

VILLAGE OF LINCOLNWOOD

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ORDINANCE NO. 89-1847

AN ORDINANCE GRANTING PRELIMINARY PLAN APPROV-
AL FOR A PLANNED UNIT DEVELOPMENT UPON APPLI-
CATION OF 4545 VENTURE FOR APPROXIMATELY 6.7
ACRES AT 4545 WEST TOUHY AVENUE

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LINCOLNWOOD
THIS 16th DAY OF February, 1989

Published in pamphlet form
by the authority of the President
and Board of Trustees of the
Village of Lincolnwood, Cook
County, Illinois, this 16th
day of February, 1989.

ORDINANCE NO. 89-1847

AN ORDINANCE GRANTING PRELIMINARY PLAN APPROVAL FOR A PLANNED UNIT DEVELOPMENT UPON APPLICATION OF 4545 VENTURE FOR APPROXIMATELY 6.7 ACRES AT 4545 WEST TOUHY AVENUE

WHEREAS, application has been made by 4545 Venture for a planned unit development, on approximately 6.7 acres, commonly known as 4545 West Touhy Avenue, and as more particularly described in the body of this Ordinance; and

WHEREAS, public hearings have been held on the application for a planned unit development, and, particularly, with reference to the preliminary plan of development, which hearings took place before the Plan Commission and Zoning Board of Appeals of the Village of Lincolnwood, all in conformance with the ordinances of the Village of Lincolnwood and the statutes of the State of Illinois; and

WHEREAS, pursuant to those hearings, the Plan Commission and Zoning Board of Appeals has recommended approval of the application of 4545 Venture for preliminary plat approval for a planned unit development, subject to certain conditions, stipulations and limitations; and

WHEREAS, the recommendations of the Lincolnwood Plan Commission and Zoning Board of Appeals are contained within the report and recommendation to the Board of Trustees of the Village of Lincolnwood, dated January 31, 1989, which report is hereby incorporated by reference into this Ordinance; and

WHEREAS, the Village Board of the Village of Lincolnwood has previously adopted a motion to accept the findings and recommendations of the Plan Commission and Zoning Board of Appeals, and to approve the preliminary plan for the planned unit development, subject to certain conditions, stipulations and limitations; and

WHEREAS, the Village Board of the Village of Lincolnwood adopts the findings and recommendations of the Lincolnwood Plan Commission and Zoning Board of Appeals as to its findings and recommendations, subject to the particular specific terms and conditions of this Ordinance, and that the approval of the planned

unit development is in the best interests of all the residents of the Village of Lincolnwood;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: That the subject property to which this Ordinance applies is legally described in Exhibit A, attached hereto and made a part hereof and incorporated herein by reference. Said property is approximately 6.7 acres and is commonly known as 4545 West Touhy.

SECTION 2: That the application for special use, planned unit development is hereby granted, and the subject property is hereby zoned special use, planned unit development, and shall be so designated on the zoning map of the Village of Lincolnwood. The Village Board does hereby approve the preliminary plat of development, which preliminary plat is incorporated herein by reference, and shall be designated Exhibit "B." This zoning of the subject property and approval of the preliminary plat are subject to the specific terms, conditions and limitations set forth herein.

SECTION 3: That the planned unit development shall be developed in accordance with the following terms and conditions, and modifications thereto:

1. The PUD shall comply with all of the plans, designs and reports submitted by the applicant at or prior to the hearings before the Plan Commission, and all representations and testimony made by or on behalf of the applicant at said hearings, and with the plans prepared by Rabin LeNoble Associates dated February 2, 1989 and presented to the Board of Trustees, the foregoing to include but not limited to the following:

(a) The development shall consist of 168 residential condominium units, contained in two parallel seven-story buildings oriented from north to south and connected at the middle by an east-west wing two stories in height. There shall be a pool and pool

deck area south of the buildings and a tennis court west of the buildings. Landscaping shall include a storm water detention area west of the buildings and south of the tennis court.

(b) A height variation is hereby granted from the Zoning Ordinance to permit the construction of two seven-story (77 feet) buildings rather than the 5-story (55 foot) limitation as set forth in the Zoning Ordinance. The height of said buildings shall not exceed, with a one foot margin of error, the height of the condominium building to the west of the subject property commonly known as 4601 West Touhy.

(c) Setbacks shall be 120 feet for the front and a 109 foot rear yard setback. A variation is hereby granted from the 75 foot side yard zoning regulation for a 65 foot side yard along Kilbourn Avenue.

(d) A floor/area ratio variation is hereby granted from the Zoning Ordinance requirement of 1.0 to allow an FAR of 1.37.

(e) A variation is hereby granted from the Zoning Ordinance to permit off-street open parking, consisting of 70 non-assigned open spaces, within the required front yard. There shall also be 336 interior spaces under the buildings. The size of all parking spaces shall be in compliance with the ordinances of the Village. There shall be eight handicapped parking spaces, four outside and four near elevators inside.

(f) The public areas of the two buildings and two-story connecting wing shall be sprinklered in accordance with plans to be submitted and approved by the Building Commissioner.

(g) The primary point for ingress to and egress from the development shall be located on Touhy Avenue approximately 375 feet west of Kilbourn Avenue and directly across the entrance to the Hyatt House.

Applicant shall reimburse the Village for one-third of the total cost of installing previously approved stoplights at this location. There shall be no vehicular access from the site to or from Kilbourn, Fitch or Estes. The existing westerly driveway access along Touhy, near the Public Service Company right-of-way shall be closed. The eastern vehicular access drive shown on the plan as "optional second entry" shall be designated for "emergency and emergency vehicle use only." The drive shall be constructed with a fourteen-foot grass-crete surface, restricted mountable curb, signed for "emergency only," and restricted as "no parking."

(h) Landscaping shall be substantially in accordance with Applicant's submitted plan, and as recommended and approved by the Village Planner. The proposed landscape plan shall be further detailed before final plat stage to show the following:

- (i) specific plan locations by type and size;
- (ii) walkway location;
- (iii) fence details;
- (iv) final grading plans;
- (v) emergency vehicular access design;
- (vi) additional berming and screening to adjacent single-family residential areas; and
- (vii) a general upgrade of the landscape amenity package.

Landscaping and use of the Power Line property shall be contingent upon obtaining written approval before submission for final plat approval. Applicant shall make every bona fide effort to obtain such consent. A landscape architect from the office of the Village Planner shall work with Applicant's landscape architect on the upgrades and certification of the planned unit development final plat. Inspection and final approval

shall take place upon completion of the installation of the landscape program.

(i) Sanitary disposal shall be by way of an eight-inch sewer connection to the 21-inch sewer on Kilbourn Avenue. Such sewer connection has the capacity of handling the equivalent of a 300 plus home subdivision.

(j) There shall be restricted storm water run-off to a Touhy Avenue sewer through a two-inch pipe. There shall be a network of on-site sewers connected by a system of 12-inch pipes within the site. A slight depression, not exceeding nine inches shall form a retention pond toward the southwest portion of the site, providing .675 acre feet of water storage. In the event of a storm exceeding the 100-year storm, the outdoor parking area is designed as an additional, back-up detention area. Applicant shall do nothing to obstruct the flow or any conduits of a storm water drainage ditch at the rear of the residential properties to the south, which drains generally toward a drain near Touhy to the north. The Applicant shall cooperate with the Village Engineer in preserving and enhancing the drainage flow through any portion of this subject property, or any portion of the Public Service Company site over which Applicant may acquire control.

(k) First floor balconies shall be at least three feet above finish grade and shall have the underside screened with evergreen materials.

2. There shall be no retail facility or public restaurant within the premises. A kitchen facility in the meeting room shall be permitted for the convenience of the residents.

3. A caretaker's unit shall be allowed to be constructed in a portion of the area shown as the meeting room on the second floor plan.

4. The use of the outdoor pool and the tennis court shall be restricted to use between the hours of 7:00 a.m. and 10:00 p.m.

5. All exterior lighting shall be designed to be shielded and directed away from residential areas. The design shall be reviewed as part of the final planned unit development plat.

6. The site shall be developed in such manner as to comply with all environmental protection and pollution control laws, both State and Federal.

7. Applicant shall reimburse the Village as billed for the cost of engineering, legal and other consulting and professional services as required, and applicant shall pay for the cost of all necessary governmental permits and approvals, whether to be issued by the Village of Lincolnwood or by other governmental bodies and agencies.

8. All landscaping, paving and site amenities of the development shall be maintained by a Homeowner's Association. Prior to the issuance of a building permit, Applicant shall prepare a Declaration of Easements, Covenants, Conditions and Restrictions, to run with the land, for review and approval by the Village Attorney.

9. The Village Planner may make such other and further recommendations for modification of details to the Board of Trustees as he may see fit.

10. Nothing herein shall be deemed or understood to relieve Applicant from compliance with applicable building and safety codes. Plans for all signs on the subject property shall be submitted for review and approval by the Village Planner. Such plans shall include the type, number, size and illumination of such signs.

11. Garbage and refuse from the entire PUD site shall be stored in containers in the manner and at the locations specified by the Village, and shall be disposed of by Applicant at Applicant's sole cost. Storage and disposal shall be made at such times and in such manner as shall not create or permit any unhealthy or unsightly conditions to be maintained.

12. Developer shall pay to the Village a flat fee of \$750.00 per unit as a condition to zoning approval by the

Village. Said fee shall be paid upon issuance of an occupancy permit for the number of units contained in the occupancy permit. Payment of this fee shall be guaranteed by 4545 Venture. An authorized representative of 4545 Venture shall sign a copy of this Ordinance acknowledging their agreement to guarantee payment of such fee. Developer acknowledges and agrees that the development shall have an impact upon municipal services and facilities of a magnitude sufficient to warrant payment of said fee, and specifically agrees as to the fairness of the amount of said fee, and does hereby waive any claims or defenses whether by statute, common law or constitution, which it has, to the payment of said fee.

13. The preliminary plat is approved upon the condition that the subject property be developed in accordance with said preliminary plat and the terms of this Ordinance. Upon failure of the Applicant to obtain approval of a Final Plan and building permits within three (3) years of the date of this Ordinance, approval of the Preliminary Plat shall be automatically revoked, provided, however, that upon request in writing of Applicant prior to expiration of the three (3) years, the Board of Trustees may at any time or from time to time, by resolution duly adopted at any meeting of the Board of Trustees, extend the period of time for submission of such Final Plan and obtaining building permits. After obtaining Final Plan approval and building permits, Applicant shall proceed with reasonable diligence to commence and complete development of the subject property. Upon failure of the Applicant to proceed with reasonable diligence, the Village Board of Trustees, at its discretion, may revoke approval of said special use, PUD for the subject property.

SECTION 4: The specific terms and conditions of this ordinance shall prevail against other ordinances of the Village to the extent that there might be any conflict. Except for the foregoing limitation, the development of the subject property is subject to all the terms and conditions of applicable existing ordinances and regulations, and as they may be amended from

time to time, of the Village of Lincolnwood, including, without limitation, zoning ordinances, building codes and subdivision regulations, and construction and designs for public improvements. The terms and conditions of this ordinance apply to the subject property, and are applicable to and shall govern the development of the subject property, and shall govern the actions and conduct of all persons having an interest in the subject property. This ordinance shall be binding upon and shall enure to the benefit of all owners, successors and assigns of the applicant.

SECTION 5: That any person violating the terms and conditions of this Ordinance shall be subject to a fine not to exceed Five Hundred Dollars (\$500.00), with each day that a violation is allowed to persist constituting a distinct and separate offense under the terms of this Ordinance. In addition, the Village of Lincolnwood may take whatever action it might deem appropriate to enforce the terms of this Ordinance, including an action for injunction. All attorneys' fees and costs incurred by the Village of Lincolnwood in enforcing the terms of this Ordinance shall be paid by the violator.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law; provided, however, that this ordinance shall not take effect until a true and correct copy of this ordinance is executed by the owners of the subject property, or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this ordinance. Such execution shall take place within sixty (60) days after the passage and approval of this ordinance or within such extension of time as may be granted by the Corporate Authorities of the Village of Lincolnwood by motion.

PASSED this 16th day of February, 1989.

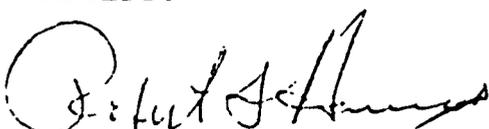
AYES: Trustees Grogan, Handelsman, Shelton and
President Chulay

NAYS: None

ABSENT: Trustees Nishi, Rossi & Jett

APPROVED this 16th day of February, 1989.

ATTEST:


Village Clerk


Village President

I, RICHARD J. ROBIN, on behalf of 4545 Venture,
being the owner or other party in interest of the property legally
described within this ordinance, having read a copy of this
ordinance, and having the authority to agree on behalf of 4545
Venture, and to execute this ordinance, do hereby accept, concur
and agree to develop and use the subject property in accordance
with the terms of this Ordinance.

