

3/16/2006

5-O-06

AN ORDINANCE

Granting a Special Use for a
Planned Development in the
R1 Single-Family Residential District at
415 Davis Street and in the
R6 General Residential District at
422 Davis Street and 1615 Hinman Avenue
("Mather LifeWays")

WHEREAS, Mather LifeWays, owner of the properties commonly known as 415 Davis Street and 1615 Hinman Avenue, and the Georgian, an affiliate of Mather LifeWays through common control, owner of 422 Davis Street (collectively, "the Applicant"), submitted an application in case number ZPC 05-05-PD seeking approval for a special use for a retirement community operated as a continuing care retirement community and a proposed planned development (the "Planned Development") pursuant to the provisions of Section 6-3-5 "Special Uses", Section 6-3-6 "Planned Developments", Section 6-8-1-10 "Planned Developments" (Residential Districts) and Section 6-8-2-4, "Special Uses" (in an R1 Single-Family Residential District), and Section 6-8-8-3, "Special Uses" (in an R6 General Residential District) to permit construction in two (2) phases and operation of a retirement community consisting of two hundred forty-five (245) independent living residences, twenty-four (24)

assisted living residences, and forty (40) long-term care residences, with underground parking for two hundred forty-nine (249) vehicles; and

WHEREAS, the property at 1615 Hinman Avenue (hereinafter, the “Northwest Parcel”) and the property at 415 Davis Street (hereinafter, the “Northeast Parcel”) are collectively referred to herein as the “North Parcel”, and are identified on the Site Plan attached hereto as Exhibit A; and

WHEREAS, the property at 422 Davis Street (hereinafter, the “Southwest Parcel”) is identified on the Site Plan attached hereto as Exhibit A (“Site Plan”); and

WHEREAS, the Southwest Parcel and the North Parcel are collectively referred to herein as the “Subject Property”, and are legally described in Exhibit B attached hereto and made a part hereof; and

WHEREAS, the development plan as set forth in the application provides for: (i) a maximum of one hundred two (102) independent living units and a maximum of fifty-six (56) underground parking spaces on the Southwest Parcel (hereinafter, the “Southwest Parcel Improvements”); (ii) a maximum of one hundred forty-three (143) independent living units and a maximum of one hundred ninety-three (193) underground parking spaces (hereinafter the “North Parcel Improvements”); (iii) the construction and operation of a tunnel and ancillary utility facilities below the Davis Street right-of-way which connects the North Parcel Improvements and the Southwest Parcel Improvements

(the “Tunnel Improvements”); and (iv) such other improvements as are identified on the development plans which are attached hereto and made a part of this Ordinance as Exhibit C (collectively referred to herein as the “Development Plan”) (the North Parcel Improvements, the Southwest Parcel improvements, the Tunnel improvements and said other improvements are collectively referred to herein as the “Total Project Improvements”); and

WHEREAS, the Applicant sought approval of certain site development allowances and approvals to exceed certain site development allowances for both the North Parcel and the Southwest Parcel; and

WHEREAS, for the North Parcel Improvements as shown in the Development Plan, the Applicant sought approval pursuant to Section 6-3-6-5 of the Zoning Ordinance of certain site development allowances (i) to decrease the required front yard setback along Hinman Avenue; (ii) to decrease the required rear yard setback and to eliminate the required ten-foot (10’) strip of transition landscaping; (iii) to provide underground off-street parking below the surface of the Northeast Parcel; (iv) to provide a *porte-cochere* which encroaches into the side yard setback along Davis Street; and (v) for an increase in the maximum permitted impervious surface ratio; and (vi) for an increase in the maximum permitted number of dwelling units (collectively referred to herein as the “Base North Parcel Relief”); and

WHEREAS, the Applicant sought approval pursuant to section 6-3-6-6 of the Zoning Ordinance to exceed certain site development allowances established for the R6 General Residential District (i) to provide an increase in the maximum mean building height; and (ii) to provide an increase in maximum lot coverage; (collectively referred to herein as the “Additional North Parcel Relief”); and

WHEREAS, the Applicant modified its application at the Plan Commission’s December 7, 2005 meeting to locate the building on the North Parcel five feet (5’) closer to Davis Street than was shown on the plans submitted with the application; and

WHEREAS, with respect to the North Parcel, the Applicant last modified its application at the February 13, 2006 Planning and Development Committee meeting to provide for a reduction in the maximum lot coverage of the building located on the North Parcel, a twenty-foot (20’) street side yard, a twenty-five-foot (25’) interior side yard, a partial 11th floor to contain a maximum of three (3) independent living units, and an extension of the northeast wing five feet (5’) to the east, all as set forth in the Development Plan; and

WHEREAS, site development allowances are not required for the twenty-foot (20’) street side yard or the twenty-five-foot (25’) interior side yard by the R6 General Residential District regulations and the Residential District planned development regulations; and

WHEREAS, for the Southwest Parcel Improvements as shown on the Development Plan, the Applicant sought approval pursuant to Section 6-3-6-5 of the Zoning Ordinance of certain site development allowances, (i) to decrease the required street side yard setback along Davis Street; (ii) to decrease the required front yard setback along Hinman Avenue; (iii) to decrease the required interior side yard setback; (iv) to decrease the required rear yard setback and to eliminate the required ten-foot (10') strip of transition landscaping; (v) for an increase in the maximum permitted impervious surface ratio; and (vi) to provide a *porte-cochere* which encroaches into the side yard setback along Davis Street (collectively referred to herein as the "Base Southwest Parcel Relief"); and

WHEREAS, for the Southwest Parcel Improvements as shown on the Development Plan, the Applicant sought approval pursuant to Section 6-3-6-6 of the Zoning Ordinance to exceed certain site development allowances established in the R6 General Residential District (i) to provide an increase in the maximum mean building height; (ii) to provide an increase in maximum lot coverage; and (iii) to provide an increase in the maximum permitted number of dwelling units; (collectively referred to herein as the "Additional Southwest Parcel Relief"); and

WHEREAS, the Applicant modified its application at the Plan Commission's December 7, 2005 meeting to locate the building on the Southwest Parcel twelve feet (12') closer to Davis Street than was shown on the plans submitted with the application.

WHEREAS, with respect to the Southwest Parcel, the Applicant last modified its application at the February 13, 2006 Planning and Development Committee of the City Council to provide for a ten-foot (10') street side yard and a ten-foot (10') interior side yard, all as set forth in the Development Plan; and

WHEREAS, the City's Plan Commission conducted public hearings pursuant to proper notice in case no. ZPC 05-05-PD on June 22, 2005, July 13, 2005, August 10, 2005, September 13, 2005, October 11, 2005, October 26, 2005, November 9, 2005 and December 7, 2005, received testimony and other evidence, made a *verbatim* record thereof, and made findings of fact pursuant to Section 6-3-5-10, Section 6-3-6, and Section 6-8-1-10(A) of the Zoning Ordinance, and recommended that the City Council approve the Application as modified by the Applicant; and

WHEREAS, the Planning and Development Committee of the City Council, at its January 9, 2006, January 23, 2006, January 31, 2006 and February 13, 2006 meetings, (i) considered the record, findings, and recommendations of the Plan Commission; (ii) held public hearings with respect to new evidence presented at the Committee's meetings and considered the evidence presented; and (iii) pursuant to Section 6-3-6-6, made a written finding of fact that granting the Additional North Parcel Relief and the Additional Southwest Parcel Relief is essential to achieve one or more of the public benefits described in Section 6-3-6-3 of the

Zoning Ordinance, and recommended City Council approval of the Application with modifications; and

WHEREAS, the City Council considered the respective records, findings and recommendations of the Plan Commission and the Planning and Development Committee at its January 9, 2006, January 23, 2006, February 13, 2006, February 27, 2006, and March 13, 2006 meetings; and

WHEREAS, the City Council adopted, with modifications, the respective records and recommendations of the Plan Commission and the Planning and Development Committee at its January 9, 2006, January 23, 2006, February 13, 2006, February 27, 2006, and March 13, 2006 meetings; and

WHEREAS, the City Council's adoption of the Plan Commission's findings pursuant to the requirements of Section 6-3-6-6 and the findings set forth in Section 3 of this Ordinance constitutes its written finding of fact that the site development allowances granted by this Ordinance are essential to achieve one or more of the public benefits described in Section 6-3-6-3; and

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 Application as modified by the Applicant at the February 13, 2006 Planning and Development Committee meeting be and it is hereby approved for a special use for a retirement community to be operated as a continuing care retirement community and a planned development so as to permit the construction and operation on the Subject Property, legally described in Exhibit B, of the Total Project Improvements, all in substantial conformance with the Development Plan and the terms of this Ordinance.

SECTION 3: That, pursuant to Section 6-3-6-6 of the Zoning Ordinance and based upon the recommendation of the Plan Commission and the testimony and evidence presented during the Plan Commission and Planning and Development Committee public hearings and meetings, the City Council hereby finds that granting site development allowances in excess of the requirements set forth in Section 6-8-8-4, Section 6-8-8-6, Section 6-8-8-8, and Section 6-8-1-10(C) are essential to achieve one or more of the public benefits described in Section 6-3-6-3 of the Zoning Ordinance including, but not limited to, the preservation and enhancement of desirable site characteristics and open space, the preservation and enhancement of historic and natural resources that significantly contribute to the character of the City, the use of design, landscape, or architectural features to create a pleasing environment and other special development features as shown on the development plan, providing a variety of housing

types in accordance with the City's housing goals, and enhancing the local economy and strengthening the tax base.

SECTION 4: That, pursuant to Section 6-3-6-5 of the Zoning Ordinance and in substantial conformance with the terms of this Ordinance and the Development Plan, a site development allowance is hereby granted from the requirements set forth in Section 6-8-8-4, Section 6-8-8-6, Section 6-8-8-7, and Section 6-8-8-9 of the Zoning Ordinance to permit:

(a) The North Parcel to contain a maximum of one hundred forty-three (143) dwelling units instead of the maximum permitted by the R6 General Residential District regulations of one hundred sixteen (116) dwelling units.

(b) The North Parcel Improvements to have a zero-foot (0') rear yard setback instead of the twenty-five foot (25') rear yard setback required by the R6 General Residential District regulations and the fifteen-foot (15') setback required by the Residential District planned development regulations.

(c) The North Parcel Improvements to have a eighteen-foot (18') front yard setback on Hinman Avenue instead of the twenty-three foot six-inch (23'6") front yard setback required by the R6 General Residential District regulations and the fifteen-foot (15') setback required by the Residential District planned development regulations.

(d) The Northwest Parcel to contain a maximum permitted lot coverage of approximately sixty-nine and nine-tenths (69.9%) percent instead of the required fifty percent (50%) maximum permitted lot coverage.

(e) The Southwest Parcel Improvements to have a ten-foot (10') street-side yard setback on Davis Street (exclusive of bow windows required to be constructed on the north façade which project three feet (3') into the street side yard above the first story) instead of the fifteen-foot (15') street side yard setback required by the R6 Residential District regulations and the fifteen-foot (15') setback required by the Residential District planned development regulations.

(f) The Southwest Parcel Improvements to have a zero-foot (0') rear yard setback instead of the twenty-five foot (25') rear yard setback

required by the R6 General Residential District regulations and the fifteen-foot (15') setback required by the Residential District planned development regulations.

(g) The Southwest Parcel Improvements to have a two-foot (2') front yard setback on Hinman Avenue instead of the required four-foot ten-inch (4'10") front yard setback required by the R6 General Residential District regulations and the fifteen-foot (15') setback required by the Residential District planned development regulations.

(h) The Southwest Parcel Improvements to have a ten-foot (10') interior side yard setback instead of the fifteen-foot (15') interior side yard setback required by the Residential District planned development regulations.

(i) The Southwest Parcel and the Northwest Parcel to eliminate the required ten-foot (10') strip of transition landscaping.

(j) The Northwest Parcel to contain a maximum impervious surface area of approximately seventy-three percent (73%).

(k) The Southwest Parcel to contain a maximum impervious surface area of approximately eighty-five percent (85%).

SECTION 5: That, pursuant to Section 6-3-6-5 and Section 6-3-6-6 of the Zoning Ordinance and in substantial conformance with the terms of this Ordinance and the Development Plan, a site development allowance is hereby granted to exceed the requirements set forth in Section 6-8-8-4 and Section 6-8-1-10(C) of the Zoning Ordinance to permit:

(a) The Southwest Parcel to contain a maximum of one hundred two (102) dwelling units instead of the required fifty-six (56) dwelling units.

SECTION 6: That pursuant to Section 6-3-6-5 and Section 6-3-6-6 of the Zoning Ordinance and in substantial conformance with the terms of this Ordinance and the Development Plan, a site development allowance is hereby granted to exceed the requirements set forth in Section 6-8-8-6 and Section 6-8-1-10(C) of the Zoning Ordinance to permit:

(a) the Southwest Parcel to contain a maximum permitted lot coverage of approximately seventy-three percent (73%) instead of the required fifty percent (50%) maximum permitted lot coverage.

SECTION 7: That, pursuant to Section 6-3-6-5 and Section 6-3-6-6 of the Zoning Ordinance and in substantial conformance with the terms of this Ordinance and the Development Plan, a site development allowance is hereby granted to exceed the requirements set forth in Section 6-8-8-8 and Section 6-8-1-10(C) of the Zoning Ordinance to permit:

(a) the North Parcel improvements to contain ten (10) stories and a partial eleventh (11th) floor not to exceed a maximum height of approximately one-hundred seventeen feet two inches (117'2"), with a defined mean maximum building height of approximately one-hundred twenty-four feet (124'), all in accordance with the elevations included as part of the Development Plan instead of the mean maximum permitted building height of eighty-five feet (85') or eight (8) stories; and

(b) the Southwest Parcel Improvements to be ten (10) stories tall and constructed to a maximum mean building height of approximately one hundred seven feet (107') in accordance with the elevations included as part of the Development Plan instead of the required maximum mean building height of eighty-five feet (85') or eight (8) stories.

SECTION 8: That, pursuant to Section 6-3-6-5 of the Zoning Ordinance and in substantial conformance with the terms of this Ordinance and the Development Plan, a site development allowance is hereby granted to permit a maximum of one hundred twenty-one (121) underground parking spaces to be located below the surface of the Northeast Parcel. This site development allowance provides relief from the requirements set forth in Section 6-16-2-1 of the Zoning Ordinance.

SECTION 9: That, pursuant to Section 6-3-6-5 of the Zoning Ordinance and in substantial conformance with the terms of this

Ordinance and the Development Plan, a site development allowance is hereby granted to permit the *porte-cochere* to be constructed on the North Parcel and the Southwest Parcel to project a maximum of thirty-five feet (35'), and twenty-five feet (25'), respectively, which is more than the ten feet (10') from the south exterior wall of the North Parcel Improvements and the north exterior wall of the Southwest Parcel Improvements, respectively, otherwise allowed. This site development allowance provides relief from the requirements set forth in Section 6-4-6-3 of the Zoning Ordinance.

SECTION 10: That, pursuant to Section 6-3-5-12 of the Zoning Ordinance which provides that the City Council may impose conditions on the grant of a special use, the following conditions are hereby imposed:

(a) Construction of the Total Project Improvements shall be in substantial compliance with the Development Plan, the conditions and terms of this Ordinance, all other applicable legislation, rules, regulations, and requirements, the Site Plan and Appearance Review provisions of the City Code, and in accordance with representations of the Applicant to the Plan Commission, the Planning and Development Committee, and the City Council. The exteriors of the Total Project Improvements approved hereby shall substantially conform to the materials in color, dimensions, and in all other respects to the representations of the Applicant to the Plan Commission, the Planning and Development Committee, and the City Council.

(b) From and after construction of the Total Project Improvements, and continuing for so long as the Total Project Improvements exist, the Northeast Parcel and the property located immediately east of 422 Davis Street at 400 Davis Street (hereinafter, the "Southeast Parcel" and identified on Exhibit A; the Northeast Parcel and the Southeast Parcel are collectively referred to herein as the "Open Space Parcels"), shall be maintained and operated as open space in substantial conformance with the Development Plan, and the Open Space

Parcels shall not contain any above-ground improvements. The foregoing shall apply to the Southeast Parcel notwithstanding that it is not part of the Subject Property or the Application. In connection with the foregoing, the Applicant shall be permitted to: (i) maintain and operate underground parking spaces beneath the surface of the Northeast Parcel; and (ii) maintain and operate on the Open Space Parcels any and all fixtures and furniture in connection with the use of such Open Space Parcels as a landscaped garden, including but not limited to one or more, gazebos, trellises, benches and chairs, statues, sculptures or other pieces of artwork, planting beds, planters, fences, and fountains. Prior to the issuance of a building permit for the North Parcel Improvements (*i.e.*, the first phase of construction), the Applicant shall record a covenant against all of the Open Space Parcels, which covenant shall be in a form acceptable to and enforceable by the City, reflecting the terms and provisions of this Section 10(b). Said covenant shall provide that prior written approval of two-thirds (2/3s) of the Aldermen elected to the City Council is required for release of any and all provisions of this Section 10(b). No change in ownership or use of the Total Project Improvements shall occur without the applicant first having met with City Officials to inform them of the proposed changes.

(c) From and after construction of the Total Project Improvements, and continuing for so long as the Total Project Improvements exist, the Applicant and any successors, owners, and operators (collectively, "The Applicant") shall not file or cause to be filed, any petition, complaint and/or application with Cook County or the State of Illinois that would exempt any portion of the Subject Property from any obligation in whole or in part, to pay real estate taxes. The Applicant has an affirmative obligation to pay real estate taxes on the Southeast Parcel and the Subject Property, as defined herein. The obligation to pay taxes is based on the then-current assessment rate applicable to life care facilities located in Cook County. In the event a change in current law has the effect of exempting the Applicant from the payment of real estate taxes on the basis of a not-for-profit or charitable life care facility status, the Applicant shall make annual payments *in lieu* of real estate taxes only to the City, School District 65, and Evanston Township High School District 202 in an amount equal to the real estate taxes that the Applicant would pay only to such taxing districts if the Applicant were not then so treated as an exempt not-for-profit or charitable life care facility. The Applicant's obligation to pay real estate taxes on the North Parcel shall commence upon completion of the North Parcel Improvements. The Applicant's obligation to pay real estate taxes for the Southeast Parcel and the Southwest Parcel shall commence upon completion of the Southwest Parcel Improvements. It is expressly acknowledged that nothing herein shall be construed to preclude the Applicant and/or individuals residing on the Subject Property, as applicable, from seeking and/or filing a value

assessment complaint, or a senior citizen exemption, a homeowner's exemption and/or any such other partial exemption that is available to individual unit occupants under the laws of Illinois. The Applicant shall record a covenant against the Subject Property, which shall be in a form acceptable to and enforceable by the City, reflecting the terms and provisions of this Section 10(c). Said covenant shall provide that prior written approval of two-thirds (2/3s) of the Aldermen elected to the City Council is required for release of any and all provisions thereof.

(d) In the event that the Applicant determines in its sole discretion that it does not, from time to time, make use of all of the underground parking spaces on the Subject Property, the Applicant shall use reasonable efforts to lease or otherwise make available, on such terms and conditions as the Applicant determines to be commercially reasonable, such excess parking spaces to the residents of 1519 Hinman Avenue and 1625 Hinman Avenue during the period that such spaces are not made use of by the Applicant. Nothing contained in this Section 10(d) shall require the Applicant to incur any costs or expenses or to seek any additional permits or approvals thereof. The Applicant shall not "lease or otherwise make available" any parking spaces otherwise required in order for the Total Project Improvements to be in compliance with the zoning requirements for off-street parking.

(e) In connection with the Applicant's implementation of the private financial assistance program it currently provides to residents, and that it will provide to eligible persons residing on the Subject Property (the "Financial Assistance Program"), the Applicant shall give priority at move-in to current Evanston residents, former Evanston residents, and/or persons who do not reside in Evanston but whose children are current Evanston residents:

(i) who desire to move into the North Parcel Improvements or the Southwest Parcel Improvements; and

(ii) who are otherwise eligible for the Financial Assistance Program as determined by the Applicant in its sole discretion.

The Applicant shall provide financial assistance pursuant to this program in the amount of not less than thirty million dollars (\$30,000,000.00) over ten (10) years beginning in the first year of occupancy of the North Parcel Improvements, as follows:

(i) not less than fifteen million dollars (\$15,000,000.00) of said amount shall be provided over the first five (5) years of said ten (10) -year period; and

(ii) the balance of said amount shall be provided over the last five (5) years of said ten (10) -year period; provided, however, that the obligation to provide such assistance over the last five (5) years of said ten (10) -year period shall be subject to no material adverse changes in the Applicant's financial condition or the financial condition of the project and/or acts of God or other catastrophic events as determined by the Applicant in the exercise of its reasonable judgment. In the event of any such determination, prior to taking any action to change or modify said obligation, the Applicant shall notify the City, and shall provide reasonable explanatory information regarding any such determination. The Applicant shall meet with the City Council or its designated representatives regarding such determination and propose options to attempt to establish alternative financial assistance structures in connection with the foregoing. Every effort shall be made to notify and meet with the City Council at least ninety (90) days prior to making any changes in the Financial Assistance Program. Within one hundred eighty (180) days of the end of each calendar year during such ten (10) -year period, the Applicant shall provide to the City a schedule showing the total expenditures under the Financial Assistance Program for the previous calendar year. The schedule shall be accompanied by a report from an independent certified public accountant, confirming the expenditures per the terms of this Ordinance. It is acknowledged that, notwithstanding the foregoing, it is the Applicant's intent to continue the Financial Assistance Program for the foreseeable future beyond said ten (10) -year period.

(iii) The Financial Assistance Program shall include financial subsidies to current Evanston residents, former Evanston residents, and/or persons who do not reside in Evanston but whose children are current Evanston residents; and shall include, among other things:

- (1) discounts from published entrance fees; and/or
- (2) discounts from published monthly fees; and/or
- (3) discounts from published ancillary fees; and/or
- (4) monthly spending allowances provided to current residents under the Applicant's existing Financial Assistance Program; and/or
- (5) payments to other providers for medical, dental, and other necessary/additional services.

(f) In connection with the Applicant's improvement of the Southeast Parcel in accordance with the Development Plan, the Applicant

shall permit passive use of the Southeast Parcel by the general public. Use of the Southeast Parcel by the general public during regular and routine day-time periods, including weekends, shall be subject to time and use restrictions as determined by the Applicant in its sole discretion and shall not interfere with the quiet enjoyment and use of the Southeast Parcel by residents of the Subject Property. The hours the general public may use the Southeast Parcel shall be posted on the parcel.

(g) The partial eleventh (11th) floor allowed by Section 7(a) of this Ordinance 5-O-06 for the North Parcel shall contain no more than three (3) independent living units collectively containing no more than approximately fifty-two hundred (5,200) square feet (exclusive of accessory circulation space), and shall be set back from each façade of the North Parcel Improvements all in accordance with the Development Plan. No mechanical penthouse shall be located on the roof of the partial eleventh (11th) floor. Any such unit(s) on the partial eleventh (11th) floor shall be included within the two hundred forty-five (245) maximum number of units for the planned development approved by this Ordinance 5-O-06. Each eleventh (11th) floor unit shall contain no more square footage than the largest independent living unit on any lower floors of the North Parcel.

(h) Prior to issuance of a building permit for the North Parcel Improvements and the Southwest Parcel Improvements, the Applicant shall conduct a pre-construction site survey of all properties that abut or are adjacent to the Subject Property, as well as other properties identified by the Applicant in consultation with the Community Development Department within two hundred fifty feet (250') of the Subject Property, and shall implement a construction and demolition management plan for the Subject Property which shall be on file with the Building Division of the Community Development Department, and which shall address demolition, construction staging, hours of construction, and contractor parking. The construction demolition management plan shall require that all construction personnel who drive to the construction site, park their vehicles off-street in a lawful location. The Director of Community Development shall be involved in the design of the plan. The Applicant shall seek input from and share information with City Staff, the tenants, and owners of properties within two hundred fifty feet (250') of the Subject Parcel in development of the Plan. The construction management plan shall require the Applicant to send a newsletter to residents within one thousand feet (1,000') each month beginning no later than one (1) month prior to issuance of a demolition permit and continuing through issuance of a Final Certificate of Occupancy. The Applicant may elect to provide monthly updates by its website if it includes a statement to that effect in the first newsletter, provides the website address, and updates the website no less often than once a month. For purposes of this Section 10(h), "affected neighbors" shall mean owners or tenants of

property located within two hundred fifty feet (250') of the Subject Property. The City shall use reasonable efforts to provide the Applicant with the names of such persons. The Applicant shall mail quarterly newsletters to all persons within one-thousand feet (1,000') of the Subject Property.

(i) Any on-street parking located on Davis Street between Judson Avenue and Hinman Avenue that is specifically designated for the Applicant's sole use and enjoyment as of the date of this Ordinance shall no longer be used by Applicant and shall be available to the general public upon completion of the North Parcel Improvements.

(j) Subject to *force majeure*, construction of each building shall commence within one hundred twenty (120) days after the completion of demolition of each respective existing building. Demolition and construction shall proceed diligently to completion. The site shall be graded no later than on the one hundred twentieth (120th) day after completion of demolition if construction will not commence on the one hundred twenty-first (121st) day.

(k) The Applicant shall promptly implement a determination by the City's Director of Public Works that ingress and egress to the underground parking garage located on the North Parcel shall be limited to "right turn in" and/or "right turn out" only or such other determinations as to ingress and egress made by the Director of Public Works.

(l) The North Parcel shall have a twenty-foot (20') street-side yard and a twenty-five-foot (25') interior side yard.

SECTION 11: The Applicant and the City shall cooperate to finalize detailed construction plans for the Tunnel Improvements and all other improvements that are part of the Development Plan and which will be located on, over, above, or under any City right-of-way (collectively referred to herein as "Right-of-Way Improvements"). The City and the Applicant shall enter into one or more easements governing the Applicant's use and operation of the Right-of-Way Improvements located under City-owned property. The Applicant shall pay a one hundred

twenty-five thousand dollar (\$125,000.00) annual easement fee that will go into the Mayor's Special Housing Fund.

SECTION 12: Pursuant to Section 6-3-5-15(A), the one (1) -year period in which to receive a building permit (as provided for in Sections 6-3-5-15(A) and 6-8-1-10(A)4) is hereby extended as detailed herein to allow for the staged development of construction of the Total Project Improvements and the issuance of multiple building permits. If a completed application for a building permit is not filed with the City within: (a) two (2) years following adoption of this Ordinance (rather than one (1) year), with respect to the North Parcel Improvements, and (b) five (5) years following adoption of this Ordinance (rather than one (1) year), with respect to the Southwest Parcel Improvements, then this Ordinance shall expire.

SECTION 13: Pursuant to Section 6-8-1-10(A)3, the two (2) -year completion date provided for in Section 6-8-1-10(A)3 is hereby extended to eight (8) years to allow for staged development of the Total Project Improvements. Said eight (8) -year period may be extended by and if, within that period, upon written request from the Applicant, the City Council determines that good cause for such extension is shown. The Applicant shall have thirty (30) months from the date a building permit is issued by the City for North Parcel Improvements or the Southwest Parcel Improvements, as the case may be, to complete the construction of the work authorized by said permit, all subject to *force majeure*. Notwithstanding anything to the contrary contained herein, if construction

of either the North Parcel Improvements or the Southwest Parcel Improvements, as the case may be, described in such building permit is begun and is being diligently pursued within such thirty (30) -month period, but is not completed, that such thirty (30) -month time period may be extended for an additional six (6) months to permit the completion of said construction.

SECTION 14: Except as otherwise provided for in this Ordinance, all regulations applicable in the R6 General Residential District and the R1 Single-Family Residential District shall govern and remain in full force and effect with respect to the use and development of the Subject Property.

SECTION 15: References herein to the “Applicant” shall in all cases mean Mather LifeWays and any and all successors, owners, and operators of the Subject Property, as applicable.

SECTION 16: Applicant is required to record, at its cost, and provide the City with a certified copy of this Ordinance, the Development Plan, and the covenant required by Section 10(b) and 10(c) of this Ordinance in the Cook County Recorder’s Office prior to obtaining any City permits.

SECTION 17: To the extent of any conflict between the terms of this Ordinance and the Development Plan, the terms of this Ordinance shall govern and control. Any capitalized term not defined

herein shall have the same meaning as used and defined in the Zoning Ordinance.

SECTION 18: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 19: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Ayes: _____

Nays: _____

Introduced: _____, 2006 Approved:

Adopted: _____, 2006 _____, 2006

Lorraine H. Morton
Mayor

Attest:

Approved as to form:

Mary P. Morris
City Clerk

Herbert D. Hill
First Assistant Corporation Counsel

EXHIBIT A
SITE PLAN

EXHIBIT B

LEGAL DESCRIPTION

PARCEL 1:

LOTS 1, 2 AND 3 IN HARVEY T. WEEKS RESUBDIVISION OF LOTS 10, 11 AND THE SOUTH 43 FEET OF LOT 12 OF BLOCK 21 IN THE VILLAGE OF EVANSTON IN SECTIONS 13, TOWNSHIP 41 NORTH, RANGE 13 AND 7, 18 AND 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 2:

LOTS 6, 7, 8 AND 9 IN BLOCK 21 IN THE VILLAGE OF EVANSTON IN SECTIONS 13, TOWNSHIP 41 NORTH, RANGE 13 AND 7, 18 AND 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 3:

THE 5 FOOT NORTHEASTERLY VACATED ALLEY ADJOINING THE EAST LINE (EXCEPT THE NORTH 20 FEET THEREOF) OF LOT 6 IN THE VILLAGE OF EVANSTON IN SECTIONS 13, TOWNSHIP 41 NORTH, RANGE 13 AND 7, 18 AND 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 4:

THE 5 FOOT NORTHEASTERLY VACATED ALLEY ADJOINING LOTS 7, 8 AND 9 IN THE VILLAGE OF EVANSTON IN SECTION 13, TOWNSHIP 41 NORTH, RANGE 13 AND 7, 18 AND 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 5:

THE NORTH 17 FEET OF LOT 10 AND ALL OF LOTS 11 AND 12 IN BLOCK 25 IN THE ORIGINAL VILLAGE OF EVANSTON, A SUBDIVISION OF PARTS OF SECTION 13, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPLE MERIDIAN AND OF SECTIONS 7, 18 AND SECTION 19, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPLE MERIDIAN, IN COOK COUNTY, ILLINOIS

PARCEL 6:

LOTS 1, 2 AND 3 IN BLOCK 25 IN EVANSTON IN THE SOUTHEASTERLY FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 41 NORTH, RANGE 14 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THE SOUTHERLY 60 FEET OF THE EASTERLY 103 FEET OF LOT 3 AND EXCEPTING THAT PART FALLING WITHIN THE SOUTHERLY 42 FEET OF THE WESTERLY 46 FEET OF THE EASTERLY 149 FEET OF LOT 3) IN COOK COUNTY, ILLINOIS

EXHIBIT C

DEVELOPMENT PLAN

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