

4/7/2009

30-O-09

AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7: That, except as otherwise provided for in this Ordinance, 30-O-09, all applicable regulations of Ordinances 45-O-07 and 90-O-08, the Zoning Ordinance, and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms of this ordinance, this Ordinance, 30-O-09, shall govern and control.

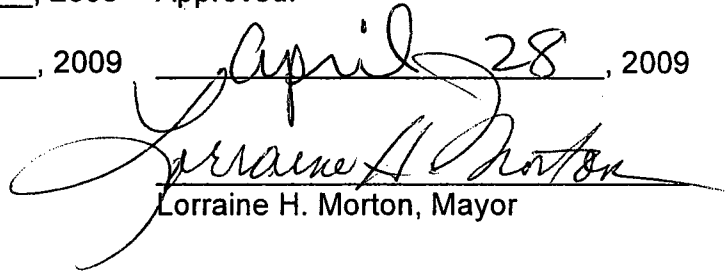
SECTION 8: That if any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that do not depend upon the invalid application or provision, and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

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

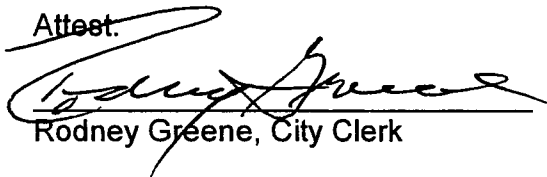
SECTION 10: That this Ordinance, 30-O-09, shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: April 14, 2009 Approved:

Adopted: April 27, 2009 April 28, 2009


Lorraine H. Morton, Mayor

Attest.


Rodney Greene, City Clerk

Approved as to form:

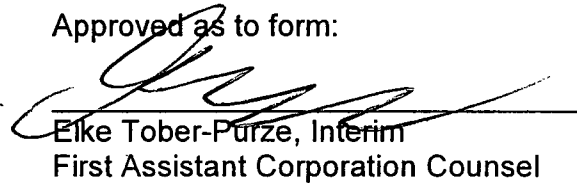

Elke Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

LOT 1 (EXCEPT THE WEST 20 FEET THEREOF) IN CITY CONSOLIDATION No.1 OF LOTS 1, 2, 3, 4, AND 5 IN CIRCUIT COURT SUBDIVISION OF PARTITION OF LOT 22, BEING A TRIANGULAR PIECE OF LAND BOUNDED ON THE NORTH BY EMERSON STREET, ON THE SOUTHWESTERLY BY EAST RAILROAD AVENUE AND ON THE EAST BY MAPLE AVENUE (EXCEPT 1 ACRE IN THE NORTHWEST CORNER THEREOF) IN COUNTY CLERK'S DIVISION, IN THE WEST ½ OF THE NORTHWEST ¼ OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN; IN COOK COUNTY ILLINOIS, TOGETHER WITH THE WEST 20 FEET OF THE NORTH HALF OF THE VACATED 16 FOOT ALLEY LYING SOUTH OF AND ADJOINING SAID LAND.

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

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

EXHIBIT B

ORDINANCE 90-O-08

7/23/2008

90-O-08

AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (J) Trucks longer than thirty feet (30') making deliveries to or moving residents into the Subject Property shall not be permitted to use the private drives within the city block located in Evanston bounded to the north by Emerson Street, to the east by Maple Avenue, to the west by Oak Avenue, and to the south by University Place ("the Block"), except for any first-floor retail grocer tenant, which may receive such deliveries from trucks not to exceed sixty-two feet (62') in length. The retail grocer tenant shall endeavor to neither schedule nor accept deliveries by trucks longer than thirty feet (30') between the hours of 7:00 a.m. and 9:00 a.m. and the hours of 4:00 p.m. and 6:00 p.m. on any day other than Saturday or Sunday. When accepting a delivery from any truck longer than thirty feet (30'), the retail grocer tenant shall employ a flag person to assist the truck driver maneuver between the private drive(s) and University Place.

SECTION 5: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of the amendments to the Special Use for a Planned Development:

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

- (B) The Applicant shall pay to the City annually, prior to December 31st of each year, the sum of four thousand five hundred dollars (\$4,500.00). Said money shall replace revenue lost due to the removal of two (2) metered parking spaces on University Place in order to allow construction of the Planned Development authorized by the terms of Ordinance 45-O-07, as amended by this Ordinance 90-O-08. The annual fee shall be adjusted to match any change, enacted by the City Council, to the parking meter rate for the district wherein the Subject Property is found.

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

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

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

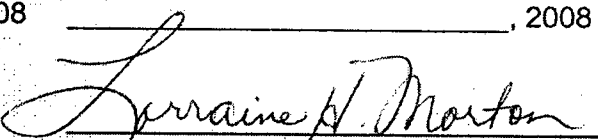
SECTION 9: That, except as otherwise provided for in this Ordinance 90-O-08, all applicable regulations of Ordinance 45-O-07, the Zoning Ordinance, and the entire City Code shall apply to the Subject Property and remain in full force and effect with respect to the use and development of the same. To the extent that the terms and provisions of any of said documents conflict with the terms of this ordinance, this Ordinance 90-O-08 shall govern and control.


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

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

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

Introduced: July 28, 2008 Approved: _____
Adopted: August 11, 2008 _____, 2008


Lorraine H. Morton, Mayor

Attest:

Rodney Greene, City Clerk

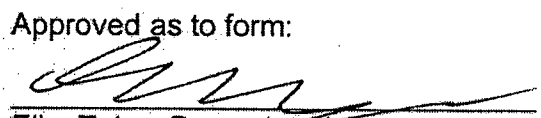
Approved as to form:

Elke Tober-Purze, Interim
First Assistant Corporation Counsel

EXHIBIT 1

ORDINANCE 45-O-07

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

45-O-07

AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45-O-07

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

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

SECTION 2: That the City Council hereby finds that the special use for a multi-family residential and commercial planned development with accessory parking in the RP District, applied for in case no. ZPC 07-01 PD, as approved, meets the standards for special uses in Section 6-3-5-10 in that, among other reasons:

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

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

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

45-O-07

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

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

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

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

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

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

- (A) To allow a maximum defined building height of approximately one hundred fifty-eight feet (158'). Section 6-12-2-8 of the Zoning Ordinance otherwise permits a maximum height in the Research Park District of eighty-five feet (85'). Section 6-12-1-7(C) allows for a height increase over that otherwise permitted to achieve the building density desired in the Research Park Master Plan.

45-O-07

SECTION 8: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the grant of the requested special use for a planned development:

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

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

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

45-O-07

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

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

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

SECTION 11: When necessary to effectuate the terms, conditions, and purposes of this Ordinance, "Applicant" shall read as "Applicant's agents, assigns, and successors in interest."

SECTION 12: That the Applicant shall record a certified copy of this Ordinance, at its cost, including all Exhibits attached hereto, with the Cook County Recorder of Deeds, before the City may issue any permits related to the construction of the proposed planned development hereby authorized.

45-O-07

SECTION 13: If any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 14: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 15: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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

Introduced: May 29, 2007

Approved:

Adopted: September 24, 2007

October, 2007

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Approved as to form:

Mary R. Morris
Mary R. Morris, City Clerk

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

45-O-07

EXHIBIT A

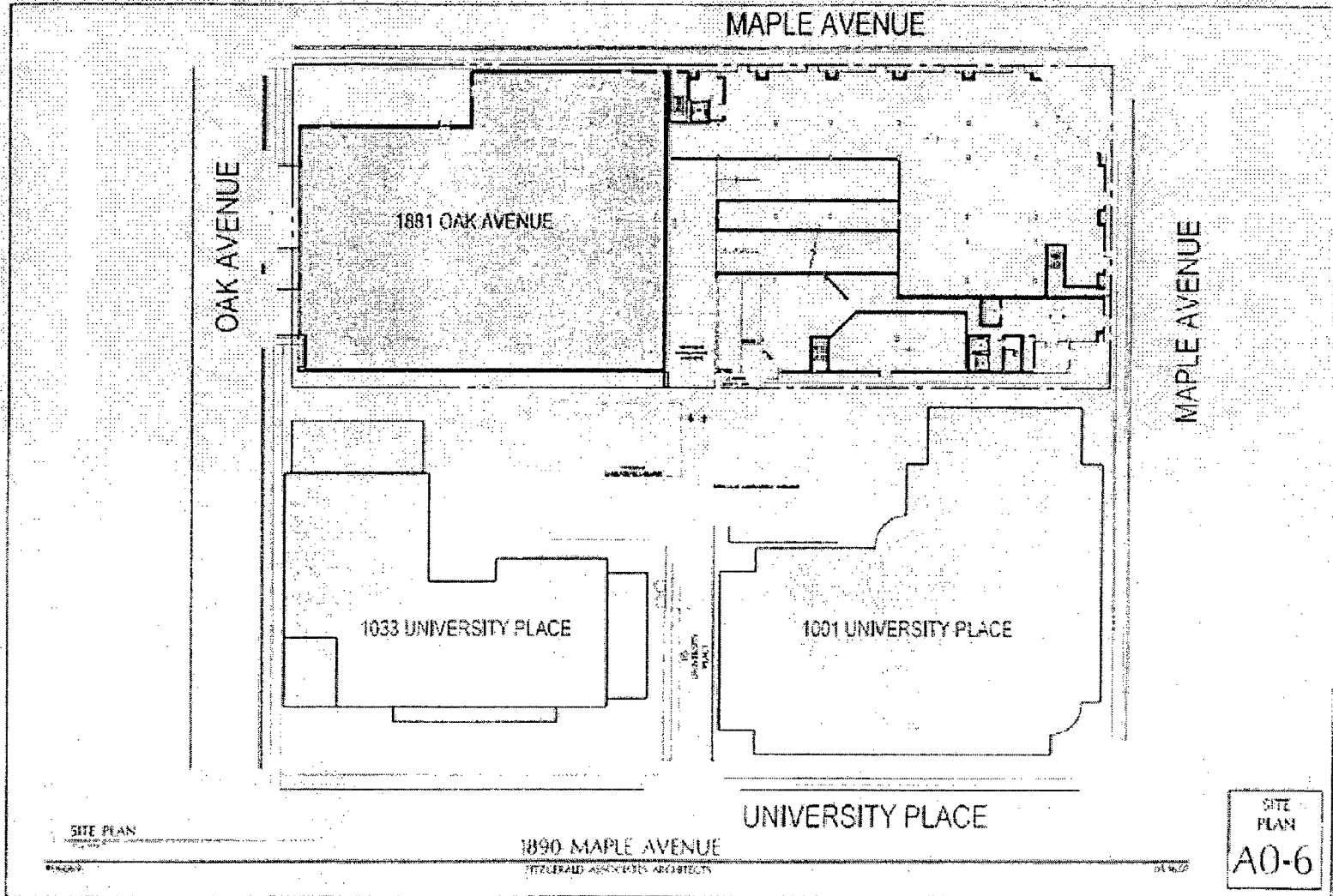
LEGAL DESCRIPTION OF 1890 MAPLE AVENUE**PARCEL 1:**

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

45-O-07

EXHIBIT B
DEVELOPMENT PLANS

45-O-07



14

45-O-07

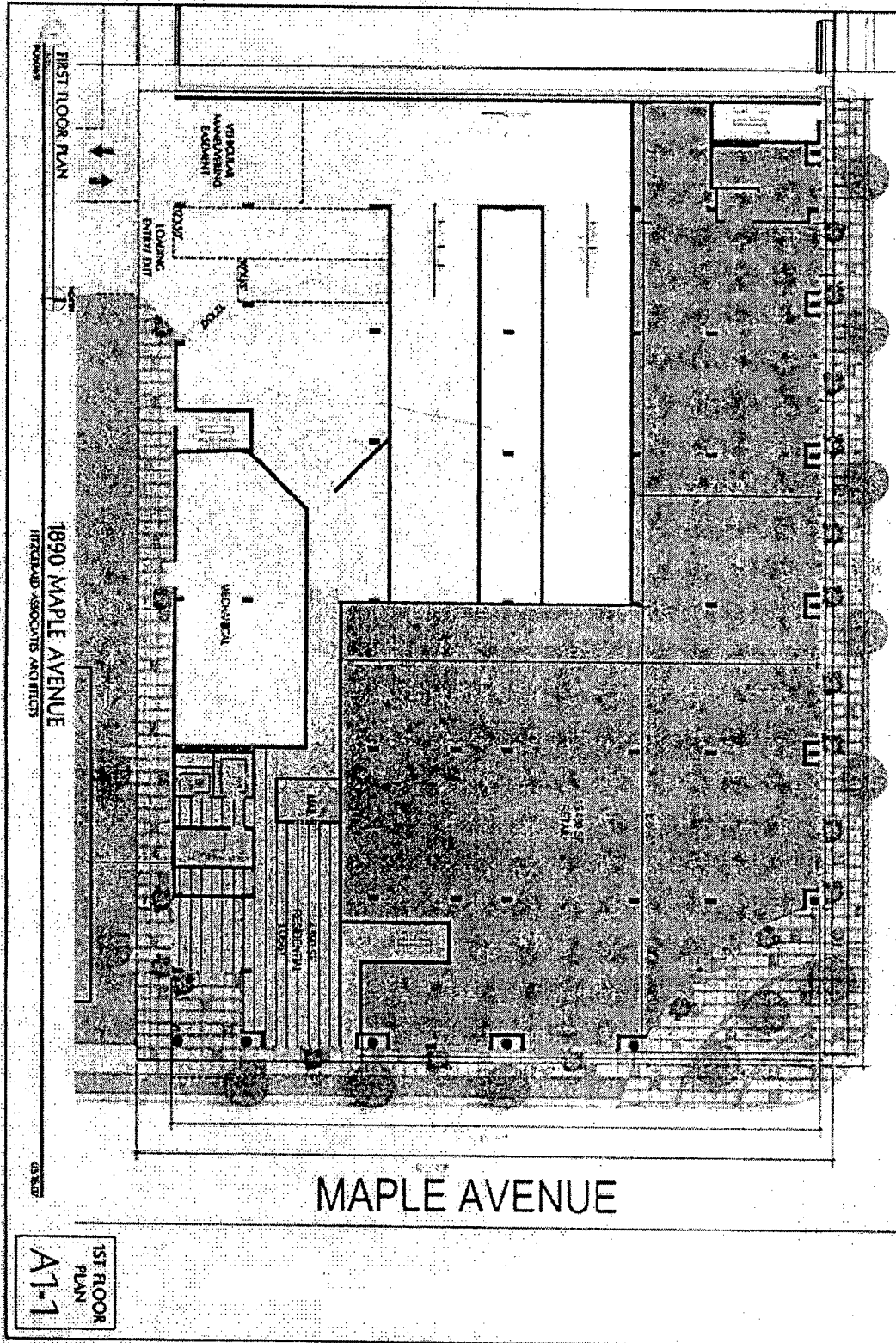
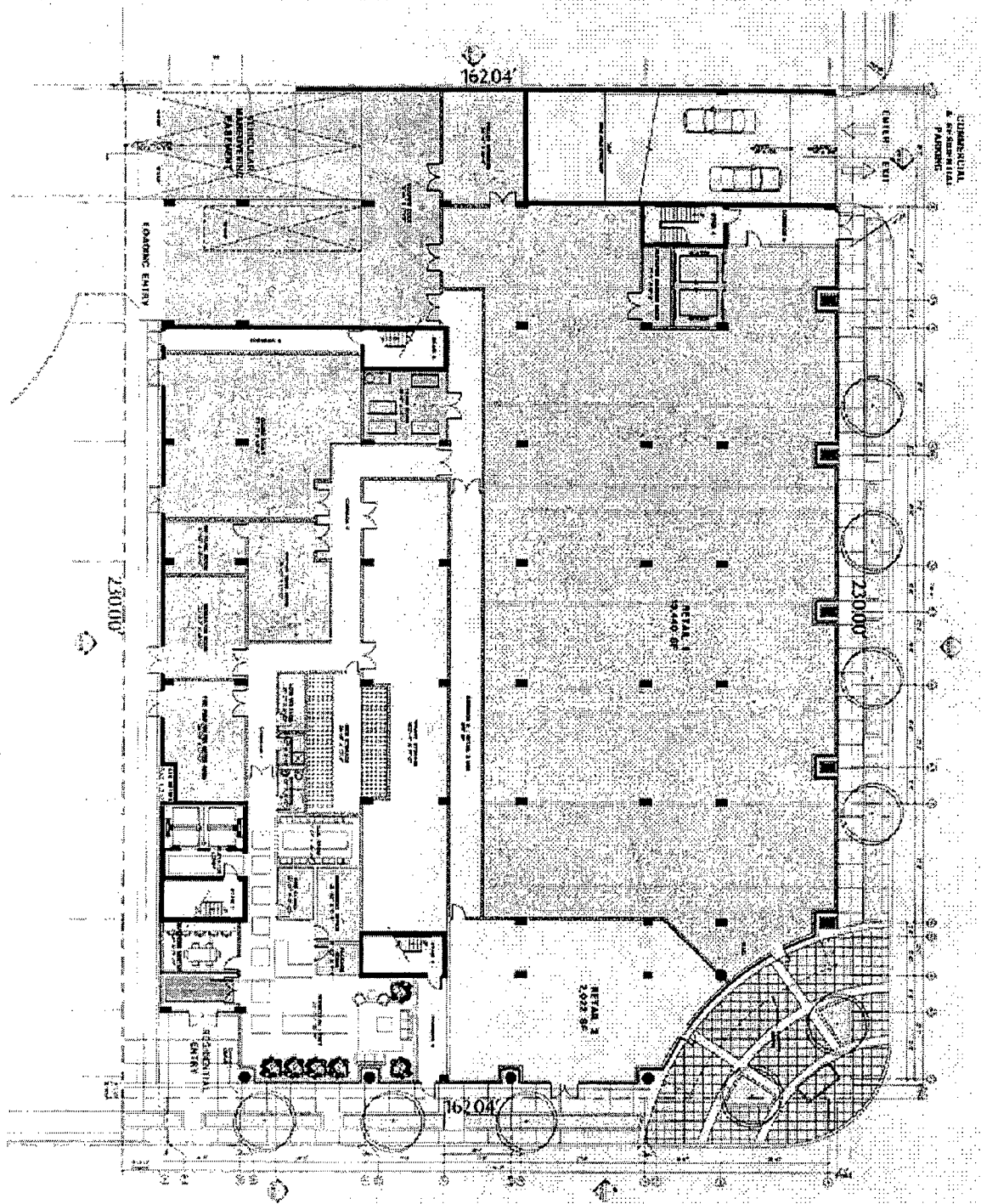


EXHIBIT 2

AMENDED PLANS

FITZGERALD
ASSOCIATES
ARCHITECTS

1ST FLOOR PLAN



ITEM	DESCRIPTION
1	BEDROOM
2	BEDROOM
3	BEDROOM
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99	BEDROOM
100	BEDROOM

PREPARED BY: FITZGERALD ASSOCIATES
DATE: 05/09
SCALE: AS SHOWN

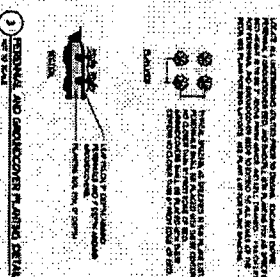
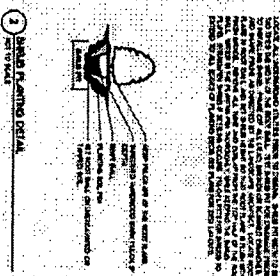
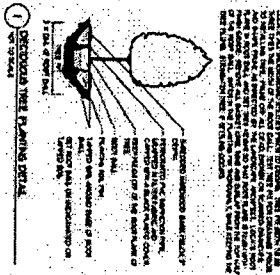
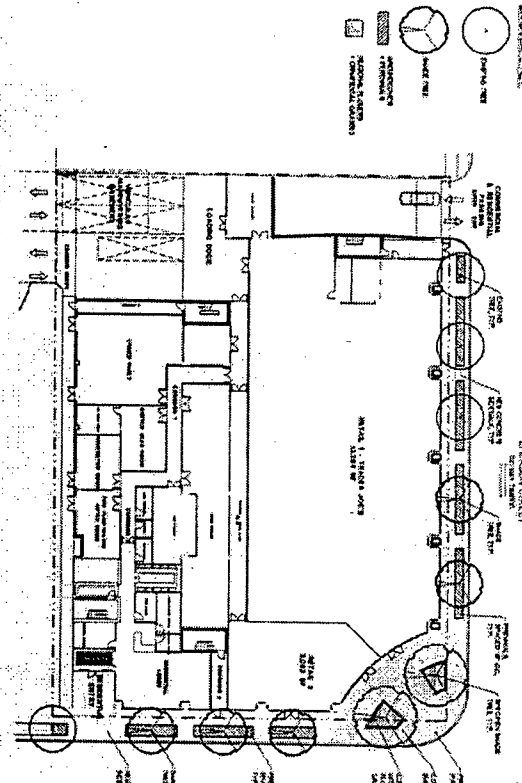
GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES LOCATIONS AND DEPTHS PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING LANDSCAPE AND PLANTING TO REMAIN.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL NECESSARY RECORDS AND AS-BUILT DRAWINGS.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SCHEDULING AND PERMITTING INFORMATION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SAFETY AND HEALTH INFORMATION.
12. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY QUALITY CONTROL INFORMATION.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNICATIONS INFORMATION.
14. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORDING INFORMATION.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY ARCHIVING INFORMATION.

IRRIGATION NOTES

1. ALL IRRIGATION SYSTEMS SHALL BE DESIGNED TO PROVIDE UNIFORM WATER DISTRIBUTION TO ALL PLANTING.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO MAINTAIN PLANTING HEALTH AND GROWTH.
3. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO MAINTAIN PLANTING HEALTH AND GROWTH.
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15. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE SUFFICIENT WATER TO MAINTAIN PLANTING HEALTH AND GROWTH.

PLANT LIST	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
1	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
2	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
3	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
4	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
5	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
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12	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
13	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
14	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
15	PLANT NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES



DEAN WARD & ASSOCIATES, L.P.
FITZGERALD ASSOCIATES ARCHITECTS

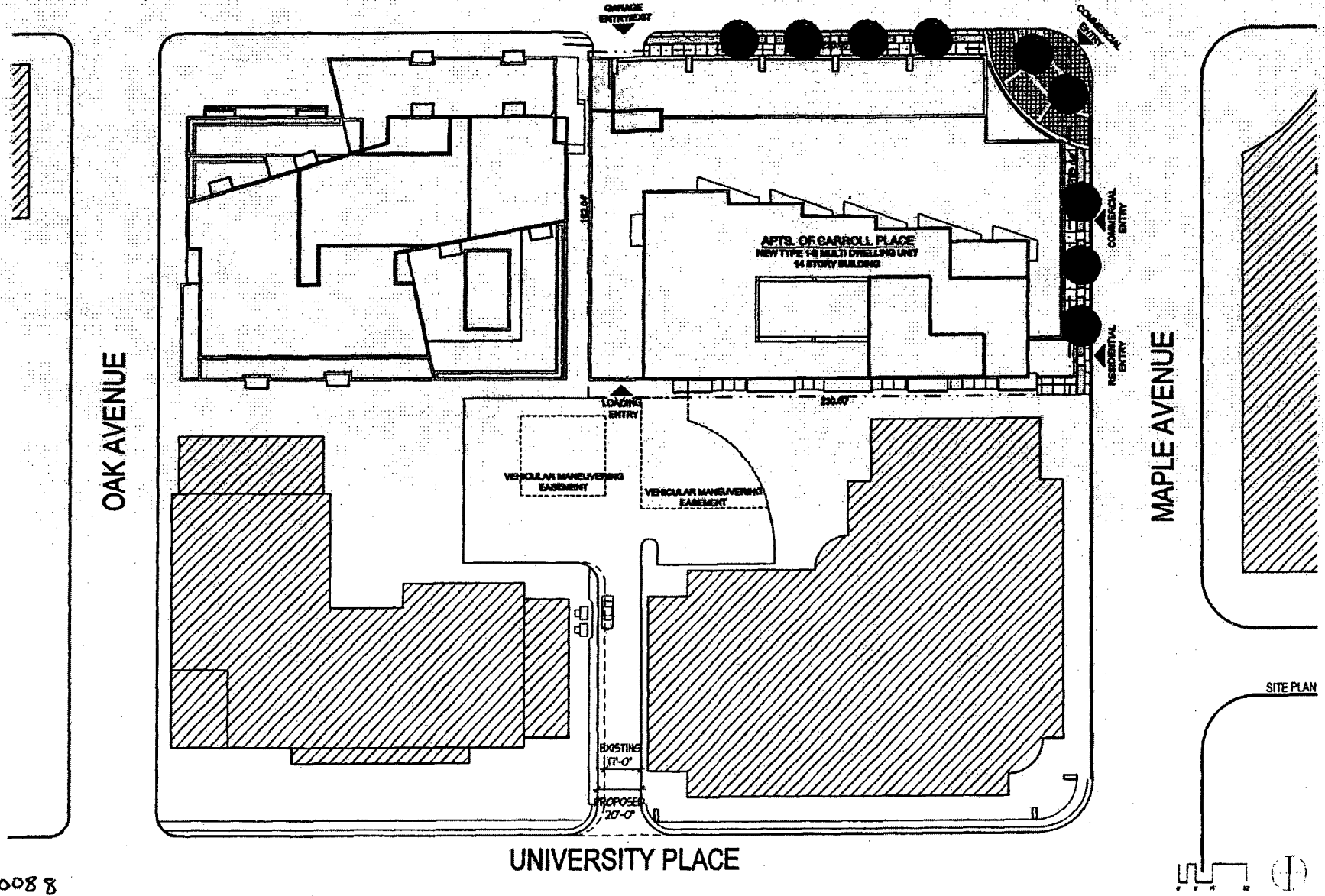
FIRST FLOOR LANDSCAPE PLAN

HAJE & HENS
LANDSCAPE ARCHITECTS
 04/07/09

30-O-09

EXHIBIT C

AMENDED PLANS

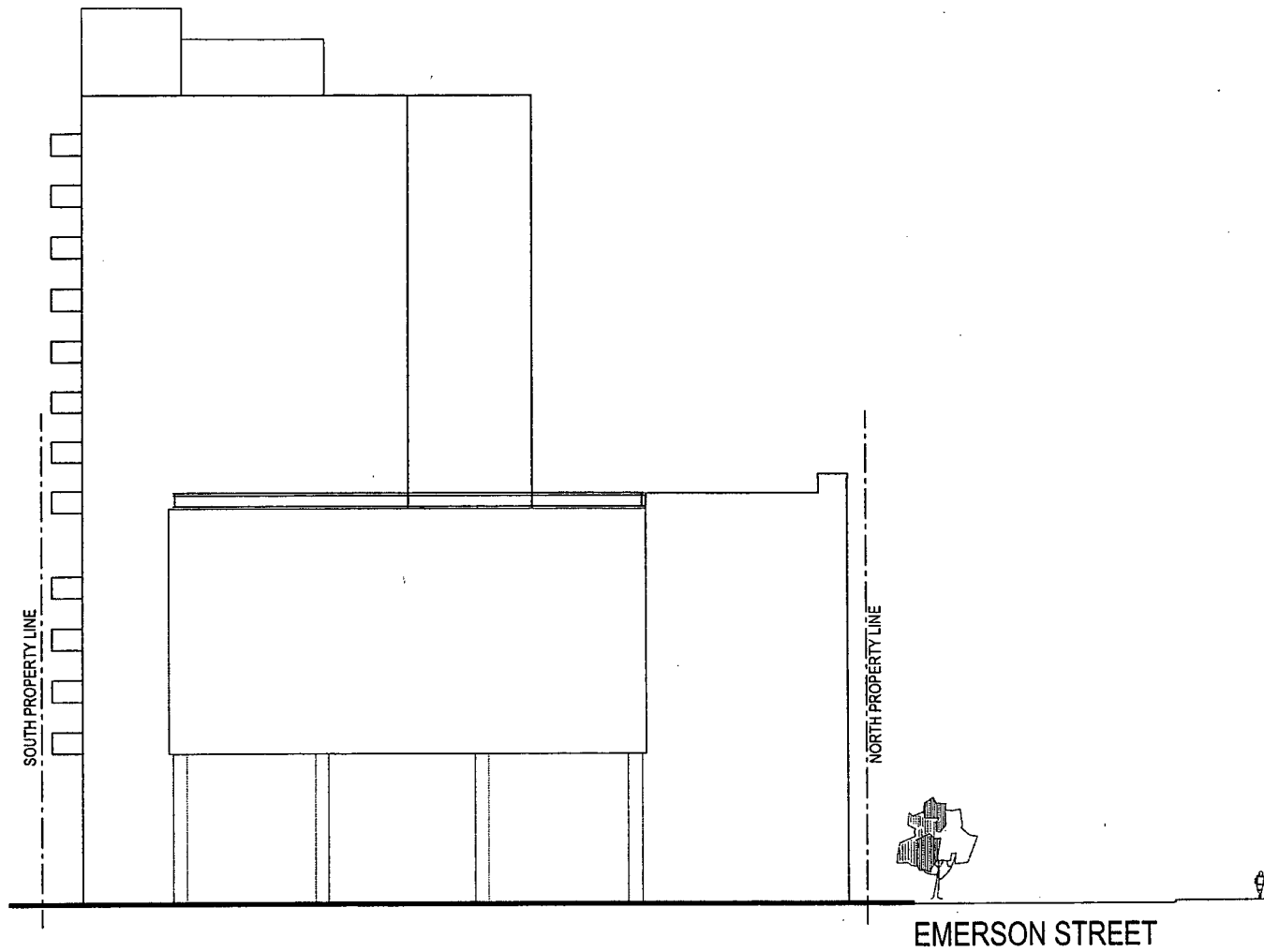


092014-0088

FRITZGERALD ASSOCIATES ARCHITECTS PRELIMINARY USE ONLY

ZONING/BUILDING SUMMARY/ SITE PLAN

THE APARTMENTS OF CARROLL PLACE
PARC INVESTMENT PROPERTIES, LLC
06089
WOOD PARTNERS VE CHANGES - 030403
A0-01



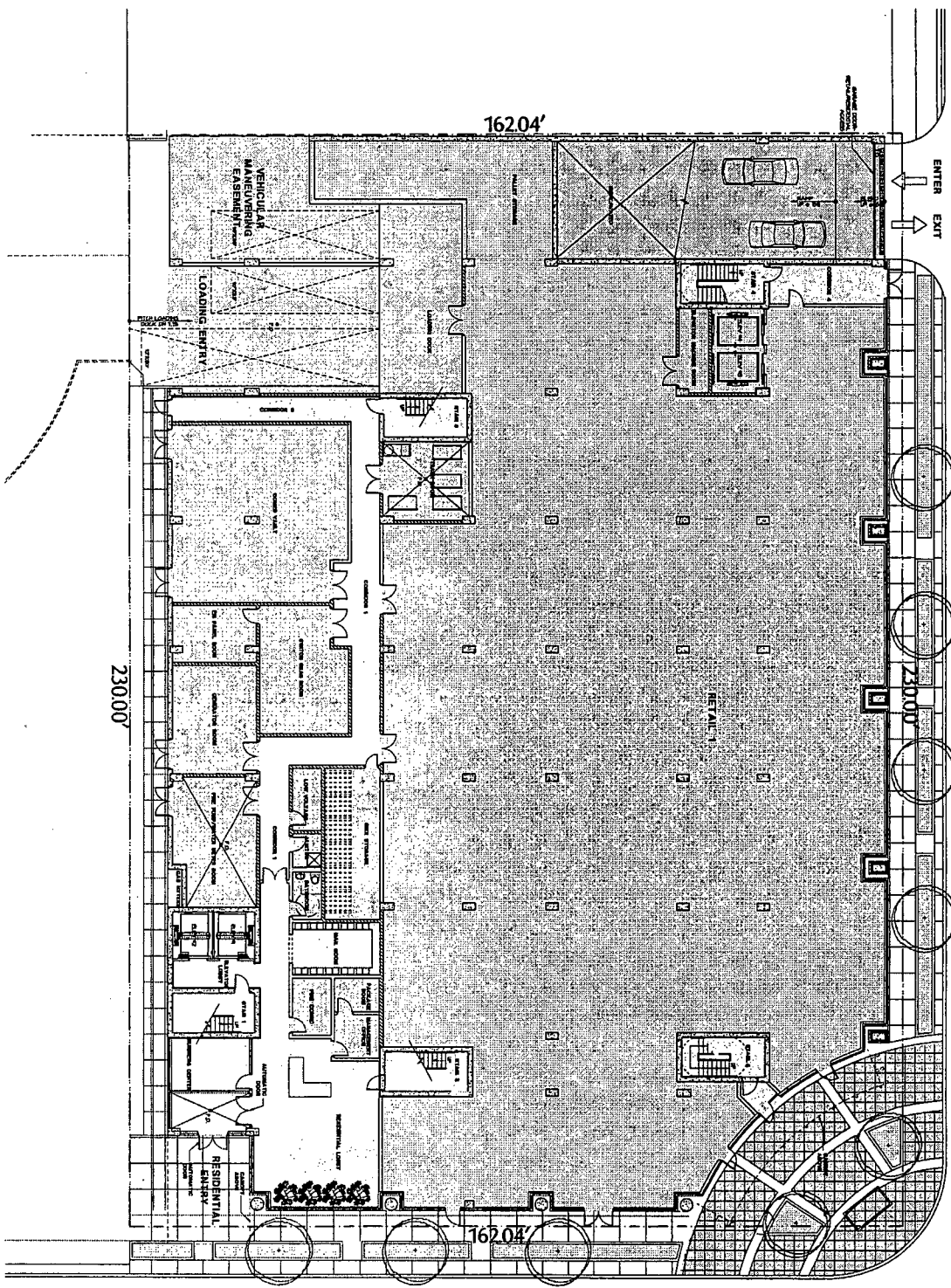
COMMERCIAL & RESIDENTIAL PARKING

EMERSON STREET

MAPLE AVENUE

LEGEND

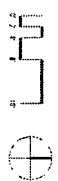
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[Symbol]	CIRCULATION
[Symbol]	GREEN ROOF
[Symbol]	PARKING
[Symbol]	RETAIL # 1
[Symbol]	SERVICE

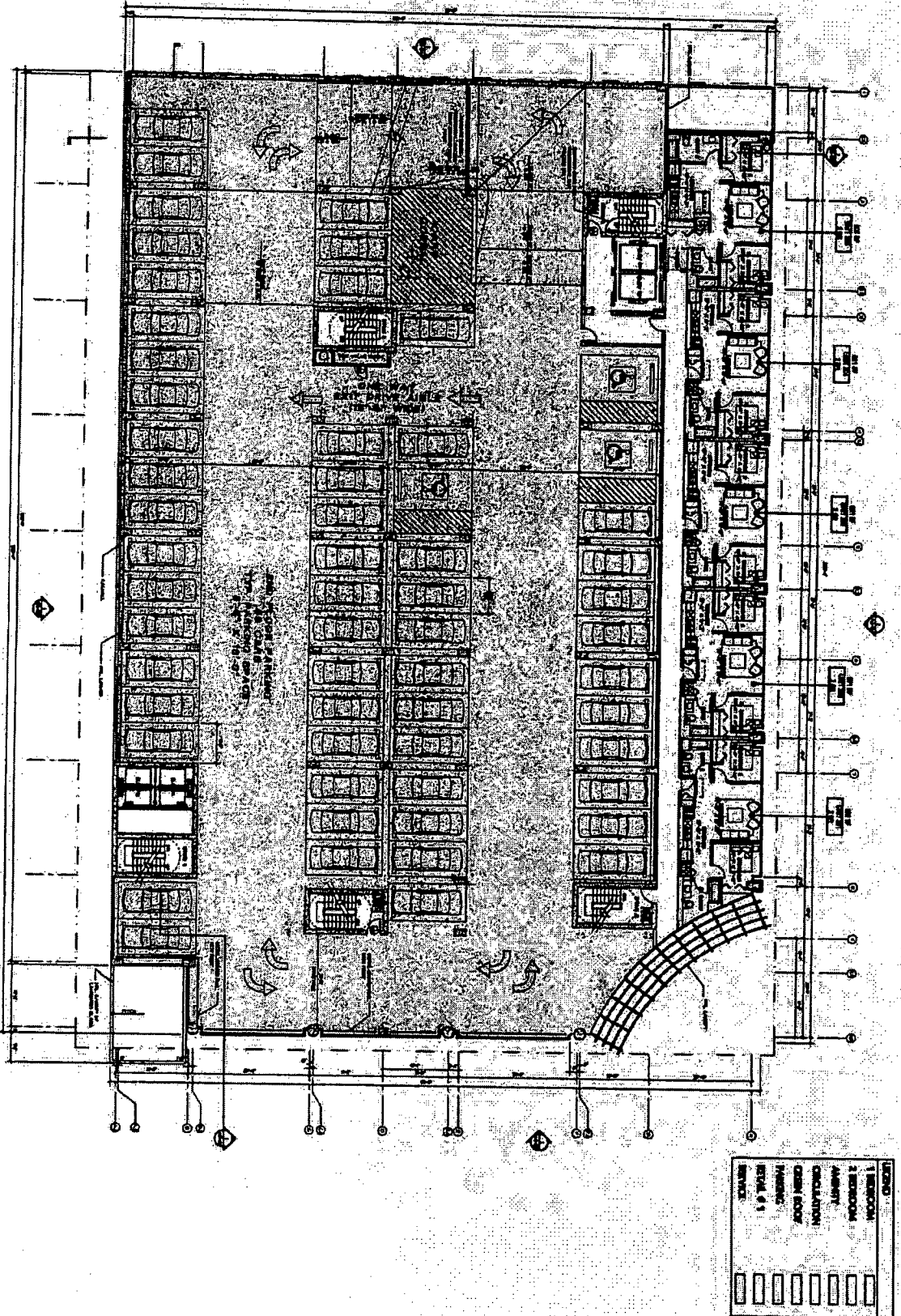


FITZGERALD ASSOCIATES ARCHITECTS PRELIMINARY USE ONLY

1ST FLOOR PLAN

THE APARTMENTS OF CARROLL PLACE PAWC INVESTMENT PROPERTIES, LLC 00089 04/08/09





PRELIMINARY USE ONLY

2ND FLOOR PLAN

*** THIS DRAWING IS INCLUDED AS TYPICAL OF FLOORS 2-6 IN ITS GENERAL CONFIGURATION AND IS NOT INTENDED TO PRECISELY REPRESENT ANY SPECIFIC FLOOR, INCLUDING FLOOR 2.

THE ARCHITECTS OF TORONTO, L.P.
100 KING STREET WEST, TORONTO, ONT. M5X 1C4
ARCHITECTS OF TORONTO, L.P.



