

12/8/2008
12/1/2008

130-O-08

AN ORDINANCE

**Granting a Special Use for a
Multi-family Residential and Commercial Mixed-Use
Planned Development with Enclosed Accessory Parking
Located at 631-749 Chicago Avenue
in the C1a Commercial Mixed Use Zoning District**

WHEREAS, Evanston DevCo, LLC (the "Applicant"), contract purchaser of the properties located at 631-749 Chicago Avenue, Evanston, Illinois (the "Subject Properties"), legally described in Exhibit A, which is attached hereto and incorporated herein by reference, applied, pursuant to the provisions of Title 6 of the Evanston City Code, 1979, as amended, ("the Zoning Ordinance"), specifically Section 6-3-4-5, "Standards for Amendments", Section 6-3-5, "Special Uses", and Section 6-10-1-9, "Planned Developments", for a Special Use to permit the construction and operation of a multi-family residential and commercial mixed-use Planned Development with enclosed accessory parking located at the Subject Properties in the C1a Commercial Mixed Use Zoning District ("C1a District"); and

WHEREAS, the Applicant sought approval for two (2) attached structures with a maximum building height of approximately sixty-two feet (62') to the top of the roofs of the buildings, containing approximately two hundred fourteen (214) dwelling units and approximately eight thousand four hundred square feet (8,400 sq. ft.) of retail commercial space, with a defined gross floor area (excluding parking, loading, storage, mechanicals, and uses accessory to

the building) of approximately two hundred twenty-two thousand, four hundred square feet (222,400 sq. ft.), resulting in a floor area ratio of approximately two and sixty-nine hundredths (2.69), with approximately three hundred twelve (312) off-street parking spaces enclosed within the building; and

WHEREAS, pursuant to proper notice, the Plan Commission held public hearings on the application, case no. 08PLND-0083, on August 13, 2008 and October 15, 2008, heard testimony and received other evidence, made verbatim transcripts and written findings; and

WHEREAS, the Plan Commission's written findings state that the application for the proposed Planned Development meets the standards set forth in the Zoning Ordinance for: Special Uses, per Subsection 6-3-5-10; general conditions for Planned Developments in the C1a District, per Subsection 6-10-1-9 (A); and site controls and standards for Planned Developments in the C1a District, per Subsection 6-10-1-9 (B); and

WHEREAS, the Plan Commission recommended the City Council approve the application for a Special Use for a Planned Development; and

WHEREAS, at its December 8, 2008 meeting, the Planning and Development Committee considered, amended, and adopted the findings and recommendations of the Plan Commission, as amended, and recommended approval thereof by the City Council; and

WHEREAS, at its December 8, 2008 meeting, the City Council considered, adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

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

SECTION 1: That the foregoing recitals are found as facts and incorporated herein by reference.

SECTION 2: That the City Council hereby grants the Special Use applied for in case no. 08PLND-0083, to permit the construction and operation of the Planned Development, described herein, on the Subject Properties.

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

A. Compliance with Applicable Requirements:

The Applicant shall develop and operate the Special Use for a Planned Development authorized by the terms of this ordinance in substantial compliance with: the terms of this ordinance; the Development Plans in Exhibit B, which are attached hereto and made a part hereof; all applicable legislation; the Applicant's testimony and representations to the Plan Commission, the Planning and Development Committee, and the City Council; and the approved plans and documents on file in this case.

B. Pedestrian Area Restoration

The Applicant shall reconstruct the pedestrian area along the Kedzie Avenue and Chicago Avenue frontages of the Planned Development authorized by the terms of this ordinance in conformance with the approved Chicago Avenue Streetscape plans, as depicted by the approved 100% Construction Documents, dated October 12, 2007. This shall include: relocation and reconstruction of the Chicago Avenue curb frontage as shown including, if needed, any utility relocation; provision of transitions at either end of the limits of the project; installation of thematic streetscape design amenities and hardscape (including brick accent band and corner treatment, scored broom finish concrete walking surface, street trees in iron grates and Tallmadge light fixtures); street trees and landscaping; and street milling, resurfacing and pavement narrowing up to the centerline of the roadway.

C. Developer Control of the Subject Properties:

As per Section 5.2 (b) of Exhibit B of Ordinance 96-O-08, the developer of the Planned Development authorized by the terms of this ordinance, as it may be amended, shall be an entity controlled by AMLI Residential Properties, L.P., until said Planned Development receives its final certificate of occupancy, or unless the City Council approves otherwise. This restriction shall not apply to any institutional construction mortgage lender who provides funding for construction of the Approved Development and who acquires title to the Subject Properties by reason of such mortgage, or to any party acquiring title through such lender.

D. Employment of Local Construction Workers:

The Applicant shall cause the general contractor and subcontractors to hire no fewer than five (5) residents of the City of Evanston to work on the construction of the Planned Development authorized by the terms of this ordinance, with preference given to qualified minorities, women, and/or unskilled workers. The goal of hiring these workers shall be to provide them with gainful employment for a reasonable period of time during said construction and to mentor each of them. To effect said mentoring, the Applicant shall cause the general contractor to assign an employee as a mentor to help said resident workers acquire the skills and experience necessary for them to continue working in the same or similar jobs after their work on the Planned Development authorized by the terms of this ordinance is complete.

E. Penalty for Non-Compliance:

Should the City determine that the Applicant has failed to comply with any of the terms of this ordinance, the City may deliver written notice of non-compliance to the Applicant. If the Applicant does not cure the non-compliance identified in the notice within five (5) days, the Applicant shall owe the City a fine in the amount of two hundred fifty and no/100 dollars (\$250.00) per day that the Applicant is not in full compliance. If, in the City's determination, the Applicant is diligently pursuing the cure of such non-compliance and that such cure cannot be completed within five (5) days, the City may grant the Applicant additional time that the City determines to be reasonably necessary. The Applicant shall pay the total fine assessed within thirty (30) days after written notice from the City to do so. If the Applicant fails to pay the total amount of the fine within the thirty (30) days after written notice from the City to do so, the City Council may revoke the Special Use granted by this ordinance.

SECTION 4: That, except as otherwise provided for in this ordinance, all applicable regulations of the Zoning Ordinance and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same.

SECTION 5: That the Applicant shall record a certified copy of this ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits related to the construction of the proposed Planned Development hereby authorized.

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

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: That if any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 9: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: December 8, 2008

Approved:

Adopted: December 8, 2008

December 11, 2008

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Mayre Press

Mayre Press, Deputy City Clerk

Approved as to form:

Elke 3

Elke Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT A**Legal Descriptions and PINs of the Properties Located
at 631-749 Chicago Avenue, Evanston, Illinois**

LOTS 3,4,5 AND 6 (EXCEPT THAT PART OF LOT 5 LYING EAST OF THE WEST 88.25 FEET OF SAID LOT 5) IN BLOCK 2 IN KEDZIE AND KEENEY'S ADDITION TO EVANSTON, IN SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

LOTS 7 AND 8 IN BLOCK 2 IN KEDZIE AND KEENEY'S ADDITION TO EVANSTON IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

LOT 1 AND 2 IN BLOCK 2 IN KEDZIE AND KENNEY'S ADDITION TO EVANSTON, A SUBDIVISION IN THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

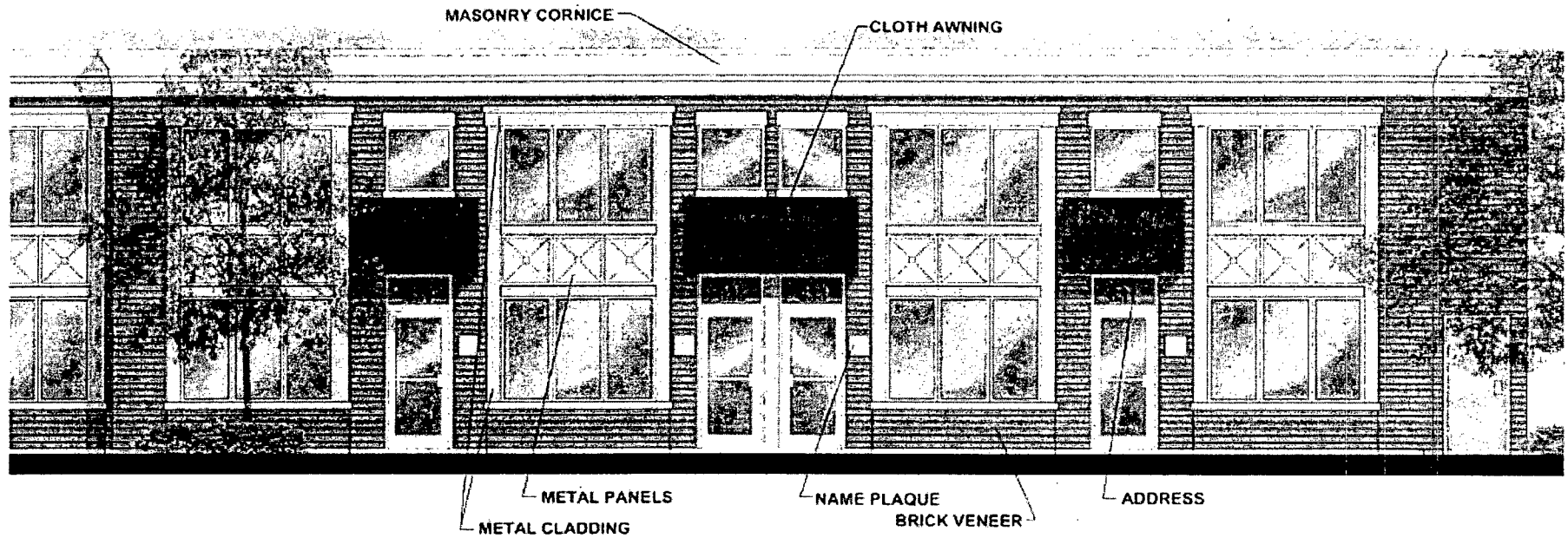
LOTS 9 AND 10 IN BLOCK 2, IN KEDZIE & KEENEY'S ADDITION TO EVANSTON A SUBDIVISION OF PART OF THE SOUTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 19 TOWNSHIP 41 NORTH RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY ILLINOIS.

PIN: 11-19-407-001-0000
11-19-407-002-0000
11-19-407-003-0000
11-19-407-005-0000
11-19-407-021-0000
11-19-407-023-0000
11-19-407-027-8001
11-19-407-027-8002

EXHIBIT B

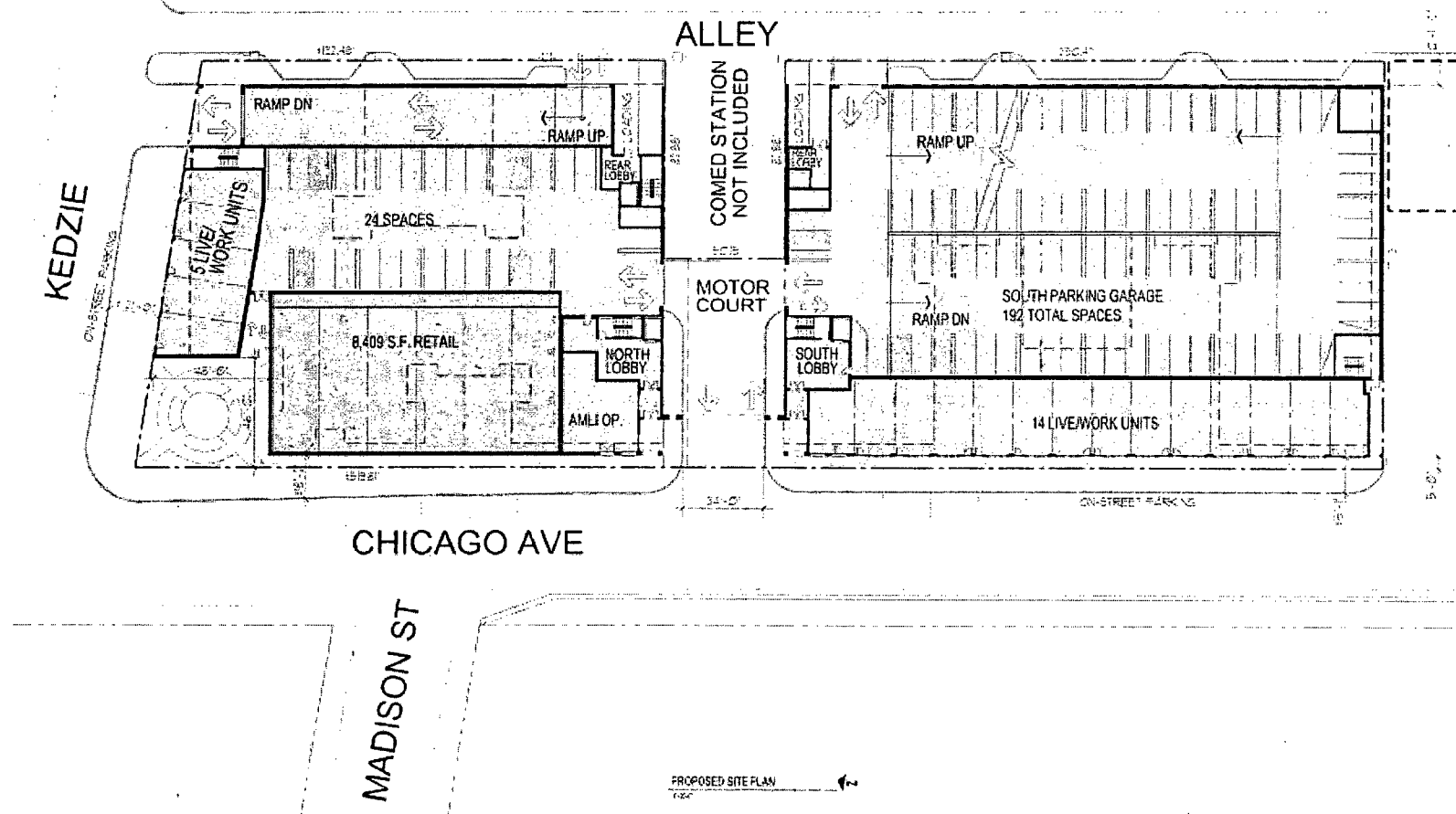
Development Plans

Live/Work Units

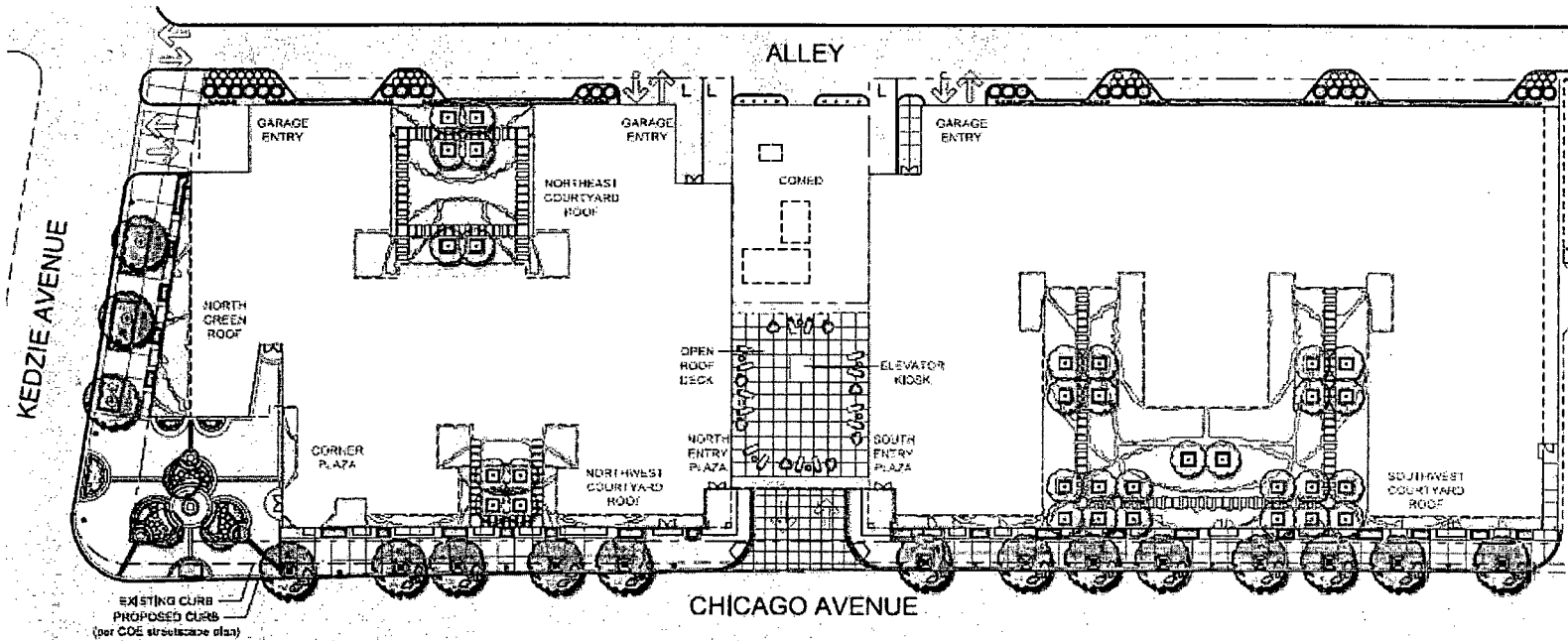


PROPOSED LIVE-WORK ELEVATION

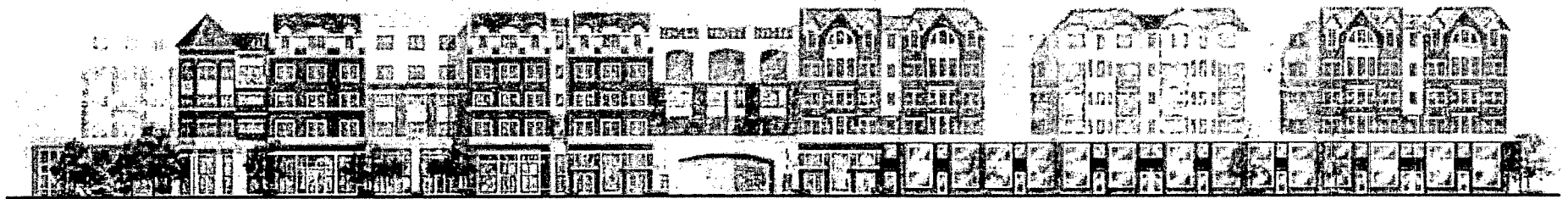
Revised Site Plan



Revised Streetscape Plan



Revised Elevation



PROPOSED FRONT ELEVATION