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 5: Except as otherwise provided for in this Ordinance 61-O-16,

all applicable regulations of the Ordinance 19-O-15, 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 61-O-16 shall govern and control.

**SECTION 6:** 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 1571 Maple Avenue, LLC, and any and all successors, owners, and operators of the Subject Property.

**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.

Ayes: \_\_\_\_\_ Nayes: \_0 Introduced: November 12, 2018 Adopted: November 12, 2018

Approved:

November 29 , 2018 Stephen H. Hagerty Mayor

Attest: Devon Reid, City Clerk

Approved as to form: <u>Mulle & Marguer</u> Michelle L. Masoncup, Corporation Counsel

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Doc ID: 968be321655f89c29c8947f80771890c28e75d17

## EXHIBIT 1

## **ORDINANCE 61-0-16**

#### 61-0-16

#### AN ORDINANCE

### Extending the Time for the Applicant to Obtain a Building Permit to Construct the Planned Development at 1571 Maple Authorized by Ordinance 19-0-15

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 April 13, 2015, the City Council enacted Ordinance 19-O-15, attached hereto as Exhibit 1 and incorporated herein by reference, which granted a Special Use Permit for a Planned Development (the "Planned Development") at 1571 Maple Avenue (the "Subject Property"), which is legally described in Exhibit 1; and

WHEREAS, Ordinance 19-O-15 approved the construction of a 12-story

mixed use building with 101 residential dwelling units at the Subject Property (the "Project"), which is detailed at length in Exhibit 1; and

WHEREAS, by letter to the City dated May 17, 2016, the Developer and Applicant, 1571 Maple Avenue, LLC (the "Applicant") requested an extension of the oneyear 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 4(BB) of the Ordinance provides that the Applicant must obtain a building permit and start construction within one (1) year 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 May 23, 2016, 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 meetings of May 23, 2016 and June 13, 2016 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 61-O-16,

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 19-O-15 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 61-O-16; terms of Ordinance 19-O-15 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 to 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 61-O-16, all applicable regulations of the Ordinance 19-O-15, 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 61-O-16 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 1571 Maple Avenue, LLC, 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: <u>8</u> Nayes: <u>1</u>

Introduced: May 23, 2016

Adopted:\_\_\_\_\_, 2016

Attest:

Approved: June 22, 2016 Clysbeth B Tisdall

Tisdahl, Mayor Elizabeth B.

Approved as to form:

ting Gity Attomey W. Grant Farrar, Corporation Coun

### **EXHIBIT 1**

### **ORDINANCE 19-0-15**

#### 19-0-15

#### AN ORDINANCE

### Granting a Special Use Permit for a Planned Development Located at 1571 Maple Avenue in the D3 Downtown Core Development 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 III.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, 1571 Maple Avenue LLC ("Applicant"), the Applicant for the proposed development located at 1571 Maple 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 6-3-5, "Special Uses", Section 6-3-6, "Planned Developments", and Subsection 6-11-1-10, "Planned Developments" in Downtown Zoning Districts, to permit the construction and operation of a Planned Development with accessory parking located at the Subject Property in the D3 Downtown Core Development Zoning District ("D3 District"); and

WHEREAS, the Applicant sought approval to construct a new twelve (12) -story one hundred thirty-three and three tenths (133.3) foot tall mixed-use building consisting of up to one hundred one (101) residential units, with a floor area ratio of 4.8, approximately three thousand, six hundred ninety-six (3,696) gross square footage of commercial space and twelve (12) open on-site parking spaces; 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, height, number of parking spaces provided, floor area ratio, ziggurat street side yard setback from the north property line along Davis Street, ziggurat front yard setback from the east property line along Elmwood Avenue, and ziggurat side yard setback from the northwest side property lines; 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 November 5, 2014, December 17, 2014, and January 14, 2015, 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 a Special Use Permit for a Planned Development, case no. 14PLND-0118, 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 for the proposed Planned Development meets applicable standards set forth for Special Uses in Subsection 6-3-5-10 of the Zoning Ordinance and Planned Developments in the D3 Downtown Core Development District per Subsection 6-11-1-10 of the Zoning Ordinance; and

WHEREAS, on January 14, 2015, the Plan Commission recommended the City Council approve the application with conditions; and

WHEREAS, on March 9, 2015, 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 and adopted the findings and recommendations of the Plan Commission, and recommended approval thereof by the City Council; and

WHEREAS, at its meetings on March 9 and March 23, 2015, held in compliance with the Open Meetings Act and the Zoning Ordinance, the City Council

~3~

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: Pursuant to the terms and conditions of this ordinance, the City Council hereby grants the Special Use Permit applied for in case no. 14PLND-0118, to allow construction and operation of the Planned Development for a twelve (12) -story one hundred thirty-three and three tenths (133.3) foot tall mixed-use building consisting of up to one hundred one (101) residential units, with a floor area ratio of 4.8, approximately three thousand, six hundred ninety-six (3,696) gross square footage of commercial space and twelve (12) open on-site parking spaces.

SECTION 3: 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 one (101) residential dwelling units, whereas subsection 6-11-4-4(B) of the Zoning Ordinance allows for a maximum of seventy three (73) residential dwelling units in the D3 District.
- (B) Height: A Site Development Allowance is hereby granted for a building height of one hundred thirty-three and three tenths (133.3) feet, whereas subsection 6-11-

4-8 of the Zoning Ordinance allows for a maximum building height of eighty-five (85) feet in the D3 District.

- (C) Number of Parking Spaces: A Site Development Allowance is hereby granted for a total of twelve (12) on-site parking spaces, whereas subsection 6-16-3-5 of the Zoning Ordinance requires a minimum of one hundred forty two (142) parking spaces for the proposed Planned Development in the D3 District.
- (D) Floor Area Ratio ("FAR"): A Site Development Allowance is hereby granted for an FAR of 4.8, whereas subsection 6-11-4-6 of the Zoning Ordinance requires a maximum FAR of 4.5 in the D3 District.
- (E) Ziggurat Street Side Yard Setback from the North Property Line Along Davis Street: A Site Development Allowance is hereby granted for a ziggurat setback of twenty-four (24) feet at a height of thirty seven and three tenths (37.3) feet, whereas subsection 6-11-1-4 of the Zoning Ordinance requires a ziggurat setback of forty (40) feet for a structure above forty two (42) feet along Davis Street.
- (F) Ziggurat Front Yard Setback from the East Property Line Along Elmwood Avenue: A Site Development Allowance is hereby granted for a ziggurat setback of four (4) feet at a height of thirty seven and three tenths (37.3) feet, whereas subsection 6-11-1-10(C)(1)(c) of the Zoning Ordinance requires a ziggurat setback of thirty (30) feet for a structure above forty two (42) feet from any front lot line or side lot line abutting a street in the D3 District.
- (G) Ziggurat Side Yard Setback from the Northwest Side Property Lines: A Site Development Allowance is hereby granted for a ziggurat setback of nine and nine tenths (9.9) feet at a height of thirty seven and three tenths (37.3) feet, whereas subsection 6-11-1-4 of the Zoning Ordinance requires a ziggurat setback of twenty-five (25) feet for a structure above forty two (42) feet from an interior side lot line in the D3 District.

SECTION 4: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance,

the City Council imposes the following conditions on the Special Use Permit 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 B and C, attached hereto and incorporated herein by reference; all applicable City Code requirements; the Applicant's testimony and representations to the Site Plan and Appearance Review Committee, the Plan Commission, the P&D Committee, and the City Council; and the approved documents on file in this case.

- (B) 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, 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.
- (C) On-Site Parking Spaces: The on-site parking spaces must be available to the public for short term use with a maximum two (2) hour time limit. The public parking must be available between the hours of 10:00 a.m. and 5:00 p.m. on any given Monday through Friday. The on-site management company must manage the parking lot and arrange for any violators not in compliance with the parking restrictions to be towed.
- (D) Maple Avenue Signage: A "Public Parking" Sign must be installed near the parking entrance at Maple Avenue.
- (E) On-Site Electric Charging Station: One on-site electric charging station must be installed and available to the public and be free of charge.
- (F) Mechanical Equipment Located on the Roof: The Applicant agrees to install sound-abating fences or enclosures around the mechanical equipment area on the roof of the Planned Development.
- (G) Landscaping on Elmwood Avenue: Applicant must install and maintain the landscaping materials on the east side of Elmwood Avenue along the railroad embankment directly across from the Subject Property, as depicted in Exhibit C.
- (H) Maintenance Plan: Applicant must provide a three (3) year maintenance plan for the landscaping materials installed on the green roofs prior to issuance of a building permit by the City of Evanston.
- (I) On-Site Car Share Spaces: Two on-site car share spaces must be available through an arrangement with a common third party commercial car-share company. Applicant must also fully subsidize one car share membership per unit for all residential units.

- (J) Bicycle Parking Facilities: The Applicant must install a minimum of sixteen (16) reverse "U"-shaped bicycle parking facilities near the intersection of Maple Avenue and Elmwood Avenue for public use.
- (K) Sidewalk Streetscape Work: All sidewalk streetscape work must be constructed of concrete with a brick paver band at the curb in accordance with the downtown streetscape standards.
- (L) Glass Exteriors: The Applicant must either demonstrate that the external materials will be of a bird-safe nature or install bird-safe finishes to the glass exteriors.
- (M) Loading Space: One parking space within the on-site parking lot must be designated a short-term loading space for the Residents.
- (N) Landscape Design: The Applicant shall install and maintain all landscaping materials as depicted in Exhibit C.
- (O) Streetscape Improvements: The Applicant shall construct the streetscape improvements inclusive of new street trees along Elmwood Avenue and Maple Avenue per proposed development plans and landscape plans in Exhibit B and Exhibit C.
- (P) 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) installments. The first installment shall be made within ten (10) business days of the issuance of the Final Certificate of Occupancy (FCO) and the second installment shall be made within one (1) year of the FCO issuance date.
- (Q) Affordable Housing in the Development: The Applicant shall provide two (2) one (1) bedroom on-site affordable housing units (with a goal of one (1) one-bedroom unit and one (1) two-bedroom unit) to households earning at or below one hundred percent (100%) of Area Median Income (AMI). The units provided shall be equal in size to the market-rate units within the building. The period of affordability for the units shall be for ten (10) years. The Applicant must submit a compliance report by January 31st of each year to the Housing and Grants Division of the Community Development Department showing the following: (1) unit number; (2) number of bedrooms; (3) tenant name; (4) number of persons in each affordable household unit; (5) annual gross income of each household occupying each affordable housing unit; (6) date of income certification; and (7) monthly unit rent. The compliance report must also include the list of any utilities included in rent.
- (R) Divvy Sponsorship: The Applicant shall pay a one-time Divvy sponsorship contribution in the amount of fifty six thousand dollars (\$56,000).

- (S) City of Evanston Employment: The Applicant agrees to employ at least five (5) Evanston residents, with a goal of ten (10) Evanston residents, during construction.
- (T) Commercial Space: The Applicant agrees to incorporate the commercial space along Davis Street to enhance the commercial and pedestrian character of the area per development plans in Exhibit B.
- (U) 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.
- (V) Pervious Parking Lot: The Applicant agrees to install a pervious parking lot on the Subject Property.
- (W) Green Roof Construction: The Applicant shall construct multiple green roofs as depicted in the development plans in Exhibit B and landscape plans in Exhibit C.
- (X) Landscaped Seating Areas: The Applicant agrees to install two landscaped seating areas along Maple Avenue per landscape plans in Exhibit C
- (Y) Easement: The Applicant agrees to prepare and record an easement for a sixfoot wide area along the north edge of the on-site parking lot for the use of commercial properties at the southeast corner of Maple Avenue and Davis Street to accommodate trash pick-up on Maple Avenue rather than Davis Street. A copy of the recorded easement document must be submitted prior to issuance of a building permit by the City of Evanston.
- Parking Lease: The Applicant must agree and sign a long-term parking lease (Z) agreement with the City of Evanston to lease one hundred one (101) parking spaces based on the standard current monthly parking fee from the Maple Avenue Parking garage located at 1800 Maple Avenue. The lease agreement will mandate that the Applicant pay any increases in the rental rate structure through the term of the lease agreement. The long-term lease agreement shall initially be set for a minimum period of seven (7) years. For the lifetime of the project, the Applicant must require all Residents to disclose their vehicle ownership and conduct periodic reviews to ensure that all vehicles owned by Residents of the building are accounted for within the Maple Avenue garage. The Applicant must provide the certified vehicle ownership report to the City of Evanston annually by January 31st of each calendar year during the first seven (7) year period from the issuance of the Final Certificate of Occupancy. The City of Evanston's Department of Administrative Services will monitor the Applicant's certified vehicle ownership reports and the costs incurred by the City of Evanston for such oversight shall be paid for by Applicant's parking lease fees. If at any time during this initial seven (7) year period such annual vehicle ownership report indicates that the Residents of the building own more than one hundred one

(101) cars and require more than one hundred one (101) parking spaces, the Applicant agrees to amend the parking lease agreement with the City and lease the additional parking spaces necessary. The Applicant also agrees to deny apartment leases to potential Residents who own vehicles until such time as the number of vehicles owned by the Residents of the building and required to park in the Maple Avenue garage by terms of this Ordinance falls below one hundred one (101) or until the surplus parking spaces can be accommodated in the revised lease agreement with the City of Evanston.

Following the seven (7) year anniversary of the initial parking lease agreement date, the parking lease agreement may be amended. The number of parking spaces leased from the City may be reduced to match the highest number of vehicles owned by the Residents and required to park in the Maple Avenue garage by the terms of this Ordinance in any year during the initial seven (7) year period per the annual parking reports. The number of parking spaces leased by the City may not be reduced in the first seven (7) years and any reduction after the seven (7) year anniversary shall be approved by the City Council as an amendment to the parking lease agreement.

Following the expiration of the seven (7) year anniversary of the parking lease agreement, the agreement can be modified every five years thereafter but not before, to match the highest number of vehicles owned by the Residents and required to park in the Maple Avenue garage by the terms of this Ordinance during any calendar year in the preceding five (5) year term per the annual parking report. Any amendments to the number of parking spaces leased from the City of Evanston or any other amendments to the lease agreement, including term extensions, shall be approved by the City Council as an amendment to the parking lease agreement.

The Applicant must hold a valid long-term parking lease agreement with the City of Evanston for the lifetime of the project unless this condition is amended by the City Council of the City of Evanston as an amendment to the Planned Development.

- (AA) South Elevation of Development: Applicant will exercise reasonable commercial efforts to work with City staff and the Winthrop Club Condominium Association to modify the south elevation to maximize privacy for the residents in condominium units which will face the development and to minimize the impact on their building located at 1570 Elmwood Avenue.
- (BB) Construction Schedule: Pursuant to Subsection 6-11-1-10(A)4 of the Zoning Ordinance, the Applicant shall 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.

(CC) 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 5: 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 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: March 23, 2015 13 Adopted: April \_\_\_\_, 2015

Approved: April 15, 2015 Clayabeth B Tiachall

Elizabeth B. Tisdahl, Mayor

Attest Rodney Greene City Clerk

Approved as to form: W. Grant Farrar, Corporation Counsel

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19-0-15

#### EXHIBIT A

#### Legal Description

PARCEL 1: THE SOUTH 50 FEET OF THE NORTH 200 FEET OF THE WEST 120 FEET OF BLOCK 63 IN EVANSTON (EXCEPT SO MUCH OF SAID PREMISES, IF ANY, WHICH LIES NORTH OF THE SOUTH 300 FEET OF SAID BLOCK 63) TOGETHER WITH THE SOUTH 10 FEET OF THE NORTH 200 FEET OF SAID BLOCK 63 (EXCEPT THEREFROM THE WEST 120 FEET THEREOF AND EXCEPT THAT PART THEREOF DEDICATED FOR STREET PURPOSES); ALSO THAT PART OF SAID BLOCK 63, IF ANY, LYING BETWEEN THE NORTH 200 FEET AND THE SOUTH 250 FEET 1 ½ INCHES OF SAID BLOCK 63 MEASURED ALONG THE WEST LINE OF SAID BLOCK AND LYING WEST OF THE WESTERLY LINE OF ELMWOOD AVENUE ALL IN EVANSTON, A SUBDIVISION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THE NORTH 150 FEET OF THAT PART OF BLOCK 63 IN EVANSTON WHICH LIES WEST OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE RAILROAD (KNOWN AS THE CHICAGO AND NORTHWESTERN RAILROAD) (EXCEPT THEREFROM THE WEST 83 ½ FEET AND EXCEPT THAT PART THEREOF DEDICATED FOR STREET PURPOSES) SAID BLOCK 63 BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 3: THE SOUTH 40 FEET OF THE NORTH 190 FEET OF THAT PART OF BLOCK 63 IN EVANSTON WHICH LIES WEST OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY (EXCEPT THEREFROM THE WEST 120 FEET THEREOF AND EXCEPT THAT PART THEREOF DEDICATED FOR STREET PURPOSES) SAID BLOCK 63 BEING SITUATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 4: THE WEST 83 ½ FEET OF THE SOUTH 20 FEET OF THE NORTH 150 FEET OF BLOCK 63 IN THE VILLAGE OF EVANSTON, BEING A SUBDIVISION OF PARTS OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5: THE EAST 20 FEET 10 INCHES OF THE WEST 83 FEET 5 ½ INCHES OF THE NORTH 130 FEET OF BLOCK 63 IN THE VILLAGE OF EVANSTON IN SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINs: 11-18-310-004-0000 11-18-310-006-0000 11-18-310-007-0000 11-18-310-008-0000 11-18-310-019-0000 11-18-310-020-0000

COMMONLY KNOWN As: 1571 Maple Avenue, Evanston, IL 60201

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### EXHIBIT B

**Development Plans** 

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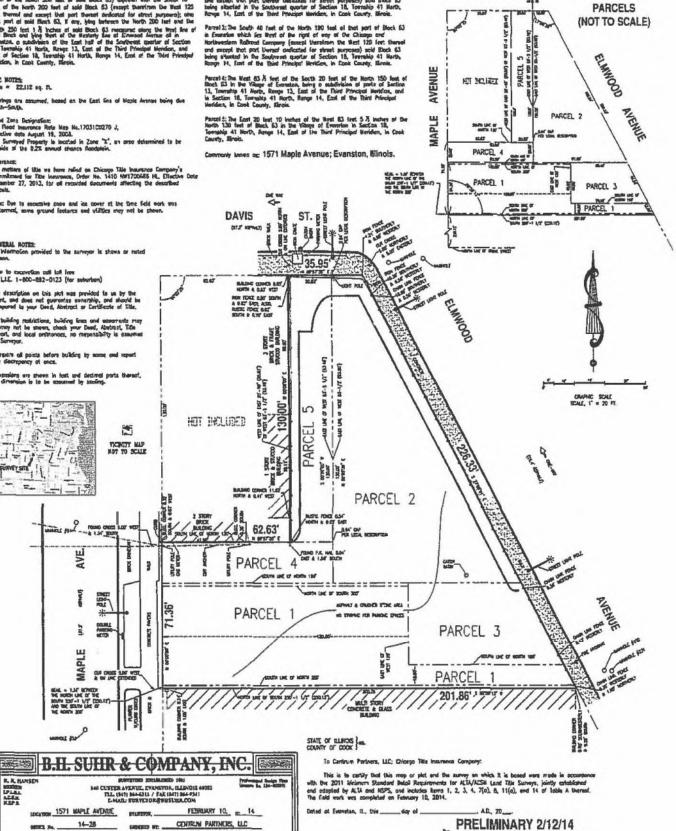
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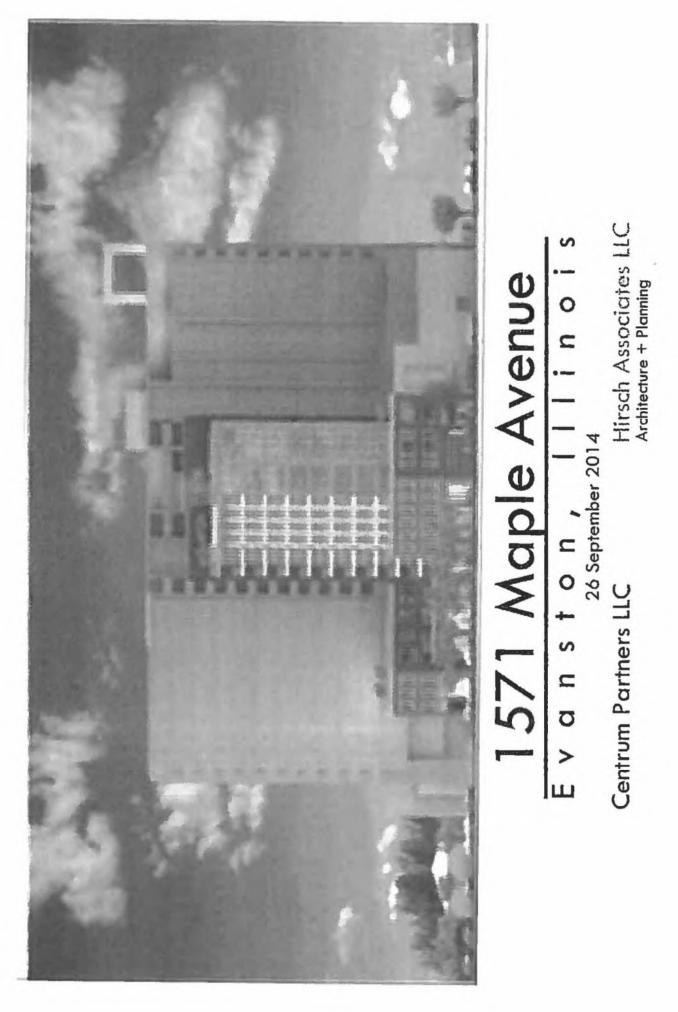
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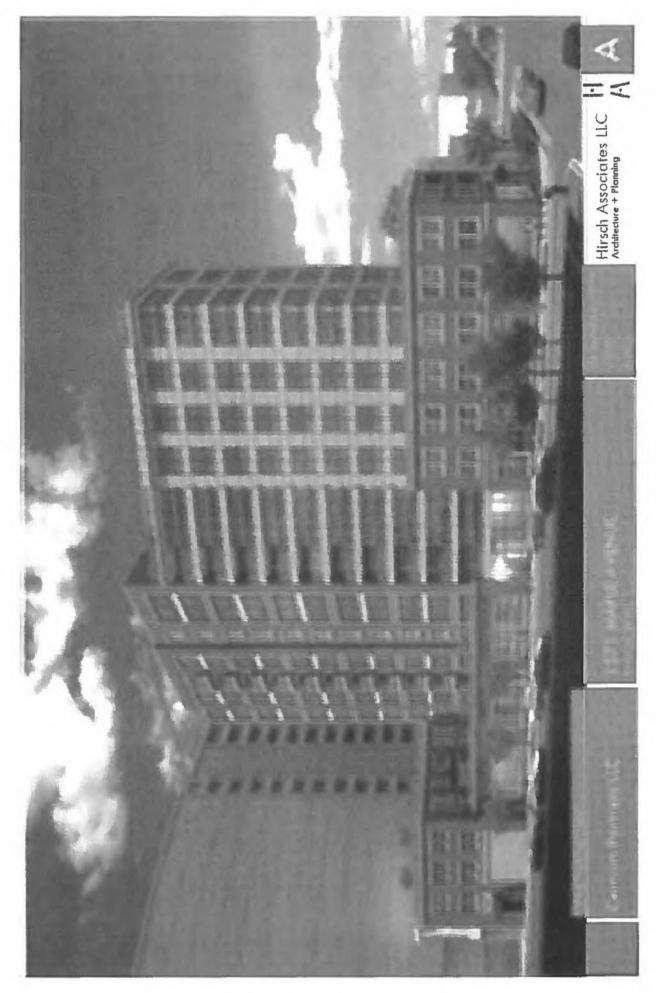
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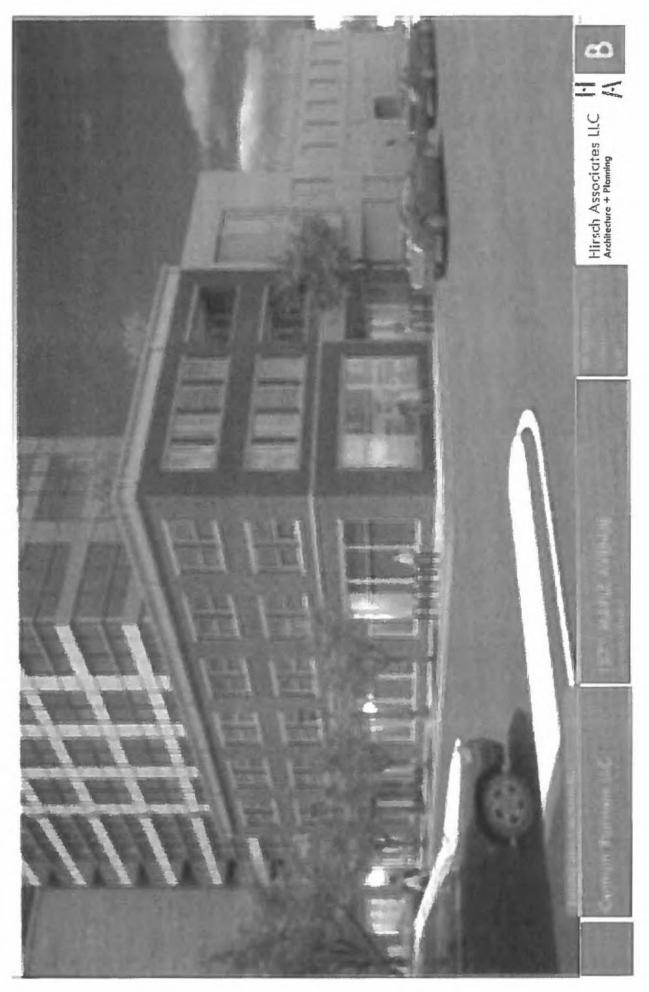
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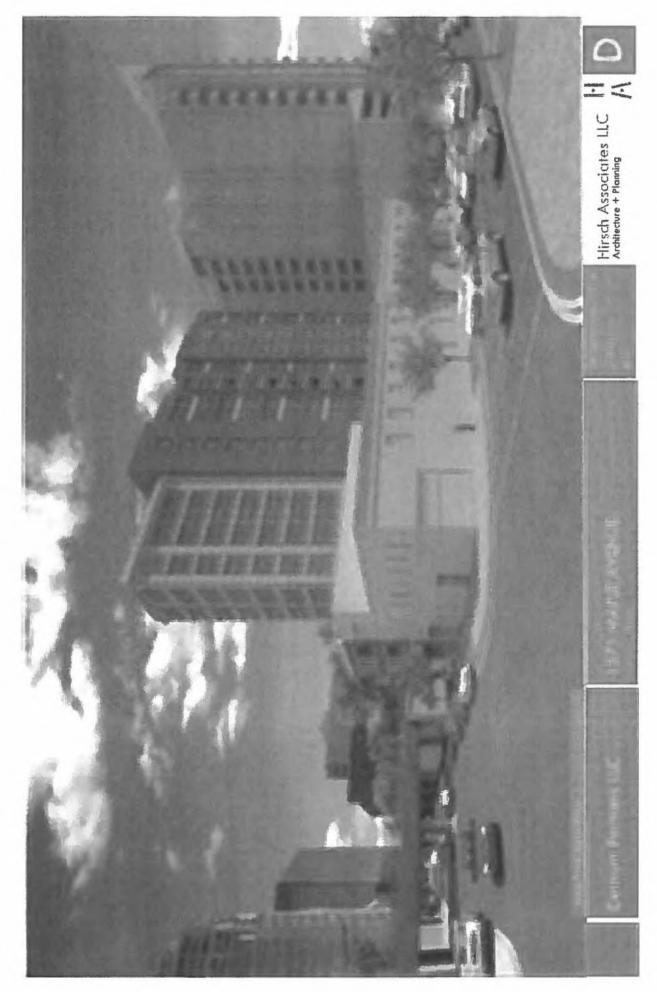


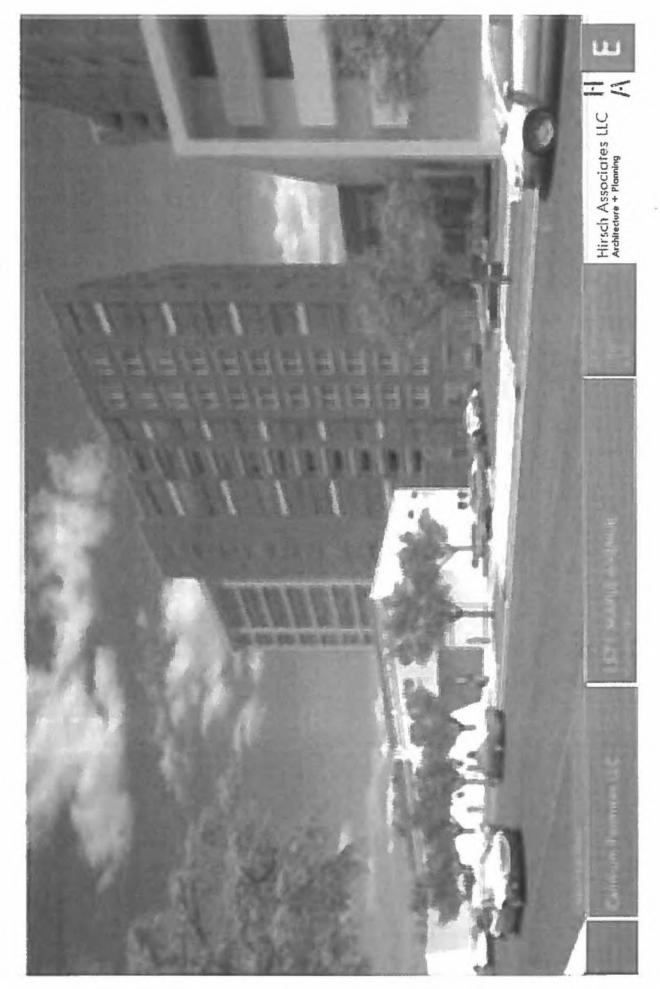


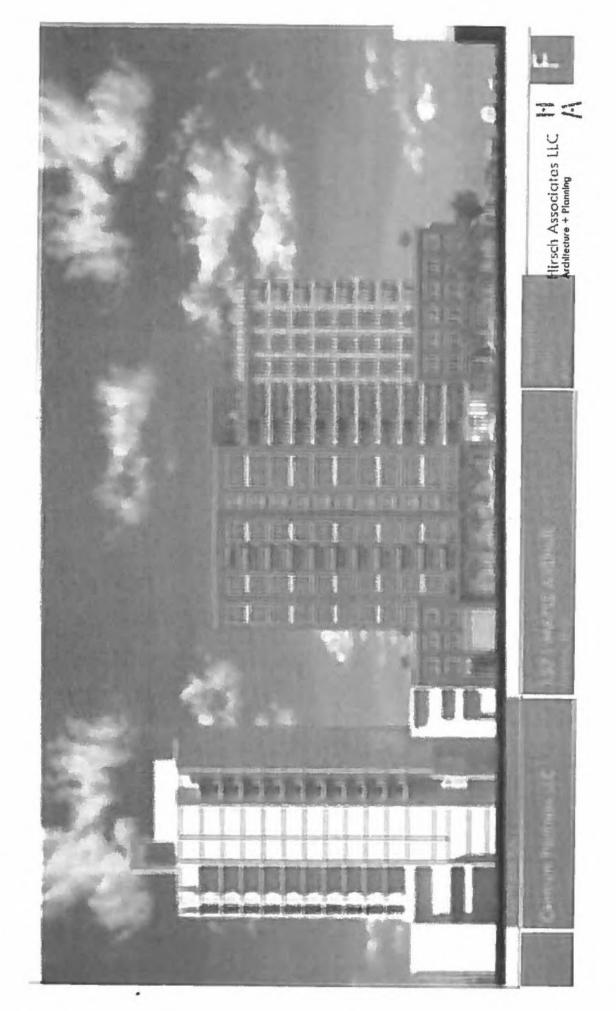


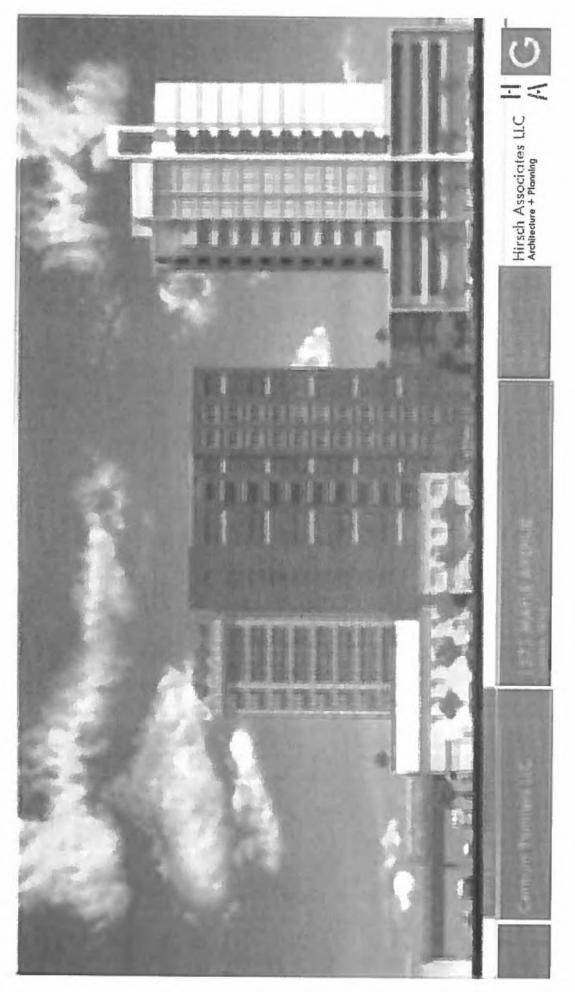


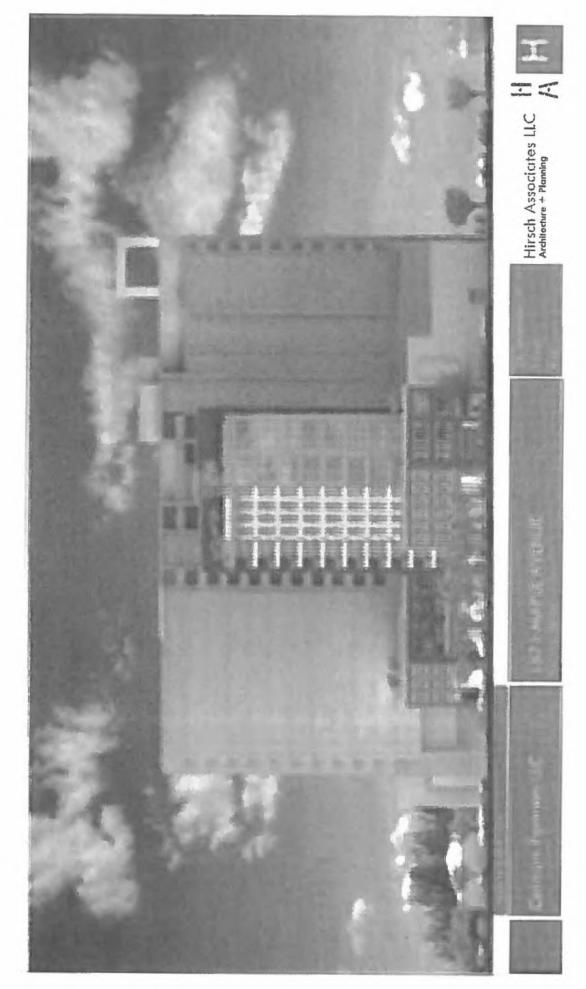


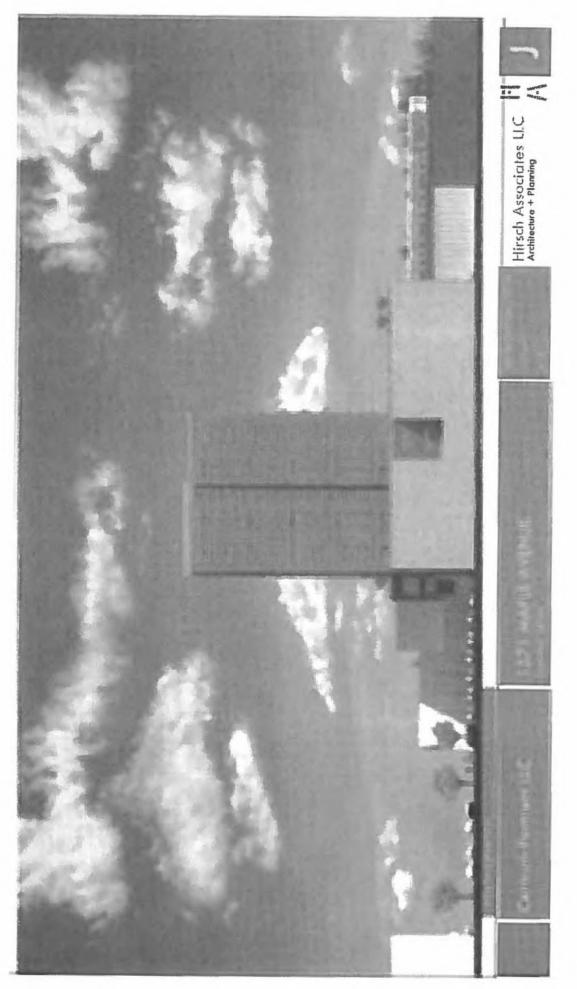


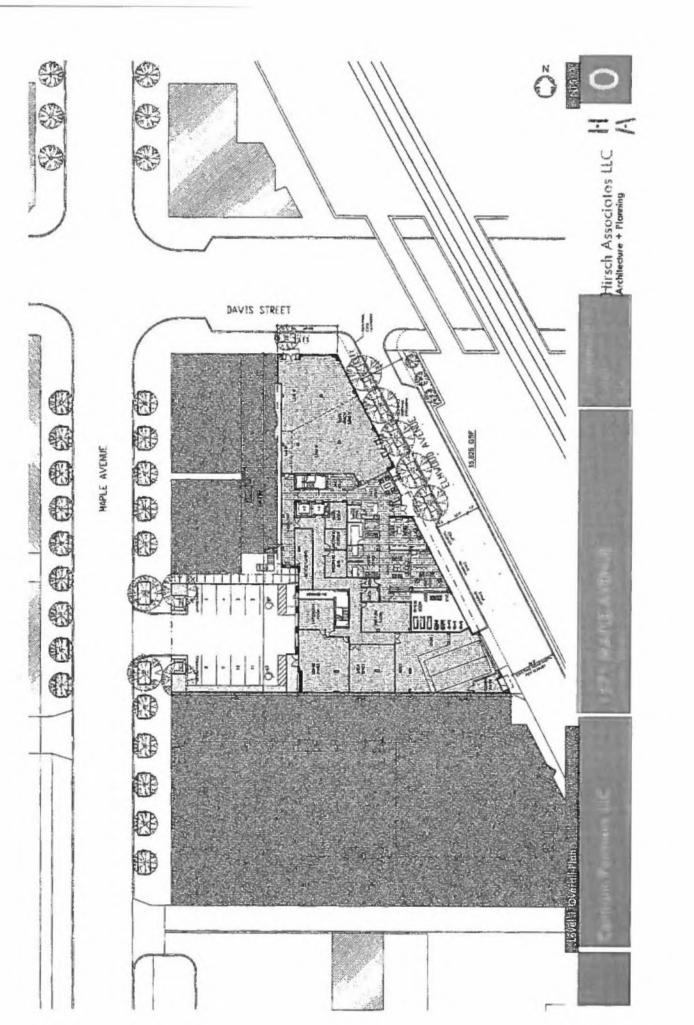


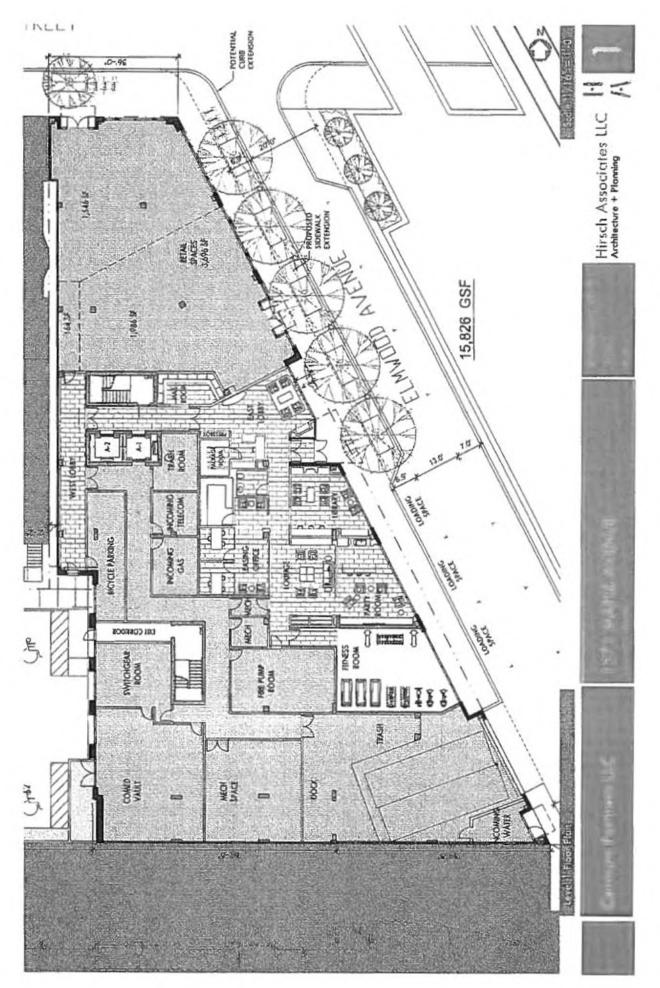


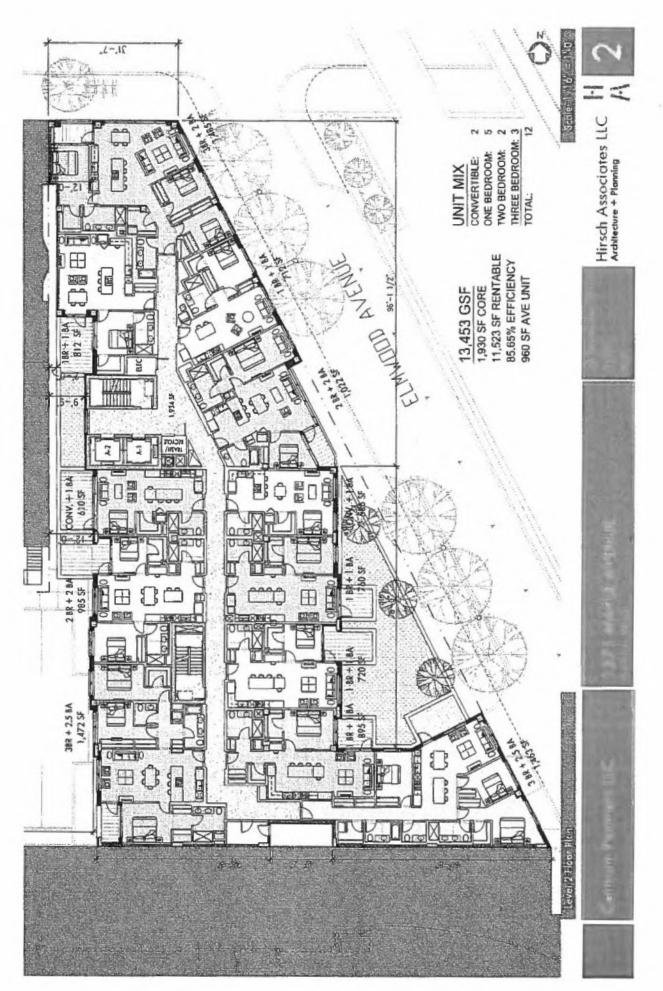


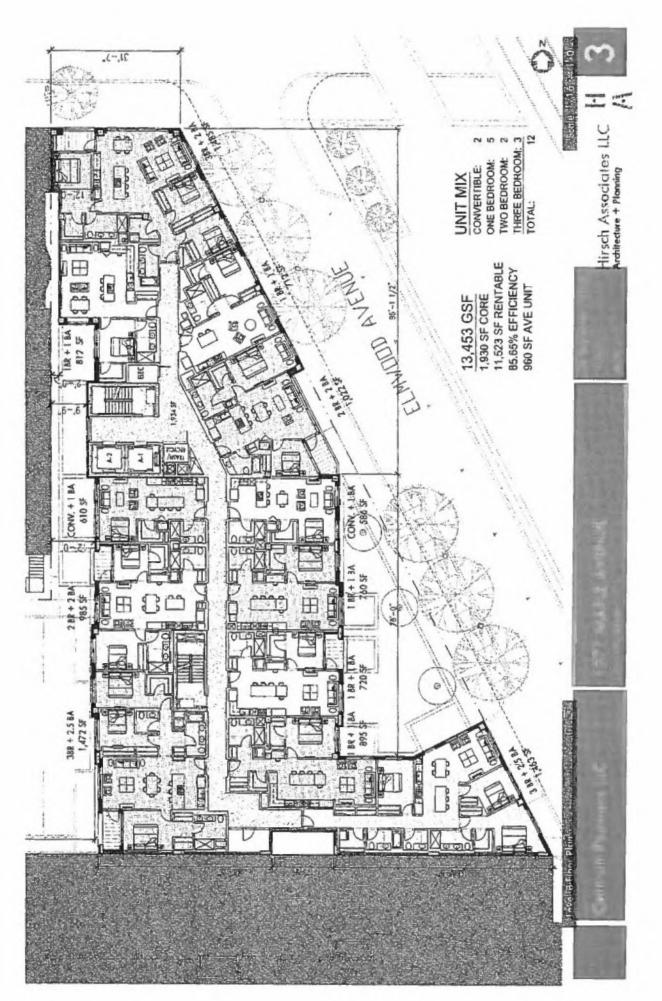


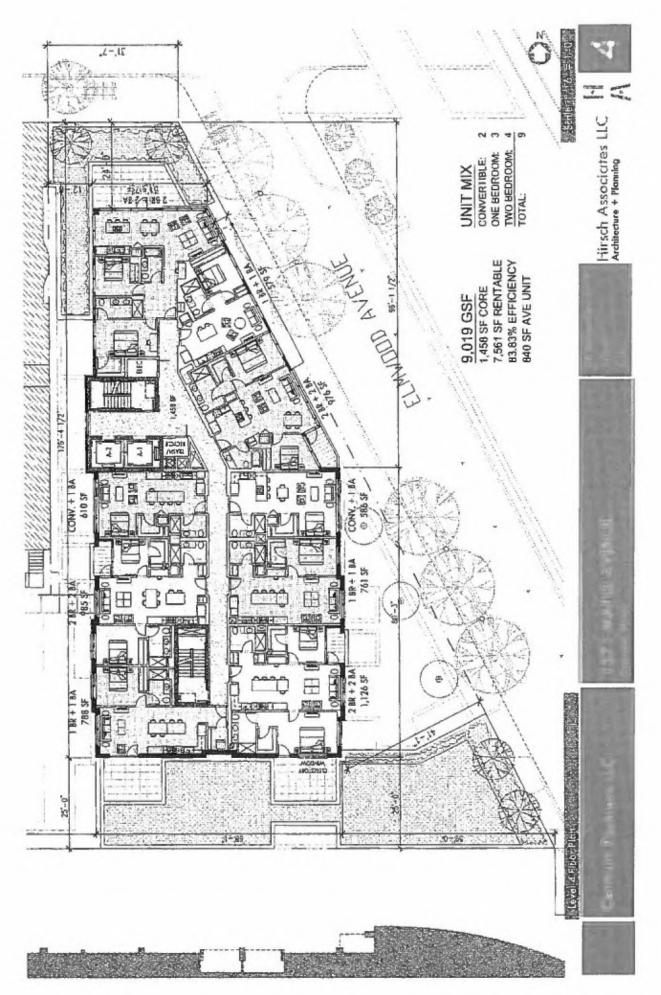


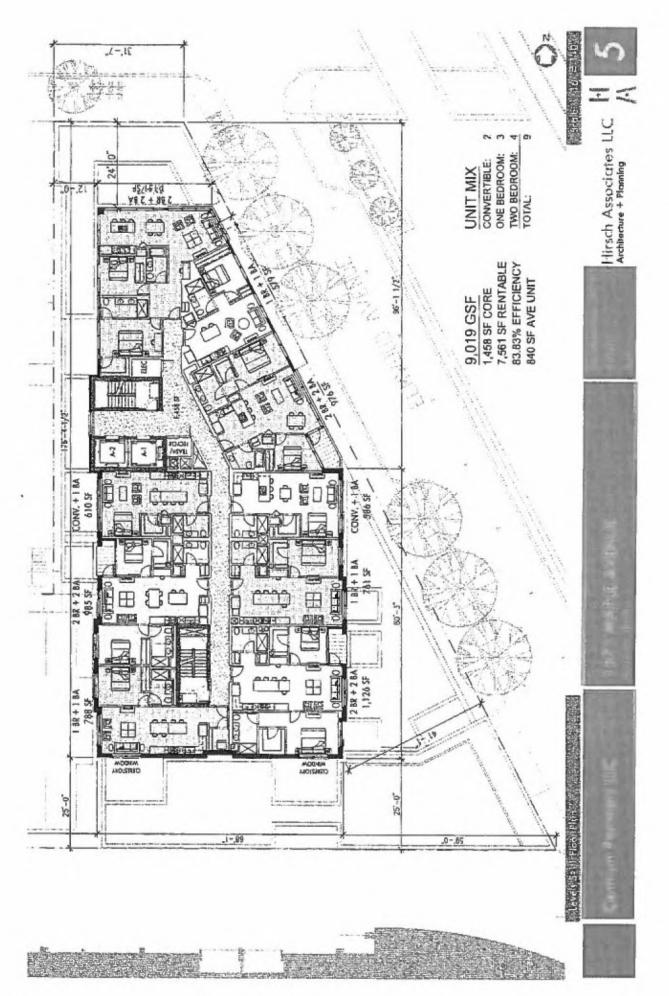


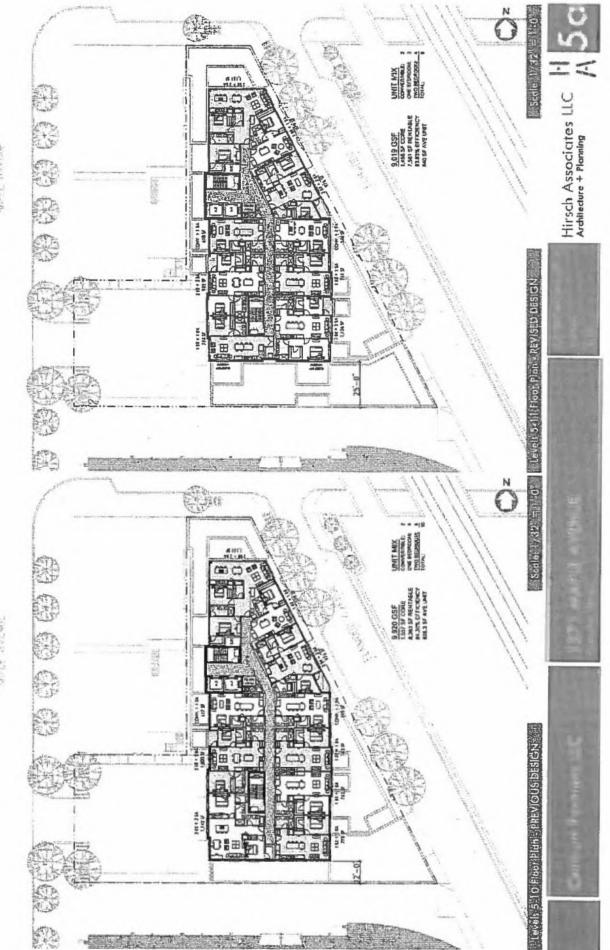






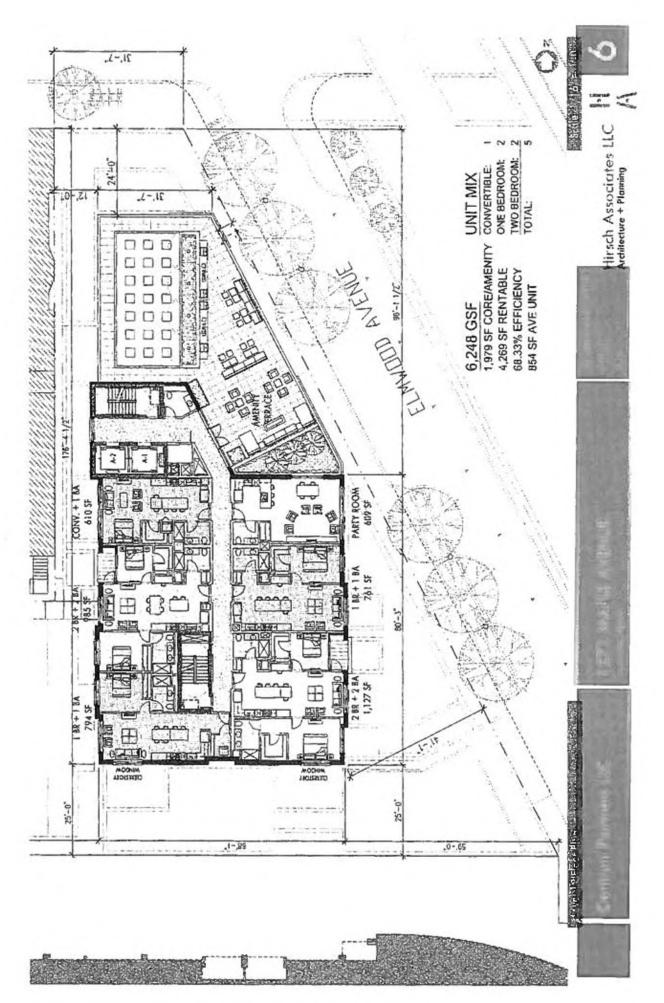


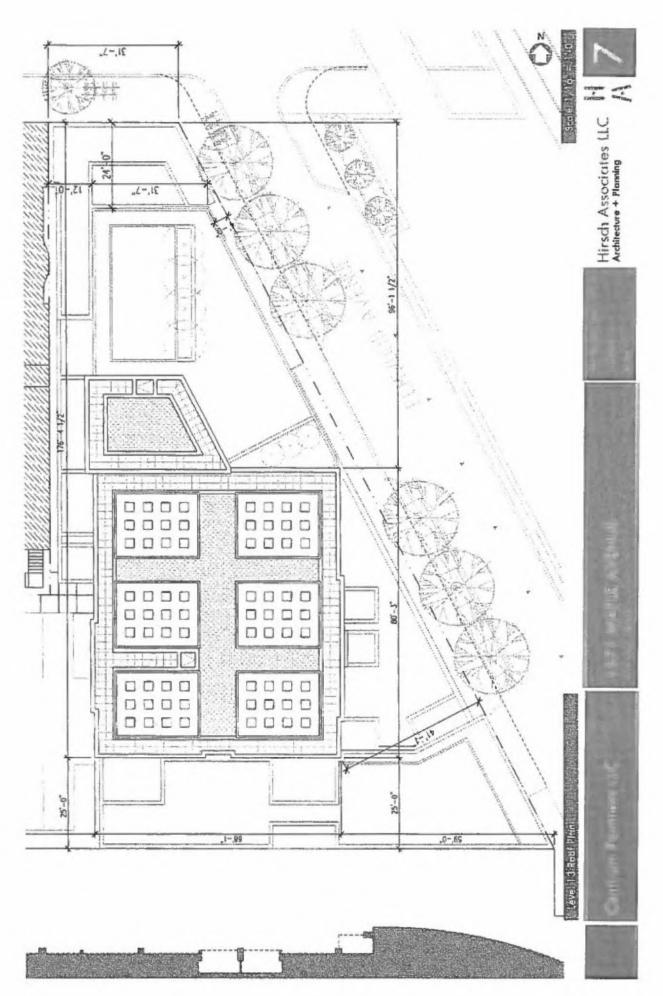


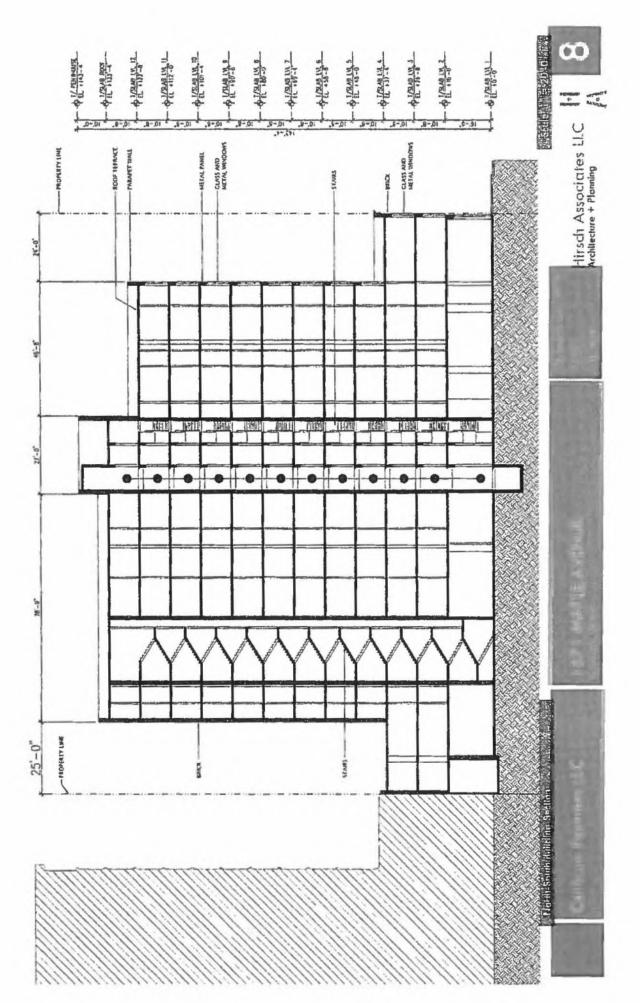


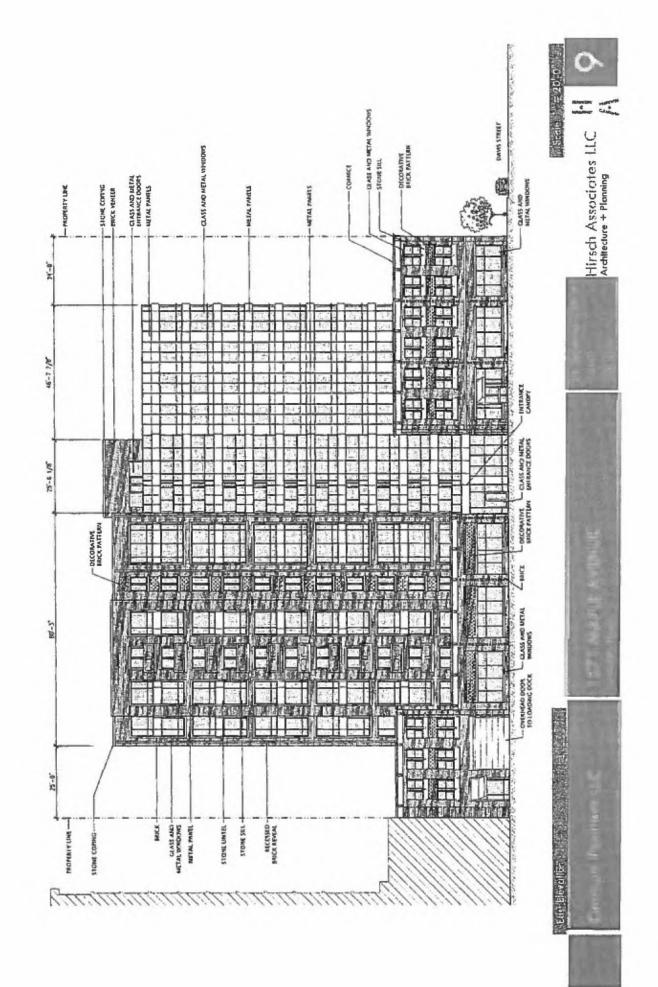
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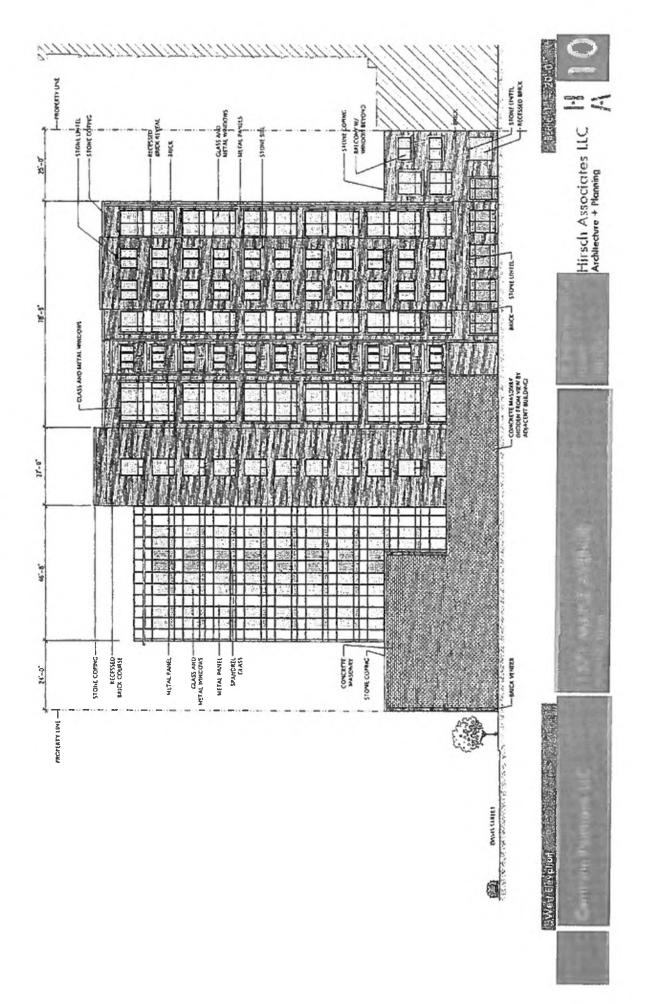
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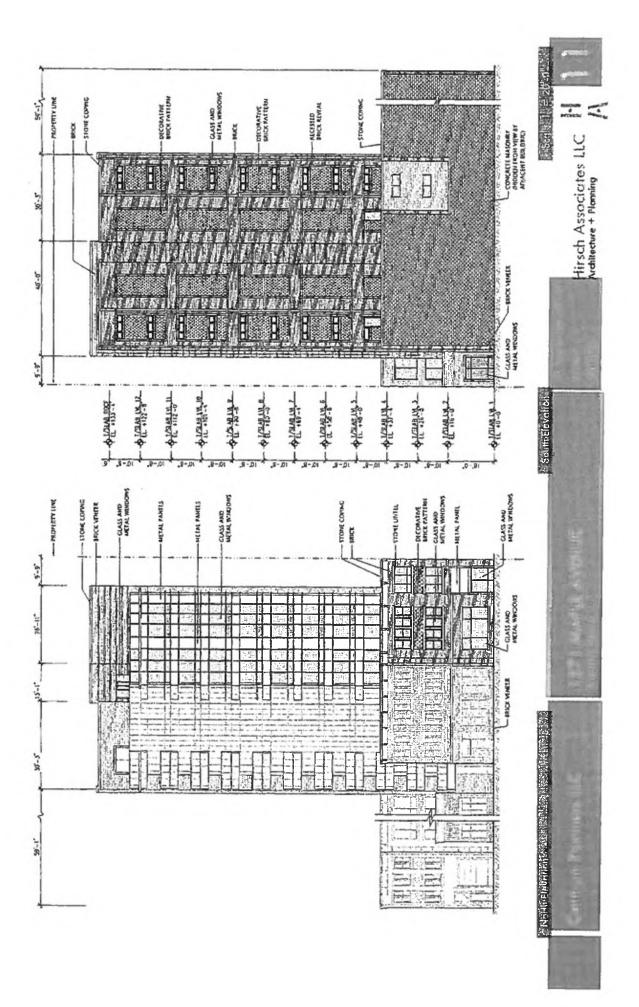












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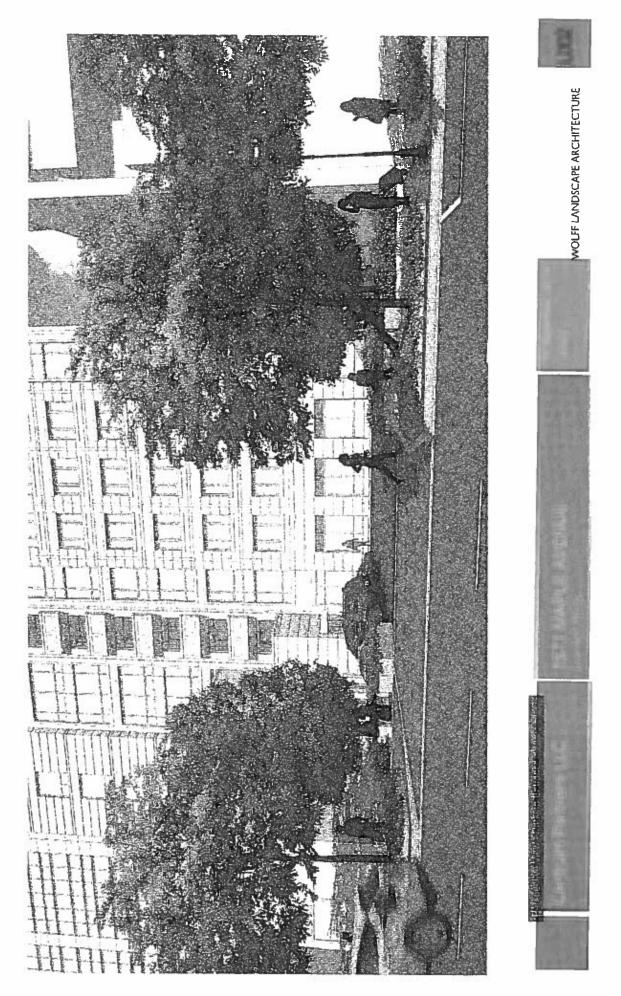
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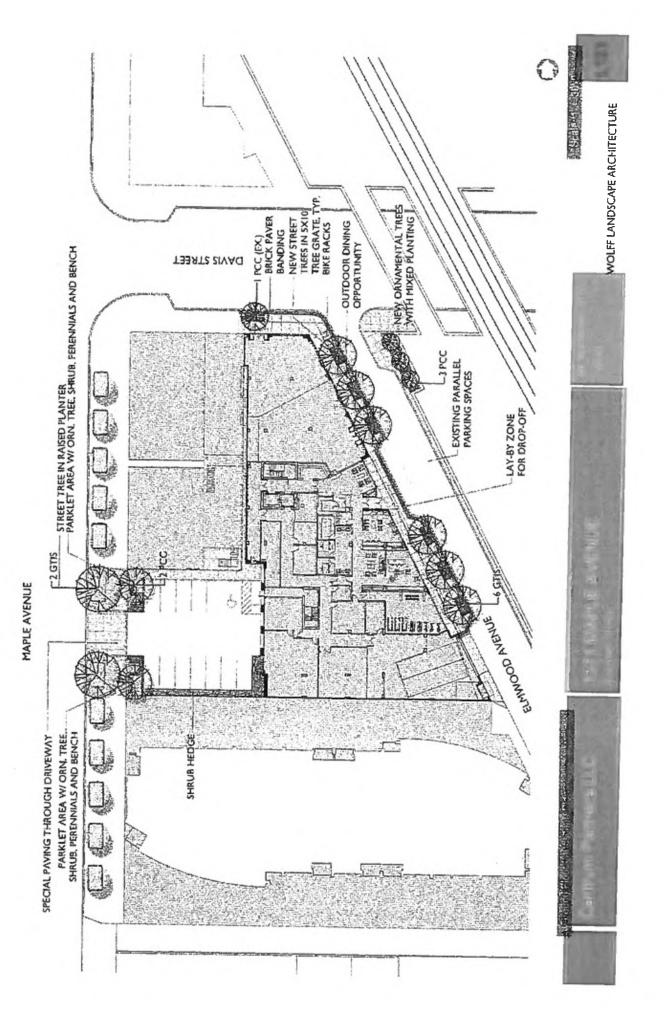
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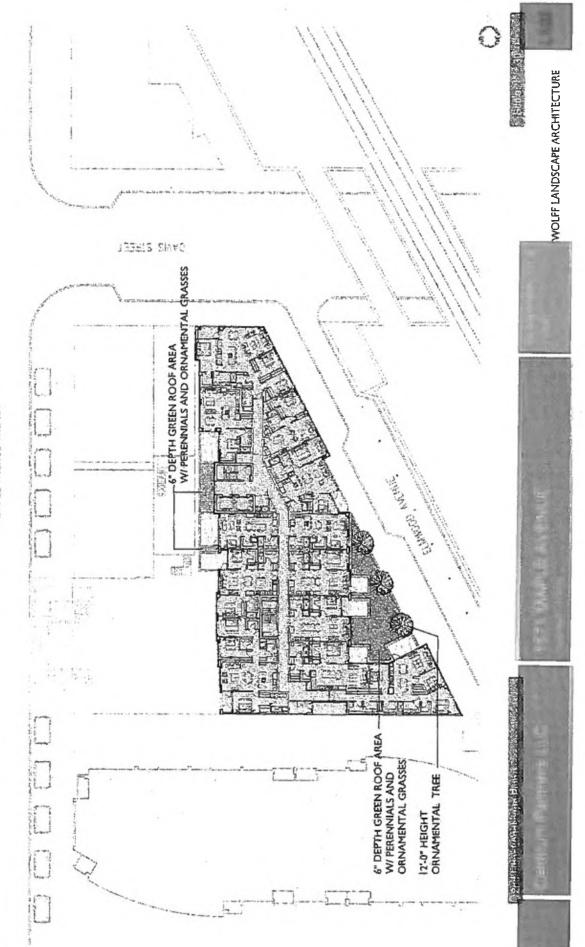
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# Landscape Plans

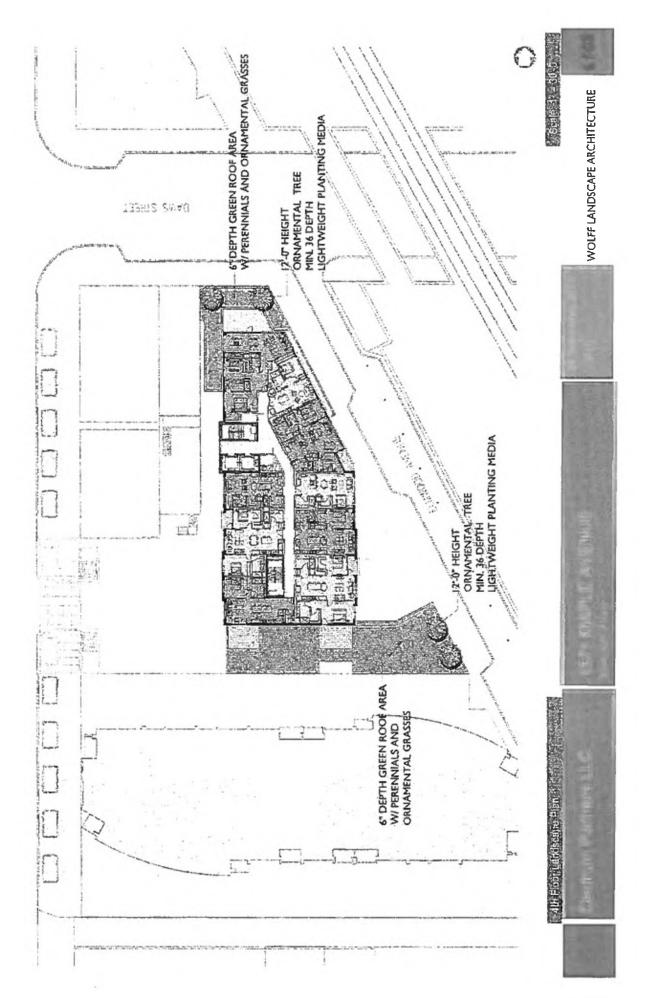


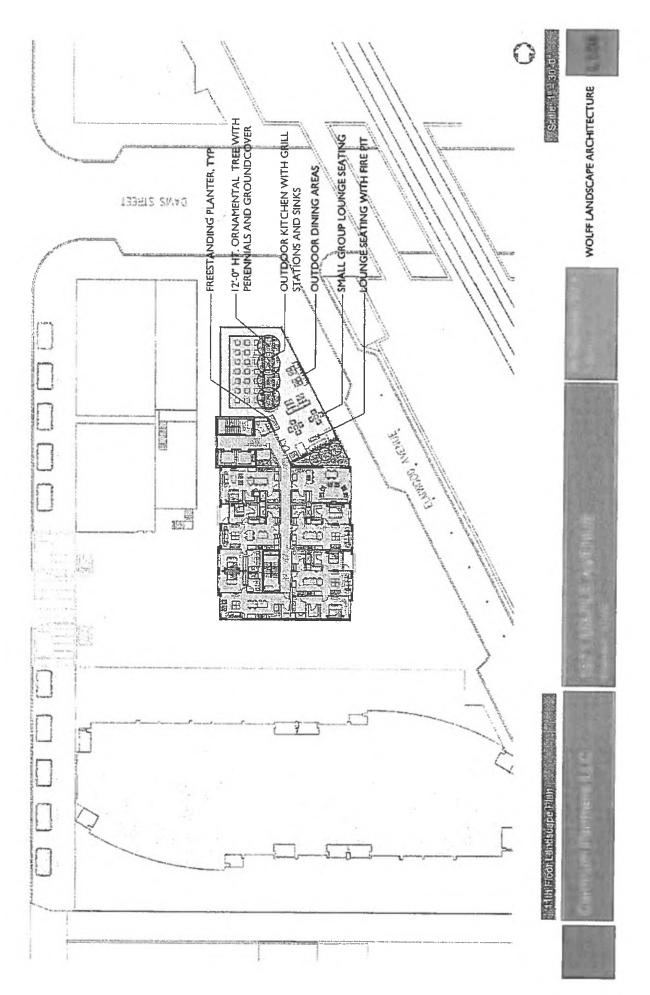


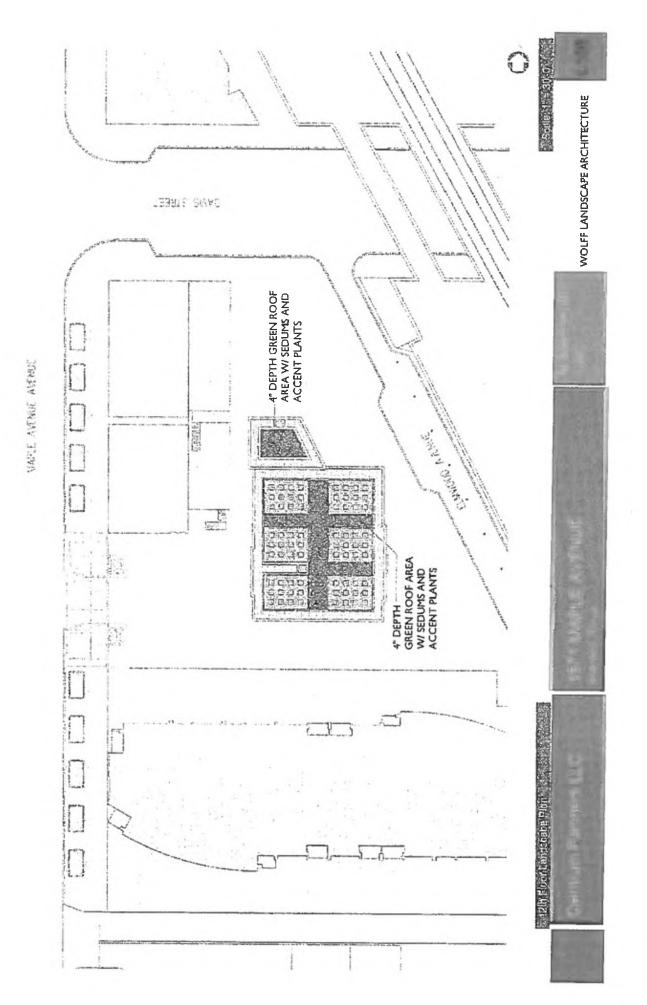


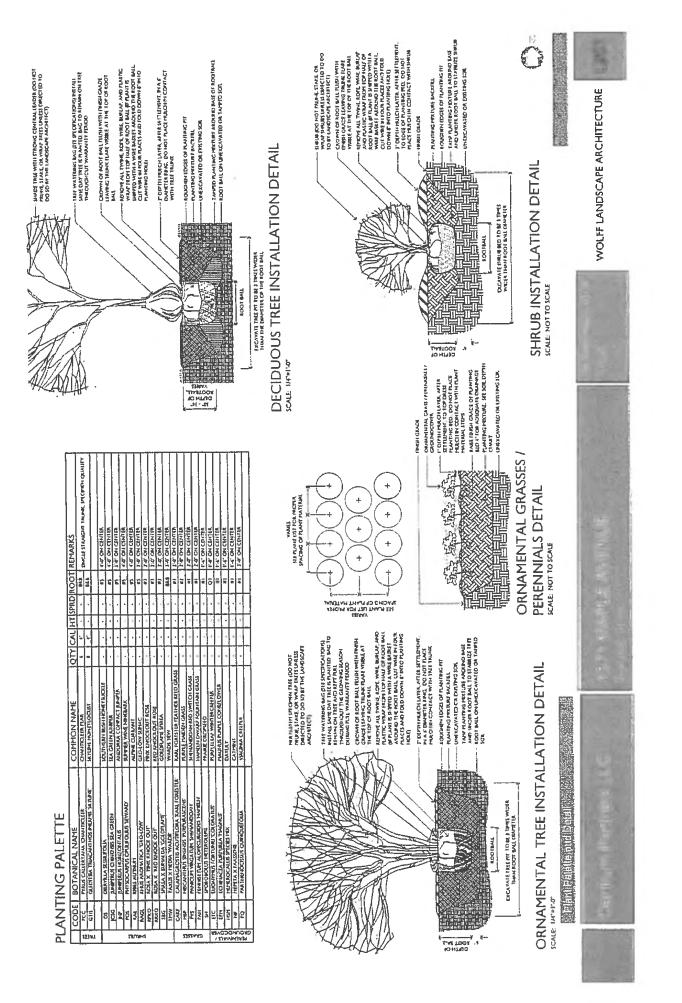


RAFLE AVENUE AVENUE









### 1571 Maple Avenue Green roof narrative

The green roof areas for 1571 Maple Avenue will be a mix of intensive and extensive green roof systems. Intensive green roofs have increased growing media depths and allow for a wider variety of plant materials and uses while extensive green roofs are thinner in soil depth, lighter in weight and have a limited plant palette.

Intensive green roof areas will be located on the 2<sup>nd</sup>, 4<sup>th</sup> and 11<sup>th</sup> floors. These areas will contain a built up green roof system that will range in soil depths from 6" in the majority of the areas to 36" at areas where small ornamental trees will be planted, typically at parapet wall locations. The soil used will be a lightweight soil media such as Midwest Trading's PM-35 or an approved equal. The 6" depth areas will contain a mix of perennials, ornamental trees. This plant palette allows for seasonal interest all throughout the year. The layers of the green roof system will consist of the following, starting from the top: vegetation, growing media, drainage mat with filter fabric, Styrofoam (as needed), and root barrier. These layers sit atop the waterproof membrane and structural slab.

The green roof area on the 11<sup>th</sup> floor will also have outdoor use spaces such as an outdoor kitchen with countertops, barbeque grill stations and outdoor sinks. Seating areas in various sizes will also accommodate users for dining, small group seating and lounging around a fire feature. Freestanding planters with annual plantings will also be located in this area.

Extensive green roof areas will be located on the 12<sup>th</sup> floor. These areas will contain a built up green roof system that will have a soil depth of 4". The soil used will be a lightweight soil media such as Midwest Trading's PM-35 or an approved equal. The 4" depth areas will contain a sedum carpet mat planted with a mix of sedums varying in height and colors. This plant palette allows for seasonal interest all throughout the year. The layers of the green roof system will consist of the following, starting from the top: vegetation, growing media, drainage mat with filter fabric, Styrofoam (as needed), and root barrier. These layers sit atop the waterproof membrane and structural slab.



# MEETING MINUTES

LAND USE COMMISSION Wednesday, June 22, 2022 7:00 PM Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

Members Present: Myrna Arevalo, George Halik, Brian Johnson, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Matt Rodgers, Kristine Westerberg

Members Absent:	Violetta Cullen, John Hewko
Staff Present:	Johanna Nyden, Brian George, Melissa Klotz, Michael Griffith, Meagan Jones

Presiding Member: Matt Rodgers

# Call to Order

Chair Rodgers opened the meeting at 7:01pm. A roll call was then done and a quorum was determined to be present.

# Approval of June 8, 2022 Meeting Minutes

Commissioner Westerberg then made a motion to approve the Land Use Commission meeting minutes from June 8, 2022. Seconded by Commissioner Arevalo. A voice vote was taken and the motion passed, 7-0, with one abstention.

# Old Business

A Major Adjustment to a Planned Development | 1571 Maple Avenue | 22PLND-0032

1571 Maple Avenue, LLC, applicant, submits for a major adjustment to the planned development approved by ordinance 19-O-15, and amended by ordinances 61-O-16 and 147-O-18 in the D3 Downtown Core Development District. The applicant is requesting to modify the number of required leased parking spaces from 55 to 0, terminating the existing parking lease between the applicant and the City of Evanston. The Land Use Commission makes a recommendation to the City Council, the determining body for this case, in accordance with Section 6-3-9-8 of the Evanston Zoning Code and Ordinance 92-O-21.

Michael McLean provided an introduction and background on the proposal as a transit oriented development (TOD). He explained the initial review of the development with regards to parking, the parking study that was completed for it, and the conditions placed on the development relating to the parking lease. He then explained the subsequent major adjustment in 2018 that reduced the required leased parking spaces to 55 and the current request before the Commission. He then explained that the request lets the residents and the market determine where they wish to park and there have been no complaints received about building residents parking on the street.

# Commissioner Questions

Commissioner Halik asked if it is correct that the ordinance says, as a TOD, this development would be required to have 85 spaces and that there is a standard that applies to these types of developments.

Ms. Nyden confirmed that to be the case. She then stated that Mr. McLean's point is well taken; however, this is a larger policy discussion needed and staff's suggestion is to keep the parking spaces intact but to only require the applicant to pay for the spaces that are being used. Maple is a further distance from the project but the Sherman garage at the time of the project approval was fully parked. Staff's suggestion reserves the block of spaces so that if a tenant comes, they have space available and are not searching. Commissioner Halik stated he believes the suggestion is a good one and a larger policy discussion is needed.

Commissioner Puchtel asked if the request would waive TOD requirements.

Ms. Nyden explained that the parking requirement was different when the project was approved and Council later directed staff to look at parking requirements in TOD areas, which led to a parking study being completed and new parking requirements for TOD areas. 1571 Maple then came back to request parking reductions that were more in-line with those requirements, especially given their proximity to transit. The TOD parking requirements still apply but the applicant is requesting a variation from those requirements (change to the site development allowance that was granted). Ms. Nyden then explained the nature of staff's suggestion.

Mr. McLean added that the development is not a new development and has been leased for 5 seasons with a 98% occupancy rate, with a drop to 89% during Covid but with no increase in vehicle ownership. He then explained that one of the complaints was received from residents at the Winthrop Club which (anecdotally) is leasing spaces to some residents to 1571 Maple. It was not the intention of the parking lease to support the investment of a parking garage in Evanston but to support efforts towards transit oriented developments and be greener, reduce carbon footprint and rebar and concrete used for parking. He then emphasized the proximity of the project to transit and the reduction of retail occupancy on Davis Street since the development was completed. He then expressed appreciation for staff looking to find a creative solution.

Commissioner Halik asked if there is no overnight parking allowed downtown where is the nearest residential parking. Mr. McLean responded that there is residential permit parking located south of Grove and there is also residential parking west of Oak but that the 1571 Maple building residents are not allowed to park on the street. So this leads to the need to lease spaces. There is an on-site surface lot with car-share spaces, and EV charging stations and parklets. Mr. McLean then explained that he has not heard nor has the Councilmember heard of any negative parking impacts from the building Chair Rodgers asked if those buildings leasing spaces in the City garages charge the market rate for parking. Ms. Nyden responded this would be best answered by the Parking Manager. At one time, the top level of parking at Maple Avenue garage was seen as less desirable and the Parking Manager at that time was attempting to lease blocks of parking so there may have been a reduced price or a "lock-in" price. Generally though, lessees are charged market rate. Mr. McLean stated the lease started at 80% per parking space per month and is now \$110.

Commissioner Puchtel inquired what the current rate is, to which Mr. McLean responded \$110 per month in Maple Ave garage. The cost of leasing spaces can be changed at the City's discretion. Mr. McLean added that 1571 Maple has been providing the parking to its residents at a discounted rate (below market) to encourage people to use it.

Commissioner Westerberg asked given have been able to decrease spaces over time and City being uncertain of what parking will need, if Mr. McLean is open to the City's suggestion. Mr. McLean responded that he is not opposed to compromise but there should be more discussion. He believes it would be cleaner to not have the requirement but if staff's recommendation moves forward, he strongly requested that spaces be in the Sherman garage instead of Maple Avenue.

Commissioner Lindwall asked how the 2 hour time limit during the day is monitored. Mr. McLean responded that on-site staff monitors the parking lot at night to ensure those spaces are utilized by building tenants. During the day, would probably more react to a complaint or if a repeat offender was noticed but try to not kick out people from the lot

Commissioner Lindwall asked who uses the car-share vehicles. Mr. McLean responded that every building resident is automatically signed-up for it but he was not sure of actual usage. He then explained that while many places have lost their car-share spaces while this site has maintained them and seen them be used.

Commissioner Lindwall then asked what year the project is in the lease agreement. Mr. McLean responded he believes they are in year 5 and that the lease was created as a safeguard to make sure building residents did not park in the neighborhood. During the 2018 reduction, Council suggested revisiting the lease in a few years. Commissioner Lindwall then asked how it is determined which resident parks on-site. Mr. McLean replied that it is on a first come-first served basis which has not been an issue. Commissioner Lindwall then asked what would happen if more residents needed space. Mr. McLean responded that off-site parking arrangements would need to be made but a lottery may be needed to determine access to the surface lot.

# Public Comment

None

Following public comment, Mr. McLean provided a closing statement stating his appreciation of the questions and discussion and he understands this is part of a larger policy discussion that is being worked through. Has been successful in implementing change and asked that that be considered. He requested additional consideration of the facts of minimal cars being on site and no nuisances being noted since the building was constructed. He is looking for fair thing.

The record was then closed

# Deliberations

Commissioner Halik stated he believes the Commission should follow staff's recommendation as outlined earlier. The number of parking requests in recent years suggests this is heading towards a new policy and this may be a good trial case, there will be more of these types of requests and it is not good to say yes to one and not the other.

A brief discussion and clarification on the recommendation occurred. Denial of the applicant's request to go to 0 leased parking spaces but compromise to keep the 55 parking spaces and only charge for spaces being used was generally agreed upon by Commissioners.

Commissioner Mirintchev expressed that the flexible solution is better as he is afraid of creating precedent. Good to have a central policy in such cases. Commissioner Lindwall agreed, explaining it would be bad policy to terminate the lease. Looking at the data, she suggested somewhere in the 25 to 30 parking space range would make sense if the number of spaces is reduced and move the spaces to the closer garage. Chair Rodgers stated that there is an average of 13.8 parking spaces being used per year. He then agreed it would be better to modify the lease instead of terminating it.

Chair Rodgers asked what to do if multiple spaces are held by different developments but not used and if there is a potential for future issues. Ms. Nyden responded that the City is unable to predict the need which speaks to larger policy of how to address that parking need. If this is a problem, staff could figure out what to do in that case. The City does not oversell available parking spaces and there is better data to help monitor parking.

Commissioner Halik stated that he likes the policy approach because it is flexible. The formula used for the initial TOD requirements is likely irrelevant so additional consideration is appropriate.

Commissioner Westerberg stated that because the lease is in the 5th year of the 7 year lease, it is not onerous for the applicant to see what happens after the full 7 years.

The Commission then reviewed the standards for approval relating to the Major Adjustment:

- Applicable standards for Special Use (6-3-5-10) were found to still be met with the added conditions as discussed.
- Standard for a Planned Development (6-3-6-9) was found to still be met with the added conditions as discussed.
- Applicable standards for Planned Developments in the D3 were found to still be met with added conditions discussed.

Commissioner Lindwall made a motion to recommend that the number of required leased parking spaces not be reduced but that the parking lease be modified to relocate the 55 parking spaces leased in the Maple Avenue parking garage to the Sherman garage and only charging the rental company for the parking spaces that are utilized rather than the entire number of spaces. Seconded by Commissioner Puchtel. A roll call vote was taken and the motion was approved, 8-0.

Respectfully submitted, Meagan Jones, Neighborhood & Land Use Planner



Case Number:

# 1. PROPERTY

Address(es)/Location(s)

1571 Maple Avenue; 11-18-310-008-0000, 11-18-310-004-0000, 11-18-310-006-0000, 11-18-310-007-0000, 11-18-310019-0000, 11-18-310-020-0000 Brief Narrative Summary of Proposal:

Applicant seeks to amend Ordinance No. 147-O-18 in order to modify its parking requirements from 55 off-site parking

spaces (within the city-owned parking garage) to 0 to allow the Applicant to terminate its lease with the City of Evanston.

The proposal will not affect the 11 on-site parking spaces.

2. APPLICANT				
Name: 1571 Maple	e Avenue LLC		Organization:	
Address: 225 W. H	Hubbrd Street, Suite	650	City, State, Zip:	Chicago, Illinois 60654
Phone: Work: 312	2-789-5959	Home:		Cell/Other: <u>312-504-1417</u>
Fax: Work:		Home:		Please circle the primary
E-mail: mmclean@	Condorpartners.com	1		means of contact.
What is the relation	onship of the appli	cant to the prop	erty owner?	
🗹 same	builder/cont	ractor	potential purchaser	potential lessee
architect	🗌 atto	rney	lessee	🗌 real estate agent
officer of board of	of directors	er:		

# **3. SIGNATURE**

"I certify that all of the above information and all statements, information and exhibits that I am submitting in conjunction with this application are true and accurate to the best of my knowledge."

See Signature Page Attached

Applicant Signature – **REQUIRED** 

Date

Page 1 of 8

# Signature Page Attached to and Made a Part of Planned Development Application

# 1571 Maple Avenue, LLC,

an Illinois limited liability company

- By: 1571 Maple Avenue Associates, LLC a Delaware limited liability company
  - By: CP Maple Avenue Member, LLC, an Illinois limited liability company, its Managing Member
    - By: McLinden Holdings, L.L.C. an Illinois limited liability company

By: \_\_\_

Name: John McLinden Its: Manager

Date: March 22, 2022

# 4. PRE-SUBMISSION REQUIREMENTS

Prior to actually submitting an application for Planned Development, you must:

- A. Complete a Zoning Analysis of the Development Plan
  - The Zoning Office staff must review the development plan and publish a written determination of the plan's level of compliance with the zoning district regulations. Apply at the Zoning Office.
- B. Present the planned development at a pre-application conference Contact the Zoning Office to schedule a conference with Planning & Zoning Division staff.

# 5. REQUIRED SUBMISSION DOCUMENTS AND MATERIALS

- (This) Completed Application Form
- Application Fee (Planned Development: \$6,000; Major Adjustment: \$2,200; Minor Adjustment: \$1,000 )
- Two (2) Copies of Application Binder

Your application must be in the form of a binder with removable pages for copying. You must submit two application binders for initial review. The Application Binder must include:

~	Certificate of Disclosure	of Ownership	Interest Form

- Plan drawing illustrating development boundary and individual parcels and PINs
- Plat of Survey of Entire Development Site
- Zoning Analysis Results Sheet
- Preliminary Plat of Subdivision
- Pre-application Conference Materials
- Development Plan
- Landscape Plan (if changes will be proposed)
- Inclusionary Housing Ordinance Application
- Statement addressing how the planned development approval will further public benefits
- Statement describing the relationship with the Comprehensive Plan and other City land use plans
- Statement describing the development's compliance with any other pertinent city planning and development policies
- Statement addressing the site controls and standards for planned developments
  - Statement of proposed development's compatibility with the surrounding neighborhood
  - Statement of the proposed development's compatibility with the design guidelines for planned developments
  - Statements describing provisions for care and maintenance of open space and recreational facilities and proposed articles of incorporation and bylaws
- Restrictive Covenants
- Schedule of Development
- Market Feasibility Statement
- Traffic Circulation Impact Study
- Statement addressing development allowances for planned developments

### Notes:

- Plats of survey must be <u>drawn to scale</u> and must accurately and completely reflect the current conditions of the property.
- Building plans must be drawn to scale and must include interior floor plans and exterior elevations.
- Application Fees may be paid by cash, check, or credit card.
- Mailing Fees also apply and will be provided to the applicant from the City's mailing vendor.

# 6. OTHER PROFESSIONAL REPRESENTATIVE INFORMATION

Attorney		
Name:		Organization:
		City, State, Zip: Chicago, Illinois 60603
		Email: bcitron@thompsoncoburn.com
Architect		
Name:		Organization:
		City, State, Zip:
Phone:	Fax:	Email:
Surveyor		
Name:		Organization:
		City, State, Zip:
Phone:	Fax:	Email:
Civil Engineer		
Name:		Organization:
		City, State, Zip:
Phone:	Fax:	Email:
Traffic Engineer		
Name:		Organization:
		City, State, Zip:
Phone:	Fax:	Email:
Other Consultant		
Name:	orhood Technology	Organization:
		City, State, Zip:
		Email:

# 7. MULTIPLE PROPERTY OWNERS

Use this page if the petition is on behalf of many property owners.

"I understand that the regulations governing the use of my property may change as a result of this petition. By signing below, I give my permission for the named petitioner on page 1 of this form to act as my agent in matters concerning this petition. I understand that 1) the named petitioner will be the City of Evanston's primary contact during the processing of this petition, 2) I may not be contacted directly by City of Evanston staff with information regarding the petition while it is being processed, 3) I may inquire the status of this petition and other information by contacting the Zoning Office, and 4) the property owners listed below may change the named petitioner at any time by delivering to the Zoning Office a written statement signed by all property owners and identifying a substitute petitioner."

NAME and	ADDRESS(es) or PIN(s)	
CONTACT INFORMATION	of PROPERTY OWNED	SIGNATURE
(telephone or e-mail)		
	- Andrew - Andrew -	¥

Copy this form if necessary for a complete listing.

## Application Procedure

- (A) Pre-Application Conference: Pre-Application Conference: Prior to application submittal, an applicant shall meet with the Zoning Administrator, Planning & Zoning staff, and the Alderman of the ward in which the proposed planned development is located. Where applicable, a representative of the Preservation Commission shall be present. The purpose of the conference is to present the concept of the proposed plan and discuss procedures and standards for approval. No representation made by City staff or the representative of the Preservation Commission during such conference or at any other time shall be binding upon the City with respect to the application subsequently submitted. The pre-application conference shall be scheduled within 15 calendar days after receiving the applicant's request.
- (B) Information Needed for Pre-Application Conference: The applicant shall include the following information at the time of request for the meeting:
  - 1. Narrative summary of proposal.
  - 2. Conceptual site plan.
  - 3. Plat of survey (including the location of utilities).
  - 4. Proposed elevations.
  - 5. Photographs of the subject and surrounding properties.
  - 6. Description of adjacent land uses and neighborhood characteristics.
  - 7. Description of critical historical structures, details or characteristics (if applicable).
- (C) Zoning Analysis Application: Prior to review of the project, the applicant must submit the project for "zoning analysis." The Zoning Division's response to this application is a Zoning Analysis Review Sheet addressing specific regulatory areas, and indicating compliance or deficiency.
- (D) Results of Pre-Application Conference and Zoning Analysis: Following the pre-application conference, the Zoning Administrator shall be available to suggest modifications to the site plan as discussed during the pre-application conference. Within 7 calendar days, minutes of the pre-application conference shall be sent to the applicant and shall be available upon request to interested parties by the Zoning Administrator.

### **Review Procedure - Decision**

- (A) Review Procedure: Upon the review of an application for a planned development the Zoning Administrator shall notify the developer of any deficiencies or modifications necessary to perfect the planned development application.
- (B) Public Hearing: After determining that the application is complete, the Zoning Administrator shall schedule a public hearing to be held by the Plan Commission at which time a formal presentation of the planned development application will be presented. The public hearing shall be held not less than 15 calendar days and no more than 30 calendar days from the date of receipt of the complete application. In addition, a sign shall be posted on the property for a minimum of 10 working days prior to the public hearing indicating the place, time and date of the hearing.
- (C) Mailed Notices Required: Notice shall also be given by first class mail to all owners of property within a 1,000-foot radius of the subject property as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such hearing. The City, through its Geographic Information System, will supply the names and addresses of the owners of property within the 1,000-foot radius. A third party mailing service mails notice of the hearing to the neighboring property owners. The applicant must pay any and all fees and postage associated with mailing this notice. The City publishes a notice of the hearing in a locally circulating newspaper, generally the Evanston Review, no less than 15 days nor more than 30 days prior to hearing.
- (D) Recommendation: The Plan Commission holds a public hearing and makes a recommendation, based on findings of fact, to the City Council within 60 days of the close of the public hearing. The Planning and Development Committee of the City Council considers the Plan Commission's recommendation and forwards it to the full Council with or without a recommendation. The City Council considers the Plan Commission's recommendation's recommendation and may introduce an ordinance granting the planned development. The City Council may adopt an ordinance granting the planned development City Council meeting. The developer shall record the ordinance granting the planned development plan with the Cook County Recorder.

### Submittal Requirements

- 1) Planned Development Application Form.
- 2) Certificate of Disclosure of Ownership Interest Form listing each individual lot contained within the proposed development identified by parcel identification number and each owner having legal or equitable interest in each

individual parcel. Connection to the ownership interest in the property must be documented in the form of a title insurance policy, deed, lease or contract to lease or purchase.

- Exhibit illustrating the boundaries of each individual parcel contained within the property(ies) proposed for development with coincide parcel identification numbers.
- 4) Plat of Survey, drawn to scale, showing dimensions and areas of the parcel(s), lot(s), block(s), or portions thereof, according to the recorded plat of the subject property(ies).
- 5) Preliminary Plat of Subdivision, if necessary, showing the development consists of, and is coterminous with, a single lot legally described in a recorded plat of subdivision or proposed subdivision or consolidation.
- 6) Pre-application Conference Materials:
  - a) Conceptual site plan, showing parking and bicycle facilities where appropriate;
  - b) Plat of survey showing location of utilities;
  - c) Elevations;
  - d) Photographs of the subject and surrounding properties;
  - e) Description of adjacent land uses and neighborhood characteristics; and
  - f) Description of critical historical structures, details or characteristics.
- 7) Zoning Analysis Results Sheet, if available.
- 8) Development Plan showing:
  - a) Location, dimensions and total area of site;
  - b) Location, dimensions, floor area, construction type and use of each structure;
  - c) Number, type and size of dwelling units, and the overall dwelling unit density;
  - d) Number and location of parking spaces and loading docks, with means of ingress and egress;
  - e) Traffic circulation pattern, location and description of public improvements, streets and access easements to be installed or created;
  - f) All existing and proposed dedications and easements;
  - g) Drainage plan;
  - h) Locations, dimensions and uses of adjacent properties, rights of way, easements and utilities serving the site;
  - i) Significant topographical or physical features, including trees;
  - j) Soil or subsurface conditions; and
  - k) Historical structures or features.
- 9) Landscape Plan, including:
  - a) Location, dimensions and total area of site;
  - b) Locations, dimensions and uses of adjacent properties, rights of way, easements and utilities serving the site;
  - c) Landscaping location and treatment, plant material types, size and quantity, open spaces, and exterior surfaces of all structures with sketches of proposed landscaping;
  - d) Topographic and physical site features including soils and existing trees and vegetation;
  - e) Location, type and size of trees to be removed, and preservation plan for existing trees to remain through construction; and
  - f) Location, type, height and material of all fences and walls.
- 10) Inclusionary Housing Ordinance Application.
- 11) Statement addressing how the planned development approval will further public benefits including:
  - a) Preservation and enhancement of desirable site characteristics, open space, topographic and geologic features, and historic and natural resources;
  - b) Use of design, landscape, and architectural features to create a pleasing environment;
  - c) Provide a variety of housing types in accordance with the City's housing goals;
  - d) Eliminate blighted structures or incompatible uses through redevelopment or rehabilitation;
  - e) Business, commercial, and manufacturing development to enhance the local economy and strengthen the tax base;
  - f) Efficiently use land resulting in more economic networks of utilities, streets, schools, public grounds, and other facilities; and
  - g) Incorporate recognized sustainable design practices and building materials to promote energy conservation and improve environmental quality.
  - h) Additional benefits related to transit alternatives, public art, public space improvements, etc.

- 12) Statement describing the relationship between the proposed development and the Comprehensive General Plan and other City land use plans.
- 13) Statement describing the developments compliance with the Zoning Ordinance and any other pertinent city planning and development policies.
- 14) Statement addressing the site controls and standards for planned developments in the subject property's zoning district regarding the following:
  - a) Minimum area
  - b) Tree preservation
  - c) Landscaped strip
  - d) Open space
  - e) Walkways
  - f) Parking and loading
  - g) Utilities
  - h) Stormwater treatment
- 15) Statement of proposed developments compatibility with the surrounding neighborhood.
- 16) Statement of proposed developments compatibility with the design guidelines for planned developments.
- 17) Statement describing provisions for care and maintenance of open space and recreational facilities and, if owned by an entity other than a government authority, proposed articles of incorporation and bylaws.
- 18) Restrictive Covenants to be recorded against proposed development.
- 19) Schedule of Development phases or stages stating beginning and completion time for each phase.
- 20) Market Feasibility Statement indicating the consumer market areas for all proposed uses in the development, the population potential of the area to be served by the proposed uses and other pertinent information concerning the demand for such uses of land.
- 21) Traffic Circulation Impact Study showing the effect of the development upon adjacent roadways, anticipated vehicular trips and traffic flow, and what road improvements and traffic control upgrading might be necessary.
- 22) Statement addressing the development allowances for planned developments in the subject property's zoning district regarding the following:
  - a) Height increases
  - b) Density increases
  - c) The location and placement of buildings varying from that otherwise permitted in the district
  - d) Floor area ratio increases

### Standing

The applicant must own, lease, or have legal or equitable interest in the subject property. The Planning and Zoning Division requires the applicant to demonstrate his or her connection to the ownership interest in the property. Documentation can be in the form of a title insurance policy or a deed, and a lease or contract to lease or purchase.

# Certificate of Disclosure of Ownership Interest



# **City of Evanston**

# DISCLOSURE STATEMENT

FOR ZONING HEARINGS

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1.	Address or location of property for which zoning relief is sought, if applicable:	
	1571 Maple Avenue, Evanston, IL	

2. Name of applicant for zoning relief: 1571 Maple Avenue LLC

If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made: Does not apply.

N/A

4. If a person or organization owns or controls the proposed land user, name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number \_\_\_\_\_\_ above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

1571 Maple Avenue Associates, LLC: 225 W. Hubbard Street, Suite 501 Chicago, IL 60654, 312-789-5959

5. Name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number \_\_\_\_\_\_ above, or indicated below.

1571 Maple Avenue LLC;	225 W. Hubbard Street, Suite 650,		
	Chicago, IL 60654, 312-789-5959		

6. Name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number \_\_\_\_\_ above, or indicated below.

Page 1 of 2 Disclosure Statement (vers: 2/22/2001) - P:\Zoning\FormsonP\General\_Forms\Disclosure.doc

OFFICE USE

CASE #

DATE RECEIVED

Zip: 60201

If Applicant or	Proposed L	and User	is a	Corporation

Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

12

1

a. Names and addresses of all officers and directors.

7.

8.

b. Names, addresses, and percentage of interest of all shareholders, if there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation, if there are more than 33 shareholders.

If Applicant or Proposed Land User is not a Corporation

Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.

See Signature Page Attached		
Applicant's signature	Date	
Applicant's signature	Date	
Applicant's signature	Date	
Page 2 of 2 Disclosure Statement (vers: 2/22/2001) - P:\Zoning\FormsonP\General_Forms\Disclosure.doc		

# Signature Page Attached to and Made a Part of Planned Development Application

# 1571 Maple Avenue, LLC,

an Illinois limited liability company

- By: 1571 Maple Avenue Associates, LLC a Delaware limited liability company
  - By: CP Maple Avenue Member, LLC, an Illinois limited liability company, its Managing Member
    - By: McLinden Holdings, L.L.C. an Illinois limited liability company

By: \_\_\_\_

Name: John McLinden Its: Manager

Date: March 22, 2022

# 1571 MAPLE AVENUE - APPLICATION FOR MAJOR ADJUSTMENT TO PLANNED DEVELOPMENT

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STATEMENT OF DEVELOPMENT ALLOWANCES FOR PLANNED DEVELOPMENTS

SECTION 3 PLANNED DEVELOPMENT APPLICATION FORM

CERTIFICATE OF DISCLOSURE OF OWNERSHIP INTEREST FORM

# SECTION 1 PROJECT NARRATIVE

The Applicant, 1571 Maple Avenue LLC ("Applicant"), is the owner of the subject property, located at 1571 Maple Avenue ("Subject Property").

The requested major adjustment is for the existing mixed-use building, which was approved as a Planned Development pursuant to Ordinance No 19-O-15 approved by the Evanston City Council on April 13, 2015.

The existing building contains 101 apartments, approximately 3,979, square feet of ground floor retail, 13 on-site parking spaces and 55 off-site parking spaces in the city owned parking garage at 1800 Maple Avenue, in accordance with Ordinance 147-O-18, which reduced the off site parking to the current level. The development original provided 101 parking spaces at 1800 Maple Avenue. The on-site parking includes two car-share spaces and an electric car charging station. These spaces are intended to serve the commercial spaces during the day, and are available for residents and visitors overnight. The Applicant will continue to offer reduced membership rates for use of the car-share vehicles on site to residents of the development.

As the development became fully stabilized, it became clear that the 101 parking spaces leased in the 1800 Maple Avenue parking garage were not necessary to serve the tenants. The parking count at the off-site location was reduced by ordinance number 147-O-18 to 55 off-site parking spaces. Because the building is currently 95% rented, and only 6 of the 55 off-site places are currently used by residents of the development, the Applicant now seeks to eliminate the parking lease at the 1800 Maple parking garage and reduce the total required parking in the development to the existing 11 on site parking spaces.

Based on the amount of off-street parking available in the neighborhood, in parking lots that are closer to the subject property than the 1800 Maple Avenue parking garage, the Applicant no longer needs to maintain a lease for off-site spaces. The Applicant will continue to provide an annual vehicle ownership report to the City for record-keeping purposes.

# SECTION 2 STATEMENTS ADDRESSING RELIEF STANDARDS

# STATEMENT OF COMPLIANCE WITH ZONING ORDINANCE AND OTHER PERTINENT CITY POLICIES

Statement addressing the development's compliance/any other pertinent city planning and development policies regarding the following:

The amendment is in compliance with the "2000 Evanston Comprehensive General Plan," adopted May 8th, 2000 ("Comprehensive Plan") by the City Council as set forth below.

# A. Promoting Use of Mass Transit and Pedestrian-Friendly Development

The Comprehensive Plan states the following:

"Promote higher-density residential and mixed-use development in close proximity to transit nodes (e.g., train stations) in order to support non-automobile dependent lifestyles." (Comprehensive Plan, page 108).

• The Subject Property is located within a five-minute walk (1320-ft radius) from The Davis Street purple line station and the Davis Street Metra station. By providing ample bicycle parking and on-site car sharing spaces, the amendment is designed to support non-automobile dependent lifestyles.

"New developments should be integrated with existing neighborhoods to promote walking and the use of mass transit." (Comprehensive Plan, page 8).

- The Subject Property is located within a five-minute walk (1320-ft radius) from various retail stores and restaurants. In fact, the Subject Property earns a "Walk Score" of 96, indicating that daily errands do not require a car. As such, the proposed development promotes walkability within the neighborhood, and reduces the demand for excess parking for residents.
- The Subject Property is located less than 700 feet from the Davis Street CTA station and Metra station. The intersection of Davis and Maple also features stops for the 93, 201, 206, 208 and 213 bus routes. Accordingly, residents of the Subject Property have excellent access to both local and regional transit options.

"New land development can take advantage of renewed interest in pedestrian and transit orientation. For example, slightly higher density residential and residential/commercial mixed-use buildings can be desirable additions along major corridors already very accessible to mass transit." (Comprehensive Plan, page 8).

• The Subject Property is located on a site with convenient accessibility to the CTA purple "L" line and is approximately two blocks away from a Metra station. Further, the property

is in a pedestrian-friendly location, in a transit oriented development area desirable to residents who prefer to walk around downtown. Therefore, the proposed amendment will take advantage of the renewed interest in pedestrian and transit orientation and promote public transportation versus vehicular traffic.

• Since the development was constructed, dining and grocery options have increased in the vicinity, particularly with a Target grocery location 0.3 miles away.

"Promote biking to enhance the character of the community, retail viability, and health of citizens." (Comprehensive Plan, page 109).

• The development currently provides ample room to store residents' bicycles in a well-lit and inviting bicycle storage room, encouraging biking as a means of transportation. The number of bicycle parking spaces provided will meet the requirements of the City of Evanston code. The Subject Property also features bike parking for visitors on the corner of Davis and Elmwood Avenue.

# STATEMENT OF SITE CONTROLS AND STANDARDS FOR PLANNED DEVELOPMENTS

Statement addressing the site controls and standards for planned developments in the subject property's zoning district regarding the following:

The requested major adjustment is to a previously-approved planned development. The only requested change is to the parking requirements reflected in the approval ordinance. The applicant seeks to modify the approved number of spaces from 55 off-site spaces and 13 on-site spaces to 13 on-site spaces. The Applicant has determined and substantiated in this application, that the 55 off-site parking spaces are not necessary to serve the needs of the Subject Property's residents, and that residents who may need off-street parking are so few, that the available off-street parking in the neighborhood will better serve them than the leased spaces in the 1800 Maple Avenue garage.

No other zoning or site controls are being modified.

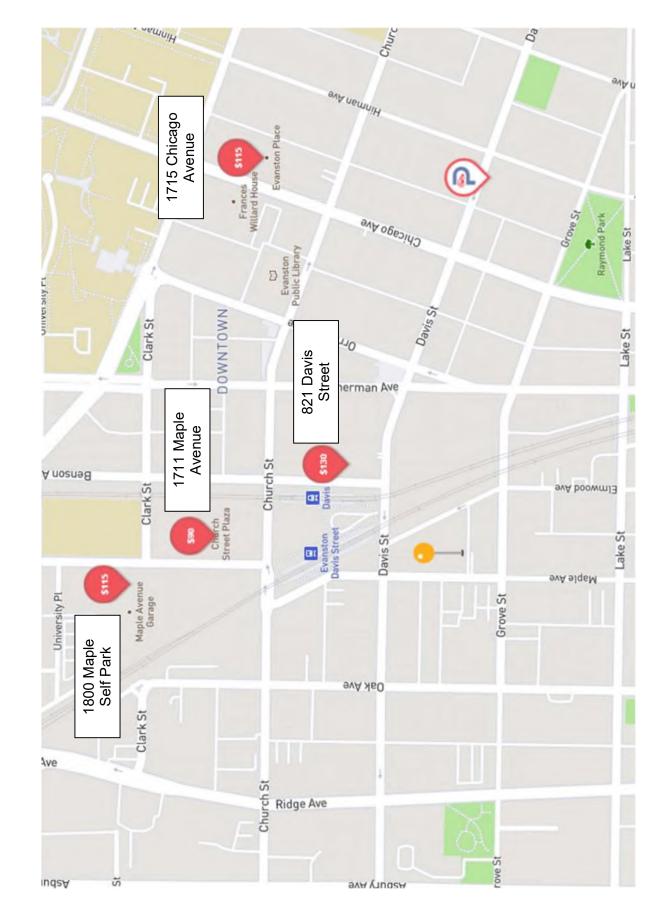
# STATEMENT OF DEVELOPMENT ALLOWANCES FOR PLANNED DEVELOPMENTS

Statement addressing the development allowances for planned developments in the subject property's zoning district regarding the following:

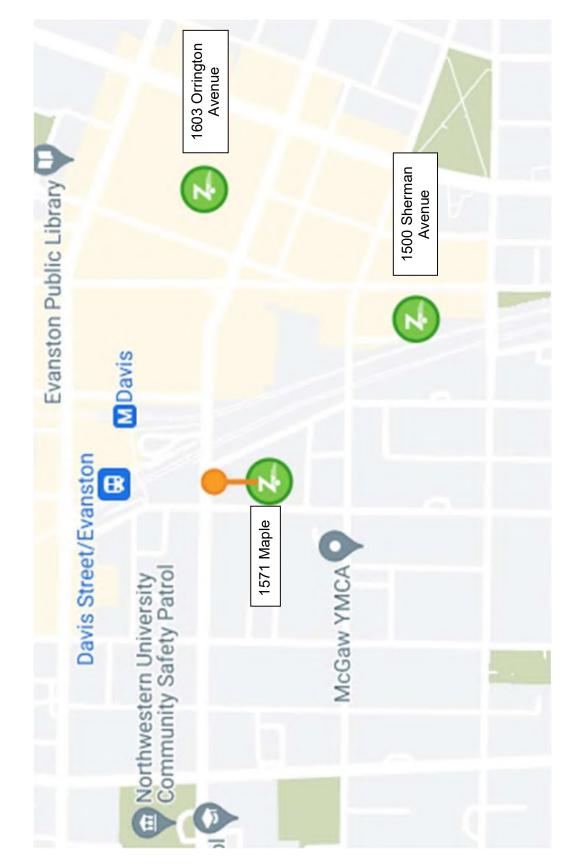
# Parking

The requested adjustment is to a previously-approved planned development. The only requested change is to the parking requirements reflected in the approval ordinance. The reduction of spaces from 55 off-site spaces and 13 on-site spaces to 13 on-site spaces will allow the Applicant to eliminate a lease that is unnecessary for the operation of the Subject Property. Currently, 6 spaces in the 1800 Maple Avenue garage, where the off-site parking spaces are located, are rented by residents of the Subject Property. This number has decreased steadily since the building was stabilized. Furthermore, the parking resources available in the neighborhood are more than adequate to address any off-street parking needs of residents of the Subject Property.

The requested relief will have no adverse effects on residential uses within or adjoining the development or the overall neighborhood.



# **Available Monthly Parking Options Near 1571 Maple**



# **1571 Maple Avenue** Major Adjustment

# **Request and History**

The subject proposal will eliminate an existing parking lease between the developer and the City of Evanston, which was established in order to ensure that there would sufficient parking for residents of 1571 Maple Avenue.

The development was planned with just 13 parking spaces, two of which were built into a parklet to enhance the outdoor space and pedestrian experience at the site. The remaining 11 parking spaces are used for serving the on site commercial uses during the day, and an be used by residents and their visitors in the evening. The concept for the development was such that if very limited parking is provided on site, then residents without cars would naturally gravitate toward the building because of the rich transit amenities and amenities of daily living so nearby.

At the time the subject development was entitled, the developer came to a compromise with the City to lease the required number of parking spaces off site in the City's Maple Avenue garage. Th garage is more than 1,000 feet away from the subject property, and accordingly does not meet the requirement for off site parking set forth in the City of Evanston's zoning ordinance in Section 6-16-2-1. The developer also agreed to restrict residents from eligibility for on street parking passes ordinarily available to neighborhood residents. Essentially, the requirement to lease spaces in the Maple Avenue garage was a fail-safe, in case residents of the development needed more parking spaces than anticipated by the developer at the time the concept was proposed, so that residents' cars would not create additional stress on the City's on street parking availability. As expected, however, few residents opted to rent space in the building's garage.

The initial lease term was for seven years, and the lease secured 101 parking spaces in the garage for residents – one for each unit. In 2018, an ordinance was approved permitting the developer to lease just 70 spaces rather than 101, and contemplated that the lease would be modified based on usage. Because so few residents were using the leased parking spaces, the requirement has been reduced further, and is now just for 55 parking spaces. As the building's occupancy stabilized, currently at approximately 98%, the parking usage continued to plummet, with just 5 residents opting to rent spaces in the Maple Avenue Garage. All 5 of these residents will be moving out at the end of their lease terms.

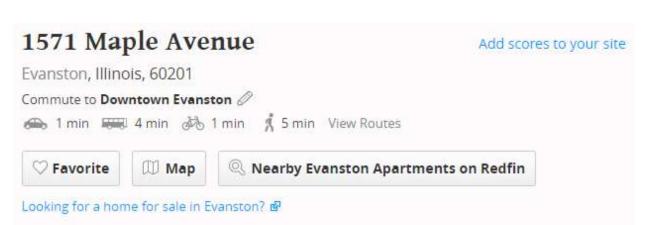
In addition, since the development was approved, the City of Evanston has adopted a Transit Oriented Development ("TOD") policy. The subject development is within the City's designated TOD zone. The City has also reduced its parking requirements generally. Because the TOD concept has been tested at this site over the last few years, the development has proven that TOD works and the proposed elimination of the Maple Avenue Garage lease is appropriate for the development.

# Existing Parking Leases

Should the parking lease be terminated completely, the Developer will reimburse any prepayments made by residents for those paces on a pro rata basis. Residents will continue to be free to lease parking space in the Maple Avenue Garage for a monthly fee of \$115 directly from the City, or they may choose to lease parking spaces within several parking garages nearer to the subject property at comparable prices.

Other parking options include:

- 1890 Maple Avenue (E2): \$60/month (\$175 for 2 months)
- 1603 Orrington (parking garage) \$189/month
- 821 Davis (Sherman Plaza Parking Garage): \$130/month





Walker's Paradise Daily errands do not require a car.



Good Transit Many nearby public transportation options.



Very Bikeable Biking is convenient for most trips.

About your score

