

## **RESIDENTIAL – BUSINESS PLANNED DEVELOPMENT STATEMENTS**

1. The area delineated herein as Planned Development Number \_\_\_\_\_, (“Planned Development”) consists of approximately 53,145.11 square feet of property which is depicted on the attached Planned Development Boundary, Property Line and Sub-Area Map (the “Property”) and is owned or controlled by the Applicant, Baker Development Corporation.

2. 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 title holders 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 of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.

3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the Applicant or its successors, assign or grantees and approval by the City Council. Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans.

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Departments of Planning and Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by the Department of Transportation

4. This Plan of Development consists of sixteen (16) Statements: a Bulk Regulations and Data Table; an Existing Zoning Map; a Planned Development Boundary, Property Line and Sub-Area Map; a Right-of-Way Adjustment Map; a Site Plan; a Ground Level Plan; a Landscape Plan; a Landscape Details; a Green Roof Plan and Building Elevations (three for Sub-Area A and nine for Sub-Area B), prepared by SCB Architecture and dated July 16, 2015, and an Affordable Housing Profile form.

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Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Residential Business Planned Development:

Sub-Area A: Medium Venue (limited to 500 seats) and related uses; and office and retail uses (excluding medical cannabis dispensing establishments and establishment dedicated solely to the sale of electronic cigarettes or similar items and accessory therefor) all such uses limited to 3,000 sq. ft.;

Sub-Area B: Residential Dwelling Units located above the ground floor (excluding single room occupancy, elderly housing and all Group Living uses); day care, subject to the review by the Department of Planning and Development of parking and drop-off provisions; artist work or sales space; limited and general restaurants,; financial services (excluding payday/title secured loan store and pawn shop); food and beverage retail sales (excluding the sale of liquor except as an accessory activity); office uses, including medical offices; personal service (excluding nail salons and massage establishments); veterinary clinics; consumer repair and laundry service, including dry cleaning drop-off and pick-up with no plant on premises; children's play center subject to the review of the Department of Planning and Development of parking provision; and retail uses (excluding medical cannabis dispensing establishments and establishment dedicated solely to the sale of electronic cigarettes or similar items and accessory therefor) ; co-located wireless communications facilities; accessory and related uses; and accessory parking.

In accord with Section 17-10-0503 of the Municipal Code, the Applicant may lease to members of the public on an hourly, daily, weekly or monthly basis up to forty-five percent (45%) (62 spaces) of the minimum required 138 residential parking spaces in Sub-Area B.

6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and

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approval of the Department of Planning and Development. Off-Premise signs are prohibited within the boundary of the Planned Development.

7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.

8. The maximum permitted Floor Area Ratio (“FAR”) for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted Floor Area Ratio identified in the Bulk Regulations Table has been determined using a Net Site Area of 53,145.11 square feet and a Floor Area Ratio of 4.50.

9. The Applicant acknowledges and agrees that the rezoning of the Property from B3-3 to B3-5 for construction of this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the “Affordable Housing Ordinance”). Any developer of a “residential housing project” within the meaning of the Affordable Housing Ordinance (“Residential Project”) must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). In accordance with these requirements and the Affordable Housing Profile Form attached hereto as an Exhibit, the Applicant has agreed to make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$100,000 per required Affordable Unit, defined as 10% of the total number of units in the Residential Project (“Cash Payment”). At the time of each Part II review for the Residential Project, Applicant may update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development (“DPD”) for review and approval. If the Applicant subsequently reduces the number of dwelling units in the Residential Project, DPD may adjust the requirements of this Statement 9 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending the Planned Development. Prior to the issuance of any building permits for Residential Project, including, without limitation, excavation or foundation permits, the Applicant must make the required Cash Payment.

10. Upon review and determination pursuant to Section 17-13-0610 of the Zoning Ordinance, “Part II Review”, a Part II Review Fee shall be assessed by the Department of Planning and Development. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.

11. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by the Department of Planning and

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Development. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.

In Sub-Area B, a minimum of 36 square feet of open space per dwelling unit shall be provided including the landscaped second-level courtyard indicated on the Green Roof Plan. The required open space must have a minimum dimension of at least 5 feet on any side if private and 15 feet on any side if provided as common open space.

As indicated on the Sub-Area B West Elevation (CTA Track), high-performing acoustical panels as per ASTM C-423 and perforated metal panels painted with sound-absorbing insulation shall be installed to reduce reverberation from the CTA Elevated trains.

12. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management, and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

13. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.

14. The Applicant acknowledges that 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 to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.

15. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. In Sub-Area B, the Applicant has agreed to provide a 50% green roof over the net roof area, approximately 18,074 square feet, and achieve either LEED or Green Globe Certification to comply with the City of Chicago's Sustainable Development Policy.

16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to a B3-3 Community Shopping District.

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