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Cook County Recorder of Deeds
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VILLAGE OF LINCOLNWOOD

ORDINANCE NO. Z2003-228

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 AND AMENDING ORDINANCE Z2003-179 GRANTING EVANSTON NORTHWESTERN HEALTH CARE CORPORATION APPROVAL TO DEVELOP A MEDICAL FACILITY BUILDING AT 6810 MCCORMICK BOULEVARD; AND APPROVING EVANSTON NORTHWESTERN HEALTHCARE CORPORATION'S APPLICATION TO DEVELOP A MONUMENT SIGN TO BE LOCATED AT 6810 MCCORMICK BOULEVARD, ALL IN THE VILLAGE OF LINCOLNWOOD, COOK COUNTY ILLINOIS

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS FOURTH DAY OF DECEMBER, 2003.

PIN 10-35-203-009
PPTN 10-35-203-010

Published in pamphlet form by
the authority of the President
and Board of Trustees of the
Village of Lincolnwood, Cook
County, Illinois, this 18th
day of December, 2003.

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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 legally 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, the Village Board of Trustees ("**Board**") in Ordinance Z2003-179 (attached hereto as **Exhibit "C"**), granted Evanston Northwestern Healthcare Corporation ("**Applicant**") an amendment to the PUD for the purpose of developing the (the "**Outlot**" or "**Subject Property**") located on the PUD Property for a medical building facility, and which is legally described in **Exhibit "B"** and the survey ("**Survey**") attached hereto as **Exhibit "D"** and made a part hereof; and

WHEREAS, Section Six, Paragraph 16 the Final Plat Ordinance provided as follows:

16. No building signage facing Pratt Avenue shall be installed on any building constructed within the PUD and no monument signs other than as shown on the Final PUD Plat 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.

WHEREAS, at the time Ordinance Z2003-179 was considered by the Village Board, the Village Board denied Applicant's request for a monument sign on the PUD Property because the signage then proposed would have been combined with a Dominick's sign, the other user on the PUD. Such a combined sign would have provided Dominick's a third monument sign on the PUD Property and the Village Board determined that a combined sign would create visual clutter in the area; and

WHEREAS, Applicant now seeks a further amendment to the PUD to enable it to install a monument sign ("**Monument Sign**") on the Subject Property to be used only by Applicant; and

WHEREAS, a duly noticed public hearing (said "**Notice**" being attached hereto as **Exhibit "E"** and made a part hereof) was held on November 12, 2003 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 the Monument Sign and amendments to the Final Plat Ordinance, and issued its recommendation (the "**PC/ZBA Recommendation**") to the Village Board, a copy of which is attached hereto as **Exhibit "F"** and made a part hereof; and

WHEREAS, the PC/ZBA determined that the Monument Sign will be for Applicant's use only and therefore will not create the visual clutter as would the signage previously proposed for the Subject Property; 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 Monument Sign, as specified herein, will benefit the Village's NEID TIF District and the Village; and

WHEREAS, the Village Board has considered the PC/ZBA Recommendation,

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. *Site Plan*. "**Site Plan**" prepared by Otis Koglin Wilson Architects, consisting of one page, bearing a most recent revision date of April 2, 2003, and showing the location of the Monument Sign, attached hereto as **Exhibit "G"** and made a part hereof.
2. *Sign Plan*. "**Sign Plan**" consisting of one page and bearing a most recent revision date of September 24, 2003, detailing the design and elevation of the Monument Sign, attached hereto as **Exhibit "H"** and made a part hereof.

SECTION FOUR. That the provisions of Ordinance Z2000-064 and Ordinance Z2003-179 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 FIVE. 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 SIX. That this Ordinance 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 SEVEN. 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.

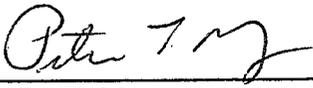
SECTION EIGHT. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law, provided a true and correct copy of this Ordinance is executed by Applicant and Dominick's consenting and agreeing to be bound by the terms and 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.

[This space intentionally left blank.]

PASSED this 4th day of December, 2003.

AYES: Trustees Salby, Deftakes, Jarry, Spriggs - Marshman and Elster
NAYS: Justice Lebovitz
ABSENT: None

APPROVED this 18th day of December, 2003.



Peter T. Moy
President

ATTEST:

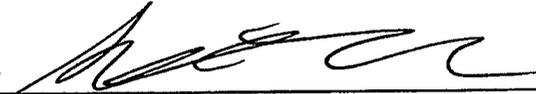


Carol Krikorian
Village Clerk

ACCEPTANCE:

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 _____

Attest:

By 

Dated: February, 9, 2004

ACCEPTANCE:

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 Michael F. Hill

Its VICE PRESIDENT

Attest:

By Maria Tillmann

Dated: February, 6, 2004

