



Date: April 28, 2020
To: President Bielinski and Village Board of Trustees
From: Michael Braiman, Village Manager
Jeff Stein, Assistant Village Manager/Corporation Counsel
Subject: Ordinance Amendments to the Draft Optima Ordinance

Based upon suggestions received on Monday from Trustee Kennedy, the staff has reviewed the draft Optima ordinance and has made certain amendments to address some of the concerns raised.

There are three sections of the ordinance that have been updated and are shown below in strikethrough and bold/underlined text.

Section 4, paragraph 1:

The Applicant shall make a one-time contribution to the Village of Wilmette, as a condition to the issuance of building permits (other than demolition permits), in the amount of one million six hundred thousand dollars (\$1,600,000). The Village ~~shall use this contribution for the purposes of advancing affordable housing assistance within the Village of Wilmette.~~ **shall use this contribution for the purposes of advancing affordable housing assistance within the Village of Wilmette.** ~~has the goal of using this contribution to further advance affordable housing within the Village of Wilmette. Notwithstanding the foregoing, these funds may be used by the Village in any manner it determines is appropriate.~~

Section 4, paragraph 2:

The Applicant shall make a one-time contribution to the Village of Wilmette, as a condition to the issuance of building permits (other than demolition permits), in the amount of one hundred twenty thousand dollars (\$120,000). The Village ~~shall use this contribution for infrastructure improvement.~~ **shall use this contribution for infrastructure improvement.** ~~has the goal of using this contribution to help fund streetscape improvements in the Village Center. Notwithstanding the foregoing, these funds may be used by the Village in any manner it determines is appropriate.~~

Section 4, paragraph 4.

The Applicant shall provide 28 parking spaces (26 parking spaces and two public use accessible parking spaces) designated for use by the general public **free of charge** on Lower Level 1 as shown on Group Exhibit B. Parking for the general public shall **be made available 24 hours a day, but the time allotted for an individual member of the public to park in a particular space may** be limited to two (2) hour periods each day (unless otherwise requested)

by the Applicant and authorized by the Community Development Director) and shall otherwise be subject to such rules and regulations as the Applicant may reasonably establish from time to time (e.g., prohibition of overnight parking, ~~prohibition of use by valet services~~ and use of towing services when such services are in compliance with Chapter 24, Article XII of the Wilmette Village Code). **At no time shall the 28 parking spaces be used for valet services.** Two of the 28 parking spots shall contain fee-for-service electric charging stations available for use by the general public to charge electric cars.

The remainder of the ordinance as provided in the packet has not been altered. The attached ordinance contains the full, current text with the amendments shown above included.

ORDINANCE NO. 2020-O-22

AN ORDINANCE GRANTING A SPECIAL USE FOR PLANNED UNIT DEVELOPMENT (PRELIMINARY PLAN) PURSUANT TO THE WILMETTE ZONING ORDINANCE (1210 Central Avenue)

WHEREAS, Green Bay Wilmette LLC (“Applicant”), in accordance with Appendix A, Article 30 of the Wilmette Village Code (“Zoning Ordinance”), applied for a Special Use for Planned Unit Development (Preliminary Plan)(“Preliminary Plan”) to permit the construction of a mixed-use building containing approximately 5,900 square feet of commercial space on the ground floor and approximately 109 dwelling units (“Project”) on property located in the VC, Village Center zoning district - Pedestrian Commercial West, commonly known as 1210 Central Avenue, Wilmette, Cook County, Illinois (“Subject Property”), and legally described as follows:

Lot 4 (except the Northwesterly 25 feet thereof) and all of Lot 5 in Block 4 in the Village of Wilmette in Section 34, Township 42 North Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

PINs: 05-34-101-034-0000 and 05-34-101-035-0000; and

WHEREAS, the Plan Commission, after giving due and proper notice as required by law, held a public hearing on January 7, 2020 and February 4, 2020, on the foregoing application; and

WHEREAS, the Plan Commission failed to provide a positive recommendation upon the Applicant’s original request; and

WHEREAS, at the Village Board of Trustees meetings on February 25, 2020 and March 10, 2020, the Applicant amended its application and its original plans to include the versions of such plans which are referenced below and collectively referred to in this Ordinance as the “Plans”; and

WHEREAS, the amended application is the same exact subject matter and the same relief sought by the Applicant as discussed at the Plan Commission, except for certain design changes and increases to the public benefits offered to the Village of Wilmette by the Applicant; and

WHEREAS, on March 10, 2020, the Village President and Board of Trustees found that the Project meets the standards set forth in the Zoning Ordinance for planned unit developments, including but not limited to the standards contained in Section 30-6.4 and Section 30-6.6(c)(2)(E) of the Zoning Ordinance, that the exceptions from the regulations of the VC, Village Center Zoning District which are reflected on the Plans are appropriate in the context of the Project and meet the standards set forth in Section 30-6.5 of the Zoning Ordinance, and that the Project will provide substantial public benefit to the Village of Wilmette in the manner described below; and

WHEREAS, on March 10, 2020, the Village President and Board of Trustees then voted, by a vote of 5 to 2, to approve the requested special use for planned unit development and approve the Preliminary Plan with certain conditions imposed and public benefits agreed upon, and they directed the preparation of this ordinance to approve the special use for planned unit development and the Preliminary Plan and to codify the conditions imposed and the public benefits agreed upon between the Applicant and the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wilmette, Cook County, Illinois, as follows:

SECTION 1: The foregoing findings and recitals, and each of them, are hereby made a part of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: A Special Use for Planned Unit Development in the form of the Preliminary Plan is hereby granted for the Project which shall be constructed and maintained on the Subject Property substantially as set forth in the submitted and revised application and as further conditioned by this Ordinance.

Specifically, the Project shall be constructed and maintained on the Subject Property in accordance with the following provisions:

1. The Project shall be a mixed-use building containing approximately 5,900 net square feet of commercial space (approximately 8,113 sf gross area including service corridor), residential amenity space, 109 residential units with 9 residential units on the ground floor and approximately 100 residential units on floors two through six, a roof deck on floor seven with enclosed amenity space, and two underground levels of parking.
2. The Project shall be constructed and maintained substantially as set forth in the following documents (collectively, “Plans”):
 - a. Site Plan/Level 1 Floor Plan, labeled PUD-A201, dated March 10, 2020, (“Site Plan”), attached as **Exhibit A**;
 - b. Floor Plans (Levels 2 through 6, Roof and Lower Level Plans), labeled PUD-A202, PUD-A203 and PUD-A205 through PUD-A209, dated March 10, 2020, attached as **Group Exhibit B**;
 - c. Exterior Elevations and Bird Friendly Design, labeled PUD-A311 – PUD-A312, dated March 10, 2020 and PUD-APPX-A901 – PUD-APPX-A902, dated March 10, 2020, attached as **Group Exhibit C**;
 - d. Landscape & Lighting Plans (grade level and roof level), labeled PUD-A911 and PUD-A912, dated March 10, 2020, attached as **Group Exhibit D**; and
 - e. Building Data, labeled PUD A-001, dated March 10, 2020, attached as **Exhibit E**.
3. The Village may provide the Applicant with the use of the Village’s property located at 1225 Central Avenue for construction parking at no cost to the Applicant pursuant to a license agreement to be entered into between the Village and the Applicant in connection with the approval of the Final Plan (as defined below). The Applicant acknowledges that the license agreement may require the Applicant to fence the parking lot at the Applicant’s expense.
4. The Village shall grant the Applicant a non-exclusive, permanent easement with respect to that portion of the Central Avenue right-of-way as is generally depicted on the Plans, at no cost to the Applicant, in connection with the approval of the Final Plan.
5. The Village will issue certificates of occupancy for the Project on a floor-by-floor basis when such floor meets the standards for the issuance of a certificate of occupancy as provided by Chapter 8, and the procedure for such issuance as provided in Section 30-5.12 of Appendix A, of the Wilmette Village Code. The Village also will issue a certificate of occupancy for the leasing office as described in paragraph 6 below.

6. The Applicant shall be entitled to establish and maintain a leasing office on the Subject Property and to undertake pre-leasing activities at the Project provided the Village has issued a temporary or permanent partial certificate of occupancy for the leasing office on the first floor of the Project.
7. The Community Development Director is authorized to allow for temporary signage at the Subject Property.

SECTION 3: The above approvals are granted subject to the following conditions:

1. The Project shall be constructed, maintained and operated in accordance with this Ordinance and in accordance with the ordinance that approves the Final Plan. If a subject matter is not provided for in this Ordinance, the Project shall be constructed, maintained and operated in accordance with the Plans and the latest version of the application submitted to the Village. All other subject matters not expressly provided for in this Ordinance, the Plans or the ordinance that approves the Final Plan shall be subject to the provisions of the Wilmette Village Code.
2. The Applicant shall construct the Project to achieve and obtain at least a Two Green Globes® certification for multi-family new construction under Green Globes® NC 2019.
3. The Applicant shall install and maintain the windows on the first three floors of the structure with bird friendly glass applications consistent with the LEED Pilot Credit 55: Bird Collision Deterrence.
4. The Applicant shall obtain approval of final engineering plans from the Village Director of Engineering and Public Works in accordance with applicable provisions of the Wilmette Village Code.
5. The Applicant shall reconstruct that portion of the Village alley located immediately to the west of the proposed structure. The Applicant shall also improve the pedestrian crosswalks at the intersection of Green Bay Road and Central Avenue by providing high-visibility crosswalks. Prior to permits being issued, the specifications for the reconstruction of the alley, the specifications for the high visibility crosswalk and the specifications for all other public improvements shall be submitted to the Village Director of Engineering and Public Works for approval.
6. Prior to the issuance of any permits (not including demolition permits) and development of the Project, the Applicant shall deliver a letter of credit to the Village, in an amount determined by the Village Director of Engineering and Public Works in accordance with applicable provisions of the Wilmette Village Code, to ensure that any public improvements necessary for the construction of the Project are fully funded and repaired to the Village's standards.
7. Prior to the issuance of any permits (not including demolition permits) and development of the Project, other than what has been provided for in this Ordinance, the Applicant shall submit, within one (1) year, a Final Planned Unit Development

application (“Final Plan”) to the Village Zoning Administrator. The Village Zoning Administrator shall make a determination that the Final Plan is in or is not in substantial conformance with the Preliminary Plan and applicable provisions of the Wilmette Village Code, as provided for in the Zoning Ordinance, and shall submit a report to the Village Board as required by the Zoning Ordinance.

SECTION 4: The above approvals are granted subject to the Applicant providing the Village of Wilmette the mutually agreed upon public benefits:

1. The Applicant shall make a one-time contribution to the Village of Wilmette, as a condition to the issuance of building permits (other than demolition permits), in the amount of one million six hundred thousand dollars (\$1,600,000). The Village shall use this contribution for the purposes of advancing affordable housing assistance within the Village of Wilmette.
2. The Applicant shall make a one-time contribution to the Village of Wilmette, as a condition to the issuance of building permits (other than demolition permits), in the amount of one hundred twenty thousand dollars (\$120,000). The Village shall use this contribution for infrastructure improvement.
3. As shown on the Site Plan (Exhibit A), the Applicant shall construct and maintain an area at the grade level of the Southeast corner of the Subject Property for the purpose of providing a plaza accessible to and for the use of the public. This space will display the 8’ high sculpture, Curves and Voids by David C. Hovey, and benches as depicted on the Plans and may display art or other public amenities as requested by the Applicant and approved by the Community Development Director. This space shall remain in the ownership of the Project owner and shall otherwise be subject to such rules and regulations as the Applicant may reasonably establish from time to time (e.g., no skateboarding and no smoking), and be constructed, maintained and repaired as determined by the Applicant.
4. The Applicant shall provide 28 parking spaces (26 parking spaces and two public use accessible parking spaces), designated for use by the general public free of charge on Lower Level 1 as shown on Group Exhibit B. Parking for the general public shall be made available 24 hours a day, but the time allotted for an individual member of the public to park in a particular space may be limited to two (2) hour periods each day (unless otherwise requested by the Applicant and authorized by the Community Development Director) and shall otherwise be subject to such rules and regulations as the Applicant may reasonably establish from time to time (e.g., prohibition of overnight parking and use of towing services when such services are in compliance with Chapter 24, Article XII of the Wilmette Village Code). At no time shall the 28 parking spaces be used for valet services. Two of the 28 parking spots shall contain fee-for-service electric charging stations available for use by the general public to charge electric cars.

SECTION 5: All exceptions from the strict application of the Zoning Ordinance to the Subject Property which are reflected on the Plans or otherwise provided for in this Ordinance are hereby expressly approved.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **28th** day of **April 2020**, according to the following roll call vote:

AYES: **None.**

NAYS: **None.**

ABSTAIN: **None.**

ABSENT: **None.**

Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **28th** day of **April 2020**.

President of the Village of Wilmette, IL

ATTEST:

Clerk of the Village of Wilmette, IL

EXHIBIT A

GROUP EXHIBIT B

GROUP EXHIBIT C

GROUP EXHIBIT D

EXHIBIT E