

**ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF PARK RIDGE
GRANTING A SPECIAL USE PERMIT**

WHEREAS, duly noticed public hearings were held by the Planning and Zoning Commission of the City of Park Ridge on October 23, 2006, November 13, 2006, December 11, 2006, January 29, 2007, February 26, 2007, March 12, 2007, April 23, 2007, and May 29, 2007, on the application of Park Ridge 2004, LLC (applicant) for a Special Use (Case Number PUD-06-02) to permit the property located at 225 Touhy Avenue, 1 South Washington Avenue and 111 South Washington Avenue to be used as a planned residential development consisting of senior lifestyle condominiums and residential condominiums, pursuant to the provisions of the Zoning Ordinance of the City of Park Ridge, Sections 5 and 4.6, on the following legally described property:

Parcel 1: Lot 1 in First Addition to Executive Plaza Subdivision being a subdivision of the west 233.02 feet (as measured on the north line of the northwest ¼) of the north 660 feet (as measured on the west line of the northwest ¼) of the northwest ¼ of Section 36, Township 41 North, Range 12, East of the Third Principal Meridian, according to the plat thereof recorded August 15, 1959, as Document No. 17620924, in Cook County, Illinois

The property is commonly known as: 1 South Washington Avenue
Property Tax Index Number: 09-36-100-034-0000

Parcel 2: Lot 3 in First Addition to Executive Plaza Subdivision being a subdivision of the west 233.02 feet (as measured on the north line of the northwest ¼) of the north 660 feet (as measured on the west line of the northwest ¼) of the northwest ¼ of Section 36, Township 41 North, Range 12, East of the Third Principal Meridian, according to the plat thereof recorded August 15, 1959, as Document No. 17620924, in Cook County, Illinois

The property is commonly known as: 111 South Washington Avenue
Property Tax Index Number: 09-36-100-036-0000

Parcel 3: Lot C in Second Addition to Executive Plaza Subdivision being a Resubdivision of Lot 2 of Executive Plaza Subdivision, a subdivision of the northwest quarter of the northwest quarter of Section 36, Township 41 North, Range 12, East of the Third Principal Meridian according to the plat thereof recorded September 3, 1959, as Document No. 17648560 in Cook County, Illinois

The property is commonly known as: 225 West Touhy Avenue
Property Tax Index Number: 09-03-100-037-0000

WHEREAS, there has been compliance with all applicable provisions of the Zoning Ordinance of the City of Park Ridge, the Mayor and City Council of the City of Park Ridge have

determined that the Special Use requested be granted subject to the conditions set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Park Ridge, Cook County, Illinois.

SECTION 1: The Planning and Zoning Commission has made its report of findings and recommendations which are adopted by reference (except for the findings and recommendation as may apply to height and density) as findings of the Mayor and the City Council as fully as if completely set forth in this ordinance. All of the exhibits submitted at the public hearing are also incorporated by reference. The Planning and Zoning Commission also found that the exceptions stated in Section 3 of this ordinance are justified by the community benefits proposed by the applicant.

SECTION 2: A Special Use for a planned development is granted to applicant pursuant to Section 4.6 of the Zoning Ordinance of the City of Park Ridge for a multiple family residential building, subject to the following conditions:

- A. The above-described property shall be developed substantially in accordance with the site plan, prepared by OKW Architects, titled Touhy/Washington Development, dated September 12, 2007.
- B. Stage 2 development plan must be completed within one year of the stage 1 plan.
- C. An as-built plat of subdivision shall be provided to reflect the final ownership and division of land.
- D. 50 dwelling units of independent senior lifestyle housing shall be provided in the building adjacent to Touhy Avenue, in accordance with the following:

1. The 50 residential condominium units contained in Buildings “A” and “B” and to be located at the southeast corner of Touhy Avenue and Washington Street shall be marketed, sold and resold as a single condominium association and as a single, unified “housing community” intended as “housing for older persons” (the “Community”), within the meaning of the United States Fair Housing Act, 42 U.S.C. §3607(b)(2)(C) and §3607(b)(3)(B) and corresponding federal regulations (the “FHA”) as follows:

- a. 100% of the Community units shall be occupied by at least one (1) person who is at least fifty-five (55) years of age (a “qualifying occupant”).
- b. The sole exception (“Survivorship Relief”) to D(1)a above, may arise only if each of the following events occur:
 - i. a qualifying occupant either dies or leaves the unit pursuant to a decree of divorce; and

- ii. The non-qualifying person obtains actual title as a result of the qualifying occupant's death or the decree of divorce; and
- iii. This Survivorship Relief does not jeopardize the standing of the Community pursuant to FHA regulations. This Survivorship Relief shall expire if, at any time, its existence jeopardizes such standing.

A transfer of title by the non-qualifying occupant may be made only if that transfer results in occupancy by a qualifying occupant.

c. The provisions of this paragraph D shall be a covenant running with the land (the "Covenant") and shall survive until the City Council consents otherwise and only upon the sooner to occur of the following events:

- i. The twentieth (20th) anniversary of the first Qualifying Occupancy in the Community, and thereafter for successive periods of ten (10) years unless the owners of 100% of the Community condominium association agree to discontinue the restriction, in writing by voting in person or by proxy at a special meeting of the owners called for such purpose, at least thirty (30) days in advance of the twentieth (20th) anniversary or each subsequent ten (10) year anniversary, as the case may be, all otherwise in accordance with the rules and procedures set forth in the FHA.

- ii. A petition signed by the owners of 100% of the Community condominium association requesting a termination of the restriction that demonstrates the following: (x) qualifying residents have declined in such numbers for at least one (1) year such that the exemption from the FHA provided by the Covenant is jeopardized or has failed and; (y) services intended for qualifying residents have been materially curtailed or discontinued for lack of participation and; (z) that the signatories and the City Council concur that, after a search period of at least twelve (12) months since the curtailment or discontinuance, a reputable successor provider willing to undertake such services at reasonable rates and on comparable terms and conditions has not been identified.

2. The foregoing provisions of this paragraph D shall be incorporated into an instrument approved by the City Attorney and recorded against the Community properties. The Covenants and Declarations of the homeowners' association shall require that the association retains a right of approval of transfer of title to assure compliance with this paragraph D. Additionally, the City may require an Affidavit of Qualifying Occupancy before the issuance of any real estate transfer stamps for units in the Community.
3. The establishment, operation and maintenance of a "Community Core" as set forth in the exhibits for the provision of common areas for residents of the development.
4. The services for qualifying occupants shall be provided as set forth on Exhibit A.

E. The maintenance of a site clearance area of 15 feet from each right-of-way at the corners of Touhy and Washington Avenues and Touhy Avenue and the north/south access road, in accordance with Zoning Ordinance Section 11.2.G.

F. All exterior lighting must be shown as part of the stage 2 development plan and satisfy all standards in Zoning Ordinance Section 11.3.

G. A minimum of 328 total off-street parking spaces shall be maintained. The appropriate number of accessible parking spaces required in Zoning Ordinance Section 12.9 and by the Illinois Accessibility Code shall be provided.

H. Landscaping shall be installed and maintained according to the landscape plan, dated May 11, 2007. A detailed landscape plan as part of the stage 2 development plan that satisfies all requirements of Zoning Ordinance Section 13 shall be provided and must include:

- a. Plans shall show the species, size and location of all plant materials.
- b. Approval of the City Forester for tree removal and replacement.
- c. Detailed plans for the development of the "park" above the stormwater detention facility and for the gateway feature(s).

I. The location and details of all proposed signs, in accordance with Zoning Ordinance Section 14, as part of the Stage 2 development plan shall be provided.

J. Final approval by the Engineering Division of the water distribution and sanitary sewer system.

K. Final approval by the Engineering Division of stormwater management, including:

1. The applicant shall fully participate in a Special Service Area, as established by the City, for the purpose of providing and maintaining stormwater

facilities for the subject property and remaining properties in Executive Plaza. The applicant shall waive its right to object to the Special Service Area as established by the City pursuant to a waiver as prepared by the City Attorney. If for any reason the Special Service Area is not established, the applicant shall provide for its stormwater detention in strict accord with City regulations; and

2. Incorporation of the 101 South Washington Avenue property into the applicant's plans for stormwater management.

L. Final approval by the Engineering Division of the applicant's participation in street improvements related to the development, including a dedication of 10 feet to the Touhy Avenue right-of-way adjacent to the subject property.

M. Any changes to the building operations or use shall require an amendment to the Special Use.

N. An approval pursuant to any review by a City consultant, City staff member, City Commission or City Council Committee shall be an approval only of those items specified in any motion, resolution, ordinance or written report granting such approval. Such approval shall not be deemed to be an approval of any matter which is within the jurisdiction of any other City consultant, City staff member, City Council Committee or City Commission that has not issued a report or given its approval. Neither shall such approval be deemed the approval of any County, State or Federal Agency. Under no circumstances shall the approval be deemed to be an approval of any matter not included in this ordinance by virtue of the fact that such a matter appeared on a supporting document which is not attached as an exhibit to this ordinance (or incorporated as an exhibit as part of this ordinance).

O. Any reference to Presbyterian Homes shall include its successors and assigns.

P. Unless otherwise stated in this ordinance, references to section numbers shall be to the City of Park Ridge Zoning Ordinance.

SECTION 3: The following exceptions to the Zoning Ordinance are hereby granted as an amendment to the Special Use which are consistent with the Planning and Zoning Commission's findings of fact:

- A. Minimum rear yard setback for an interior lot at 15 feet, instead of the required 30 feet (Section 7.3, table 3), and
- B. To allow a fence four feet in height in the front yard along Washington Avenue (Section 11.4.E.2); and
- C. Minimum lot area requirement to allow 168 multi-family dwelling units, instead of the permitted 160 units (Section 7.3, Table 3).

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

Adopted by the City Council of the City of Park Ridge, Illinois, this ____ day of _____,
A.D. 2007.

VOTE: AYES _____

 NAYS _____

 ABSENT _____

Approved by me this ____ day of _____,
A.D. 2007.

Attest:

City Clerk

Mayor

Exhibit A

Senior Lifestyle Program

Description	Available <u>on-site</u>
On-site Coordinator	Full-time
Visiting Nurse	Part-time
Instructors/Lecturer's etc.	Monthly
Community Room	Yes
Staff Offices	Yes
Fitness Center	Yes
Reinforced Bathroom Walls	Yes
Widened Corridor Doors	Yes
Monthly Dinner Parties	Yes
Activities and Programs	Weekly
Classes and Lectures	Weekly
Trips to Concerts	Monthly
Exercise Classes	Weekly
Home Health	Yes
Hospice	Yes
Lifeline Emergency Call	Yes
Medication Set-up/Monitor	Yes
Wellness Visits	Yes
Daily Phone Check-in	Yes
Health Care Consultations	Yes
Home Safety Evaluations	Yes

Senior Lifestyle Program (Con't)

Description	Available <u>off-site</u>
Priority Wait List Position	Yes
Dining Services	Yes
Complete Fitness Center	Yes
Swimming/Therapy Pools	Yes
Events/Activities/Programs	Yes
Assisted Living	Yes
Skilled Nursing/Rehab	Yes
Adult Day Services	Yes
Referral Services	Yes