

VILLAGE OF LINCOLNWOOD

ORDINANCE NO 799- 044

AN ORDINANCE GRANTING PRELIMINARY PLAT APPROVAL  
FOR A PLANNED UNIT DEVELOPMENT UPON APPLICATION OF  
TDC/LINCOLNWOOD, L.L.C. FOR APPROXIMATELY 8.53 ACRES  
AT PRATT AVENUE AND MCCORMICK BOULEVARD IN THE  
VILLAGE OF LINCOLNWOOD, COOK COUNTY ILLINOIS

ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF LINCOLNWOOD  
THIS 17<sup>th</sup> DAY OF June, 1999.

Published in pamphlet form by  
the authority of the President  
and Board of Trustees of the  
Village of Lincolnwood, Cook  
County, Illinois, this 24<sup>th</sup>  
day of June, 1999.

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WHEREAS, the Village of Lincolnwood ("Village"), as a home rule municipality, in accordance with Article VII Section 6(a) of the Constitution of the State of Illinois of 1970, is enacting this Ordinance pursuant to its authority as a home rule unit and pursuant to the Village of Lincolnwood Code of Ordinances ("Code") including the Lincolnwood Zoning Ordinance ("Zoning Ordinance") which is Chapter 16 of the Code; and

WHEREAS, application (the "Application") has been made by TDC/Lincolnwood, L.L.C. ("Applicant"), for approval of a Preliminary Plat of Planned Unit Development (the "PUD") for a parcel of land consisting of approximately 8.53 acres, generally bounded by Pratt Avenue on the south, McCormick Boulevard on the east, a west boundary that is approximately 612 feet west of the McCormick Boulevard right of way, and the Lincolnwood Town Center Planned Unit Development on the north. The parcel is generally situated on the northwest corner of Pratt Avenue and McCormick Boulevard and is legally described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"); and

WHEREAS, the PUD is to include a supermarket (the "Supermarket") on one lot that is to be operated by Dominick's Finer Foods, Inc. ("Dominick's") and a bank on the other lot (the "Outlot"); and

WHEREAS, adjacent to the Property and immediately to the west line of the Property, bounded on the south by Pratt Avenue and generally on the west by Accurate Threaded Fasteners, and on the north by the Lincolnwood Town Center Planned Unit Development, is an approximately 13.36 acre parcel of land currently containing certain improvements that are occupied by Bell and Howell Document Management Products Company ("Bell & Howell"). Such parcel is legally described in Exhibit "B" attached hereto and made a part hereof (the "Industrial Parcel"). The Property and the Industrial Parcel are collectively referred to herein as the "Bell & Howell Property"; and

WHEREAS, a public hearing, held pursuant to proper notice (attached hereto as Exhibit "C" and made a part hereof), was held on the Application for a PUD, and, particularly, with reference to the Preliminary Plat of Planned Unit Development, which hearing took place before the Plan Commission and Zoning Board of Appeals ("PC/ZBA") 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, after the close of the public hearing, the PC/ZBA in a 5 - 2 vote recommended denial of the Application, and issued its report and recommendation dated June 8, 1999 (the "Majority Report") recommending that preliminary plat approval for the PUD be denied; and

WHEREAS, those PC/ZBA Commissioners voting against the motion recommending denial of the Application issued a report and recommendation dated June 11, 1999 ("Minority Report") recommending that preliminary plat approval for the PUD be approved subject to certain conditions; and

WHEREAS, the Village Board of Trustees ("Board") has considered the Majority Report, the Minority Report, the Application, the reports and recommendations of Village staff and Village consultants, the Applicant's representations in its public meeting, and the Report of the Economic Development Commission (collectively the "Factors"); and

WHEREAS, the Board, after considering the Factors, has determined that the PUD meets the standards set forth in Chapter 16, Article 14 Section E of the Code and that approval of the Preliminary Plat of Planned Unit Development, subject to the conditions, stipulations and limitations stated herein, will further the health, safety, and welfare of the Village.

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

SECTION ONE. That the Preamble to this Ordinance is incorporated by reference into this Section One as if fully set forth herein.

SECTION TWO. That the Application for special use PUD is hereby granted, and the Property is hereby zoned special use planned unit development, and shall be so designated on the zoning map of the Village of Lincolnwood.

SECTION THREE. That the Village Board does hereby approve the Preliminary Plat of Planned Unit Development prepared by HKM Architects & Planners, Inc., consisting of one page and bearing a most recent revision date of May 19, 1999, which preliminary plat is attached hereto as Exhibit "D" and made a part hereof by reference (the "Preliminary Plat"). This zoning of the Property and approval of the Preliminary

Plat are subject to the specific terms, conditions and limitations set forth herein.

SECTION FOUR. That Applicant, Bell & Howell and Dominick's shall develop, own, operate and maintain the PUD in accordance with the following terms and conditions:

1. The PUD shall comply with all representations and testimony made by or on behalf of the Applicant at the PC/ZBA public hearing and before the Board.
2. Development of the PUD shall conform to final plans and plats that substantially conform to the Preliminary Plat and the following additional preliminary plans and plats included herein as Group Exhibit E:
  - a. Architectural Statement/Architectural Elevations prepared by HKM Architects & Planners, Inc., consisting of one page and bearing a most recent revision date of April 9, 1999;
  - b. Preliminary Landscape Plan and Landscape Details prepared by HKM Architects & Planners, Inc., consisting of one page and bearing a most recent revision date of May 19, 1999;
  - c. Site Plan with Illuminance Levels prepared by HKM Architects & Planners, Inc., consisting of one page and bearing a most recent revision date of May 14, 1999; and
  - d. Conceptual Drainage and Utility Plan prepared by David Evans and Associates, Inc. consisting of one page and bearing a most recent revision date of April 9, 1999.
3. Applicant shall submit a final plat of subdivision/planned unit development for the PUD within 6 months after the date of the adoption of this Ordinance and Applicant shall apply for building permits within 6 months of the Board's approval of and the recording of the final plat of subdivision/planned unit development.
4. Neither Applicant nor Dominick's shall seek any sales tax or real estate tax incentives from the Village in furtherance of the development of the PUD.
5. Prior to recording of a final plat of subdivision/planned unit development for any portion of the Bell & Howell Property, a mutually acceptable development agreement shall be negotiated and executed by Bell & Howell, Applicant, Dominick's and the Village to be approved by the Board, which development agreement shall be publicly recorded against title to the Bell & Howell Property.

6. No outlots shall be created within the PUD except for the Outlot, which Outlot shall be devoted only to bank use or such other use as may be approved by the Board. There shall be cross-easements designated to provide ingress and egress to the Outlot.

7. The Supermarket building shall be constructed not less than 180 feet from the northerly right-of-way line of Pratt Avenue existing as of the date of approval of the PUD.

8. Neither the Supermarket nor the bank to be located on the Outlot shall be open to the public on a 24 hour-a-day basis. The Supermarket shall not be open to the public from 11:00 p.m. to 7:00 a.m. There shall be no deliveries to the Supermarket before 7:00 a.m. or after 10:00 p.m. The hours of the bank, excluding any self-contained or outdoor ATM, shall not exceed the hours for the Supermarket.

9. All parking lot lighting (other than security lighting) shall be turned off by 12:00 a.m.

10. Lighting shall be designed so as to be contained in the PUD as shown on the Site Plan with Illuminance Levels dated May 14, 1999. Specifically, all lighting shall be required to be directed or shielded so as to avoid light spillage onto residential properties.

11. Concurrently with the recording of a final plat of subdivision/planned unit development for any portion of the Bell & Howell Property, and pursuant to the aforesaid development agreement, a 70-foot right-of-way shall be dedicated to the Village of Lincolnwood and a 10-foot roadway easement shall be granted to the Village, both at no cost to the Village, to further the Village's construction of the proposed east-west connector roadway, as set forth on the Preliminary Plat ("East-West Connector Roadway").

12. Prior to the recording of a final plat of subdivision/planned unit development for the Bell & Howell Property a fully-executed copy of a lease shall be delivered to the Village that provides for Bell & Howell's leasing of the Industrial Parcel for a period of not less than 10 years.

13. The following regulations shall apply to trucks:

- a. No truck deliveries to the Supermarket shall be made via Pratt Avenue;
- b. All truck deliveries shall be made via the East-West Connector Roadway;
- c. Dominick's shall inform all of its suppliers, in writing, of such restriction;

- d. Signs shall be installed on the Property at the Pratt Avenue point of ingress and egress to the Property informing all delivery vehicles of such restriction; and
- e. Prior to recording of the final plat of subdivision/planned unit development for the Property, the owner of the Property shall enter into a Traffic Regulation Agreement with the Village pursuant to Section 11-209 of the Illinois Vehicle Code (605 ILCS 0/11-209) and Section 1-1-7 of the Illinois Municipal Code (65 ILCS 5/1-1-7) that establishes the Village's right to enforce, among other traffic regulations, the foregoing restriction (including, by way of example, through ticketing and fines).

14. There shall be no curb-cuts from the Property onto McCormick Boulevard. There shall be no shared access between the PUD and the Industrial Parcel.

15. On or about the 6-month anniversary of the opening for business of the Supermarket, the Village Administrator shall file a report with the Village prepared by the Village's traffic consultant that identifies traffic problems, if any, then being experienced as a result of the generation of traffic from the PUD: (i) at the intersection of Pratt Avenue and McCormick Boulevard; and (ii) at the Pratt Avenue entrance to/exit from the Property; or (iii) in the residential neighborhood situated to the south of the Property. The Board shall consider the Administrator's report, and based on such report the Board may require implementation of one or more of the following actions:

- a. The Board may require Dominick's to provide sufficient traffic control personnel, on an ongoing basis and at Dominick's expense, to the extent determined necessary by the Board to alleviate traffic congestion;
- b. The Board may require Applicant to construct a right-turn deceleration lane for westbound traffic up to 100 feet east of the Pratt Avenue entrance to the PUD; and
- c. If it is found that "cut-through" traffic exists in the residential neighborhood situated to the south of the Property, as a result of the generation of traffic from the PUD, the Board may require Dominick's to provide a traffic calming device on the south side of the Kimball/Pratt Avenue intersection allowing right-turn in and right-turn out turning maneuvers only.

16. After the 12-month anniversary of the opening for business of the Supermarket, the Streets and Alleys Committee of the Board, in consultation with Dominick's and the Village's traffic engineer, shall recommend alternative traffic calming devices, parking restrictions, or alternate solutions if the same are then deemed necessary to mitigate identified traffic problems. Any such traffic restrictions or calming devices which are

shown to be necessary as a result of the use and development of the Property shall be at Dominick's expense. In addition, if the intersection of Pratt Avenue and McCormick Boulevard or any point of access on Pratt Avenue to the Bell and Howell Property is operating at less than Level of Service ("LOS") "D" the Board may require that the westerly employee point of access to the Industrial Parcel be closed during weekday evening peak hour periods provided the Village's traffic consultant concludes that such closure, either independently or in conjunction with other improvements or other traffic control remediation efforts in the area, will restore those intersections to LOS "D" or better.

17. The Village shall undertake, at Applicant's expense, a progression study that demonstrates to IDOT's satisfaction that the traffic flow and sequencing of the traffic lights on McCormick Boulevard will not be impeded by the traffic signal to be located at the intersection of the East-West Connector Roadway and McCormick Boulevard.

18. The following shall apply to certain traffic improvements:

- a. The right-turn deceleration lane at the intersection of McCormick Boulevard and Pratt Avenue and the site access improvements recommended in the Applicant's Traffic Report, prepared by Metro Transportation Group and dated April 1999 shall be constructed by Applicant at its sole expense, subject to IDOT approval, prior to issuance of a certificate of occupancy for the Supermarket; and
- b. The right-turn deceleration lane at the intersection at McCormick Boulevard and the East-West Connector Roadway, shall be constructed by Applicant, at its sole expense, subject to IDOT approval and to the availability of required right-of-way, prior to issuance of a certificate of occupancy for the Supermarket.

19. Upon completion of the East-West Connector Roadway, the westerly truck access to the Industrial Parcel currently located on Pratt Avenue shall be discontinued and relocated to provide ingress and egress from the East-West Connector Roadway at a location to be approved by the Village. There shall also be a point of employee ingress and egress from the East-West Connector Roadway.

20. No parking lot or drive aisle improvements shall be constructed on the PUD within 100 feet of the northerly right-of-way line of Pratt Avenue and no parking lot or drive aisle improvements shall be constructed on the Outlot within 40 feet of the northerly right-of-way line of Pratt Avenue.

21. A site plan for the Industrial Parcel shall be submitted to the PC/ZBA for its consideration and recommendations prior to issuance of a building permit for the Industrial Parcel. The Plan Commission shall determine whether the continued use of

the Industrial Parcel requires any special uses or variations or whether any special conditions apply to the continued use of the Industrial Parcel. The Plan Commission shall take into account the conditions imposed by this Board on the PUD and consider how those conditions affect the use of the Industrial Parcel. If there are conflicts between the use of the Property with the conditions imposed on it herein and the use of the Industrial Parcel, the Plan Commission shall recommend ways in which such conflicts may be harmonized so that conditions placed thereon do not negate or obstruct the conditions placed on the PUD by this Ordinance or in any subsequently executed and recorded development agreement or covenants. The Plan Commission shall present its report and recommendations to the Board for its consideration and the Board may then take action. Any conditions or covenants placed on the Industrial Parcel by the Board, and agreements containing any such conditions or covenants, shall be publicly recorded.

22. Prior to the recording of a final plat of subdivision/planned unit development for the PUD, and the issuance of any building permit for any development or construction in the PUD, the following items relating to the landscape and site plans for the Industrial Parcel shall be submitted to the PC/ZBA for review:

- a. Evidence of the retention of approximately 250,000 square feet of the existing Bell & Howell building for permitted "M" Manufacturing Zoning District uses only, of which Bell & Howell shall be initially a primary tenant under the multi-year lease referred to above;
- b. A plan for the construction of a 3 to 5 foot landscaped berm, with an underground sprinkler system, to screen parking areas along Pratt Avenue from Trumbull Avenue to the west property line of the Industrial Parcel; and
- c. Evidence showing compliance with all applicable bulk regulations of the "M" Manufacturing Zoning District, including, without limitation, the regulations pertaining to off-street parking, off-street loading and stormwater management, or evidence in support of any requested variations to such regulations.

23. The Final Plat of Planned Unit Development, Final Landscape Plan, Final Utility Plan and Final Architectural Plan shall incorporate the following:

- a. The Final Landscape Plan shall reflect the following enhanced features:
  - 1) permanent concrete or masonry planters near the public access points to the proposed buildings for seasonal flower plantings;
  - 2) a continuous landscaped berm, 3 to 4 feet in height, along the length

of McCormick Boulevard and Pratt Avenue, consistent with the existing berms in place along McCormick Boulevard at the Lincolnwood Town Center;

- 3) significant increase in quantities and sizes of shrub, tree and plant material, including substantial use of conifers in sensitive screening areas so as to ensure year-round attractiveness and screen effectiveness;
- 4) provision of additional landscaping to screen the parking area along the East-West Connector Roadway on the north end of the PUD; and,
- 5) landscaped islands within the parking area opposite each shopping cart corral.

Said Final Landscape Plan shall identify the species, sizes, quantities, and planting location of all landscape material that is to be newly planted and identify all existing trees on the Property and adjoining public right-of-way. This plan shall further identify whether existing trees are proposed to be retained or removed. The Final Landscape Plan shall provide for the planting of a 4 to 6 inch caliper ("dbh") tree on the PUD for any tree proposed to be removed. Applicant and/or Dominick's shall perpetually maintain all landscaping in a first class condition.

b. The Final Planned Unit Development Plat shall contain the following revised and enhanced elements to the Preliminary Plat:

- 1) a curbed median, engineered to provide traffic control within the PUD's driveway leading to Pratt Avenue. Such median shall separate north and south bound traffic and inhibit left turns out onto Pratt Avenue. Said median shall be continuous from Pratt Avenue to the southernmost parking area on the Property. The Final Planned Unit Development Plat shall further identify the location of traffic control signs on the Property which shall direct customer traffic to the East-West Connector Roadway for access to McCormick Boulevard as well as other signs indicating "No Left Turn Out" onto Pratt Avenue;
- 2) one monument identification sign, consistent with the Village's Sign Code, in lieu of the pylon sign identified on the Preliminary Plat at the Pratt Avenue access to the PUD;
- 3) the addition to the Final Planned Unit Development Plat of customer trash receptacles located near public access points to the buildings; and
- 4) the location of trash bins for garbage generated by Dominick's. Such bins shall be fully screened by a masonry wall.

- c. The Final Utility Plan shall provide for the following:
  - 1) the construction of all utilities (including water, sanitary sewer, storm, sewer, gas, and electric service) underground and otherwise in accordance with the Code;
  - 2) the construction of a looped 10 inch water main as required by the Village, to ensure adequate water pressure for firefighting purposes which shall be installed by Applicant;
  - 3) fire hydrants at approximately 300 foot intervals around structures as approved by the Village; and,
  - 4) underground water sprinkler system for perimeter landscaped areas.
- d. The Final Architectural Plans shall:
  - 1) eliminate dryvit material from the face of the Supermarket building and any other building in the PUD.
  - 2) continue and extend the Prairie Style roof over full length of the Supermarket.
  - 3) incorporate the design of the Supermarket and the Outlot building with a high quality architectural "Prairie Style" appearance (including the roofline), that is aesthetically pleasing, with the two buildings unified in architecture and appearance. All structures in the PUD shall be of masonry construction.
- e. Submittal and approval of:
  - 1) a Maintenance Plan for the Property;
  - 2) evidence showing compliance with the Stormwater Management Ordinance; and
  - 3) a final lighting plan showing the type of lights, their number and size with illumination levels consistent with the conditions imposed herein.
- f. Truck parking and loading restrictions:
  - 1) there shall be no overnight truck parking in the PUD except in

designated loading dock areas; and

2) truck deliveries shall be restricted to the hours of 7:00 a.m. to 10:00 p.m.

24. Parking for the Supermarket shall be laid out substantially in accordance with the Preliminary Plat, in that each parking stall shall be 18 feet in length with a 24-foot wide aisle and shall be a minimum of 60 feet in its total dimension. All parking stalls shall be a minimum of 9 feet wide, plus the required size for Disabled/Handicap stalls per Code.

25. Applicant shall use its best efforts to incorporate a truck turning area in the Final Plat of Planned Unit Development to avoid the circulation of truck traffic through customer parking areas. If this cannot be accomplished, parking south of the Supermarket shall be laid out with a 30 foot wide aisle and two 18 foot long stall rows, totaling a minimum of 66 feet, to accommodate trucks circling the building. All parking stalls shall be a minimum of 9 feet wide, plus the required size for Disabled/Handicap stalls per Code.

26. Applicant shall grant an easement to the Village for a Business Park Sign at intersection of McCormick Boulevard and the East-West Connector Roadway.

27. Neither Applicant, Bell & Howell nor Dominick's shall at any time petition for, seek or advocate the extension of Pratt Avenue over the sanitary district canal situated to the east of McCormick Boulevard.

28. No building signage facing Pratt Avenue shall be installed on any building constructed within the PUD and no monument signs shall be installed on the Outlot. No more than 30% of the windows in any structure located in the PUD may be covered by window signage.

29. The Supermarket shall not exceed 62,000 square feet in size and the bank building on the Outlot shall not exceed 6,000 square feet in size.

30. The height of any structure located in the PUD shall not exceed 35 feet.

31. HVAC equipment located on any structure in the PUD shall be screened and not visible from the street.

32. All property and structures in the PUD shall be maintained in a first class condition.

33. No outdoor sales of seasonal goods (i.e., flowers and plant materials) shall

occur on the PUD at any location other than the location depicted for the same on the Preliminary Plat.

34. Maximum seating of any in-store restaurant area shall not exceed 80 seats.

35. There shall be no permanent or overnight outdoor storage of shopping carts at the Supermarket.

36. Garbage, refuse and recyclables from buildings within the entire PUD shall be stored in containers, in the manner and at the locations specified by the Village, and shall be disposed of by Dominick's or Applicant at their cost. Storage of such materials shall be in screened areas 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. There shall be no outdoor storage outside the screened areas of trash, rubbish or recyclable materials for any structure located in the PUD.

37. Applicant and Dominick's shall be responsible for the perpetual maintenance of roadway improvements and traffic controls constructed or installed in connection with the development of the PUD unless constructed by, or dedicated to and accepted by, the State of Illinois or the Village.

38. All existing and any new stormwater connections in the PUD and the Industrial Parcel shall be directed and/or redirected to the Village's 54 inch stormsewer main.

39. Dominick's shall provide and maintain security personnel, facilities and equipment for the Supermarket on a regular and ongoing basis. Security plans for the Supermarket shall be reviewed 6 months after the opening of the Supermarket.

40. Neither Applicant nor Bell & Howell shall seek zoning relief to construct retail uses on the Industrial Parcel for a period of 10 years from the date of approval of this Ordinance, and no additional property shall be added to or developed contiguous to the PUD by Applicant or its principals, whether or not developed in parcels of more or less than two-acre size, without the approval of the Board.

41. Applicant shall reimburse the Village, as billed, for the cost of engineering, legal and other consulting and professional services as incurred by the Village during the final plat procedures. 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), but not including such costs to the extent that they relate to the construction of the East-West Connector Roadway.

42. Applicant shall execute covenants running with the land as requested by the Village for the purpose of further confirming and implementing any or all of the conditions, stipulations and limitations set forth herein.

43. No building permits for either the Supermarket or the bank, or any demolition or building permits for the Industrial Parcel, shall be issued until a Final Plat of Planned Unit Development has been approved and recorded in accordance with the Zoning Ordinance.

44. Concurrently with the recording of a final plat of subdivision/planned unit development for the Property, Applicant shall grant such easements to the Village for utilities, signage, and stormwater management improvements as the Village may reasonably require for purposes of ongoing access and maintenance.

SECTION FIVE. That, upon the failure of Applicant or Dominick's to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special use permit granting the PUD in this Ordinance shall, at the sole discretion of the Board by ordinance duly adopted, be revoked and become null and void, provided however, that the Board shall not so revoke the special use permit unless it first provides Applicant and Dominick's with written notice of the reasons for revocation and a 30 day opportunity to cure deficiencies. In the event that neither Applicant nor Dominick's cures the deficiencies within that 30 day period, the Board shall give the Applicant and Dominick's 14 days advance written notice and an opportunity to be heard at a regular meeting of the Board. In the event the Board revokes the special use permit granted in this Ordinance, the development and use of the PUD and the Industrial Parcel shall be governed by the rules and regulations applicable to the "M" Manufacturing District, as the same may, from time to time, be amended. In the event of the revocation of the special use permit granted herein, the Village Attorney is hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. Applicant and Dominick's acknowledge that a public hearing pursuant to public notice has been held with respect to the adoption of this Ordinance, has

considered the possibility of the revocation provided for in this paragraph and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notices to Applicant and Dominick's required by this paragraph are given.

SECTION SIX. That nothing herein shall be deemed to waive any other covenants and conditions which are applicable to the PUD or the Industrial Parcel.

SECTION SEVEN. That any changes or amendments to the PUD shall be by the procedures established in the Code and the Zoning Ordinance and are subject to the standards and limitations set forth therein.

SECTION EIGHT. That the terms of this Ordinance shall inure to the benefit of and be binding on Applicant, Dominick's and Bell & Howell and their respective successors and assigns and upon successor grantees of the Bell & Howell Property.

SECTION NINE. That 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 Bell & Howell Property shall be subject to, and nothing herein shall be deemed or construed to relieve Applicant, Bell & Howell or Dominick's, from 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 and safety codes, subdivision regulations, the Village's Sign Ordinance (Code 12-2-1 et seq.) and regulations governing the construction and design of public

improvements.

SECTION TEN. That any person (person here includes, without limitation, any legal entity such as a corporation, partnership, limited liability company or other entity) violating the terms and conditions of this Ordinance shall be subject to a penalty of not to exceed Seven Hundred and Fifty Dollars (\$750.00), with each and every day that the violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. That any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees incurred by the Village in bringing any enforcement action.

SECTION ELEVEN. That this Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form, as provided by law, provided, however, that this Ordinance shall not take effect until a true and correct copy of this Ordinance is executed by Applicant, Dominick's and Bell & Howell 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.

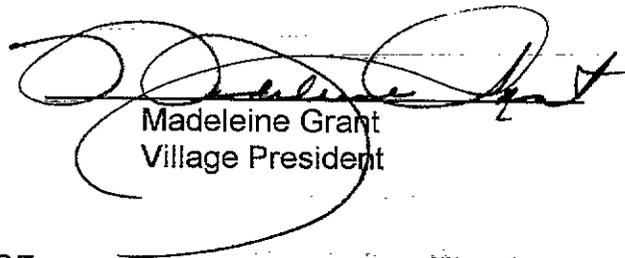
PASSED this 17th day of June 1999.

AYES: *Trustees Surry, Abelson, Leptakes, Cousin & May*

NAYS: *Trustee Elster*

ABSENT: *None*

APPROVED this 24<sup>th</sup> day of June, 1999.



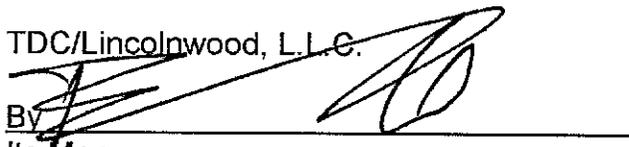
Madeleine Grant  
Village President

ATTESTED AND FILED IN MY OFFICE:

*Georgia A. Talaganis*  
Georgia A. Talaganis  
Village Clerk

TDC/Lincolnwood, L.L.C., being the contract purchaser of the property legally described within this Ordinance and referred to as the Bell & Howell Property, having read a copy of this Ordinance, and having the authority to agree on behalf of TDD/Lincolnwood, L.L.C., and to execute this Ordinance, does hereby accept, concur with and agree to develop and use the Bell & Howell Property in accordance with the terms of this Ordinance.

TDC/Lincolnwood, L.L.C.

By   
Its Manager

Dated: June 28, 1999

Bell & Howell Document Management Products Company, being the owner of the

property legally described within this Ordinance and referred to as the Bell & Howell Property, having read a copy of this Ordinance, and having the authority to agree on behalf of Bell & Howell Document Management Products Company, and to execute this Ordinance, does hereby accept and concur with the terms of this Ordinance.

Bell & Howell Document Management Products Company

By H. A. D'Ambrasio  
Its V. P. ADMINISTRATION

Dated: June 29, 1999

Dominick's Finer Foods, Inc., being the proposed operator of the Supermarket referred to within this Ordinance, having read a copy of this Ordinance, and having the authority to agree on behalf of Dominick's Finer Foods, Inc., and to execute this Ordinance, does hereby accept, concur with and agree to use, operate and maintain the Property in accordance with the terms of this Ordinance.

Dominick's Finer Foods, Inc.

By Michael F. Hall  
Its VICE PRESIDENT - REAL ESTATE

Dated: June 29, 1999

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PUD**

A parcel of land in the northeast 1/4 of Section 35, Township 14 North, Range 13 East, of the Third Principal Meridian, in Cook County, Illinois, being more particularly described as follows:

Commencing at the southeast corner of the Northeast 1/4 of Section 35, Township 14 North, Range 13 East, thence northwesterly along the West line of the Northeast 1/4 of said section N 00° 14' 59" W for a distance of 1316.39 feet to a point; thence N 88° 10' 15" E for a distance of 1513.97 feet to the Point of Beginning; thence continue along the last described course N 88° 10' 15" E for a distance of 612.71 feet to a point on the west right-of-way of McCormick Boulevard; thence S 00° 03' 31" E for a distance of 597.30 feet to a point at the northwest intersection of McCormick Boulevard and Pratt Avenue; thence S 44° 02' 00" W 28.73 feet to a point on the north right-of-way of Pratt Avenue; thence S 88° 07' 30" W 572.81 feet along the north right-of-way of Pratt Avenue; thence leaving the north right-of-way of Pratt Avenue N 01° 54' 22" W for a distance of 617.48 feet to the Point of Beginning. Said parcel contains 8.53 Acres, more or less.

**EXHIBIT B**  
**LEGAL DESCRIPTION OF INDUSTRIAL PARCEL**

A parcel of land in the Northeast 1/4 of Section 35, Township 14 North, Range 13 East, of the Third Principal Meridian, in Cook County, Illinois, being more particularly described as follows:

Commencing at the southeast corner of the Northeast 1/4 of Section 35, Township 14 North, Range 13 East, thence northwesterly along the west line of the Northeast 1/4 of said section, N 00° 14' 59" W for a distance of 658.58 feet; thence N 88° 10' 15" E for a distance of 572.35 feet to the Point of Beginning; thence continue along the last described course N 88° 10' 15" for a distance of 941.62 feet; thence S 01° 54' 22" E for a distance of 617.48 feet to a point on the north right-of-way of Pratt Avenue; thence S 88° 07' 30" W for a distance of 941.95 feet along the north right-of-way of Pratt Avenue; thence leaving said right-of-way N 01° 52' 30" W for a distance of 618.23 feet to the Point of Beginning. Said parcel contains 13.36 Acres, more or less.

EXHIBIT C  
NOTICE OF PUBLIC HEARING



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Plan Commission and Zoning Board of Appeals of the Village of Lincolnwood, Cook County, Illinois on the 19th day of May, 1999, at the hour of 7:30 p.m. in the Lincolnwood Village Hall, 6900 Lincoln Avenue, Lincolnwood, Illinois for the purpose of considering the following:

1. Request by Petitioner, Richard H. Tucker, on behalf of TDC Lincolnwood LLC, for approval of a Preliminary Plat under Article XIV, Section B, paragraph 3, (Planned Unit Development - Preliminary Plat Procedure) of the Lincolnwood Zoning Ordinance for the purpose of constructing a 62,000 sq. ft. Dominick's Supermarket and a separate 6,000 sq. ft. for building a retail or service business. Legal Description: A Parcel of Land in the Northeast  $\frac{1}{4}$  of Section 35, Township 14, North, Range 13, East of the Third Principal Meridian, Bounded and Described as Follows: Beginning at the Point of Intersection of a Line 40 feet North of and Parallel with the South Line of the Northeast  $\frac{1}{4}$  of Said Section 35 and the West Line of the East 660 feet of the Northeast  $\frac{1}{4}$  of said Section 35, thence South 88 degrees, 07 minutes, 30 seconds West along said Line 40 feet North of and Parallel with the South Line of the Northeast  $\frac{1}{4}$  of Said Section 35 a distance of 1,533.97 feet to a point 400 feet East (as measured along Said Parallel Line) of a Line 33 feet East of the West Line of the Northeast  $\frac{1}{4}$  of Said Section 35; thence North 01 degrees, 10 minutes, 45 seconds East along the South Line of the North  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Said Section 35 a distance of 1,553.68 feet to a point on the West Line of the East 660 feet of the Northeast  $\frac{1}{4}$  of Said Section 35; thence South 00 degrees, 03 minutes, 41 seconds East along the West Line of the East 660 feet of the Northeast  $\frac{1}{4}$  of Said Section 35, a distance of 616.68 feet to the point of beginning, in Cook County, Illinois. Excepting therefrom the following described parcel of land: That Part of the Northeast  $\frac{1}{4}$  of Section 35, Township 41 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, described as follows: Commencing at the Southeast corner of Said Northeast  $\frac{1}{4}$ ; thence Westerly on an assumed bearing of South 88 degrees, 40 minutes, 43 seconds West on the South Line of Said Northeast  $\frac{1}{4}$  660.33 feet to the West Line of the East 660 of Said Northeast  $\frac{1}{4}$ ; thence North 00 degrees, 28 minutes, 33 seconds East of Said West Line 40.02 feet to the North Line of the South 40 feet of said Northeast  $\frac{1}{4}$  and to the point of beginning; thence continuing North 00 degrees, 28 minutes, 33 seconds East on Said West Line 20 feet to a  $\frac{5}{8}$  inch rebar with a allied cap stamped "State of Illinois Division of Highways Right of Way Corner RL8 2377"; thence South 44 degrees, 34 minutes, 38 seconds West 28.72 feet to a  $\frac{5}{8}$  inch rebar with an allied cap stamped "State of Illinois Division of Highways Right of Way Corner RLS 2377" and to a point on the North Line of the South 40 feet of Said Northwest  $\frac{1}{4}$  20 feet West of Said point of beginning, as measured on said North Line; thence North 88 degrees, 40 minutes, 43 seconds East on Said North Line; thence North 88 degrees, 40 minutes, 43 seconds East on Said North Line 20 feet to the Point of Beginning, in Cook County, Illinois, commonly known as **6800 North McCormick Boulevard**.

All persons interested in the foregoing matters are requested to appear at said Public Hearing and will be given an opportunity to be heard.

Zave Gussin, Chairman  
PLAN COMMISSION AND ZONING BOARD OF

APPEALS

VILLAGE OF LINCOLNWOOD

DATED: 4/21/99

PUBLISHED: LINCOLNWOOD LIFE

ON: 4/29/99

## LEGAL DESCRIPTION FOR LINCOLNWOOD CENTRE

THIS LEGAL DESCRIPTION REPRESENTS A PROPOSED SUBDIVISION OF THE EXISTING PARCEL 1. PARCEL 1 IS DESCRIBED ELSEWHERE ON THIS SHEET.

PARCEL 1 IS PROPOSED TO BE SUBDIVIDED INTO THREE SEPARATE LOTS. THESE LOTS ARE IDENTIFIED AS LOTS 1A, 1B, AND 1C. THE FOLLOWING SYMBOL SHOWS THE PROPOSED LOT LINES.

SHOWN ON THIS DRAWING ARE THE PROPOSED LOT LINES FOR LOTS 1A, 1B, AND 1C. METES AND BOUNDS DESCRIPTIONS OF THE LOTS 1A, 1B, AND 1C ARE SHOWN HEREON AS WELL AS IN THE LEGAL DESCRIPTIONS, AS FOLLOWS:

THIS LEGAL DESCRIPTION PREPARED BY DAVID EVANS & ASSOCIATES, INC., 2806 RUFFNER ROAD, BIRMINGHAM, ALABAMA 35210, APRIL 9, 1999. THIS LEGAL DESCRIPTION IS SUBJECT TO FIELD VERIFICATION.

### LOT 1A

A parcel of land in the Northeast 1/4 of Section 35, Township 14 North, Range 13 East, of the Third Principal Meridian, in Cook County, Illinois, being more particularly described as follows:

Commencing at the southeast corner of the Northeast 1/4 of Section 35, Township 14 North, Range 13 East, thence northwesterly along the west line of the Northeast 1/4 of said section, N 00°14'59" W for a distance of 658.58 feet; thence N 88°10'15" E for a distance of 572.35 feet to the Point of Beginning; thence continue along the last described course N 88°10'15" E for a distance of 941.62 feet; thence S 01°54'22" E for a distance of 617.48 feet to a point on the north right-of-way of Pratt Avenue; thence S 88°07'30" W for a distance of 941.95 feet along the north right of way of Pratt Avenue; thence leaving said right-of-way N 01°52'30" W for a distance of 618.23 feet to the Point of Beginning. Said parcel contains 13.36 Acres, more or less.

### LOT 1B

A parcel of land in the northeast 1/4 of Section 35, Township 14 North, Range 13 East, of the Third Principal Meridian, in Cook County, Illinois, being more particularly described as follows:

Commencing at the southeast corner of the Northeast 1/4 of Section 35, Township 14 North, Range 13 East, thence northwesterly along the west line of the Northeast 1/4 of said section N 00°14'59" W for a distance of 658.58 feet; thence N 88°10' 15" E for a distance of 1513.97 feet to the point of beginning; thence continue along the last described course N 88°10'15" E for a distance of 612.71 feet to a point on the west right of way of McCormick Boulevard; thence S 00°03'31" E for a distance of 403.60 feet along the west right-of-way of McCormick Boulevard; thence leaving the west right-of-way of McCormick Boulevard S 88°07'30" W for a distance of 257.72 feet; thence S 01°52'30" E for a distance of 213.59 feet to a point on the north right-of-way of Pratt Avenue; thence S 88°07'30" W for a distance of 341.86 feet along the north right-of-way of Pratt Avenue; thence leaving the north right-of-way of Pratt Avenue N 01°54'22" W for a distance of 617.48 feet to the Point of Beginning. Said parcel contains 7.29 Acres, more or less.

### LOT 1C

A parcel of land in the northeast 1/4 of Section 35, Township 14 North, Range 13 East, of the Third Principal Meridian, in Cook County, Illinois, being more particularly described as follows:

Commencing at the southeast corner of the northeast 1/4 of Section 35, Township 14 North, Range 13 East; thence northwesterly along the west line of the Northeast 1/4 of said section N 00°14'59" W for a distance of 658.58; thence N 88°10'15"E for a distance of 2126.68 feet to a point on the west right-of-way of McCormick Boulevard; thence S 00°03'31" E for a distance of 403.60 feet along the west right-of-way of McCormick Boulevard to the Point of Beginning; thence continue along the last described course along the west right-of-way of McCormick Boulevard S 00°03'31" E for a distance of 193.70 feet to a point on the west right-of-way line of McCormick Boulevard; thence S 44°02'00" W for a distance of 28.73 feet to a point on the north right-of-way of Pratt Avenue; thence S 88°07'30" W for a distance of 230.95 feet along the north right-of-way of Pratt Avenue; thence leaving the north right-of-way of Pratt Avenue N 01°52'30" W for a distance of 213.59 feet; thence N 88°07'30" E for a distance of 257.72 feet to the Point of Beginning. Said parcel contains 1.24 Acres, more or less.



VILLAGE OF LINCOLNWOOD  
ZONING APPLICATION FORM

DATE: April 12, 1999

I. BACKGROUND INFORMATION

a. Property Address: 6800 North McCormick Blvd.

Legal Description of Property: Property consists of a portion  
of 22 acre Bell & Howell site situated at the northwest  
corner of Pratt Avenue and McCormick Boulevard. Such  
portion contains approximately eight acres that are  
legally described on Exhibit A attached hereto.

b. Owner of Property: (List all beneficiaries, if trust)

Bell & Howell Document Management Products Co.

Owner's Address: 5215 Old Orchard Rd., Skokie, IL 60076

Work Telephone: 847/470/7122

Home Telephone:

TDC Lincolnwood LLC

c. Petitioner/Applicant: c/o Tucker Development Corporation

Firm:

Address: 513 Central Avenue

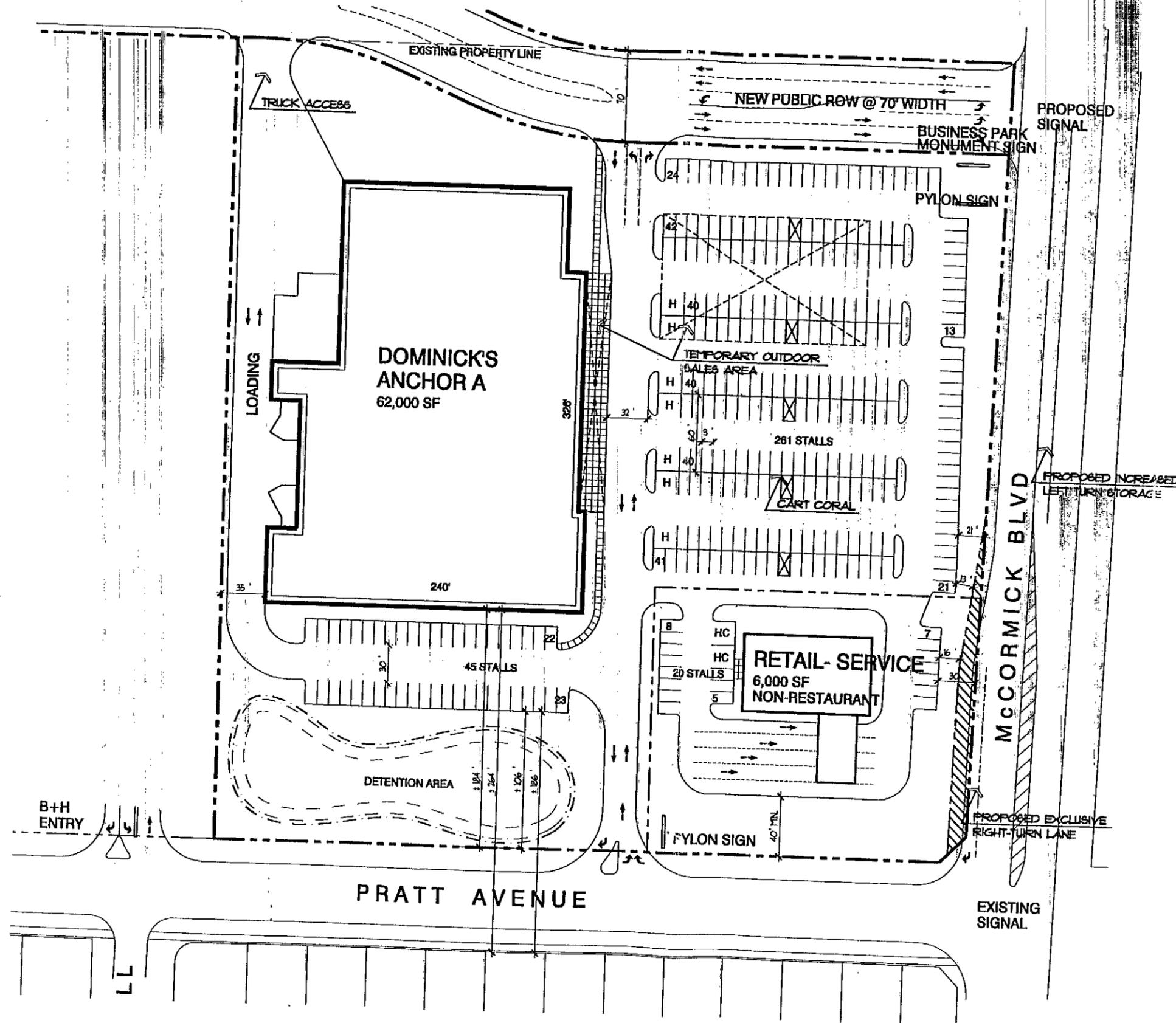
City/State/Zip: Highland Park, IL 60035

Daytime Telephone: 847/926/9999 FAX: 847/926/9996

Relationship to Petitioner to Property: Contract Purchaser

EXHIBIT D  
PRELIMINARY PLAT OF PLANNED UNIT DEVELOPMENT

GROUP EXHIBIT E



RETAIL SITE DATA	
GROSS SITE AREA	± 8.50 ACRES
LESS ROW AREA	± .75 ACRES
NET SITE AREA	± 7.75 ACRES

DOMINICK'S BLDG AREA	62,000 SF
RETAIL BLDG AREA	6,000 SF
TOTAL	68,000 SF
PARKING PROVIDED	326 STALLS
RATIO	4.8



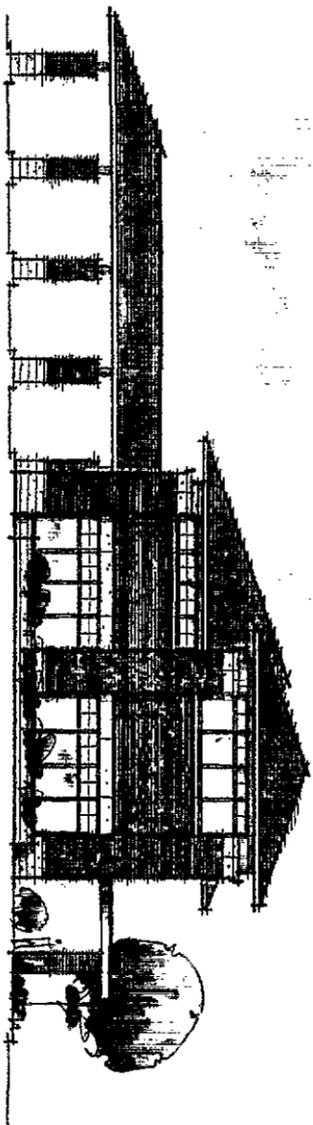
**Lincolnwood Centre**  
Lincolnwood, Illinois

Preliminary Plat of Planned Unit Development

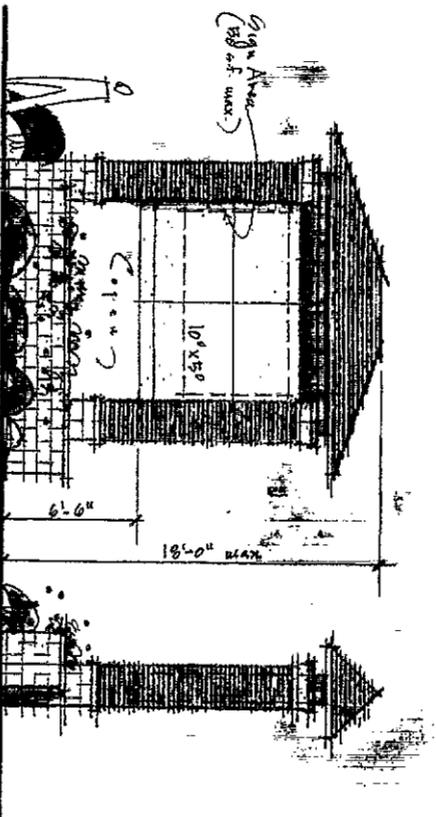
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97071-33c



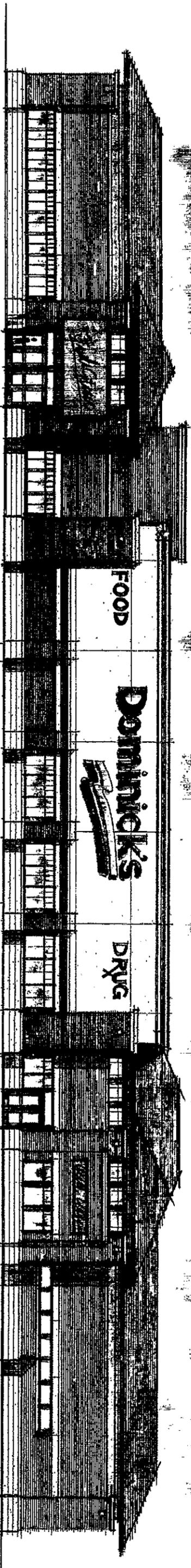
HKM ARCHITECTS + PLANNERS, INC. ©1999  
18 W. CAMPBELL ST. ANTONIO HEIGHTS, IL 617 362-4200 FAX 332-4009



Outlot Building



Pylon Sign



Dominick's East Elevation



TDC  
TRUCK DEVELOPMENT  
CORPORATION  
847-926-9999

Lincolnwood Centre

Lincolnwood, Illinois

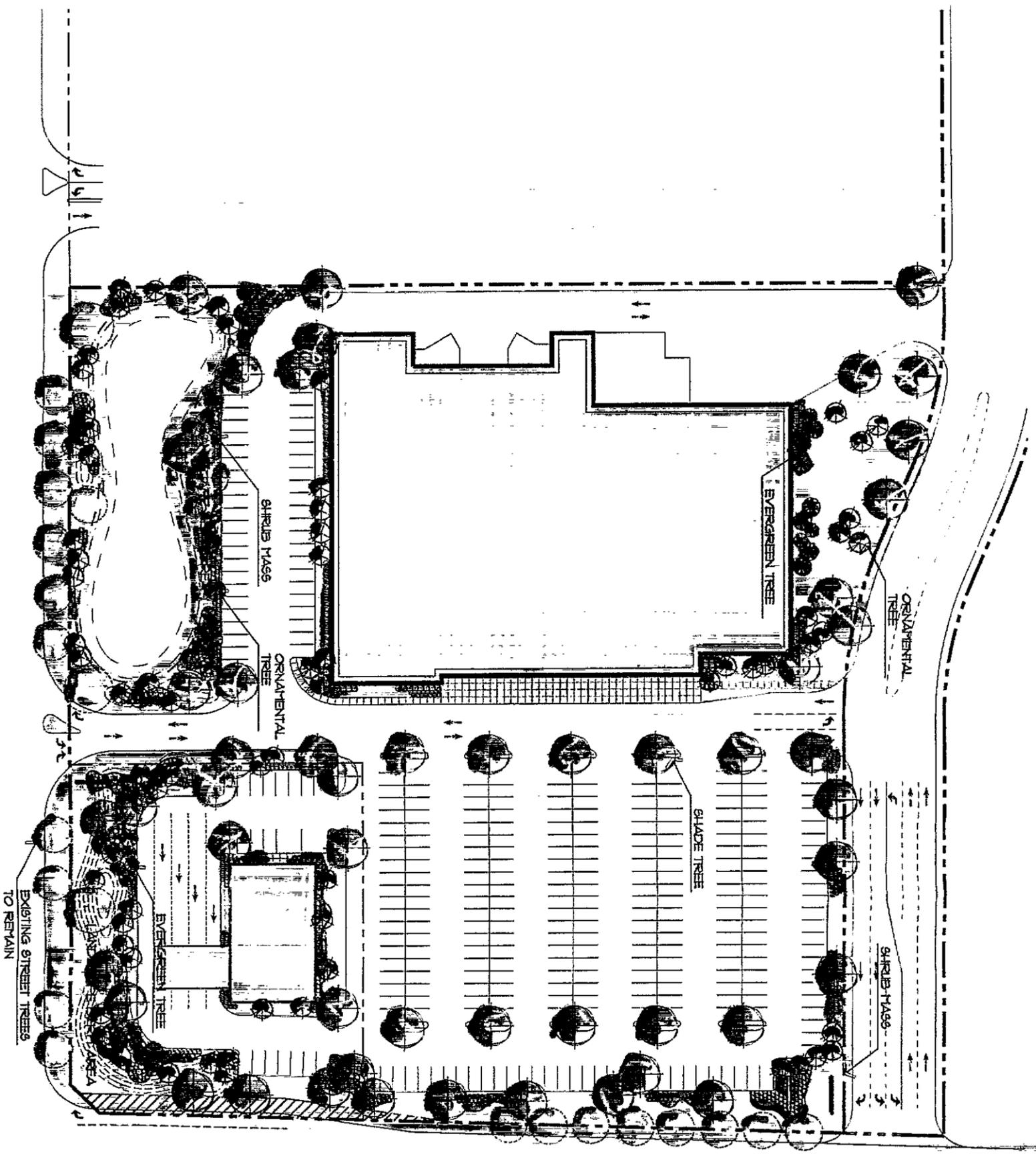
Architectural Statement / Architectural Elevations

4-8-98

97071

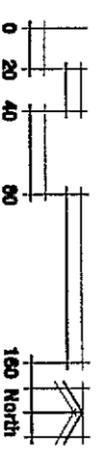


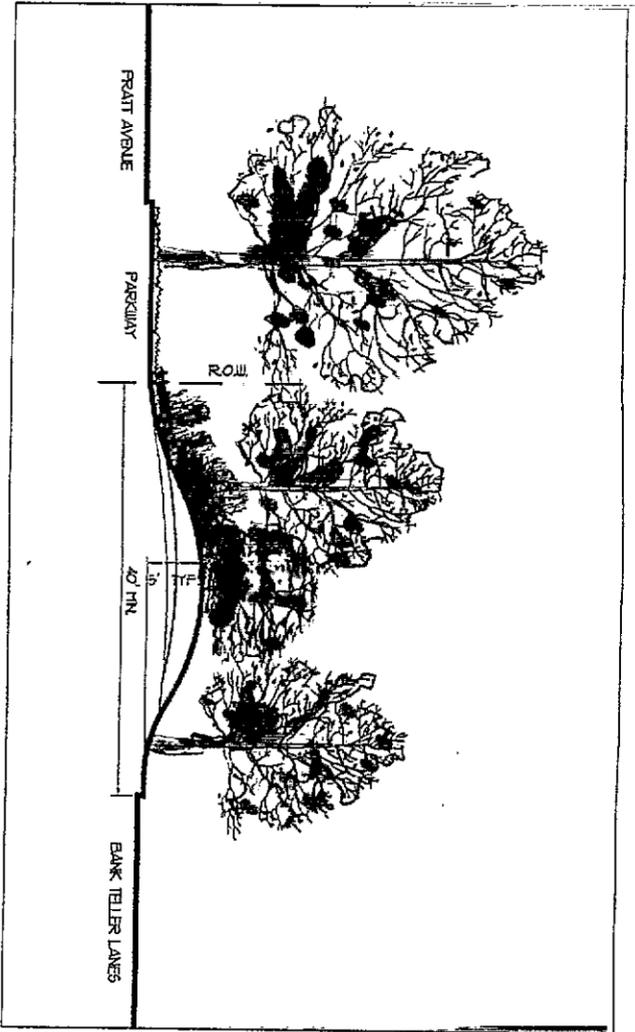
HKM ARCHITECTS + PLANNERS, INC. 6106  
18 W. CORNELIUS ST. ARLINGTON HEIGHTS, IL 60005 FAX 847-260-0000



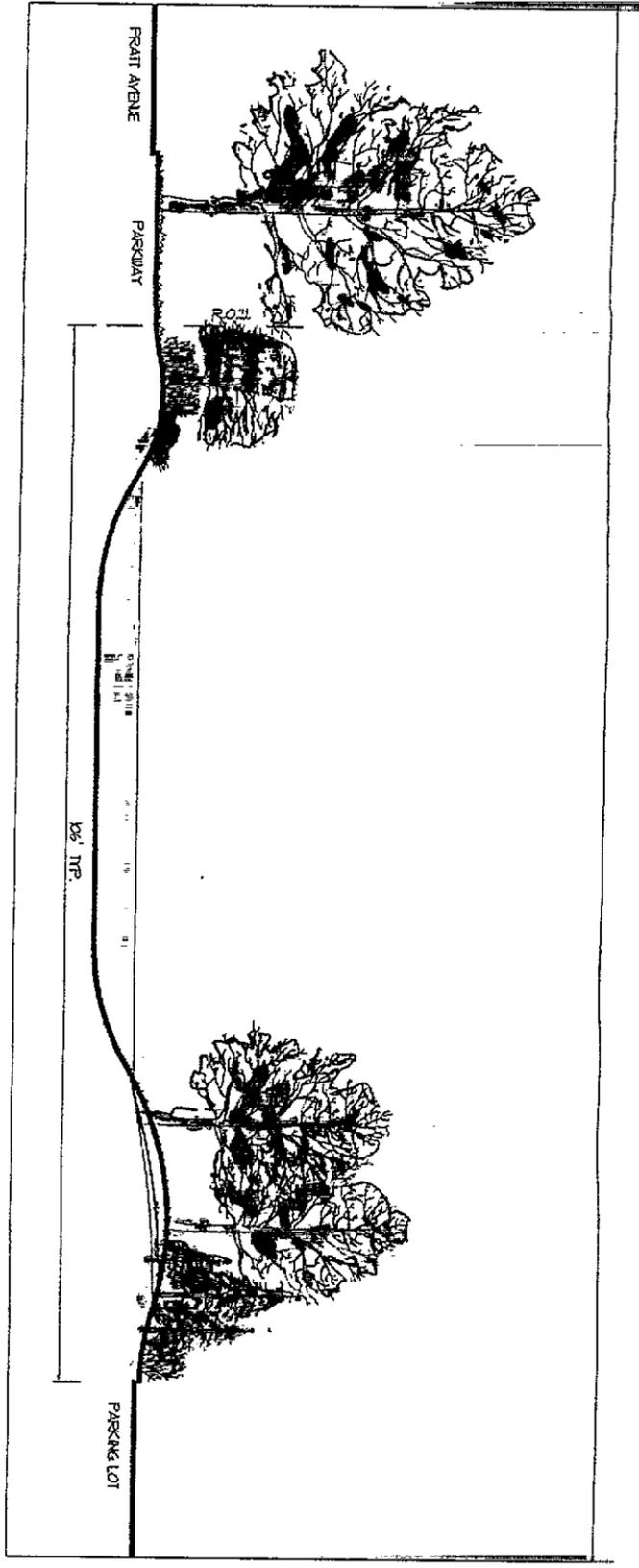
**Plant List**

TREES	MINIMUM SIZE
GT GLEDITSIA TRIACANTHOS 'SKYLINE'	3" BB
FA FRAXINUS ABRUS 'AUTUMN PURPLE'	3" BB
FP FRAXINUS PENS. 'MARSHALL'S SEEDLESS'	4" BB
RT RALUS TYPHIA	3 1/2" BB
TL TILIA TORRENTOSA	3" BB
AE ACER X FRAXINUS 'MAYBO'	3" BB
PP PECA PAVENS	10" BB
PF PAUS HEXLIS	7' BB
ORNA-MENTAL TREES	MINIMUM SIZE
MB MAUS 'BEVERLY'	2" BB
MP MAUS 'FRANZESKE'	2' BB
SHRUBS	MINIMUM SIZE
CA CLETHRA ALNIFOLIA	24" BB
CAV CORNUS ALBA VAREGATA	24" BB
FORSYTHIA VIRIDISSIMA BRONCKENSIS	24" BB
JC JUNCUS CHINENSIS 'PETERSON'S AIR'	24" BB
JP JUNCUS CHINENSIS 'PETERSON'S AIR'	24" BB
RA RIBES ALPINIT	24" BB
RS RIBES X BURNING 'ANTHONY'	24" BB
SP SPREA X BURNING 'PROBEL'	24" BB
ST STENOGA PAVULA 186 KM	24" BB
VO VE. ORULUS COMPACTUM	24" BB
GROUNDCOVERS AND PERENNIALS	MINIMUM SIZE
PR POLYCONIUM REYNOLTRIJA (IN PARKING LOT ISLANDS)	3' BB
HR HETEROCALLIS 'STELLA D'ORO'	1 QT.
HR HETEROCALLIS 'CAREY GUNN'	1 QT.
NY NARCISSUS 'KING ALFRED'	BULB
CF CALAMAGRODITE ACUTILOBA 'STRUCTA'	1 GAL.
PA PENNANTHERA ALPESTRIS	1 GAL.
RA RUDBECKIA 'GOLDSTROM'	1 GAL.
SE SEDUM SPECIABLE 'AUTUMN JOY'	1 QT.

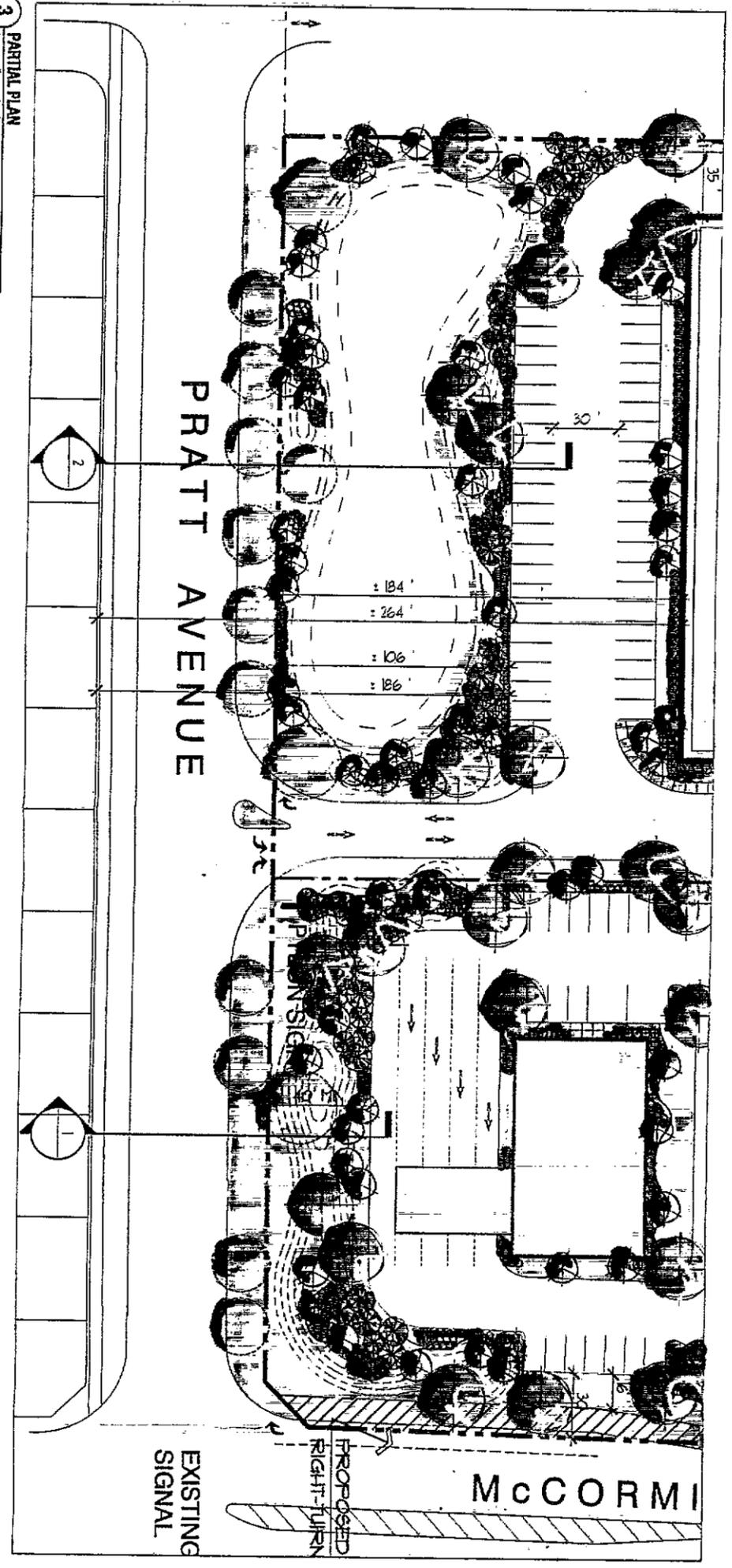




1 PRATT AVENUE SECTION  
SCALE 1" = 8'-0"



2 PRATT AVENUE SECTION  
SCALE 1" = 8'-0"



3 PARTIAL PLAN  
SCALE 1" = 40'-0"

**Lincolnwood Centre**  
Lincolnwood, Illinois

Landscape Details



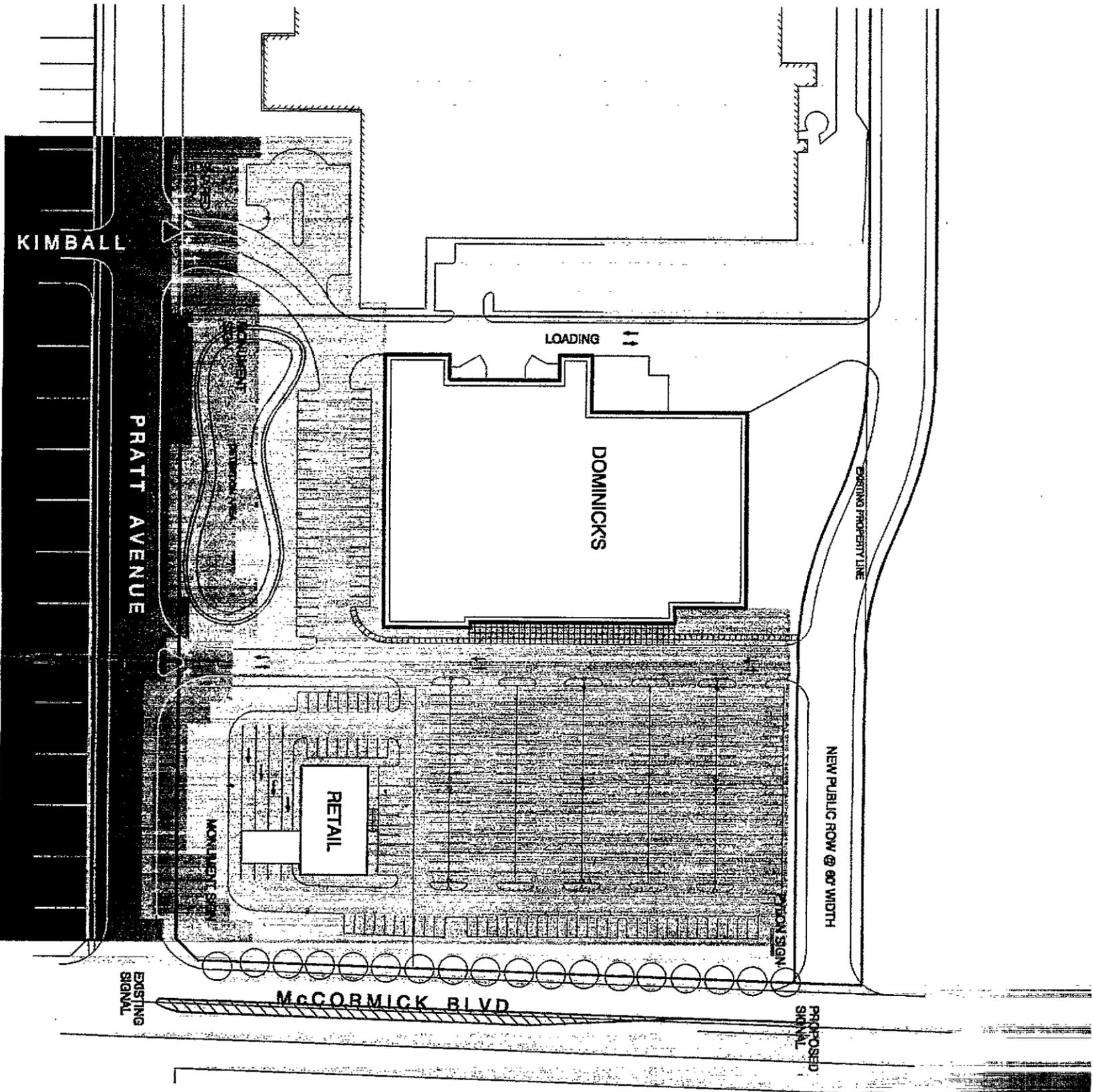
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97071-33E



HKM ARCHITECTS & PLANNERS, INC. ©1999  
14 W. CAMPBELL ST. WILMINGTON, IL 61880-8500 (708) 292-9009

**Lincolnwood Centre**  
 Lincolnwood, Illinois

Site Plan with Illuminance Levels

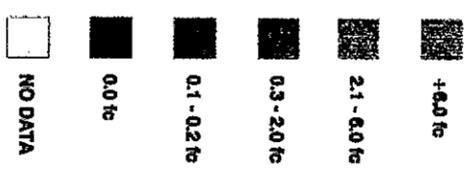


4-0  
 1000' RETAIL, WALKWAY, TREE L.  
 ON 40' ROAD, SIDEWALK, 2' FOOT BASE  
 1000' RETAIL, WALKWAY, TREE L.  
 FROM HOLE TO PHOTOGRAPHY CENTER, 1' FEET  
 EX. CANOPY, 1' FEET, PHOTOGRAPHY CENTER, 1' FEET  
 1000' RETAIL, WALKWAY, TREE L.  
 LIGHT LOSS FACTOR 0.15  
 ALTERN. POLS. 118 TYPE 1-9

0-0  
 DIM. 1000' RETAIL, WALKWAY, TREE L.  
 ON 40' ROAD, SIDEWALK, 2' FOOT BASE  
 1000' RETAIL, WALKWAY, TREE L.  
 FROM HOLE TO PHOTOGRAPHY CENTER, 1' FEET  
 EX. CANOPY, 1' FEET, PHOTOGRAPHY CENTER, 1' FEET  
 1000' RETAIL, WALKWAY, TREE L.  
 LIGHT LOSS FACTOR 0.15  
 ALTERN. POLS. 118 TYPE 1-9

ILLUMINANCE & HORIZONTAL FOOTCANDLES  
 TARGET FLAME AT 7.0 FEET

SUNSHINE	
# POINTS	80
AVERAGE	4.5
HIGHEST	18.6
LOWEST	0.1
AVERAGE	36.41
HIGHEST	129.38
LOWEST	0.25



# PLAT OF VACATION OF

THAT PART OF ENGEL'S KENILWORTH AVENUE HIGHLANDS, BEING A SUBDIVISION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 41 NORTH RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1925 AS DOCUMENT NO. 9082728, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

THAT PART OF THE 16 FOOT PUBLIC ALLEY IN BLOCK 2 OF ENGEL'S KENILWORTH AVENUE HIGHLANDS AFORESAID LYING NORTH OF THE NORTH LINE OF LOTS 20 THROUGH 24 INCLUSIVE, LYING SOUTH OF THE SOUTH LINE OF LOT 25, LYING EAST OF THE EAST LINE OF KARLOV AND LYING WEST OF THE EAST LINE OF LOT 25 EXTENDED SOUTH, ALL IN THE VILLAGE OF LINCOLNWOOD, ILLINOIS.

### VILLAGE BOARD CERTIFICATE

STATE OF ILLINOIS)  
COUNTY OF LAKE) S.S.

APPROVED AND ACCEPTED THIS 3<sup>rd</sup> DAY OF June 1999, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF LINCOLNWOOD, COOK COUNTY, ILLINOIS.

B: [Signature]  
VILLAGE PRESIDENT

ATTEST: [Signature]  
VILLAGE CLERK

STATE OF ILLINOIS)  
COUNTY OF LAKE) S.S.

GEWALT HAMILTON ASSOCIATES INC., HEREBY CERTIFIES THAT WE HAVE PREPARED THE ABOVE DESCRIBED PLAT OF VACATION FROM EXISTING RECORDS AND THAT THIS PLAT IS A CORRECT REPRESENTATION THEREOF.

MAY 28, 1999

[Signature]  
DONALD W. BING  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3098



66'

KEYSTONE AVENUE

66'

TON  
C.

ORS  
478.9700 Fax 847.478.9701

NO.	BY	DATE	REVISION

FILE: 9232PLAT.DWG	PROJ. # 9232.
DRAWN BY: HAS	SCALE:
DATE: 6-1-99	1"=50'
CHECKED BY: DWB	
DATE: 6-1-99	

SHEET NUMBER:

1

OF 1 SHEET



N



1 inch = 50 ft.

CHASE AVENUE

66'

16'

38

1

37

2

36

3

ENGEL'S KENILWORTH AVENUE HIGH  
35 SUBDIVISION 4

DOC. NO. 9082728  
REC. OCTOBER 30, 1925

34

5

33

6

32

7

31

8

30

9

29

10

28

11

27

2

12

26

13

25

16'

14

HEREBY VACATED

24

↑

23

22

21

20

19

18

17

66'

TOUHY AVENUE

GEWALT HA  
ASSOCIAT

CONSULTING ENGINEERS

850 Forest Edge Drive Vernon Hills, IL 60061