



Office of the City Clerk

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Legislation Text

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ORDINANCE

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 523, AS AMENDED

Be It Ordained by the City Council of the City of Chicago:

SECTION 1: That the Chicago Zoning Ordinance be amended by changing all the Residential-Business Planned Development Number 523, as amended, symbols and indications as shown on Map Number 2-F in the area bounded by:

West Polk Street; a southwesterly line (194.27 feet long) starting on the south line of West Polk Street at a point 148.54 feet east of the east line of South Financial Place and ending at a point 194.27 feet south of the south line of West Polk Street and 79 feet, more or less, west of the centerline of vacated South LaSalle Street; a line 332.69 feet, more or less, west of the west line of South Clark Street; a line 497.43 feet south of the south line of West Polk Street; South Clark Street; West Roosevelt Road; South Wells Street; the alley next north of West Taylor Street; and the alley next east of South Wells Street,

to those of Residential-Business Planned Development Number 523 as amended, which is hereby established in the area described above subject to such use and bulk regulations as are set forth in the Plan of Development attached hereto and to no others.

SECTION 2: This ordinance shall be in force and effect from and after its passage and due publication.

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 523

Plan Of Development Statements

1. The area delineated herein as Residential-Business Planned Development (the "Planned Development") consists of approximately nine hundred sixty-eight thousand five hundred ninety-six

(968,596) square feet (twenty-two and twenty-four hundredths (22.24) acres) of net site area which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property"). McCaffery Interests, Inc. (acting on behalf of and with the authorization of CJUF III McCaffery Roosevelt Residential I LLC, CJUF III McCaffery Roosevelt Residential II LLC, CJUF III McCaffery Roosevelt Residential III LLC, CJUF III McCaffery Roosevelt Retail LLC and CJUF III McCaffery Roosevelt Park LLC being the owners of Subareas I, II, III and IV), is the "Applicant" for purposes of this amendment to the Planned Development with respect to Subareas I, II, III and IV.

2. The Applicant or, if different from the Applicant, the legal titleholders and any ground lessors, shall obtain all official reviews, approvals and permits necessary to implement the development of the Property. Any dedication or vacation of streets or alleys or easements or any adjustment of rights-of-way depicted on the Right-of-Way Adjustment Map shall require a separate submittal and approval by the City Council. Any areas to be dedicated shall be excluded and any areas to be vacated shall be included in determining the Net Site Area (as said term is defined by the Chicago Zoning Ordinance) of this Planned Development.
3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal titleholder and any ground lessors.

Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or under single designated control. Single designated control for purposes of this statement shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the owners of the Property and any ground lessors of the Property. Provided, however, that where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" or "legal titleholder" shall be deemed to refer solely to the condominium association of the owners or legal titleholders of such portions of the improvements and not to the individual unit owners therein. An agreement among property owners, the board of directors of any property owners association, or a

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covenant binding property owners, may designate the party or parties authorized to make application for any future amendment, modification or change with respect to all or any portion of the Property. Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein. Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of the Property

so transferred, the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder.

This Planned Development consists of: eighteen (18) Planned Development Statements; a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Right-of-Way Adjustment Map; a Subarea Plan; the following plans for Subarea III prepared by Antunovich Associates dated May 16, 2013: Site Plan/Ground Floor Plan, Landscape Plan/Green Roof Plan, West Building Elevation, North Building Elevation, East Building Elevation, South Building Elevation (the "Plans"); and the Administrative Approvals (defined below) set forth in Statement 17 of this Planned Development. The following minor change and site plan approval letters are hereby incorporated by reference and made part of this Planned Development (collectively, the "Administrative Approvals"):

Site Plan Approval letter to Mr. Reifman dated May 23, 2003; Minor Change and Zoning Clarification letter to Mr. David Reifman dated May 22, 2003; Site Plan Approval to Mr. Patrick Thompson dated August 9, 2007; Administrative Relief request for Subarea V to Mr. Forrest E. Russell dated June 25, 2008; Minor Change to Site Plan Approval letter to Mr. Theodore Novak dated September 6, 2011; Site Plan Approval letter to Mr. Theodore Novak dated November 16, 2011

The Planned Development is applicable to the area delineated herein and these and no other controls shall apply. References to the Chicago Zoning Ordinance and other provisions of the Municipal Code shall mean those provisions in effect as of the date of this Planned Development. The Planned Development conforms to the intent and purpose of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, and all requirements thereof, and satisfies the established criteria for approval as a Planned Development.

The area within the Planned Development boundaries is divided into eight (8) subareas as indicated on the Subarea Plan. The following uses shall be permitted within all subareas except Subarea III:

dwelling units, business and professional offices, hotels and motels, retail and commercial uses, any use permitted in the DX-5 Downtown Mixed-Use zoning district (except auto service stations and motor vehicle service/repair garages), railroads, railroad rights-of-way, open space uses, playgrounds (including without limitation recreational facilities relating to day care establishments), golf courses,

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tourist homes and lodging houses, hospitals, housing and assisted living facilities for elderly persons, indoor and outdoor athletic and recreational facilities, indoor and outdoor entertainment related uses, accessory and non-accessory off-street parking, restaurants and taverns including live entertainment and dancing, telecommunication antennae and facilities, theaters (including cinemas), health clubs, day care centers, colleges, universities, schools of any type, churches, libraries, home occupations, philanthropic and eleemosynary uses and accessory uses.

The following uses shall be permitted in Subarea III:

School, publicly available open space, park uses and facilities, playgrounds, outdoor athletic and

recreational uses and accessory uses related to the school use.

7. Identification signs and on-site business and business identification signs and temporary signs, such as construction marketing signs, are permitted upon the Property subject to the review and approval of the Department of Housing and Economic Development (the "Department"). Off-Premise signs are prohibited within the boundary of the Planned Development.
8. Any private roadway or any other ingress or egress shall be adequately designed and paved in accordance with the regulations of the Department of Transportation and in compliance with the Municipal Code of Chicago to provide ingress and egress for motor vehicles, including emergency vehicles. Fire lanes, if required, shall be adequately designed and paved in compliance with the Municipal Code of Chicago. Vehicular ingress and egress shall be subject to the review and approval by the Chicago Department of Transportation and by the Department. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. A continuous sidewalk shall be provided along all private streets (except along the Metra side of a public or private street or drive) as necessary to assure pedestrian access between all development located along said private streets and the public way.
9. The height of each building and free-standing structure located upon the Property and any appurtenances attached thereto, shall be subject to the Bulk Regulations and Data Table as well as any height limitations established by the Federal Aviation Administration. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply.
10. For purposes of maximum floor area ratio ("F.A.R.") calculations, the definition contained in the Chicago Zoning Ordinance shall apply. Transfer of floor area from one subarea to another may be approved by the Department if it meets the criteria for minor changes set forth in Statement Number 12 hereof.

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11. The improvements on the Property shall be designed, constructed and maintained in general conformance with the plans and exhibits set forth in Statement Number 4.

in addition, the development of the Property shall be subject to the following:

- a. Parking. Off-street parking shall be provided upon the Property in accordance with the provisions of this statement and the Bulk Regulations and Data Table and shall also be subject to the standards set forth below:

- 1) Interim outdoor, at-grade, off-street parking existing on the Property on the date of this

amended Planned Development may be maintained as is for a period not to exceed ten (10) years; provided, however, that the Commissioner of the Department may authorize the continuation of such interim parking for additional periods where deemed appropriate. Any new interim outdoor, at-grade, off-street parking shall be located, landscaped and maintained in a manner consistent with the vehicular use area landscaping and screening provisions of the Chicago Zoning Ordinance and associated regulations.

2) Permanent, at-grade, off-street parking that is not enclosed in a structure and which is visible from a public right-of-way is permitted subject to the following limitations. Such parking shall be set back at least twenty (20) feet from any adjacent public right-of-way. Such setback shall be bermed to a height of at least two (2) feet above the grade of the adjacent sidewalk and shall be landscaped with one (1) two and one-half (2-1/2) inch caliper tree for every twenty-five (25) feet of frontage along the public way, shrubs and ground cover to provide a continuous screen of at least two and one-half (2-1/2) feet in height total, including the berm, so as to substantially screen the parking lot from view from the adjacent right-of-way. In addition to appropriate landscaping, a decorative fence a minimum of four (4) feet high shall be constructed along the top of the berm to further enhance the screening of the adjacent parking. In lieu of the screening described above, the Department may approve an alternative treatment including, but not limited to, vine-covered fences or trellises, structural walls or screens upon a finding that such alternative treatment would:

- a) provide an effective visual screen of the parking areas and parked automobiles;
- b) promote the physical definition of a continuous street wall;

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- c) provide a visual effect which promotes and enhances the vehicular and pedestrian experience through the use of quality architectural and urban design; and
- d) be appropriately designed and maintained to satisfy applicable building and/or landscape industry standards.

Notwithstanding the foregoing, the provisions of this Statement 10.a.(2) shall not apply to parallel parking provided on public and private streets and drives on the Property.

3) Off-street parking required to serve uses developed on the Property shall be located on the same side of the Metra tracks as the use served. For residential uses, parking shall be located within six hundred (600) feet walking distance of the residential use served. Parking required to serve non-residential uses shall be located within one thousand five hundred (1,500) feet walking

distance of the non-residential use served.

- 4) The Applicant, or, if different from the Applicant, the legal titleholders and any ground lessors, is encouraged to conceal parking structures either by fronting them with habitable space or by enclosing the openings with glazing. Where the exterior walls of any parking structure face or will be substantially visible from a public right-of-way, such walls shall be designed and detailed to be similar in appearance to habitable spaces above, adjacent or in the vicinity of the garage. Such similar design elements shall include, but not be limited to: materials, size, shape, number, and pattern of window openings, cornices, moldings, reveals, sills and other decorative surface treatments. Glazing at window openings is strongly encouraged. Window frames, metal screens or other decorative screening devices should be considered where glazing is not utilized. Ramps, cars and headlights shall be entirely screened and ceiling lights shall be substantially screened from view from pedestrians on the public way and from adjacent residential units.

Where parking structures are located in a building with one hundred (100) or more feet of frontage which fronts on South Clark Street, South Wells Street or West Roosevelt Road, a minimum of twenty percent (20%) of the linear distance of said frontage shall be occupied by active uses. Active uses shall include lobbies, entry areas and passageways, elevator and stair areas, retail, services, restaurants, amusement establishments and institutional or cultural uses. A minimum of seventy-five percent (75%) of the linear distance of said required active use shall be glazed with clear glazing between two (2) feet, six (6) inches and eight (8) feet, zero (0) inches above the sidewalk level. Access to parking structures may be located along any public or private street.

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The following design features are strongly encouraged wherever feasible: setback of parking structures above ground floor retail with rooftop planting terraces.

- b. Loading. Off-street loading shall be provided upon the Property in accordance with this statement and with the Bulk Regulations and Data Table. All loading required by this Planned Development shall be located proximate to the building or use served. No unenclosed loading areas shall be located facing South Wells Street or South Clark Street. The view of loading areas from other public streets shall be minimized through the use of landscaping and fencing.
- c. Curb Cuts. Private roadways, driveways, entrances to off-street parking and to loading docks, openings for vehicular drop-offs and all other facilities requiring curb cuts shall be located to minimize conflicts with on-street traffic and with pedestrian circulation. Any required street tree removed or made infeasible due to location of a curb cut for a loading dock shall be provided elsewhere upon the Property. No curb cut shall be located within fifty (50) feet of any other curb cut. All curb cuts shall be constructed in accordance with the standards of the City of Chicago. No more than five (5) curb cuts for roadways and drives, parking and loading entrances shall be located along South Wells Street. No more than two (2) curb cuts for roadways shall be located along South Clark Street. Vehicular drop-off areas along South Clark Street shall be subject to C.D.O.T. approval.

d. Landscaping.

- (1) Parkway trees shall be installed and maintained in the public right-of-way adjacent to any development of the Property in accordance with the parkway tree planting provisions of the Chicago Zoning Ordinance and associated regulations unless approved by the Commissioner of the Department of Planning and Development in accordance with Statement 12. Open areas of the Property not otherwise devoted to permitted buildings, parking areas or pedestrian/vehicular circulation areas shall be landscaped to enhance the appearance of the development from the public street, to screen unattractive uses from the street and to provide buffers between adjacent uses. In connection with residential uses, adequate and appropriately designed open space shall be provided in the form of gardens, landscaped areas, children's play lots, playgrounds and above-grade open space facilities (such as roof decks). Landscaping shall consist of grass, ground cover, shrubs, trees or other living plant materials. All landscaping shall be properly maintained at all times. Except with respect to street trees located in Subarea III, which may be located in grates, street trees shall be located in continuous raised planters. The areas along and adjacent to the Metra embankment: (i) shall be fenced; and

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(ii) notwithstanding the second sentence of this subsection d.(1) above, shall not be required to be landscaped with trees or other landscaping features that would obstruct, or otherwise restrict the configuration of, permitted buildings, parking or loading areas, private drives or would be inconsistent with the Applicant's rights and obligations in the ten (10) foot wide Metra maintenance easement area.

- (2) Prior to development, open areas of the Property shall be maintained with grass; provided, however, that the following areas shall not be subject to this requirement: existing parking areas, roadways and other paved areas; areas occupied by existing foundations or other impediments to the growth of grass; areas occupied by the Metra facilities; existing public rights-of-way; and areas subject to covenants, easements or other restrictions inconsistent with the maintenance of grass. The initial planting of the grass where required shall be completed no later than one (1) year following adoption of this amended Planned Development.

e. Building Design And Exterior. The exterior walls of any structure, including walls and fences, facing or visible from the public way shall be designed and constructed to avoid a monotonous and blank appearance through the use of texture and detail, windows, openings, projections, recesses, offsets, variations to the parapet wall, variations in type or color of materials or other architectural devices. The following design features are strongly encouraged wherever feasible: awnings; retail, offices uses, lobby space or similar active uses at ground level; and cornice lines and other architectural devices to enhance pedestrian scale.

f. Roosevelt Road Building Orientation And Entrances. Except for improvements for which site plan approval has been issued as of the effective date hereof, all buildings constructed adjacent to Roosevelt

Road shall rise a minimum of one (1) story above West Roosevelt Road, shall include pedestrian entrance from West Roosevelt Road and shall otherwise be designed to promote an active pedestrian street level, avoiding large expanses of blank facades, and including transparent and/or display windows. Any such building with frontage along both West Roosevelt Road and South Wells Street shall, in addition to the entrance from the plaza area of the Property at the West Roosevelt Road grade level, provide an entrance at grade level from South Wells Street. One vehicle entrance and exit drive shall be permitted along West Roosevelt Road, the location and final geometry of which shall be subject to C.D.O.T. approval. A pedestrian transition from the West Roosevelt Road level to the South Wells Street level shall be included within any such building.

- g. Fencing. Fencing materials facing all public streets and common open spaces shall be at least seventy percent (70%) transparent and no more than

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five (5) feet in height; provided, however, that the transparency limitations shall not apply to fencing materials within Subarea III and provided, further, that the maximum height of fencing materials within Subarea III shall be six (6) feet, all as shown on the Plans.

Structures Along South Wells Street. Structures that front along South Wells Street shall be located and designed to promote a pedestrian character on South Wells Street including, to the extent practical and/or feasible, avoiding large expanses of blank facades by incorporating front entries, windows and similar features into the South Wells Street facades of such structures. This requirement is in addition to the provisions of subsections a. through f. of this Statement Number 10.

Open Space.

- 1) The Building Separation Zones depicted on the Subarea Plan shall be landscaped and improved in connection with adjacent development to provide appropriate pedestrian and vehicular access to adjacent development, streets and private drives. Such Building Separation Zones shall be open in appearance and shall include no buildings, fences or similar obstructions. Other than areas within the zones which are improved with plazas, roadways, walks, pedestrian furnishings, lighting, improvements typically associated with a right-of-way (including adjacent sidewalks, parkways and other improvements) and related items, the zones shall be landscaped with plant material and other landscaping materials.
- 2) Open space provided upon the Property shall be entitled to credit against otherwise applicable Open Space Impact Fees, if such open space satisfies the provisions of the Open Space Impact Fee Ordinance, Chapter 16-18 of the Chicago Municipal Code (the "Open Space Ordinance") and the provisions of the Open Space Impact Fee Administrative Regulations and Procedures (the "Open Space Regulations").
- 3) The Applicant or its successors or assignees shall construct and provide ongoing maintenance and management of the proposed open spaces within Subarea III and IV as designated on the Plans. The

open space must be clearly lit and not restrict public access from the hours between 9am to 9pm. Signage, as approved by the Department of Housing and Economic Development, shall be placed at all open space entries indicating the park is open to residents of the Planned Development and the general public, free of charge. The Applicant, its tenants and successors and assigns shall provide sufficient liability insurance coverage necessary for the

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operation of the open space for public use. The Applicant will post use and availability of the athletic fields for the public when not utilized by the school.

- (4) Substantial completion of the following improvements within Subarea III shall be a condition of issuance to a certificate of occupancy for the proposed building in Subarea III: (i) the ground level fields as shown on the Plans; and (ii) structural components, light fixtures, hardscape improvements, irrigation systems, sod and trees shall be installed within the rooftop open space areas shown on the Plans, and the rooftop open space shall be open to the public. Seasonal plantings shall be completed as soon as practically possible thereafter, subject to favorable weather conditions and availability of seasonal planting materials.

Substantial completion of the Subarea IV open space area, consisting of grading and installation of sod and/or seeding, light fixtures, and hardscape improvements, as per plans dated May 16, 2013, shall be completed prior to, and as a condition of, issuance of a certificate of occupancy for the proposed building in Subarea III.

The letter of understanding dated May 19, 2006 by and between the former Subarea III owner and the Commissioner of the Department is superseded as between the Applicant and the Department by this amended Planned Development.

Particular Uses. Freestanding telecommunications towers, because of their unique characteristics, shall be subject to additional review by the Department to establish that the impact of such use at a particular location is not significantly adverse to public health, safety or welfare.

Public And Quasi-Public Improvements. Subject to Statement 10(1) below, prior to occupancy of any building or use of the Property, improvements necessary to serve or accommodate said building or use shall be in place and available for use. Said improvements shall be designed, constructed and installed in accordance with applicable City standards, laws and regulations subject to the approval of the appropriate City departments and agencies, as required, as well as in conformance with applicable state and federal standards, regulations and laws. Improvements necessary to serve uses or buildings on the Property are the following: (i) the public roadway improvements depicted on the Plans (including pavement, required turn lanes, curbs and gutters, traffic signals and sidewalks); (ii) the utilities necessary to provide potable water, sewer facilities, electric, gas, telephone and other private utility facilities and services to the Property; and (iii) the streetscape improvements (including sidewalks, streetlights and street trees) depicted on the Plans or other plans approved by the

Department pursuant to Statement 11, as applicable.

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1. Schedule Of Public And Quasi-Public Improvements. The following specific improvements shall be completed within the time periods described below. A "Development Parcel" means that portion of the Property which is the subject of an application for Site Plan approval as described by Statement Number 11 of this Planned Development:
 - 1) New construction of, or improvements to, South Wells Street were required to be completed no later than tenant or residential occupancy (i.e., opening of business as opposed to initial certificate of occupancy) of the first principal structure constructed upon any portion of Subareas I and II. This improvement has been completed in fulfillment of this prior obligation.
 - 2) The new construction of, or improvements to, the West 9th Street right-of-way between South Financial Place and the Metra railroad abutment, as shown on the Plans dated May 16, 2013, no later than tenant occupancy of the structure constructed upon Subarea III.
 - 3) Required landscape and streetscape improvements shall, for and to the extent such improvements are contiguous to a Development Parcel, be completed no later than twelve (12) months following the later to occur of: (a) tenant or residential occupancy of the last principal structure constructed upon said Development Parcel, or (b) the City's substantial completion of the construction of South Wells Street between West Polk Street and West 18th Street and a West 9th Street underpass of the Metra railroad tracks between South Wells Street and South Clark Street. Said landscape and streetscape improvements shall include both sides of any public roadway contiguous to said Development Parcel where both sides are located within the boundaries of this Planned Development.
12. Prior to issuance by the Department of a determination pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance ("Part II approval") for any development of the Property, a Site Plan for proposed development shall be submitted to the Department for approval by the Commissioner of the Department of a site plan for such development ("Site Plan approval"). Site Plan approval is intended to assure that specific development proposals conform with this Planned Development and to assist the City in monitoring ongoing development. A Site Plan may be submitted for all or any part of the Property. Such Site Plan need only include the area within the Development Parcel, and required improvements described in Statement Number 10 above, for which approval is then being sought. No Part II approval for development with a Development Parcel upon the Property shall be granted until an applicable Site Plan has been approved.

Following approval of a Site Plan by the Commissioner of the Department, the Site Plan shall be kept on permanent file with the Department and shall be deemed to be an integral part of this Planned

Development.

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After approval of a Site Plan by the Commissioner of the Department, the approved Site Plan may be changed or modified pursuant to the provisions of Statement Number 12 of this Planned Development.

A Site Plan shall, at a minimum, provide the following information with respect to the proposed improvements within the boundaries of a Development Parcel and including any improvements required by this Planned Development not located within the Development Parcel:

- a. building elevations;
- b. footprint of the improvements;
- c. preliminary landscaping plan;
- d. information as necessary to demonstrate compliance with applicable City storm water management requirements;
- e. pedestrian circulation;
- f. preliminary cross-sections of the improvements;
- g. statistical information applicable to the Development Parcel including floor area and floor area ratio, uses to be established, building heights and setbacks; and
- h. traffic impact analysis, if required by C.D.O.T.

A Site Plan shall include such other information as may be necessary to illustrate conformance with the applicable provisions of the Planned Development.

13. The terms, conditions and exhibits of this Planned Development may be modified administratively by the Commissioner of the Department upon the request of the Applicant and after a determination by the Commissioner of the Department that such a modification is minor, appropriate and consistent with the nature of the development of the Property contemplated herein. Such modifications include, but are not limited to, those specifically authorized by the other provisions of this Planned Development. Any such modification shall be deemed a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
14. It is in the public interest to design, construct and maintain all buildings in a manner that promotes and maximizes the conservation of natural resources. All applications for Site Plan approval shall conform to the requirements of the City's Building Green/Green Roof Policy Matrix as it exists at the time of application or any City ordinance that may supersede the Building Green/Green Roof Policy Matrix.

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15. It is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("M.O.P.D.") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility. No approvals shall be granted pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the M.O.P.D. has approved detailed construction drawings for each building or improvement.
16. Unless substantial construction has commenced on the improvements in Subarea III as contemplated by the Plans within six (6) years of the effective date of this amended Planned Development (subject to extension as provided in the Chicago Zoning Ordinance), this amended Planned Development automatically revert to the Residential Planned Development Number 523, as amended December 13, 2006.
17. The Applicant acknowledges that the operation of a children's day care facility may be a desirable component of a residential community. Accordingly, the Applicant, in the course of marketing retail space within Subareas I and II to potential tenants, shall consider in good faith any offer made by a reputable operator of day care facilities to rent available retail space within said subareas for the purpose of operating a day care facility. After considering such an offer including, without limitation, the suitability of the space for a day care facility, the creditworthiness of the offeror, and the financial terms of the offer, the Applicant may, acting in good faith, accept, reject or counter such an offer exercising its sole discretion. "Suitability of the space for a day care facility" includes, without limitation, space located on the ground floor in proximity to outdoor landscaped open space.
18. The applicant will participate in City sponsored discussions, held from time to time, regarding the feasibility of properties that are located in the vicinity of the intersection of South Clark Street and West Roosevelt Road sharing parking areas with customers of retail businesses located proximate to said intersection.

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 523

Bulk Regulations and Data Table

1,159,737 square feet (26.62 acres)

Approximate Area To Remain in Public Right-of-Way:

968,596 square feet (22.24 acres)

Overall Property:

Maximum Overall Floor Area Ratio:

Maximum Overall Percentage of Site Coverage:

Maximum Building Height:

- i) in that Low Height Zone depicted on subarea exhibit, the maximum height shall be as follows:

adjacent to Clark Street:

15 feet or closer to Clark Street right-of-way: 55 feet

more than 15 feet from Clark Street right-of-way: 120 feet

- ii) with respect to the residential tower shown on the Site Plan on Subarea II, the maximum height shall be 500 feet.
- iii) with respect to any residential development within Subarea IV, the maximum height shall be 425 feet, subject to Site Plan Approval as required by Statement 11 and Administrative Relief request with a formal presentation to Plan Commission Prior to the granting of any Part II Approval.

Includes the Subarea III building with accessible rooftop open space. Site coverage may be exceeded if the criteria for minor changes in Statement 12 are satisfied.

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Maximum Overall Number of Dwelling Units:

Minimum Width of Building Separation Zone (depicted on Subarea Exhibit):

South Zone:

Middle Zone:

Minimum Distance between Front or Rear Walls of Townhouses:

Minimum Streetscape Dimensions:

Between Face of Building and the Curb of the Adjacent Public Street or Private Drive:

Sidewalks Along Public Street or Private Drive:

Parkway Planting Strip Adjacent to Sidewalk:

Carriage Walk Adjacent to Curb:

Minimum Number of Parking Spaces for Residential, Office and Retail Uses³:

Residential Uses:

Office Uses:

3,614

66 feet 40 feet

In accord with DX-5 requirements

16 feet (except along Roosevelt Road where buildings may abut the property line; along private and interior drives, which shall be six feet; and along Clark Street which shall be 20 feet)²

6 feet (but not required along the Metra tracks)

5 feet except as depicted on an approved Site Plan (but not required along the Metra tracks)

1.5 feet (but not required along the Metra tracks)

1 per dwelling unit for first 50 dwelling units per subarea; 0.55 per dwelling unit for each additional dwelling unit per subarea

1.8 per 1,000 square feet

~ Balconies, terraces, stairs, window bays and other such appurtenances may extend into this setback area, but not over sidewalk or planting strip areas.

³ Individual development sites may take the benefit of parking reductions available under Section 17-10-0102 of the Chicago Zoning Ordinance including, without limitation, reductions for proximity to public transit and small dwelling units, subject to the approval of the Commissioner.

Retail Uses:

Minimum Number of Parking Spaces for Other Permitted Uses:

Minimum Number of Loading Berths:

Maximum Office Floor Area: Subareas I, II and IV: Subareas V, VI and VII:

0.4 per 1,000 square feet for 25,000 square feet and under per subarea; 2.5 per 1,000 square feet over 25,000 square feet per subarea

As required in DX-5 zoning district As required in DX-5 zoning district

2,500,000 square feet aggregate 350,000 square feet aggregate⁴

Subarea Bulk and Density Standards

Subarea	Net Site Area	Coverage	Maximum Number Of Dwelling Units	Maximum Floor Area Ratio
Subarea I	228,036	100%	1,500 (aggregate of Subareas I, II, & IV)	5.51
Subarea II	129,082	100%		5.51
Subarea III	97,177	55%		0.75
Subarea IV	79,971	86%		12.50
Subarea V	164,922	73%	824	6.39
Subarea VI	109,422	66%	600	6.39
Subarea VII	114,099	68%	690	6.39
Subarea VIII	45,867	0%	0	0 ^s
Totals	968,596	76.30%	3,614	5.5

⁴ Shall be increased to one million seven hundred fifty thousand (1,750,000) square feet if Clark Street is widened to six lanes between Polk Street and Roosevelt Road; shall be increased to two million (2,000,000) square feet if Clark Street is widened to six lanes between Polk Street and Roosevelt Road and either a Roosevelt Road/Wells Street ramp connection or a Wells Street/Wentworth connector is built.

⁵ Except for railroad and railroad right-of-way uses.

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