

EXHIBIT ATTACHED

Prepared by and after recording
return to:

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300 S. Wacker Drive
Suite 1000
Chicago, Illinois 60606

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VILLAGE OF LINCOLNWOOD

ORDINANCE NO. Z2003-179

AN ORDINANCE: AMENDING ORDINANCE Z2000-064 WHICH PREVIOUSLY GRANTED FINAL PLAT APPROVAL FOR A PLANNED UNIT DEVELOPMENT FOR APPROXIMATELY 8.53 ACRES AT PRATT AVENUE AND MCCORMICK BOULEVARD IN THE VILLAGE OF LINCOLNWOOD, COOK COUNTY ILLINOIS; AND APPROVING EVANSTON NORTHWESTERN HEALTHCARE CORPORATION'S APPLICATION TO DEVELOP 6810 MCCORMICK BOULEVARD AS A MEDICAL OFFICE BUILDING

PIN 10-35-203-010-0000

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LINCOLNWOOD
THIS SIXTEENTH DAY OF JANUARY, 2003.

Published in pamphlet form by
the authority of the President
and Board of Trustees of the
Village of Lincolnwood, Cook
County, Illinois, this 30th
day of January, 2003.

Final Ord PC/ZBA 1-14-03

5/7/03 6 copy 799 Pages
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I H. [Signature]

ORDINANCE NO., Z2003- 179

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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, on March 16, 2000, the Board of Trustees of the Village of Lincolnwood ("**Village Board**") adopted an Ordinance granting final plat approval for a Planned Unit Development (the "**PUD**") entitled *An Ordinance Granting Final 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* ("**Ordinance Z2000-064**" or the "**Final Plat Ordinance**"), a copy of which is attached hereto as **Exhibit "A"** and made a part hereof, for the property described in Exhibit B of Ordinance Z2000-064 ("**PUD Property**") and in **Exhibit "B"** attached hereto and made a part hereof; and

WHEREAS, the Final Plat Ordinance establishing the PUD authorized the

development of a Dominick's Finer Foods supermarket on one lot of the PUD Property designated as "Lot 1", and a bank or such other use as may be approved by the Board on the adjoining outlot also located on the PUD Property and designated as "Lot 2"; and

WHEREAS, Evanston Northwestern Healthcare Corporation ("**Applicant**") seeks approval of an amendment to the PUD for the purpose of developing the currently vacant and undeveloped outlot (the "**Outlot**" or "**Subject Property**") which is located on the PUD Property and which is legally described in **Exhibit B** and **Exhibit L** (defined herein below) attached hereto and made a part hereof; and

WHEREAS, a duly noticed public hearing (said "**Notice**" being attached hereto as **Exhibit "C"** and made a part hereof) was held on December 11, 2002 on the Applicant's application before the Village Plan Commission and Zoning Board of Appeals ("**PC/ZBA**"), all in conformance with the ordinances of the Village and all applicable statutes of the State of Illinois; and

WHEREAS, after the close of the public hearing, the PC/ZBA unanimously recommended approval of certain amendments to the Final Plat Ordinance, and recommended certain conditions, and issued recommendations (the "**PC/ZBA Recommendations**"), a copy of which is attached hereto as **Exhibit "D"** and made a part hereof; and

WHEREAS, the Subject Property lies within the Village's Northeast Industrial Tax Increment Financing District ("**NEID TIF District**" or "**District**"), and development of the Outlot, as specified herein, will benefit the Village's NEID TIF District and the Village by maximizing revenues from property which is underdeveloped or underutilized; and

WHEREAS, among the Village's stated goals in its Redevelopment Plan and Project for the NEID TIF District which will be furthered by the redevelopment of the Subject Property are:

- Provide and maintain an attractive community that creates a positive public image and encourages individuals, families and businesses to locate and remain within the community.
- Provide for an enhanced industrial and commercial tax base, reversing any stagnation occurring within the District, and resulting in growth in increased future tax revenue to all affected taxing jurisdictions.
- Maintain the diversity of land uses within the Village which encourages redevelopment that meets the future needs of the Village and which builds upon existing industrial/manufacturing and special development uses.
- Improve the quality of life of residents through enhanced employment opportunities and improved industrial-related developments.
- Provide jobs and potential business opportunities for community and Village residents.
- Enhance the Village's tax base by conserving the industrial base where feasible and encouraging appropriate redevelopment of blighted or underutilized properties, recognizing the fiscal importance of sales tax revenues.
- Enhance the Village's image and the visual attractiveness of the area by encouraging quality building renovations and redevelopment plans, recognizing the importance of building materials and landscaping enhancements.
- Take cognizance of the changes which have occurred in the industrial sector so that office, service and other appropriate non manufacturing uses may be accommodated.
- Provide for reasonable protection of nearby residential areas.
- Insure that appropriate amenities are provided and that the impact on the adjacent area is ameliorated in the case of such redevelopment.

and

WHEREAS, the Village Board has considered the PC/ZBA Report, the recommendations of Village staff, and Applicant's representations at the public hearing and finds that the change in use of the Subject Property described herein is in conformance with the intent of Ordinance Z2000-064 and has determined that amendment of the Final Plat Ordinance and development of the Subject Property, 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 Preambles to this Ordinance are incorporated by reference into this Section One as if fully set forth herein.

SECTION TWO. That the zoning of the Subject Property shall be further subject to the specific terms, conditions and limitations set forth herein.

SECTION THREE. That the development of the Subject Property shall conform to the following plans, which the Village Board hereby approves:

1. *Development Site Plan.* "**Development Site Plan**" prepared by Otis Koglin Wilson Architects, consisting of one page, and bearing a most recent revision date of December 4, 2002, attached hereto as **Exhibit "E"** and made a part hereof.
2. *Proposed Site Plan.* "**Proposed Site Plan**" prepared by Otis Koglin Wilson Architects, consisting of one page, and bearing a most recent revision date of December 4, 2002, attached hereto as **Exhibit "F"** and made a part hereof.
3. *Building Elevations.* "**Building Elevations**" prepared by Otis Koglin Wilson Architects, consisting of one page, and bearing a most recent

revision date of December 4, 2002, attached hereto as **Exhibit "G"** and made a part hereof.

4. *Exterior Material List.* "**Exterior Material List**" prepared by Otis Koglin Wilson Architects, consisting of one page, and bearing a most recent revision date of December 4, 2002, attached hereto as **Exhibit "H"** and made a part hereof.
5. *Floor Plans.* "Proposed Space Plan" and "Proposed Basement Plan" (collectively, "**Floor Plans**"), prepared by Otis Koglin Wilson Architects, consisting of two pages, and bearing a most recent revision date of December 2, 2002, attached hereto as **Exhibit "I"** and made a part hereof.
6. *Landscape Plans.* "Landscape Plan" and "Site Landscape Section" (collectively, "**Landscape Plans**"), prepared by Teska Landscape Architects, consisting of two pages and bearing a most recent revision date of December 2, 2002, attached hereto as **Exhibit "J"** and made a part hereof, subject to the following:

All revisions to the Landscape Plans shall be subject to the final review and approval of the Building Commissioner.

7. *Photometrics Plan.* "**Photometrics Plan**" prepared by Otis Koglin Wilson Architects, consisting of one page and bearing a most recent revision date of December 4, 2002, attached hereto as **Exhibit "K"** and made a part hereof.
8. *ALTA/ACSM Land Title Survey.* ALTA/ACSM Land Title Survey ("**Survey**"), prepared by Cowhey Gudmundson Leder Ltd. consisting of one page, and bearing a most recent revision date of October 3, 2002, attached hereto as **Exhibit "L"** and made a part hereof.
9. *Preliminary Engineering Plan.* "**Preliminary Engineering Plan**", prepared by Cowhey Gudmundson Leder Ltd. consisting of one page, and bearing a most recent revision date of October 14, 2002, attached hereto as **Exhibit "M"** and made a part hereof, subject to the following:

All revisions to the Preliminary Engineering Plans shall be subject to the final review and approval of the Village Engineer.

10. *Agreement Letter.* "**Agreement Letter**", drafted by Evanston Northwestern Healthcare, consisting of 2 pages, and bearing a date of

September 27, 2002, attached hereto as **Exhibit "N"** and made a part hereof.

SECTION FOUR. That the development of the Subject Property is subject to the following conditions set forth herein, and those certain conditions as set forth in Section Six of Ordinance No. Z2000-064 which are amended as follows, to permit the herein described change in use of the Subject Property:

1. Section Six, Paragraph 4 of Ordinance No. Z2000-064 requiring "a bank use or such other use as may be approved by the Board" is amended to permit development and construction of a medical office use in lieu of a bank use.
2. Section Six, Paragraph 13 of Ordinance No. Z2000-064 which proscribed the construction of parking lot or drive aisle improvements"on the Outlot within 40 feet of the northerly right-of-way line of Pratt Avenue" is amended to allow parking lot and/or drive aisle improvements within 40-feet of the northerly right-of-way of Pratt Avenue, reducing the required 40-foot setback to 22-feet to allow construction of 8 off-street parking spaces.
3. The parking spaces referred to in this Section Four, Paragraph 2, immediately preceding, will be screened from view by a bermed landscape buffer.
4. Section Six, Paragraph 17 of Ordinance No. Z2000-064 which limited the size of the bank building to be developed on the Outlot to no more than "6,000 square feet in size", is amended to allow construction of a one-story, 10,500-square foot medical office building, with a developable basement area of 6,500-square feet on the Subject Property.
5. The medical office building located on the Subject Property will be staffed by primary care and consulting physicians.
6. Any signs located on the Subject Property not in compliance with the Village's Sign Ordinance are subject to the review and recommendation of the Village Sign Appearance Review Board and the final approval of the Village Board.
7. Any future change in use for the Outlot/Subject Property must be approved by the PC/ZBA and the Village Board.

8. Submission of a new "corrected" Final Plat in recordable form, as required by Chapter 16, Article 14, Section B,6,a., and as approved by the Village.
9. Applicant will construct a sidewalk, at its expense, along McCormick Boulevard and Pratt Avenue for pedestrian use.

SECTION FIVE. That the provisions of Ordinance Z2000-064 remain in effect except as superseded herein. Except for the foregoing limitation, the development and use of the Subject Property shall remain subject to all terms and conditions of all applicable existing ordinances and regulations of the Village and as they may be amended from time-to-time, without limitation, all ordinances related to the PUD, zoning ordinances, building codes, subdivision regulations and regulations for the construction and design of public improvements.

SECTION SIX. That any person (person here includes, without limitation, any legal entity such as a corporation, partnership, limited liability company or other entity) who having first been provided notice, and is found to be violating the terms and conditions of this Ordinance, shall be subject to a penalty of not to exceed One Thousand Dollars (\$1000.00), 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 SEVEN. That this Ordinance and Ordinance No. Z2000-064, as they apply to Applicant shall automatically terminate and become null and void if Applicant fails to apply to the Village for issuance of a building permit within six (6) months of the execution of this Ordinance, or within such extension of time as may be granted by the Corporate Authorities, at the request of Applicant by motion.

SECTION EIGHT. That, if any provision of this Ordinance is held invalid by a court of competent jurisdiction, such provision shall be stricken from this Ordinance and shall not affect any other provision of this Ordinance.

SECTION NINE. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law, provided a true and correct copy of this Ordinance is executed by Applicant and Dominick's consenting and agreeing to be bound by the terms and conditions of this Ordinance and such executed copy is delivered to the Village within thirty (30) days of the passage and approval of this Ordinance, or within such extension of time as may be granted by the Corporate Authorities by motion.

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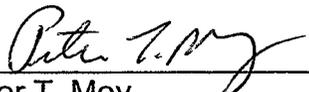
PASSED this 16th day of January, 2003.

AYES: Justices Salty, Elster, Froman, Cozmin and Leftaker

NAYS: None

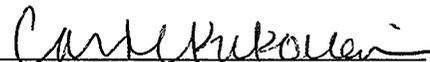
ABSENT: Justice Jany

APPROVED this 30th day of January, 2003.



Peter T. Moy
President

ATTEST:

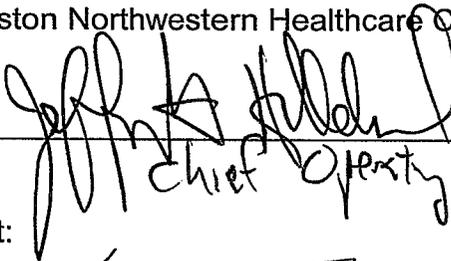


Carol Krikorian
Village Clerk

Evanston Northwestern Healthcare Corporation, being the owner of the property legally described within this Ordinance and referred to as the Subject Property, having read a copy of this Ordinance, and having the authority to agree on behalf of Evanston Northwestern Healthcare Corporation, and to execute this Ordinance, does hereby consent and agree to be bound by those terms and conditions of this Ordinance that are applicable to it.

Evanston Northwestern Healthcare Corporation

By
Its


Chief Operating Officer

Attest:

By



Dated: March, 14, 2003

Dominick's Finer Foods, Inc., a Safeway Company does hereby consent to the adoption of this ordinance and does hereby accept and concur with the terms of this Ordinance that apply to it.

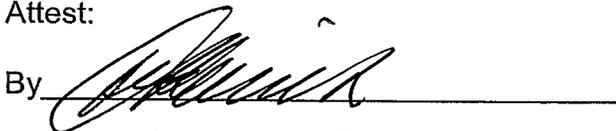
Dominick's Finer Foods, Inc., a Safeway Company

By


Its VICE PRESIDENT OF REAL ESTATE

Attest:

By



Dated: MARCH, 18, 2003