

5/17/2016

61-O-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-O-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 one-year time period to obtain a building permit and start construction for the Planned Development (the "Amendment"); and

WHEREAS, Section 6-11-1-10(A) of the City Code and Section 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.

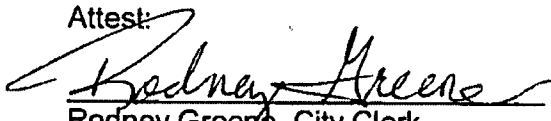
Ayes: 8

Nays: 1

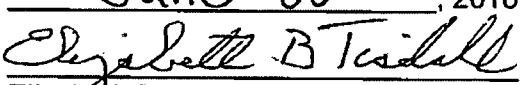
Introduced: May 23, 2016

Adopted: _____, 2016

Attest:


Rodney Greene, City Clerk

Approved:

June 22, 2016

Elizabeth B. Tisdahl, Mayor

Approved as to form:


Michelle Mason, Acting City Attorney
W. Grant Farrar, Corporation Counsel

EXHIBIT 1
ORDINANCE 19-O-15

4/7/2015
3/19/2015
1/27/2015

19-O-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 Ill.2d 164, 174-75 (1992)); and

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

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

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

WHEREAS, 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

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 six-foot 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.
- (Z) **Parking Lease:** The Applicant must agree and sign a long-term parking lease 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

Approved:

Adopted: April 13, 2015

April 15, 2015

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk (HB)

Approved as to form:

W. Grant Farrar
W. Grant Farrar, Corporation Counsel

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.

19-O-15

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

EXHIBIT B

Development Plans

ALTA/ACSM LAND TITLE SURVEY

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 200 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 200 feet of said Block 63 measured along the West line of said Block and lying West of the factory line of Evanston, a subdivision of the East half of the Southeast quarter of Section 13, 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 Northwestern Railroad (except therefrom the West 63 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 63 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 14, 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 30 feet 10 inches of the West 63 feet 5 1/2 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.

Commonly known as: 1571 Maple Avenue; Evanston, Illinois.

NOTE NOTES:

Area = 22,112 sq. ft.

Bearings are assumed, based on the East line of Maple Avenue being the North-South.

Zone Designation:

For Flood Insurance Rate Map No. 17031C0270 A, Effective date August 18, 2004.

The Surveyed Property is located in Zone "X", an area determined to be outside of the 0.2% annual chance floodplain.

Reference:

For matters of title we have relied on Chicago Title Insurance Company's Commitment for Title Insurance, Order No. 1410 181700526 N, Effective Date December 27, 2012, for all recorded documents affecting the described parcels.

Note: Due to excessive snow and ice cover at the time field work was performed, some ground features and utilities may not be shown.

GENERAL NOTES:

All information provided to the surveyor is shown as noted herein.

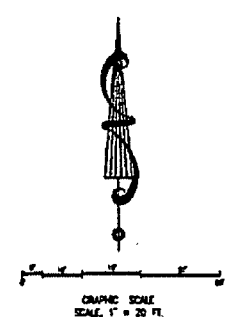
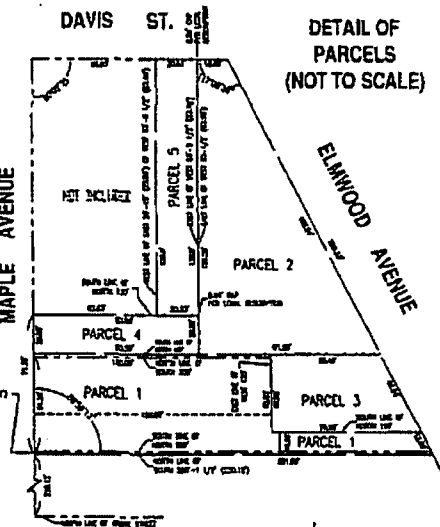
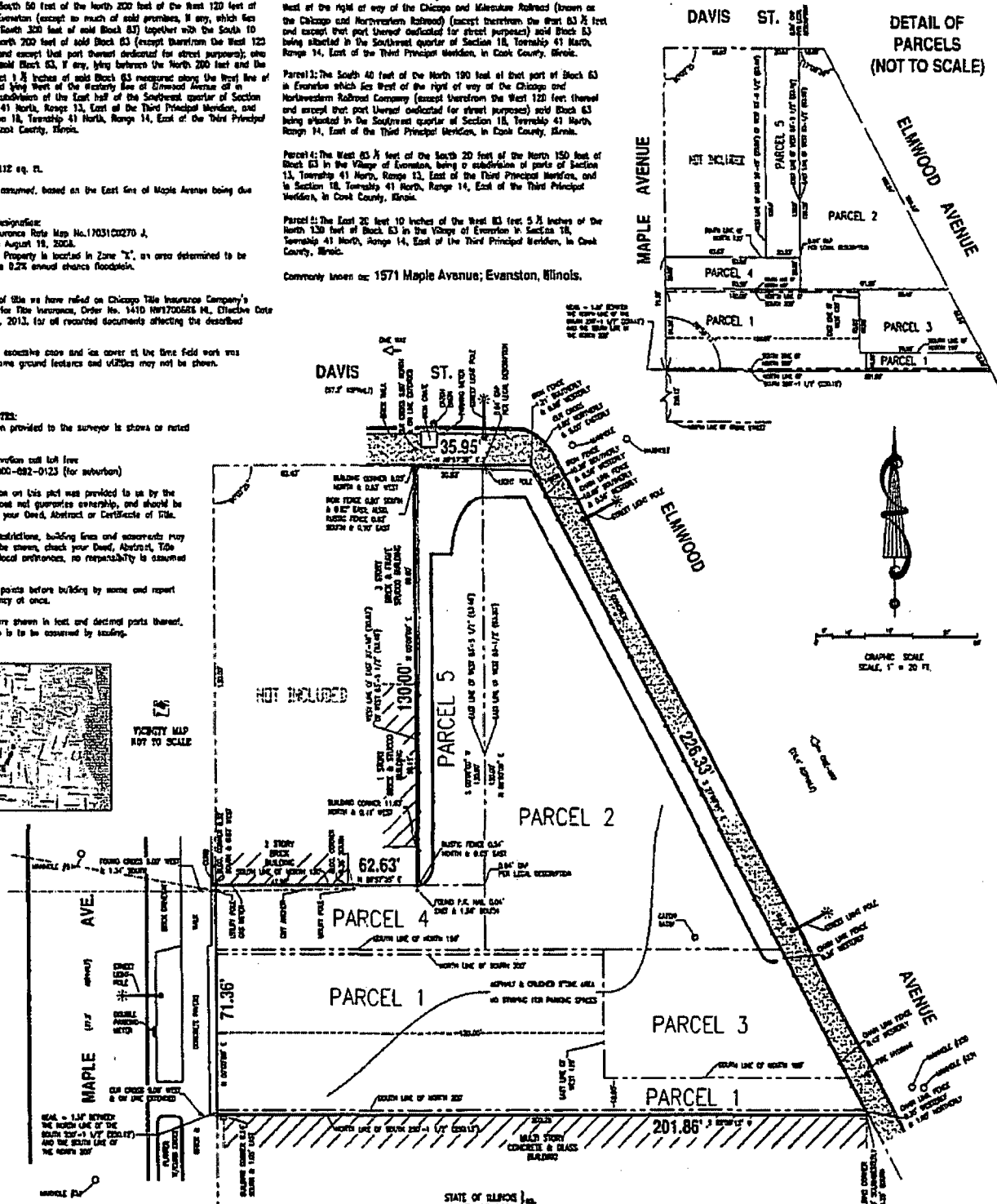
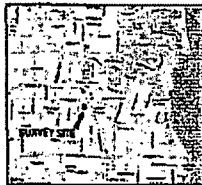
Prior to excavation call toll free J.M.L.E. 1-800-882-0123 (for suburban)

The description on this plat was provided to us by the client, and does not guarantee ownership, and should be compared to your Deed, Abstract or Certificate of Title.

All building restrictions, building area and easements may or may not be shown, check your Deed, Abstract, Title Report, and local ordinances, no responsibility is assumed by Surveyor.

Compare all points before building by owner and report any discrepancy of ones.

Dimensions are shown in feet and decimal parts thereof, no dimension is to be assumed by scaling.



B.H. SUHR & COMPANY, INC.

REGISTERED PROFESSIONAL SURVEYOR
 140 CUSTER AVENUE, EVANSTON, ILLINOIS 60120
 TEL: (847) 864-4311 / FAX: (847) 864-4341
 E-MAIL: SURVEYOR@BHSUHR.COM

LOCATOR: 1571 MAPLE AVENUE DATE: FEBRUARY 10, 2014
 OFFICE No. 14-28 ORDERED BY: CENTRUM PARTNERS, LLC

STATE OF ILLINOIS
 COUNTY OF COOK

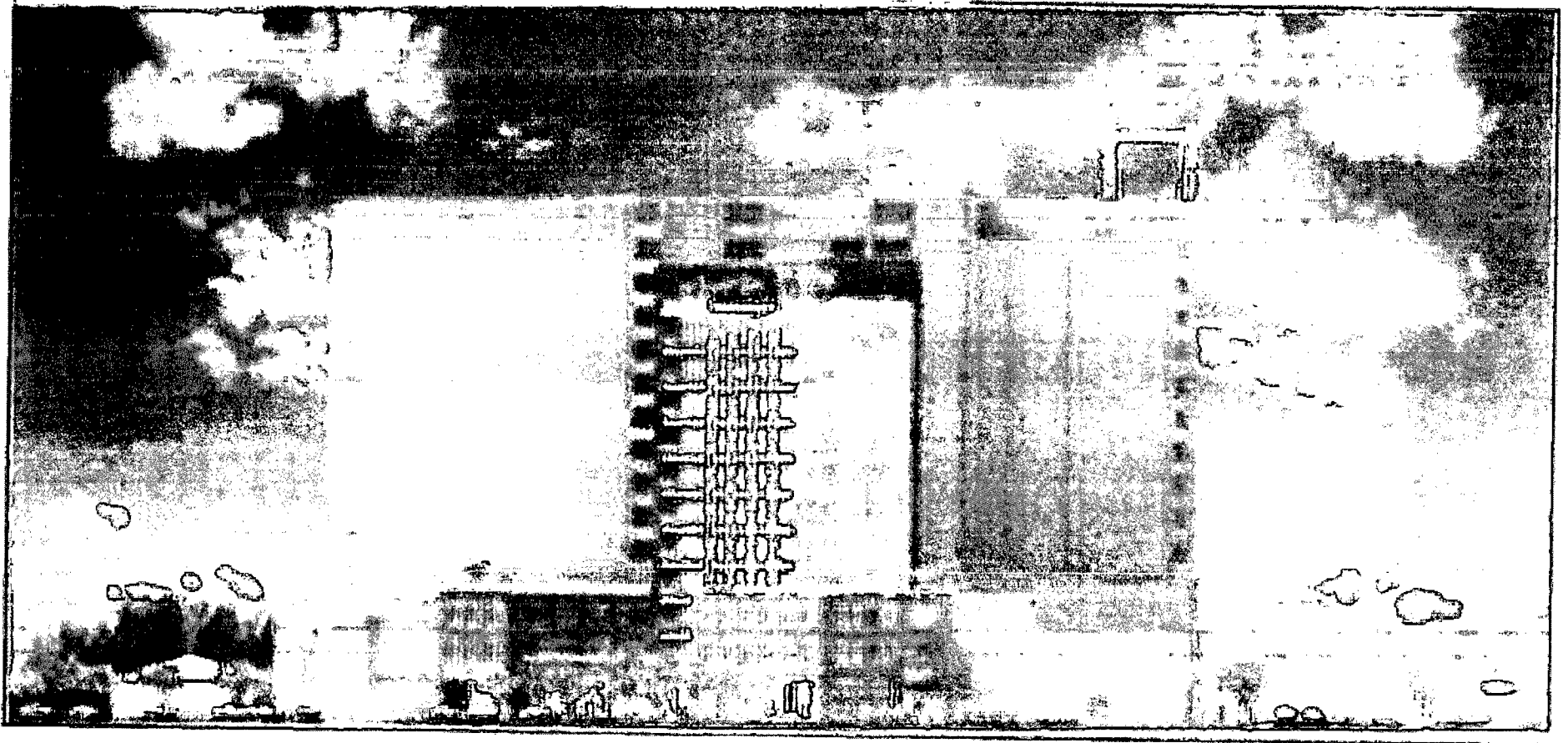
To Central Partners, LLC; Chicago Title Insurance Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 11(a), and 14 of Table A thereof. The field work was completed on February 10, 2014.

Dated at Evanston, IL, this _____ day of _____ A.D. 20____

PRELIMINARY 2/12/14

By: *[Signature]*
 Richard S. Suhr
 State Registered Land Surveyor
 License Number 004-00044, Expiration Date 11/30/11



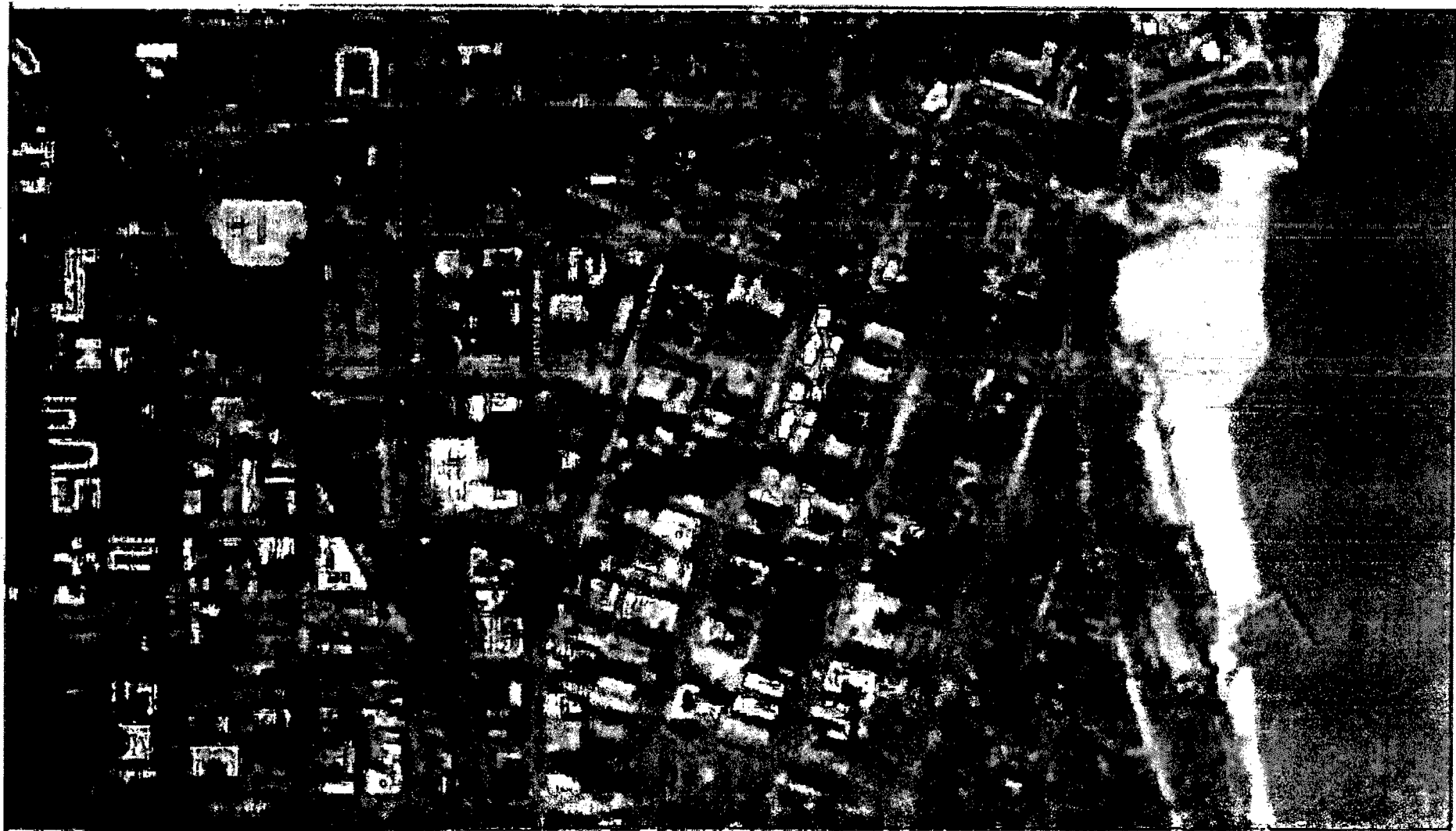
1571 Maple Avenue

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

26 September 2014

Centrum Partners LLC

Hirsch Associates LLC
Architecture + Planning



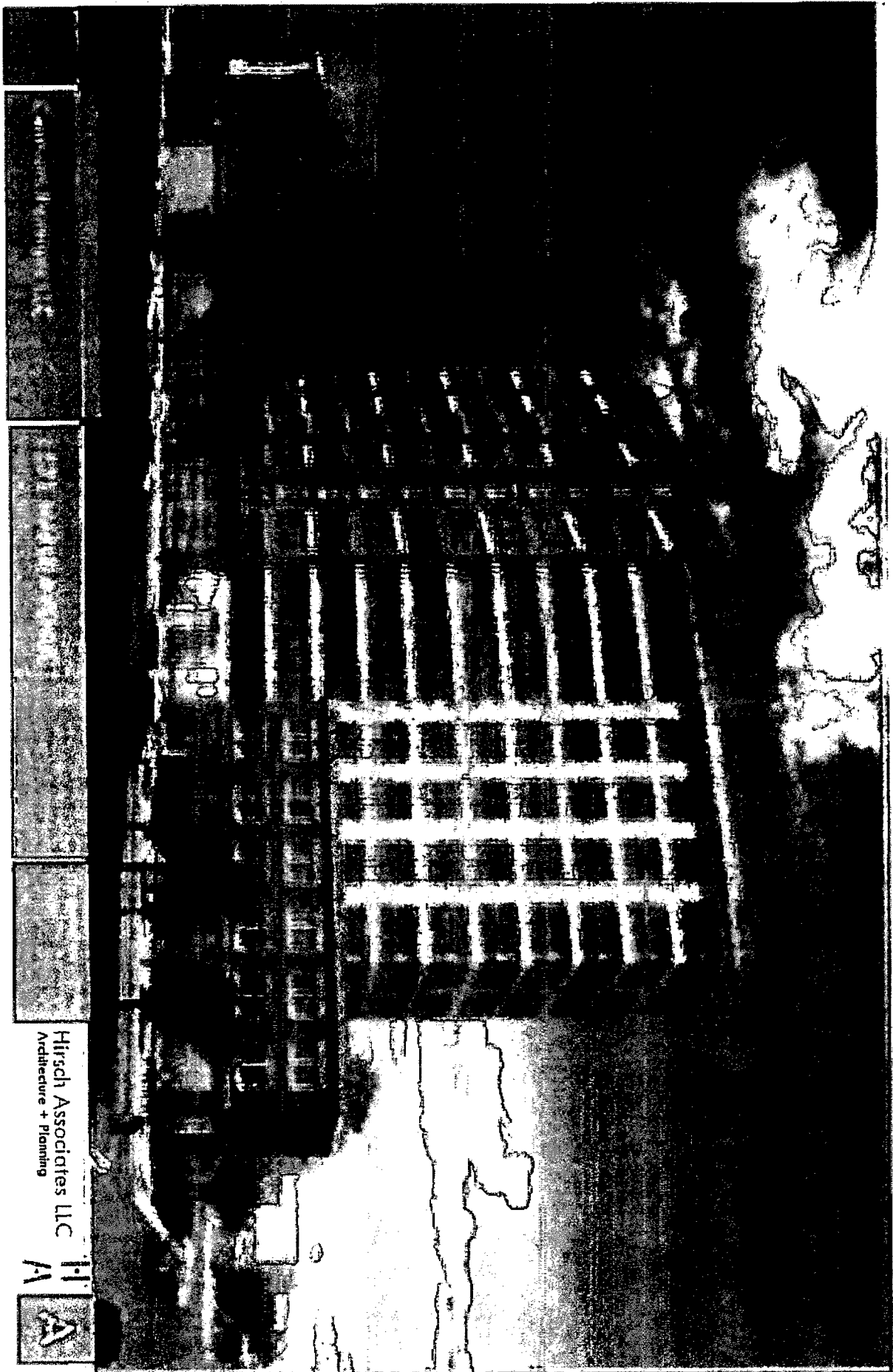
City of [illegible]

[illegible]



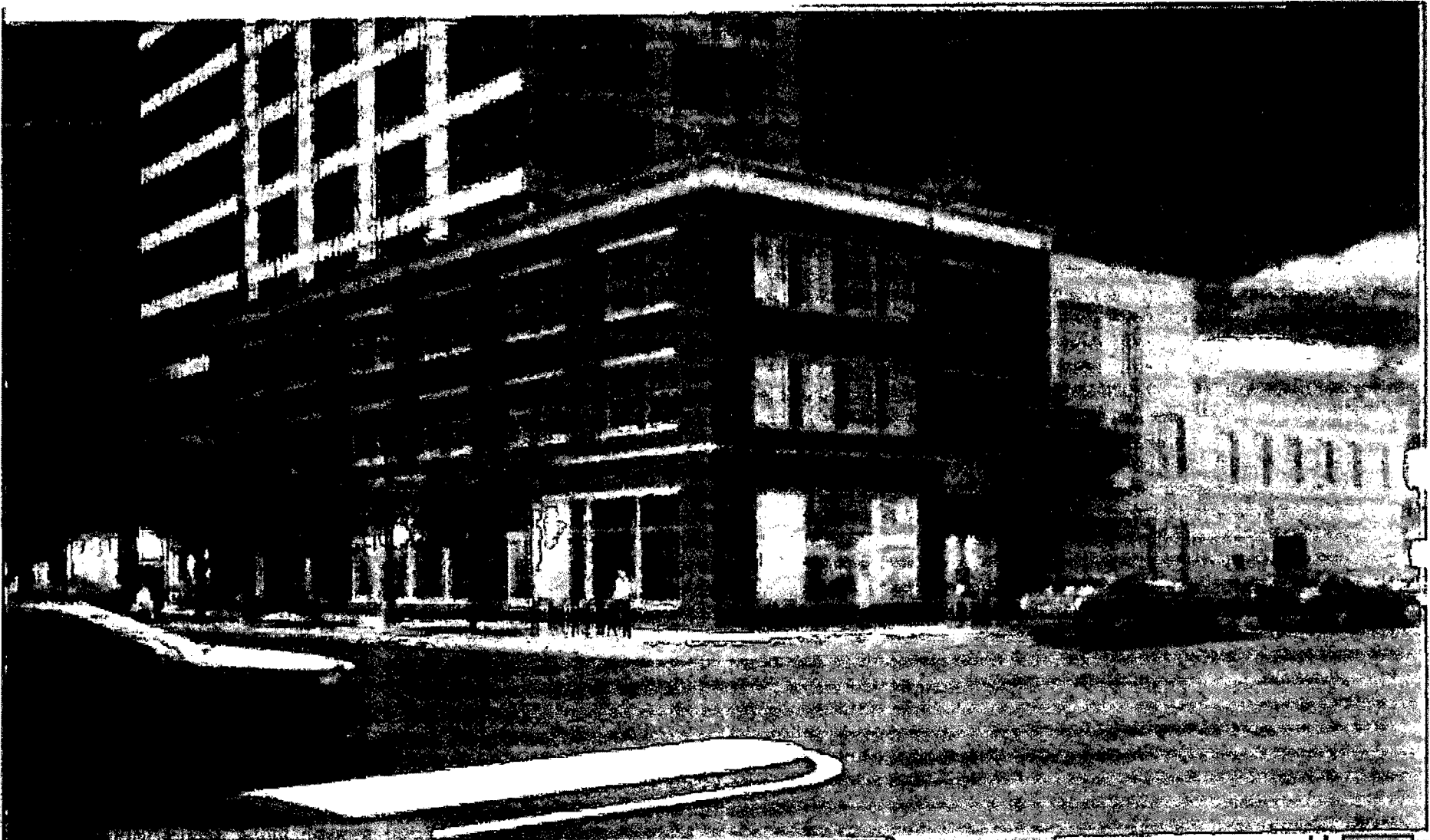
Hirsch Associates LLC
Architecture + Planning





Hirsch Associates LLC
Architecture + Planning






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Hirsch Associates LLC
Architecture + Planning





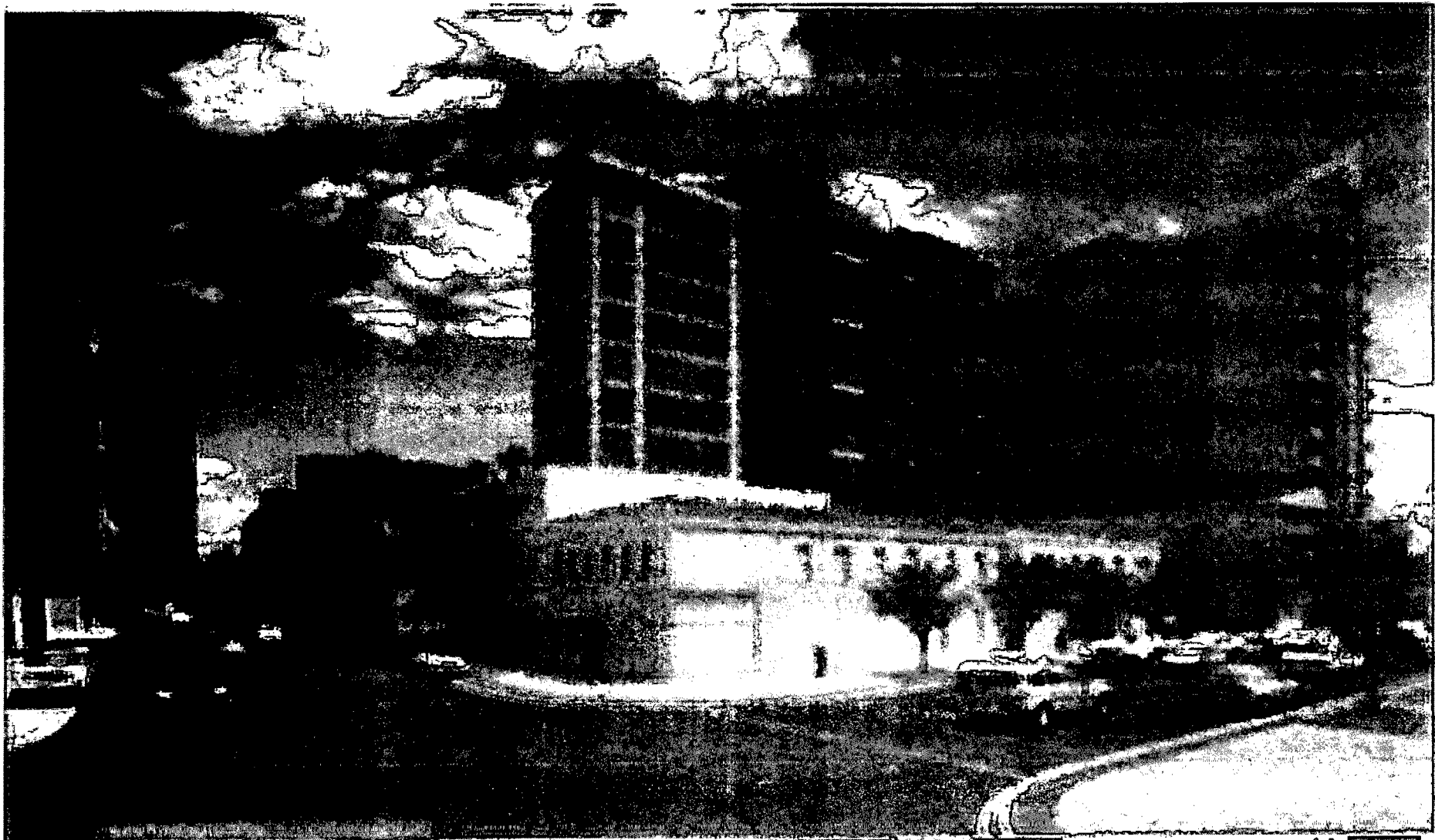
1701

1701

1701

Hirsch Associates LLC
Architecture + Planning





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1000 10th Street, Suite 1000
Denver, CO 80202

303.733.1111

Hirsch Associates LLC
Architecture + Planning



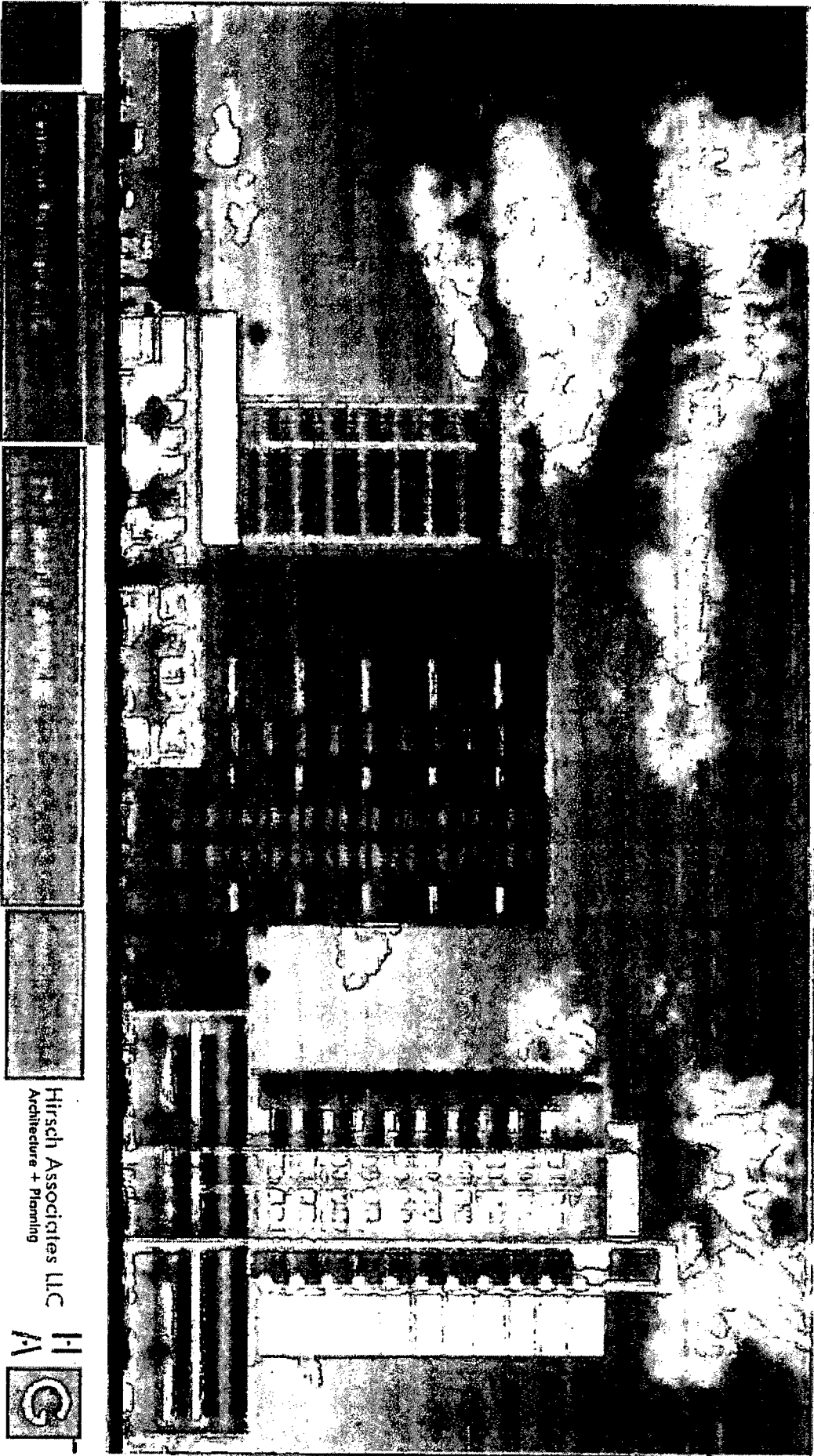


© 2010 Hirsch Associates LLC

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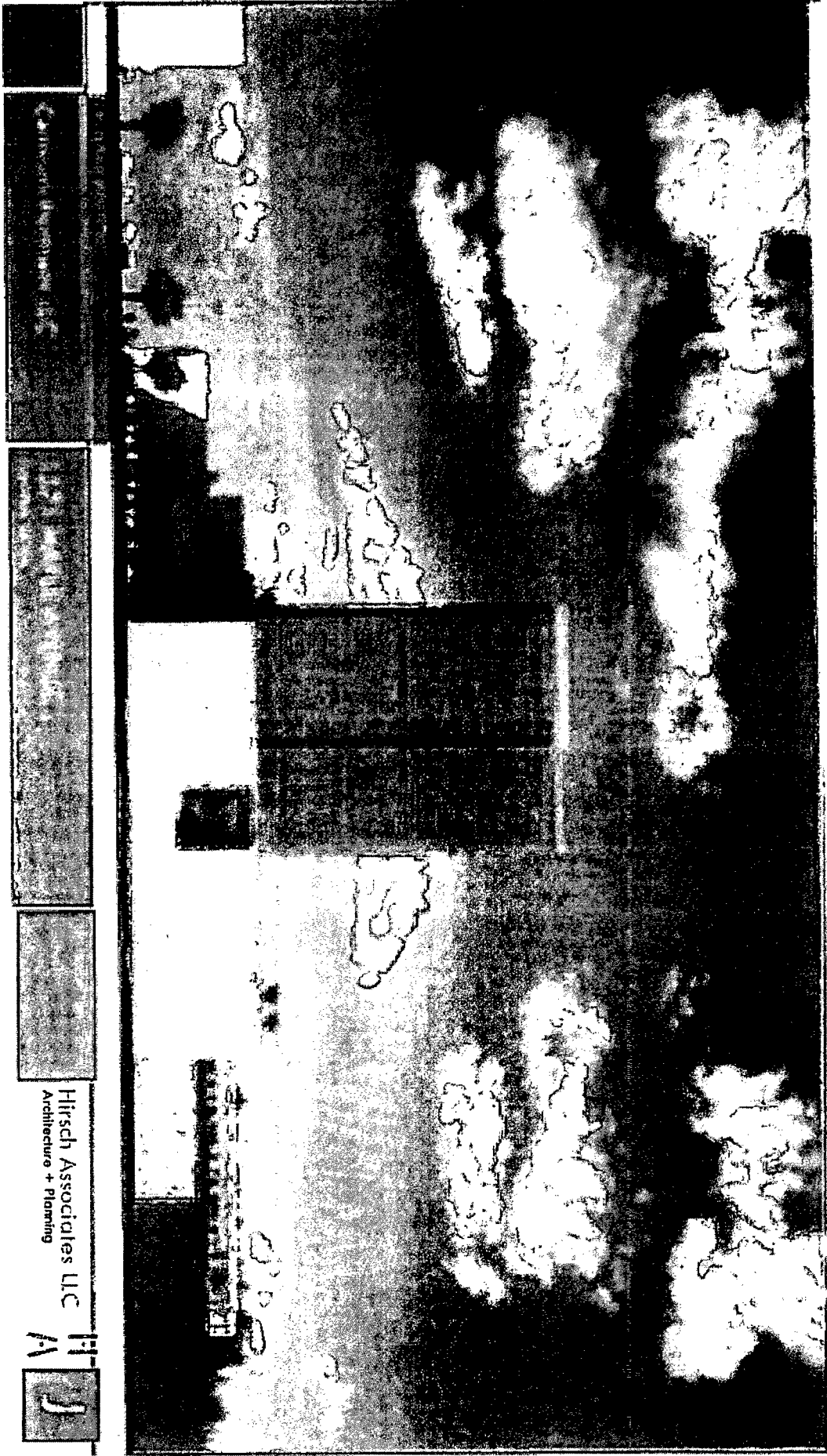
Hirsch Associates LLC
Architecture + Planning





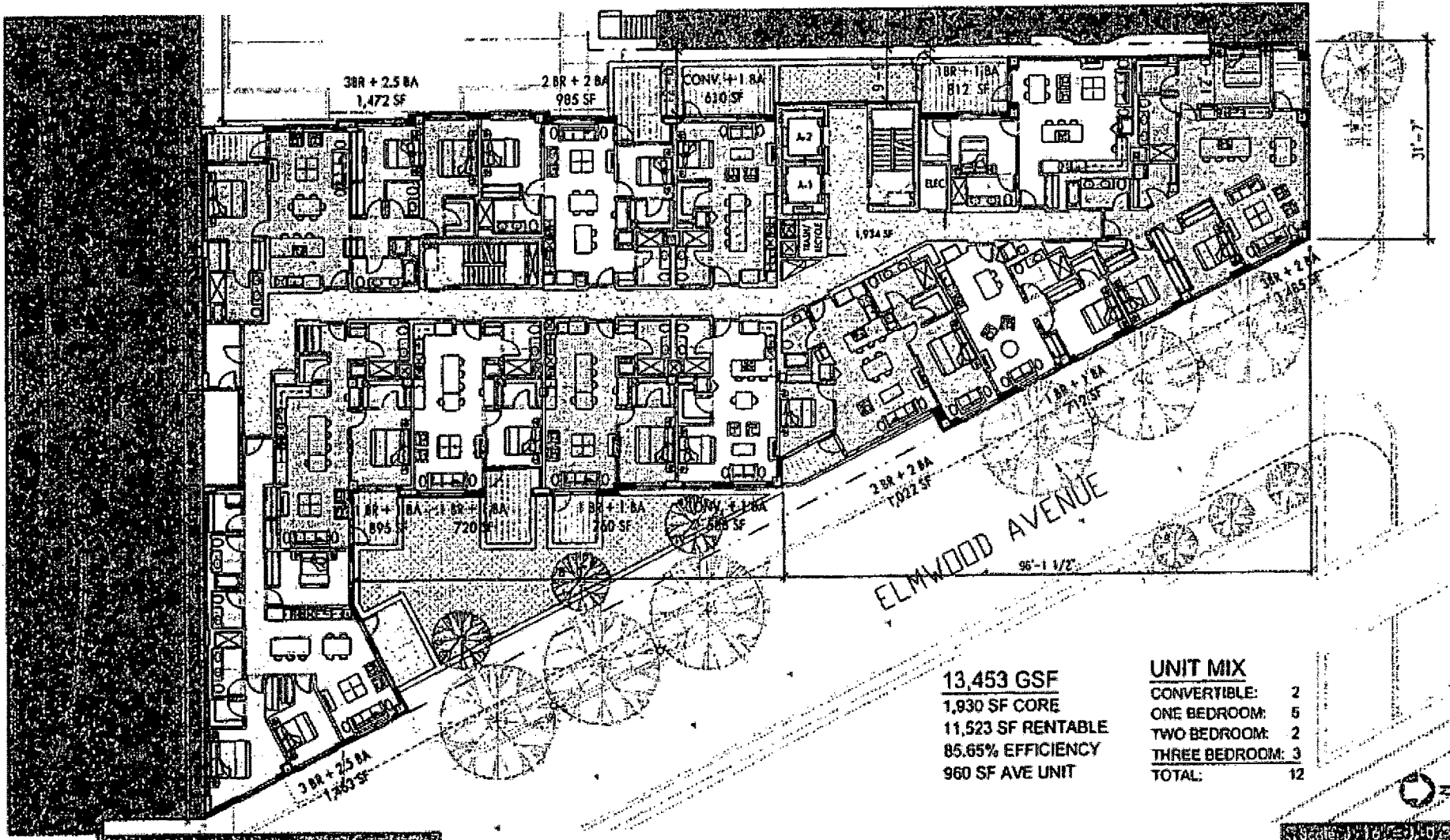
Hirsch Associates LLC
Architecture + Planning





Hirsch Associates LLC
Architecture + Planning





13,453 GSF
 1,930 SF CORE
 11,523 SF RENTABLE
 85.65% EFFICIENCY
 960 SF AVE UNIT

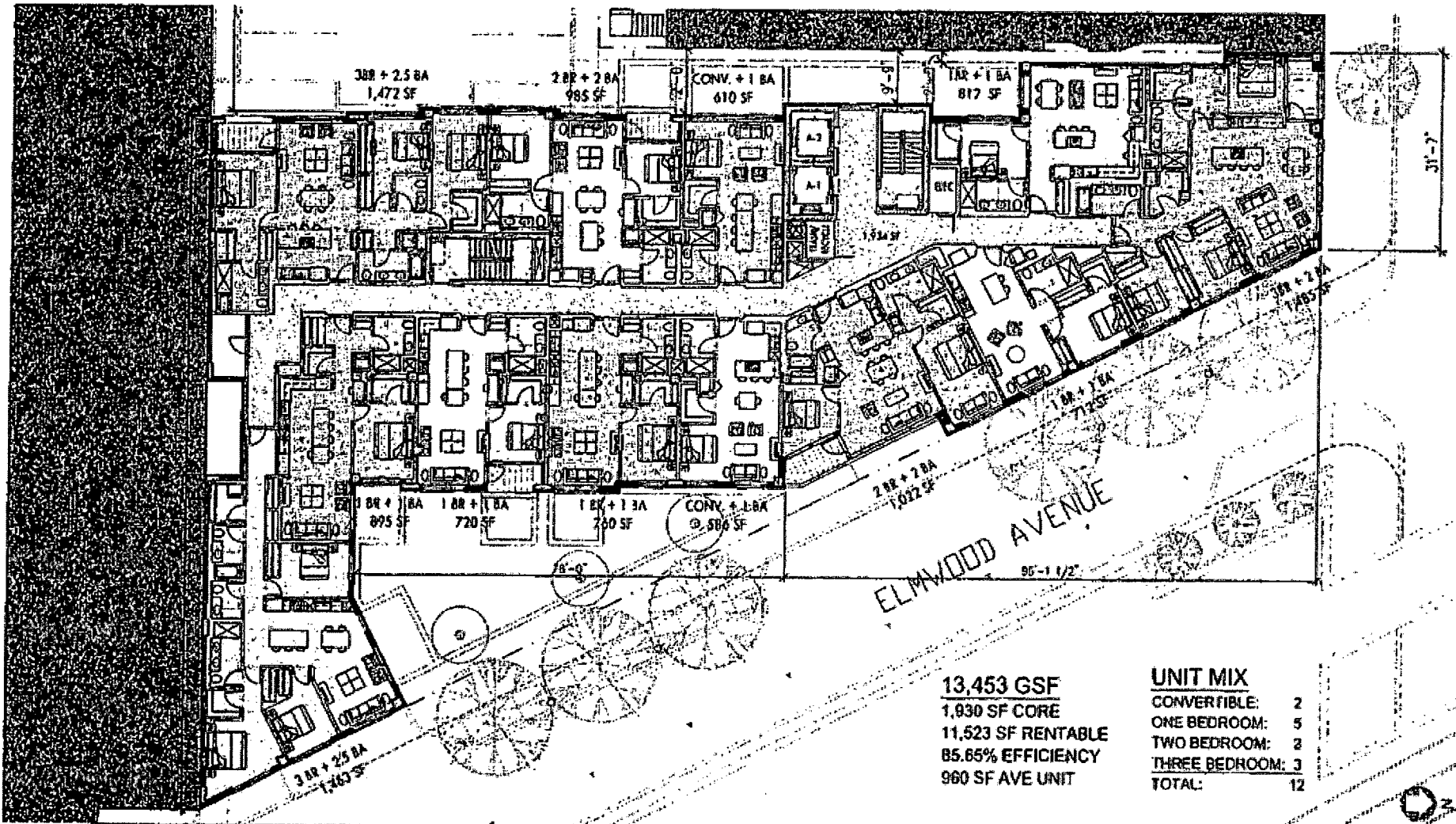
UNIT MIX	
CONVERTIBLE:	2
ONE BEDROOM:	5
TWO BEDROOM:	2
THREE BEDROOM:	3
TOTAL:	12

Level 2 - Office Plan

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

Hirsch Associates LLC
Architecture + Planning





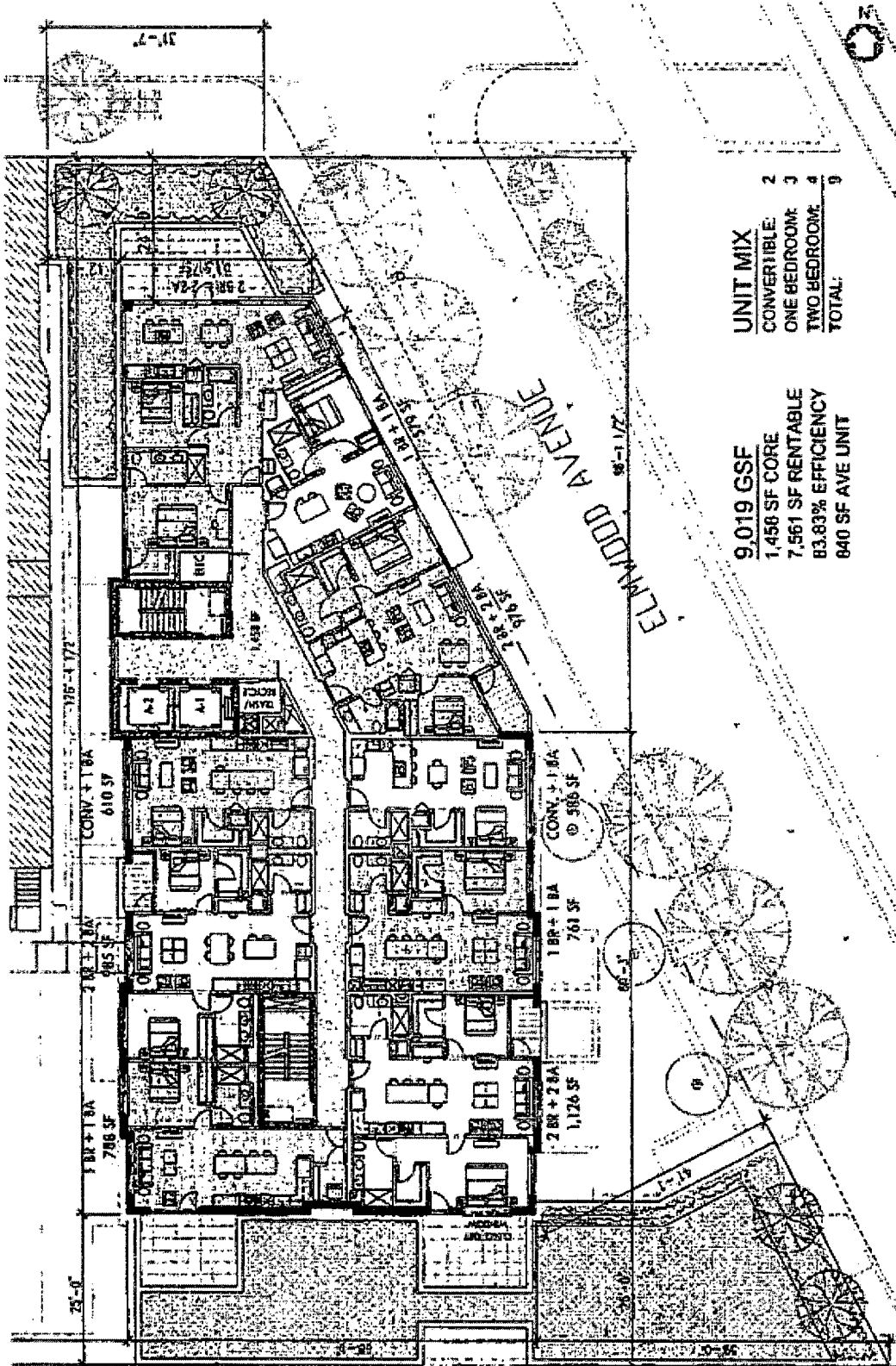
13,453 GSF
 1,930 SF CORE
 11,523 SF RENTABLE
 85.65% EFFICIENCY
 960 SF AVE UNIT

UNIT MIX

CONVERTIBLE:	2
ONE BEDROOM:	5
TWO BEDROOM:	2
THREE BEDROOM:	3
TOTAL:	12

Hirsch Associates LLC
 Architecture + Planning





UNIT MIX

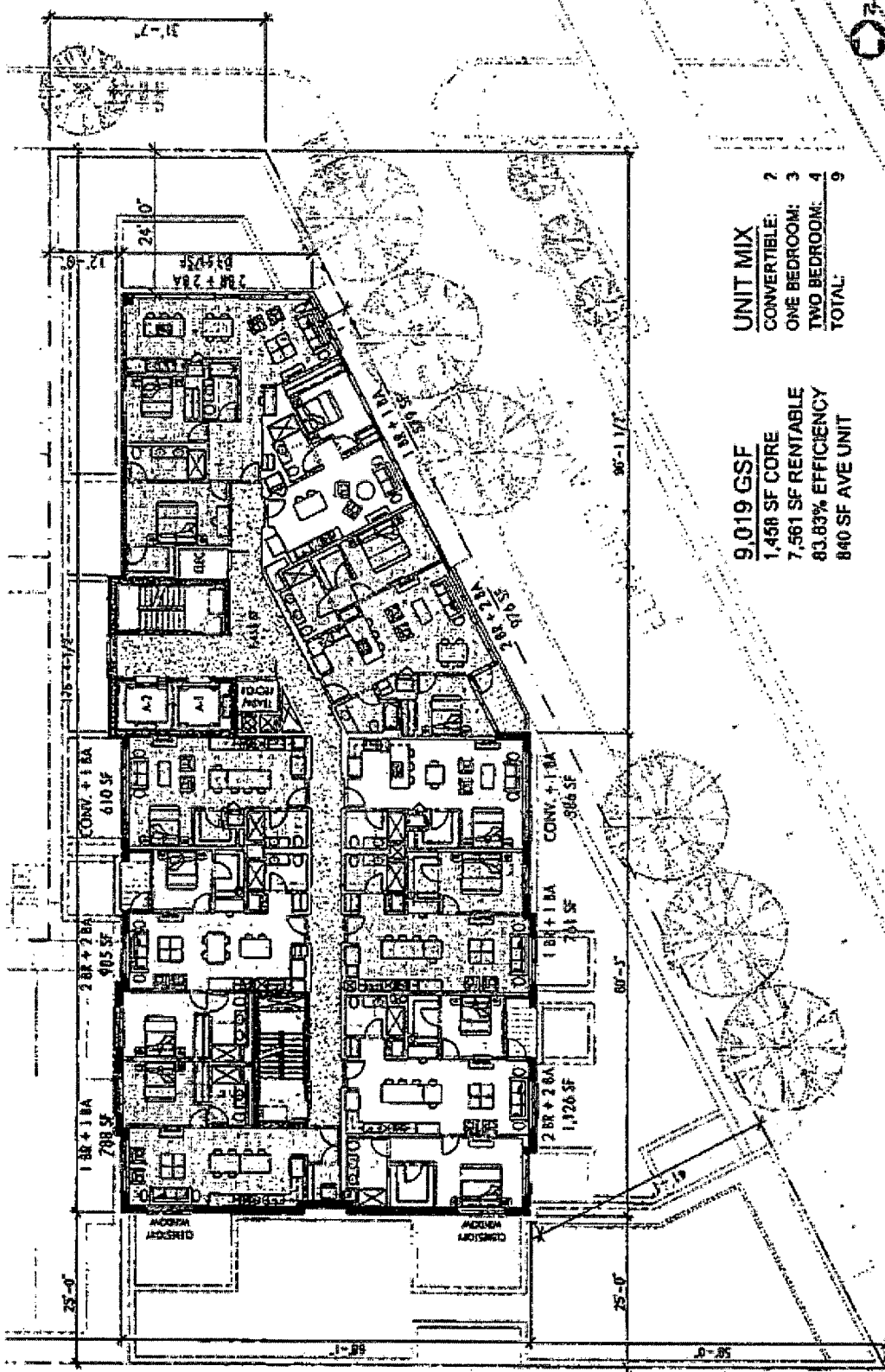
CONVERTIBLE:	2
ONE BEDROOM:	3
TWO BEDROOM:	4
TOTAL:	9

9,019 GSF
1,458 SF CORE
7,561 SF RENTABLE
83.83% EFFICIENCY
840 SF AVE UNIT



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Level 2 - Approx. Plan



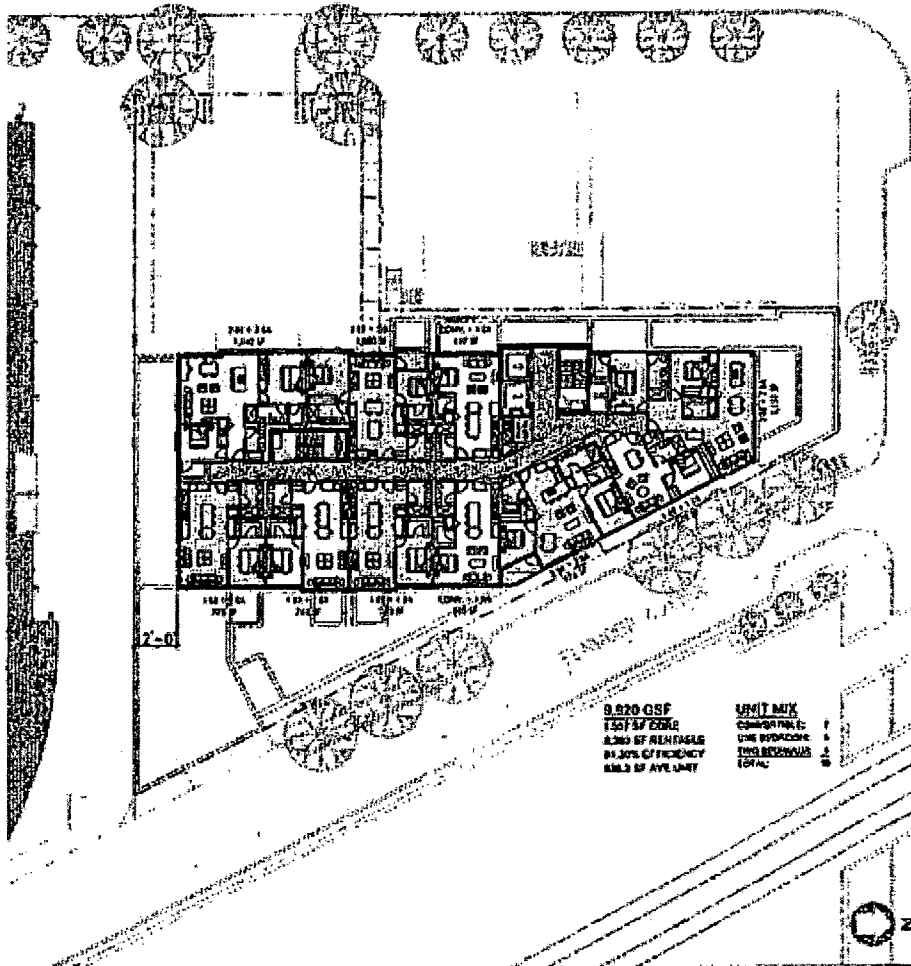
UNIT MIX

CONVERTIBLE:	2
ONE BEDROOM:	3
TWO BEDROOM:	4
TOTAL:	9

9,019 GSF
1,458 SF CORE
7,561 SF RENTABLE
83.83% EFFICIENCY
840 SF AVE UNIT

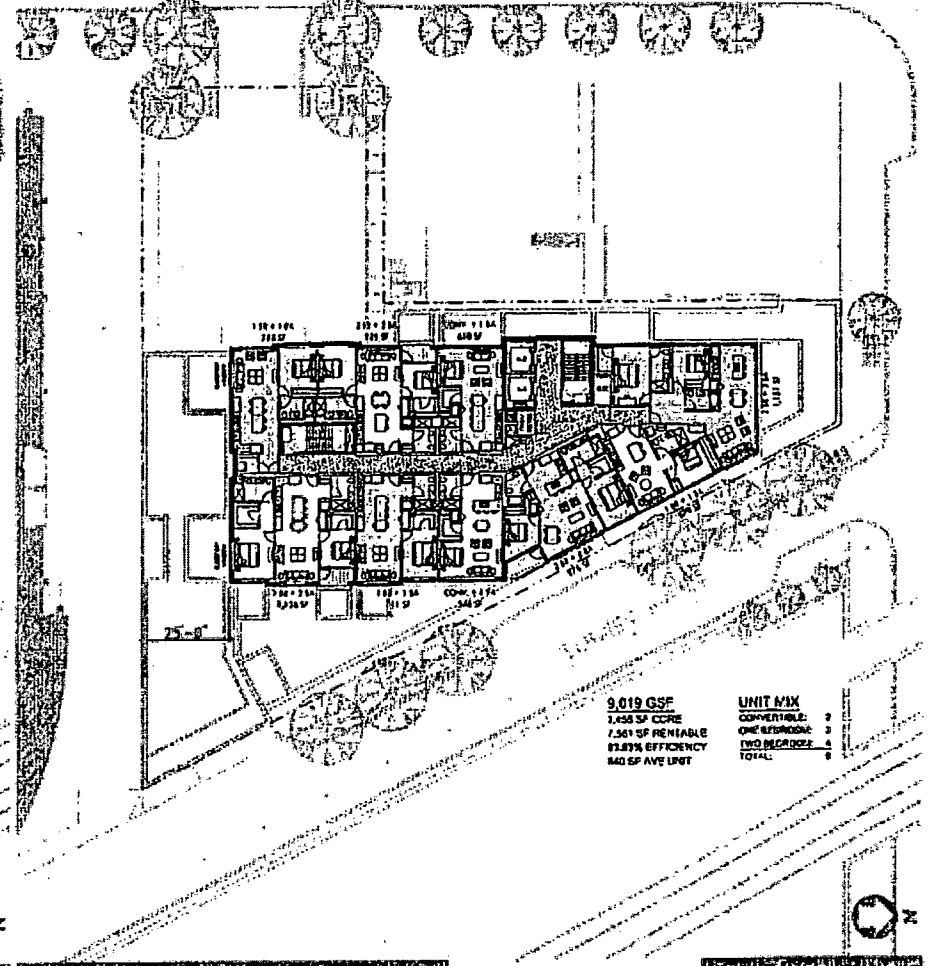
MAPLE AVENUE

MAPLE AVENUE



9,820 GSF
 1307 SF CORE
 8.2% OF RENTABLE
 84.3% EFFICIENCY
 84.3% AVAILMENT

UNIT MIX	
CONVERTIBLE	1
ONE BEDROOM	4
TWO BEDROOM	2
TOTAL	7



9,019 GSF
 1,268 SF CORE
 1.4% OF RENTABLE
 87.8% EFFICIENCY
 84.5% AVE UNIT

UNIT MIX	
CONVERTIBLE	2
ONE BEDROOM	2
TWO BEDROOM	4
TOTAL	8

Level 5: 10-Floor Plan, Previous Design

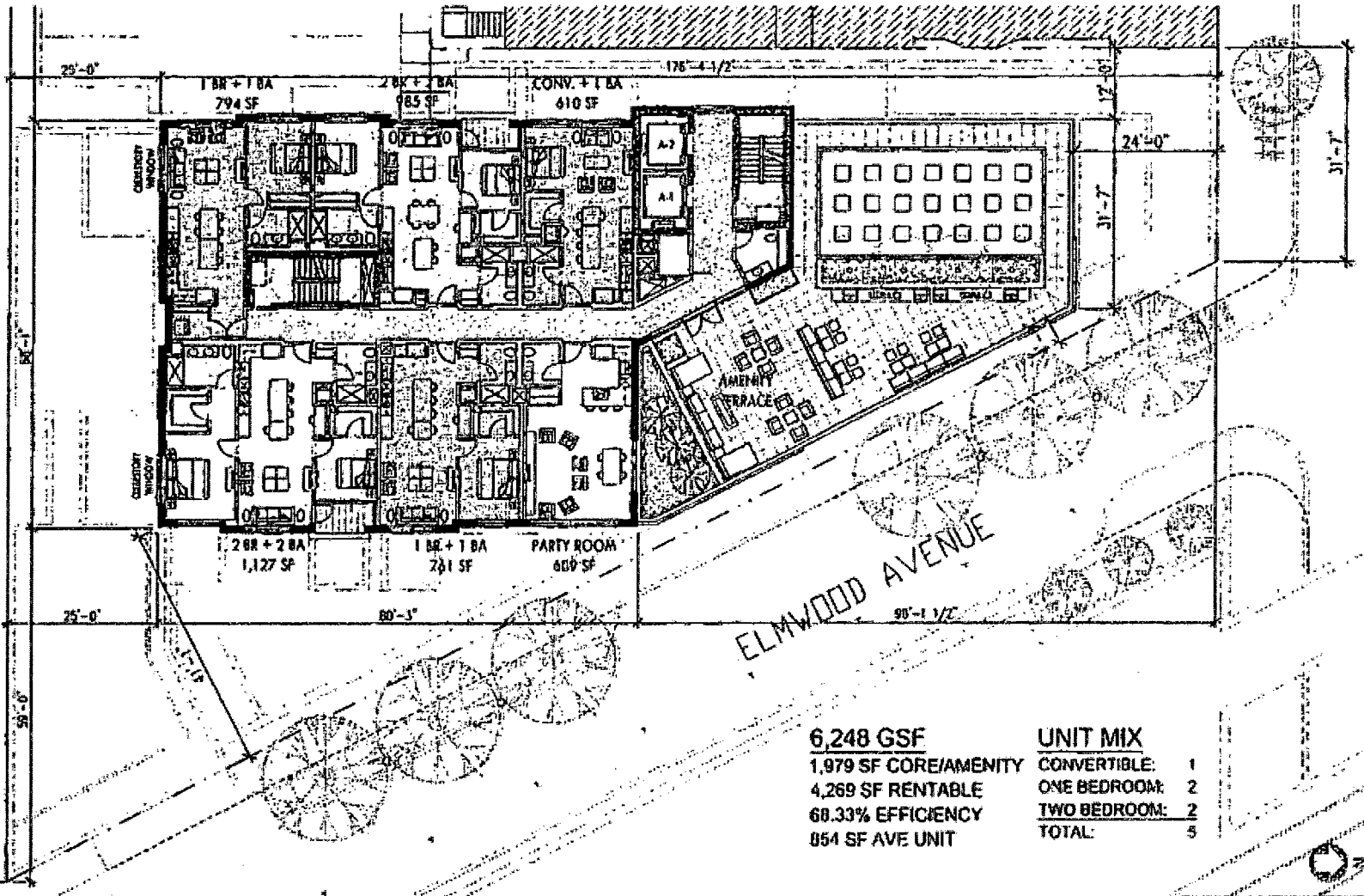
Level 5: 10-Floor Plan, Previous Design

Level 5: 10-Floor Plan, Revised Design

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

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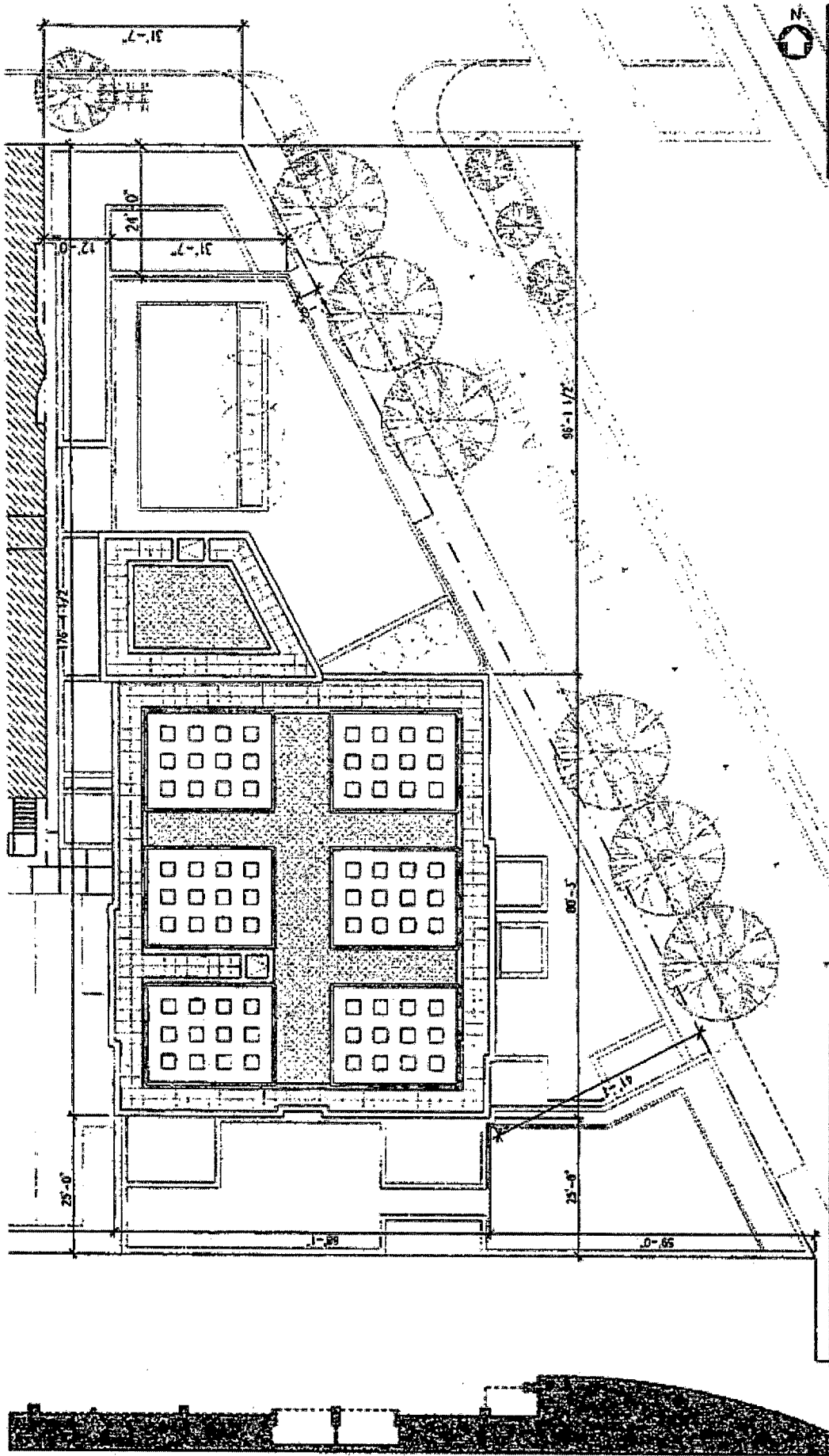




6,248 GSF	UNIT MIX
1,979 SF CORE/AMENITY	CONVERTIBLE: 1
4,269 SF RENTABLE	ONE BEDROOM: 2
68.33% EFFICIENCY	TWO BEDROOM: 2
054 SF AVE UNIT	TOTAL: 5

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H
A 6

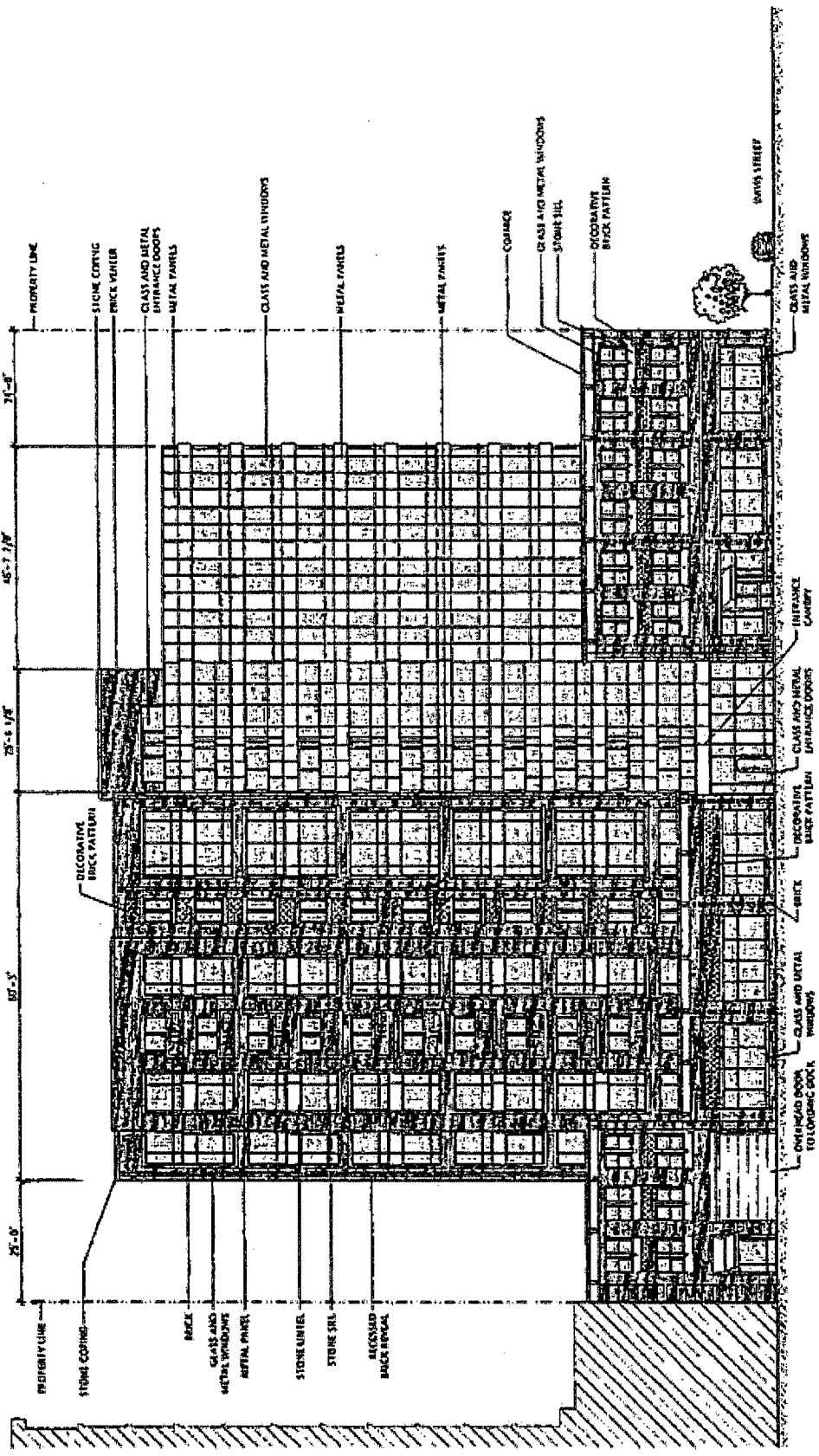


DATE: 07/20/07

7
A

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DATE: 07/20/07

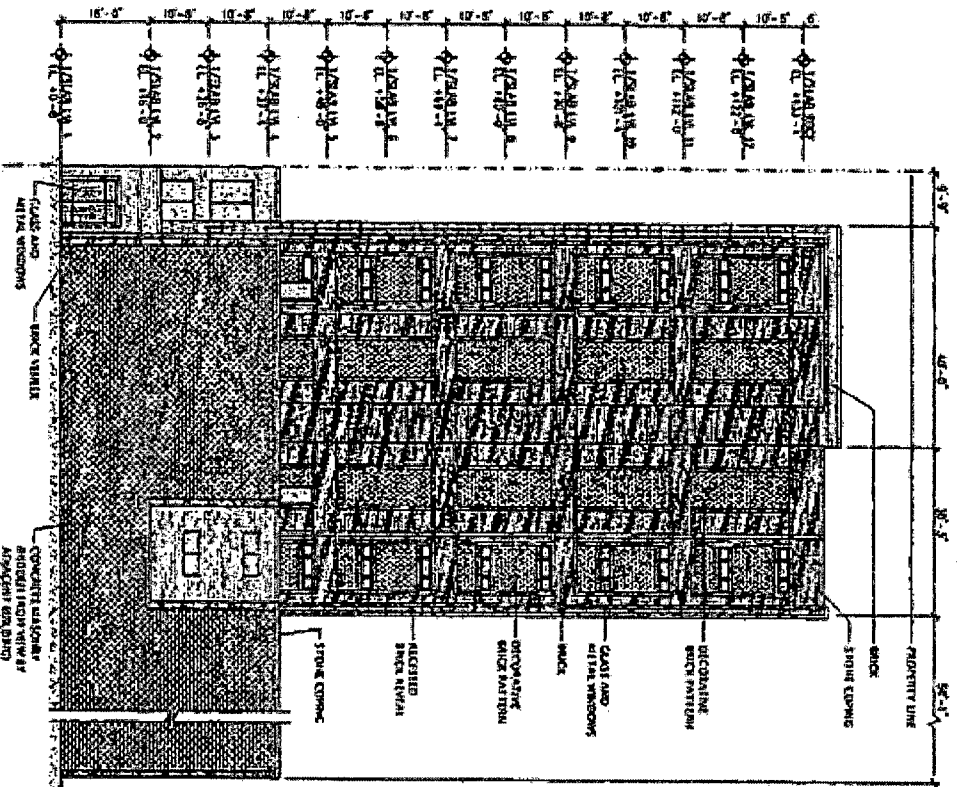
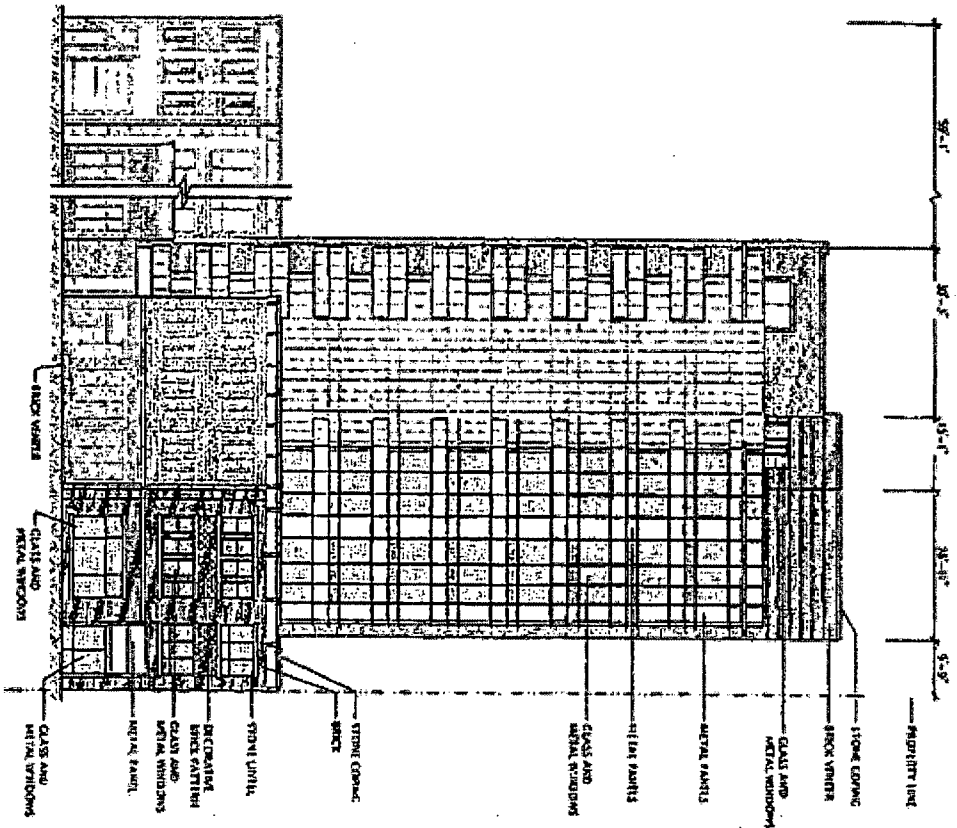


9

H.A.

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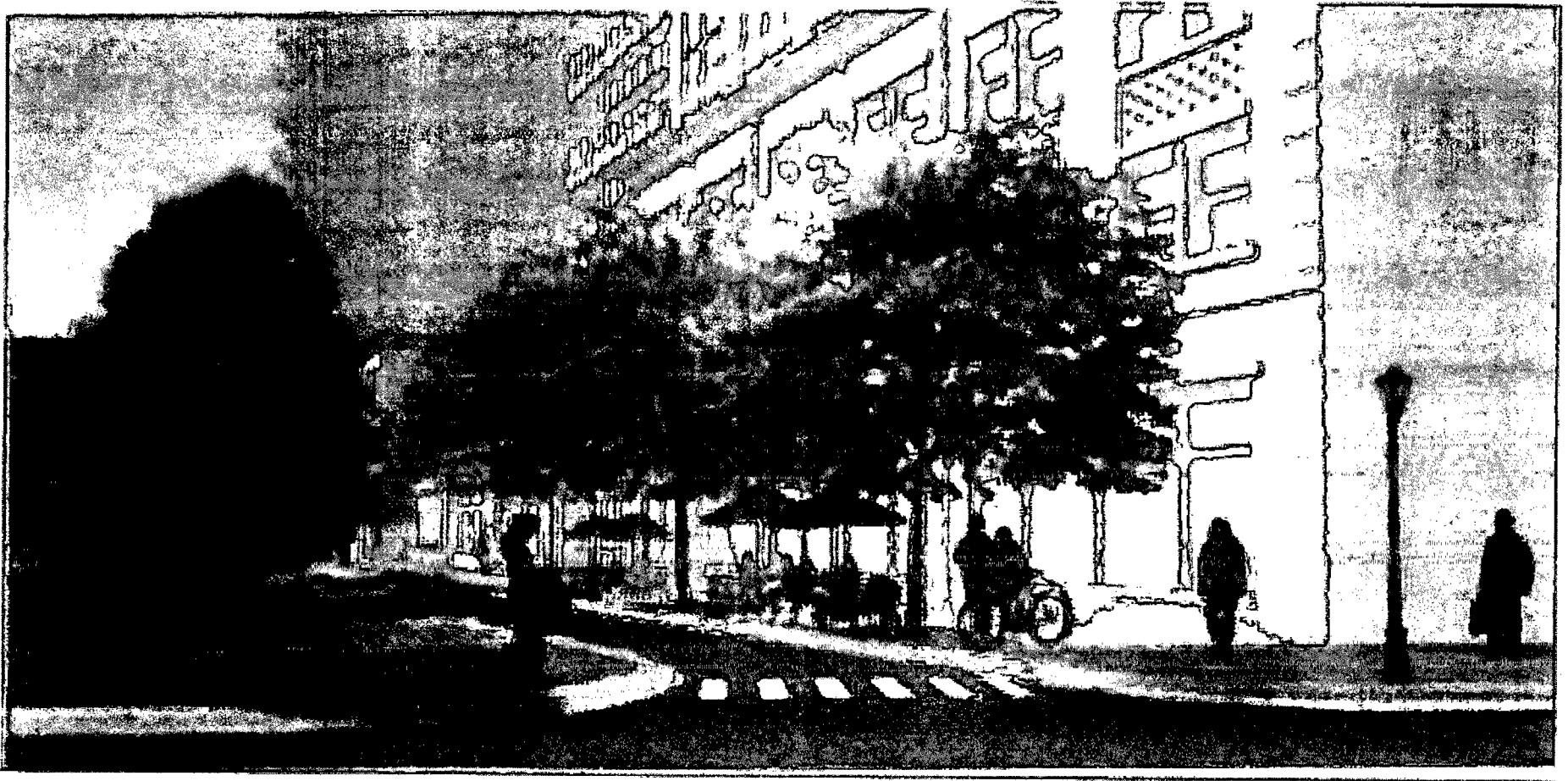


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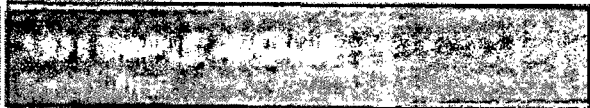


EXHIBIT C

Landscape Plans

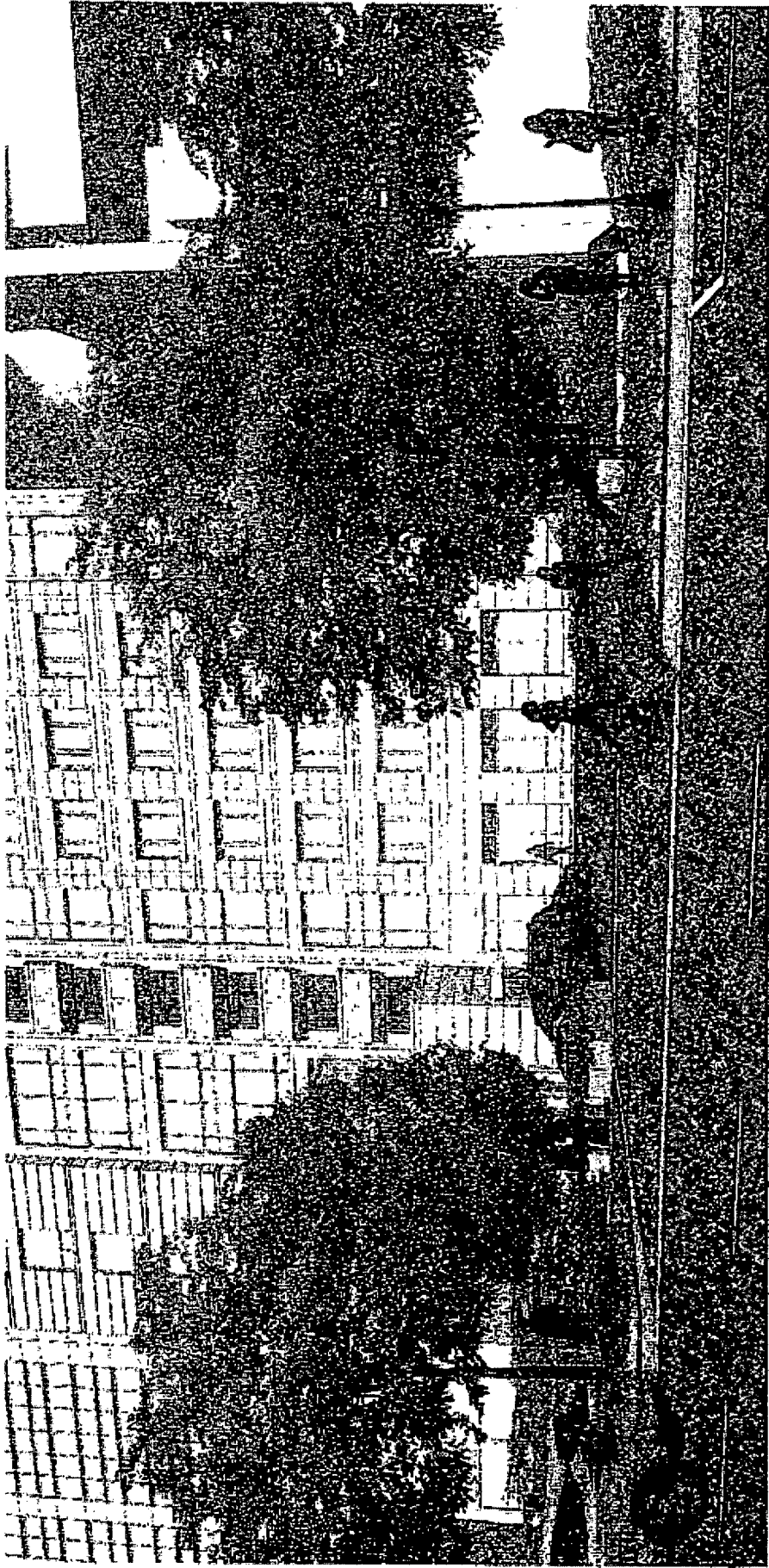


Projected View - Eglwood Avenue



WOLFF LANDSCAPE ARCHITECTURE





WOLFF LANDSCAPE ARCHITECTURE

MAPLE AVENUE

SPECIAL PAVING THROUGH DRIVEWAY

PARKLET AREA W/ ORN. TREE,
SHRUB, PERENNIALS AND BENCH

2 GTIS

STREET TREE IN RAISED PLANTER
PARKLET AREA W/ ORN. TREE, SHRUB, PERENNIALS AND BENCH

SHRUB HEDGE

DAVIS STREET

1 PCC (EX)
BRICK PAVEMENT
BANDING
NEW STREET
TREES IN 5X10
TREE GRATE, TYP.
BIKE RACKS

OUTDOOR DINING
OPPORTUNITY

NEW ORNAMENTAL TREES
WITH MIXED PLANTING

3 PCC
EXISTING PARALLEL
PARKING SPACES

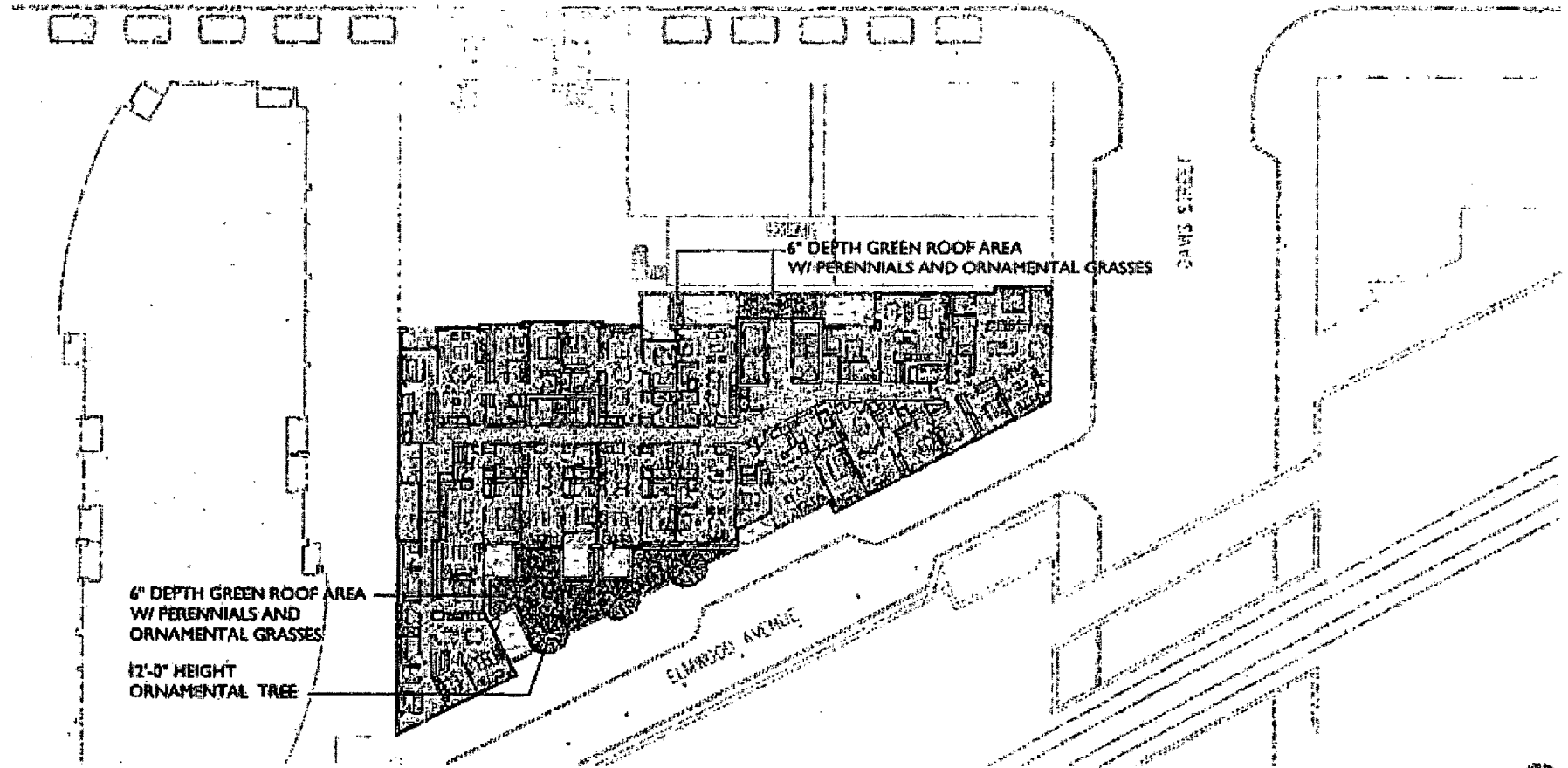
LAY-BY ZONE
FOR DROP-OFF

ELMWOOD AVENUE

6 GTIS

WOLFF LANDSCAPE ARCHITECTURE

MAPLE AVENUE AVENUE



6" DEPTH GREEN ROOF AREA
W/ PERENNIALS AND
ORNAMENTAL GRASSES

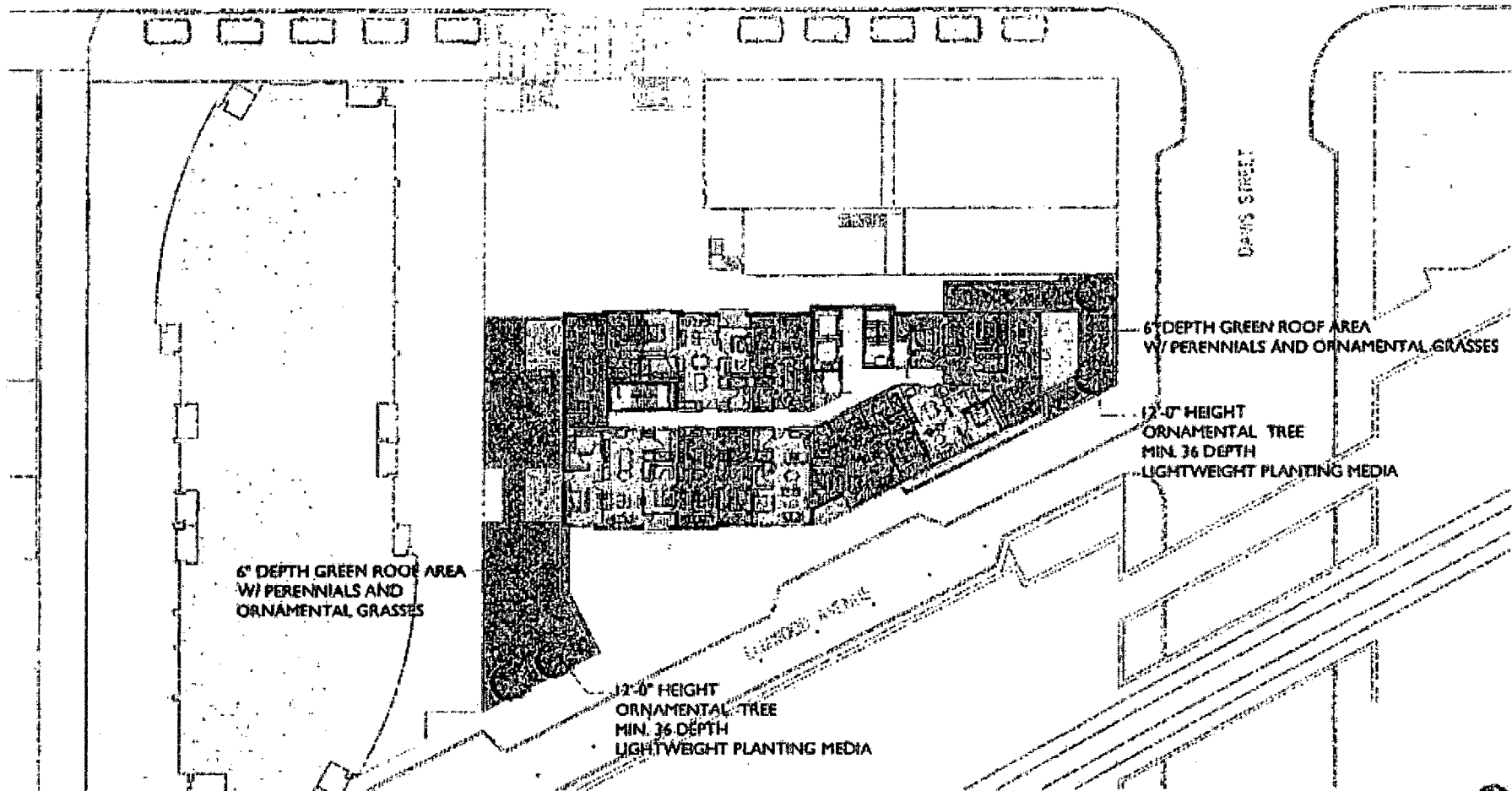
12'-0" HEIGHT
ORNAMENTAL TREE

6" DEPTH GREEN ROOF AREA
W/ PERENNIALS AND ORNAMENTAL GRASSES

ELMWOOD AVENUE

CAMP STREET

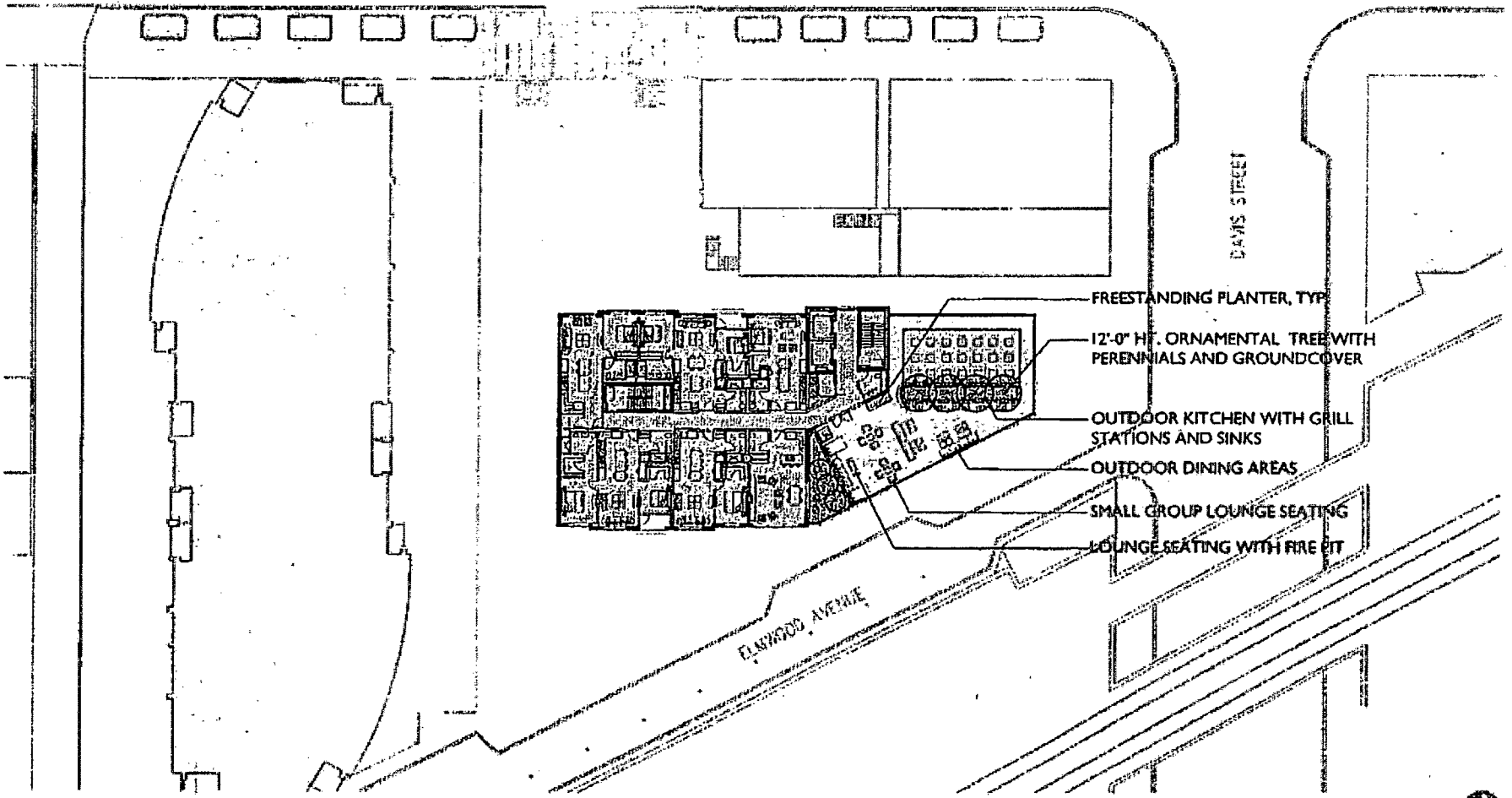
WOLFF LANDSCAPE ARCHITECTURE



15401 P1507 Landscape Plan 01.12.2015

SCALE: 1" = 30'-0"

WOLFF LANDSCAPE ARCHITECTURE



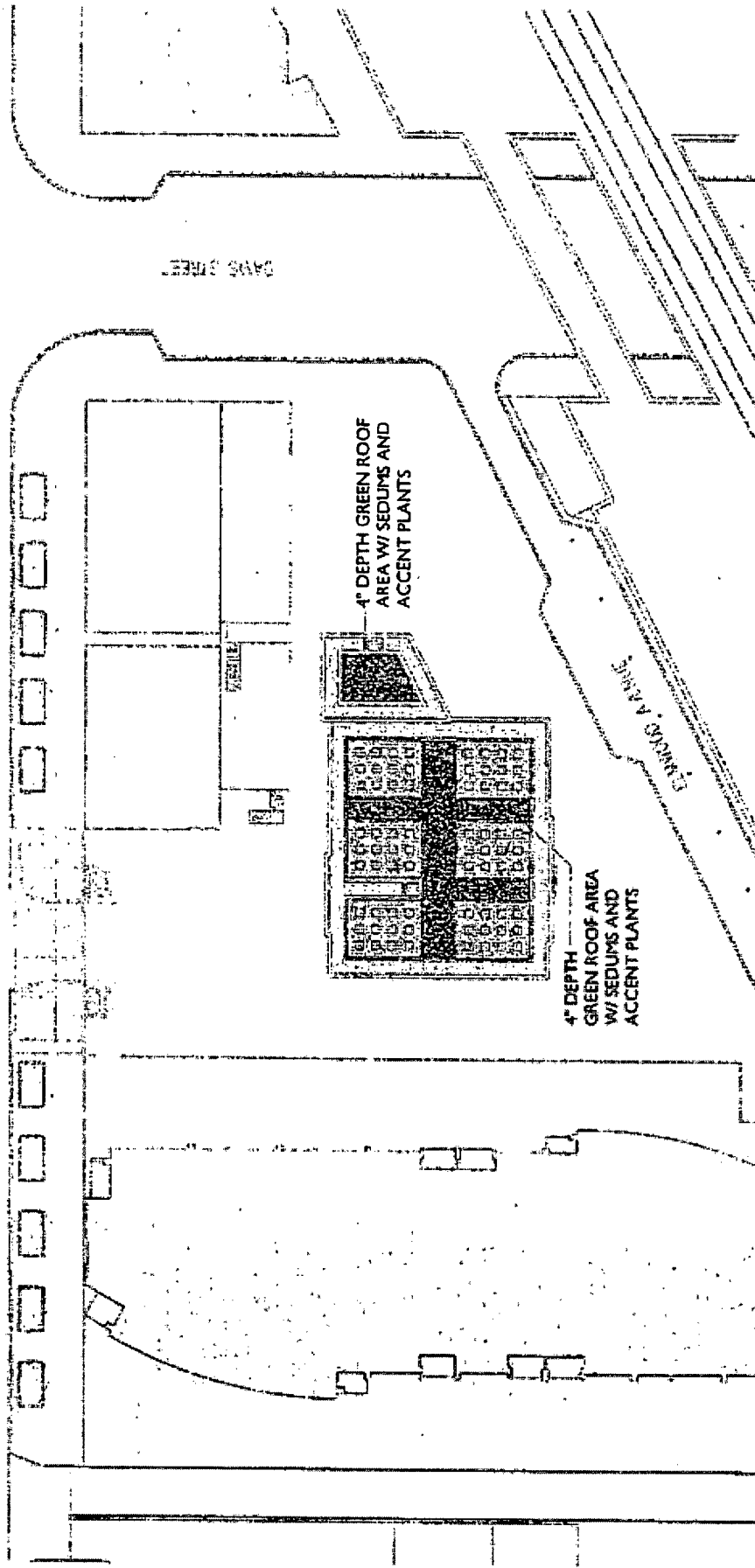
- FREESTANDING PLANTER, TYP
- 12'-0" HT. ORNAMENTAL TREE WITH PERENNIALS AND GROUNDCOVER
- OUTDOOR KITCHEN WITH GRILL STATIONS AND SINKS
- OUTDOOR DINING AREAS
- SMALL GROUP LOUNGE SEATING
- LOUNGE SEATING WITH FIRE PIT

44107/506 Landscape Plan

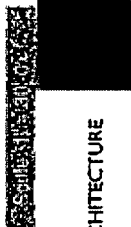
Scale: 1" = 30'-0"

WOLFF LANDSCAPE ARCHITECTURE

MADE AVENUE



0

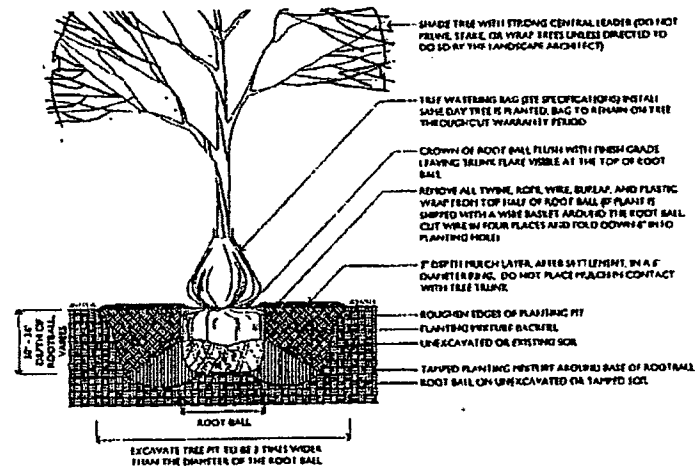


WOLFF LANDSCAPE ARCHITECTURE

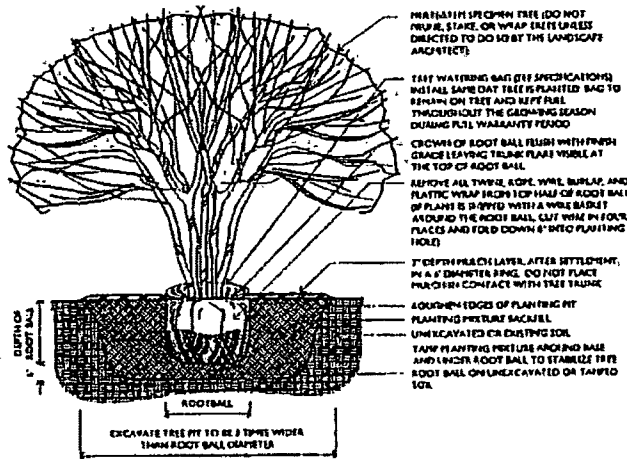


PLANTING PALETTE

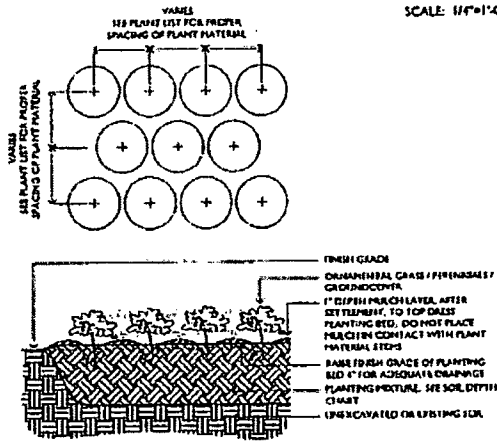
	CODE	BOTANICAL NAME	COMMON NAME	QTY	CAL	HT	SPRD	ROOT	REMARKS
TREES	PCC	PAULS CALLERYANA QUANTULIFERA	CHAMPAGNE PEAR	1	4"	-	-	8-8	SINGLE STRAIGHT TRUNK, SPECIMEN QUALITY
	GH	QUERUS TRUNCATINOS PEAUPH SARAPAE	WHITE PINE	1	4"	-	-	8-8	
SHRUBS	OS	ORIBYLLA REGIFOLIA	SOUTHERN BLUEHEMLOCK	-	-	-	-	6'	1'-0" ON CENTER
	PCG	SPARTICUS OLIANDERIS SEA GREEN	SEA CALETHA	-	-	-	-	6'	1'-0" ON CENTER
	BP	JUNIPERUS HORIZONTALIS	AUGURIA COMPACT JUNIPER	-	-	-	-	6'	1'-0" ON CENTER
	PCS	PHYSCOCARPUS OPAULUS SEWARD	SUPPER WIDE NINEBARK	-	-	-	-	6'	1'-0" ON CENTER
	LAL	LEUCOPHYLLA	ALPINE CURELANT	-	-	-	-	6'	1'-0" ON CENTER
	RAGL	RAULS AROMATICA "GRD-LOW"	GRS-LOW SUECIC	-	-	-	-	6'	1'-0" ON CENTER
	ZPCO	ZOSA X "SIO ENDUCE OUP"	SIO ENDUCE OUP	-	-	-	-	6'	1'-0" ON CENTER
	SKCO	SKO X "SIO ENDUCE OUP"	SIO ENDUCE OUP	-	-	-	-	6'	1'-0" ON CENTER
	LEG	SPALIA X BIFIDA "GOLDPLUM"	GOLDPLUM SPREA	-	-	-	-	6'	1'-0" ON CENTER
	THW	FAJUS X FRODA "WADE"	WADE LEW	-	-	-	-	6'	1'-0" ON CENTER
GRASSES	CARF	CALAMAGROSTIS ACUTIFLORA KARL FOELSTER	KARL FOELSTER FEATHER BED GRASS	-	-	-	-	6'	1'-0" ON CENTER
	FBP	PERICARPHUS SPENSIS PURPURESCENS	PURPLE PANDEN GRASS	-	-	-	-	6'	1'-0" ON CENTER
	PVE	PANICUM VIRGATUM IMPERANCOU	SHIRAZIAN PAN GRASS	-	-	-	-	6'	1'-0" ON CENTER
	FAM	FENESTRATA ALONCLODUS MANLEY	LUMBER GRASS / FORTIARY GRASS	-	-	-	-	6'	1'-0" ON CENTER
	SH	SPERBERGIA HETEROCLOPS	PLUME DROUPE	-	-	-	-	6'	1'-0" ON CENTER
PERENNIALS / GEOPHYTES	ETC	ELCHONITIS FORTUNII "COI GRASS"	MARSHALL WINDMILL	-	-	-	-	6'	1'-0" ON CENTER
	EPH	EPHEDRA PURPUREA "MAGNUS"	MAGNUS PURPLE CORNFLOWER	-	-	-	-	6'	1'-0" ON CENTER
	QALF	QUERQUILLIA SPICIFERA	QUERQUILL	-	-	-	-	6'	1'-0" ON CENTER
	CAF	CALAMAGROSTIS ACUTIFLORA	FEATHER BED GRASS	-	-	-	-	6'	1'-0" ON CENTER
	PC	PERICARPHUS SPENSIS	PURPLE PANDEN GRASS	-	-	-	-	6'	1'-0" ON CENTER



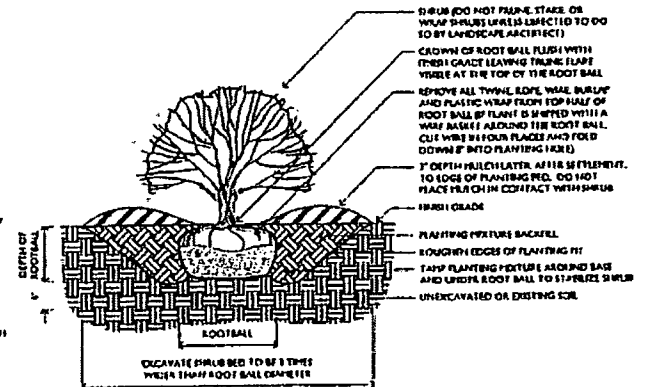
DECIDUOUS TREE INSTALLATION DETAIL
SCALE: 1/4" = 1'-0"



ORNAMENTAL TREE INSTALLATION DETAIL
SCALE: 1/4" = 1'-0"



ORNAMENTAL GRASSES / PERENNIALS DETAIL
SCALE: NOT TO SCALE



SHRUB INSTALLATION DETAIL
SCALE: NOT TO SCALE

Planting Detail

**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 2nd, 4th and 11th 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 grasses and groundcovers. The 36" depth area will have 12'-0" multi-stem 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 11th 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 12th 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.