

See PD #445 - (NOT ACTIVE)

21302

JOURNAL--CITY COUNCIL--CHICAGO

9/12/90

10641

UNFINISHED BUSINESS.

CHICAGO ZONING ORDINANCE AMENDED TO RECLASSIFY PARTICULAR AREAS.

On motion of Alderman Burke, the City Council took up for consideration the report of the Committee on Zoning, deferred and published in the Journal of the Proceedings of July 31, 1990, pages 19650 -- 19746, recommending that the City Council pass said proposed ordinances amending the Chicago Zoning Ordinance by reclassifying particular areas.

On motion of Alderman Banks, the said proposed ordinances were *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, T. Evans, Bloom, Steele, Beavers, Dixon, Shaw, Vrdolyak, Huels, Fary, Madrzyk, Burke, Carter, Langford, Kellam, Sheahan, Troutman, J. Evans, Krystyniak, Henry, Soliz, Butler, E. Smith, Davis, Bialczak, Figueroa, Gabinski, Mell, Austin, Kotlarz, Banks, Giles, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Eisendrath, Hansen, Levar, Shiller, Schulter, M. Smith, Orr -- 46.

Nays -- None.

Alderman Beavers moved to reconsider the foregoing vote. The motion was lost.

Said ordinances, as passed, read as follows (the italic heading in each case not being a part of the ordinance):

Reclassification Of Area Shown On Map Number 1-F.

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

ACTIVE PD

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the Residential-Business Planned Development No. 445 and Residential Business Planned Development No. 471 symbols and indications as shown on Map No. 1-F in the area bounded by:

a line 749.38 feet north of West Lake Street; a line along a curve beginning at a point 16.10 feet east of the east line of North Canal Street and proceeding southeastwardly along the arc of a circle, convex to the northeast, tangent to the last described line and having a radius of 11.00 feet for a distance of 15.94 feet to a point of tangency with a straight line, bearing south 07 degrees, 04 minutes, 28 seconds east from a point on the south line of the north 3.00 feet of the south half of vacated West Carroll Street which is 20.15 feet (as measured along the south line of the north 3.00 feet of the south half of

vacated West Carroll Street) east of the east line of North Canal Street; a line from the terminus of the last described line extending in a northwestwardly direction for a distance of 56.05 feet to a point along the south line of the north 3.00 feet of the south half of vacated West Carroll Street, 20.15 feet east of the east line of North Canal Street (as measured along the south line of the north 3.00 feet of the south half of vacated West Carroll Street); the south line of the north 3.00 feet of the south half of vacated West Carroll Street; a line 64.36 feet east of the east line of North Canal Street; a line 3.68 feet south of the south line of the north 3.00 feet of the south half of vacated West Carroll Street; the Chicago River; West Lake Street; and North Canal Street, except for the following three portions of the foregoing property; and

the property lying above a horizontal plane 12.55 feet above Chicago City Datum and contained within the vertical projection of the following described area:

beginning at a point along the south line of the north 3.00 feet of the south half of vacated West Carroll Street, 20.15 feet east of the east line of North Canal Street; then south 07 degrees, 04 minutes, 28 seconds east, a distance of 70.02 feet; then north 82 degrees, 55 minutes, 32 seconds east, a distance of 60.16 feet; then north 07 degrees, 04 minutes, 28 seconds west, a distance of 55.67 feet; then north 87 degrees, 04 minutes, 20 seconds west, a distance of 17.53 feet; then north 62 degrees, 55 minutes, 40 seconds east, a distance of 3.68 feet to the south line of the north 3.00 feet of the south half of vacated West Carroll Street; and then 87 degrees, 04 minutes, 20 seconds west, a distance of 44.21 feet to the point of beginning; and

the property lying below a horizontal plane 32.83 feet above Chicago City Datum and contained within the vertical projection of the following described area:

beginning at a point on the west line of Water Lot 3 in Block K (said west line being also the east line of North Canal Street) which is 167.56 feet northerly from the southwest corner of said Block K, as measured along said east line; thence north 1 degree, 41 minutes, 02 seconds west along said east line of North Canal Street, a distance of 85.04 feet to the most northerly corner of the northerly tract of land described in a deed by Abner Stillwell and others to the Pittsburgh, Fort Wayne and Chicago Railway Company and others, recorded April 27, 1934 as Document No. 11391430; thence south 21 degrees, 19 minutes, 32 seconds east along an easterly line of said Document No. 11391430 a distance of 61.65 feet; thence continuing southeastwardly along an easterly line of said document, being here a curved line, convexed southwestwardly, tangent to the last described line and having a radius of 600.00 feet, an arc distance of 74.90 feet; thence south 28 degrees, 28 minutes, 42 seconds east along an easterly line of said document, being tangent to the last described curved line, a distance of 143.13 feet to a point on the southerly line of Water Lot 5 in Block K (said southerly line being the northerly line of vacated Fulton Street), which point is 114.74 feet easterly from the southwest corner of aforementioned Block K, as measured along said southerly line; thence continuing south 28 degrees, 28 minutes, 42 seconds east along the easterly line of the middle tract described in Document No. 11391430, a distance of 90.41 feet to a point on the north line of Lot 1 in Block 22 (said north line being the southerly line of vacated

Fulton Street), which point is 155.50 feet easterly from the northwest corner of said Block 22 as measured along said north line; thence continuing south 28 degrees, 28 minutes, 42 seconds east along an easterly line of the southerly tract described in aforesaid Document No. 11391430 a distance of 198.77 feet; thence southeastwardly along said easterly line, being here a curved line, convexed easterly, tangent to the last described line and having a radius of 588.69 feet, an arc distance of 156.31 feet to a point on the southerly line of Block 22 (said south line being also the north line of West Lake Street) which point is 296.35 feet easterly from the southwest corner of said Block, as measured along said north line; thence south 89 degrees, 22 minutes, 58 seconds west along said north line of West Lake Street a distance of 41.49 feet to the southwest corner of the southerly tract of land conveyed by Document No. 11391430; thence northwestwardly along a westerly line of said tract, being here a curved line, convexed northeasterly, having a radius of 347.75 feet and a chord bearing of north 17 degrees, 02 minutes, 56 seconds west, an arc distance of 138.74 feet; thence north 28 degrees, 28 minutes, 42 seconds west along a westerly line of said tract being tangent to the last described curved line, a distance of 214.56 feet to a point on the north line of Block 22 (said north line being also the south line of vacated Fulton Street) which point is 121.60 feet easterly from the northwest corner of said Block, as measured along said north line; thence continuing north 28 degrees, 28 minutes, 42 seconds west and along the westerly line of the middle tract conveyed by Document No. 11391430 a distance of 90.41 feet to a point on the south line of Water Lot 5 in Block K (said south line being also the north line of aforementioned vacated Fulton Street) which point is 80.84 feet easterly from the southwest corner of said Block K as measured along said south line; thence continuing north 28 degrees, 28 minutes, 42 seconds west along a westerly line of the northerly tract conveyed by Document No. 11391430 a distance of 155.35 feet; thence north 21 degrees, 19 minutes, 32 seconds west along said westerly line a distance of 32.13 feet to the point of beginning; and

the property lying below a horizontal plane 32.83 feet Chicago City Datum and contained within the vertical projection of the following described area:

commencing at the southwest corner of Block 22, being the intersection of the north line of West Lake Street with the east line of North Canal Street; thence north 01 degree, 41 minutes, 02 seconds west along said east line of North Canal Street a distance of 454.12 feet to a point on the west line of Water Lot 5 in Block K aforesaid, which point is the point of beginning for the parcel to be described; thence south 28 degrees, 33 minutes, 53 seconds east a distance of 147.58 feet; thence southeastwardly along a curved line, convexed northeasterly, tangent to the last described line, and having a radius of 766.36 feet, an arc distance of 76.57 feet; thence south 22 degrees, 50 minutes, 23 seconds east along a straight line, tangent to the last described line, a distance of 39.79 feet; thence southeastwardly along a curved line, convexed easterly, tangent to the last described line and having a radius of 508.67 feet, an arc distance of 187.52 feet; thence south 01 degree, 43 minutes, 00 seconds east along a straight line, tangent to the last described line, a distance of 34.92 feet to a point on the south line of Block 22 (being also the north line of the aforementioned West Lake Street) which point is 146.57 feet easterly from the southwest corner of said block as measured along said north line; thence north 89 degrees, 22 minutes, 58 seconds east along said north line of West Lake Street a distance

of 108.29 feet to the southwest corner of the southerly tract of land conveyed by the deed recorded as Document No. 11391430; thence northwestwardly along a westerly line of said tract, being here a curved line, convexed northeasterly, having a radius of 347.75 feet and a chord bearing of north 17 degrees, 02 minutes, 56 seconds west, an arc distance of 138.74 feet; thence north 28 degrees, 28 minutes, 42 seconds west along a westerly line of said tract, being tangent to the last described curved line, a distance of 214.56 feet to a point on the north line of Block 22 (said north line being also the south line of vacated Fulton Street) which point is 121.60 feet easterly from the northwest corner of said Block, as measured along said north line; thence continuing north 28 degrees, 28 minutes, 42 seconds west along the westerly line of the middle tract conveyed by Document No. 11391430 a distance of 90.41 feet to a point on the south line of Water Lot 5 in Block K (said south line being also the north line of aforementioned vacated Fulton Street) which point is 80.84 feet easterly from the southwest corner of said Block K as measured along said south line; thence continuing north 28 degrees, 28 minutes, 42 seconds west along a westerly line of the northerly tract conveyed by Document No. 11391430 a distance of 155.35 feet; thence north 21 degrees, 19 minutes, 32 seconds west along said westerly line a distance of 32.13 feet to a point on the west line of Water Lot 3 (said west line being also the east line of North Canal Street) which point is 167.56 feet north from the southwest corner of Block K as measured along said east line; thence south 01 degree, 41 minutes, 02 seconds east along said east line of North Canal Street a distance of 115.17 feet to the point of beginning,

to those of a Residential-Business Planned Development 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.

Plan of Development attached to this ordinance reads as follows:

*Residential-Business Planned Development.
(As Amended)*

Plan Of Development

Statements.

1. The area delineated herein as a Residential Business Planned Development (the "Planned Development") consists of approximately 144,375 square feet of property comprising land and air rights which is depicted on the attached Boundary and Property Line Map (the "Property") and is owned or controlled by the applicant, L & M Riverbend Venture.
2. This Plan of Development consists of twenty (20) statements; an Existing Zoning Map; a Boundary and Property Line Map; a Generalized Land Use Map; an Existing Land Use Map; a River Bank Transit Line Easement Map; a table of use and bulk regulations and related controls; five drawings, one depicting minimum setback dimensions, the second depicting the contemplated improvements at plaza level, the third depicting the contemplated improvements at ground level, and the fourth and fifth being volumetrics drawings depicting the maximum height and minimum separation of the buildings contemplated herein, all prepared by Skidmore Owings & Merrill, dated July 12, 1990 (collectively the "Site Plan") reduced copies of which are attached hereto and full scale copies of which are on file with the Department of Planning; and a phasing plan (the "Phasing Plan"). These and no other controls shall apply to the Property.
3. The permitted uses in the Planned Development are:

Business and professional offices, retail and service uses, multi-family dwelling units, hotel, broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving dishes which may exceed 8 feet in diameter, marina and other water-oriented recreational uses, day care centers, inter-track wagering facilities, enclosed, unenclosed or partially enclosed taverns including live entertainment and dancing, art galleries and museums, non-accessory public parking, public transportation facilities, accessory uses and uses authorized as permitted uses in the B6-7 District.
4. Business, business identification and directional signs shall be permitted within the Planned Development. All business, business identification and riverfront directional signs shall be subject to the review and approval of the Department of Planning. Temporary signs such as construction and marketing signs shall be permitted.
5. Any dedication or vacation of streets, alleys or easements or any adjustment of right-of-way shall require a separate submittal on behalf of the applicant and approval by the City Council.
6. The applicant shall obtain all official City reviews, approvals and permits required in connection with this Planned Development.

7. In addition to the maximum heights of buildings, excluding appurtenances attached thereto such as antennae and flag poles, contained in the attached volumetric drawing, the height restriction of the improvements and any appurtenance attached thereto shall be subject to:
- (1) Height limitations as certified and approved by the Federal Aviation Administration; and
 - (2) Airport Zoning Regulations as established by the Department of Planning, Department of Aviation and Department of Law and approved by the City Council.
8. This Planned Development shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Development Amendments" as promulgated by the Commissioner of the Department of Planning and in effect on the date hereof.
9. A) Off-street parking and loading facilities shall be provided in compliance with this Planned Development.
- B) The parking spaces required under this Planned Development may be provided in a tandem or stacked arrangement and operated as valet service.
- C) A maximum of 20 percent of the parking spaces required under this Planned Development may be 7.5 feet by 15 feet in size to accommodate compact cars.
- D) The minimum number of parking spaces required under this Planned Development is calculated based on the possible inclusion within the contemplated improvements of 138 dwelling units. However, a greater number of dwelling units is permitted under this Planned Development, provided, that if the applicant chooses to establish such additional dwelling units, the applicant must either reduce the amount of Floor Area devoted to non-residential uses by 9,000 square feet per dwelling unit in excess of 138 or must provide additional off-street parking equal in number to 55 percent of the number of dwelling units in excess of 138.
- E) All parking required to serve buildings or uses within this Planned Development must be located on-site or within 1,000 feet walking distance of the building or use served.
- F) Of the total minimum off-street parking spaces required in connection with the improvements contemplated in this Planned Development, 268 spaces must be devoted to parking which is accessory to those improvements.

10. Any service drive or other ingress or egress shall be adequately designed and paved, in accordance with the regulations of the Department of Streets and Sanitation in effect at the time of construction and in compliance with the Municipal Code of the City of Chicago, to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking within such paved areas. Ingress and egress shall be subject to the review and approval of the Bureau of Traffic Engineering and Operations and of the Commissioner of Planning.
11. For purposes of Floor Area Ratio (F.A.R.) calculations, the definitions in the Chicago Zoning Ordinance shall apply. In addition to the other exclusions from Floor Area for purposes of determining F.A.R. permitted by the Chicago Zoning Ordinance, all floor area in excess of 5,000 square feet devoted to mechanical equipment in a single location, regardless of placement in the building, shall be excluded. For purposes of this Planned Development, grade shall be deemed to be plaza level which is at an elevation of +45.5 feet C.C.D.
12.
 - A) The improvements on the Property, including the on-site exterior landscaping and the landscaping along the adjacent right-of-way, all entrances and exits to and from the parking and loading areas, the continuous pedestrian walkway along the Chicago River (the "Dock Level Riverwalk"), the open areas at plaza level (the "Plaza Level Riverwalk") and all access points to the Dock Level and Plaza Level Riverwalks shall be designed and constructed in general conformance with the Site Plan.
 - B) The landscaping depicted on the Site Plan shall be maintained at all times and shall be designed and constructed in accordance with the Bureau of Forestry regulations. In addition, all trees shall be of a minimum 3.5 inch caliper dimension.
 - C) The applicant shall use its best efforts to incorporate along the Canal Street and Lake Street level frontages of the Property, to the maximum extent possible, retail use, service uses or lobbies or corridors. To the extent those uses are not located along this frontage, then the exterior walls of the contemplated buildings at street level shall contain doors or windows looking into the aforementioned uses or areas, or display windows, or shall be architecturally articulated. The access points to and from the parking and loading areas and the opening to permit the passage of the trains that traverse the Property are excluded from the above stated requirements; provided, however, that the access points to the parking and loading areas shall have decorative doors.
 - D) All parking and loading for the contemplated improvements shall be located below plaza level.

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E) The applicant, in connection with any requests for approval under Section 11.11-3(b) of the Chicago Zoning Ordinance of a building permit application for a building or buildings contemplated under this Planned Development shall provide the Department of Planning with a report regarding the potential wind impact of the proposed construction on the adjacent streets or the Dock Level or Plaza Level Riverwalks. In addition, the applicant shall incorporate into its plans for the proposed construction any elements necessary to ameliorate any potential adverse wind impact on the above described areas.

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F) The requirements of this Statement, and of Statement 13, may be modified, administratively, by the Commissioner of the Department of Planning, upon the application for such a modification by the applicant and a determination by the Commissioner of the Department of Planning that such modification is consistent with the nature of the improvements contemplated by this Planned Development. Any modification of the requirements of this Statement, or of the requirements of Statement 13, by the Commissioner of the Department of Planning shall be deemed to be a minor change in the Planned Development as contemplated by Section 11.11-3(c) of the Chicago Zoning Ordinance.

13. A) Construction of the Dock Level and the Plaza Level Riverwalks shall be commenced and completed in accordance with the provisions of Statement 17.

B) The Dock Level and Plaza Level Riverwalks shall be open to the public daily throughout the year at least between 6:00 A.M. and 11:00 P.M., provided, however, that the applicant's agreement herein to construct and allow the public access to the Dock Level and Plaza Level Riverwalks shall not be construed as permitting any public use of the Dock Level or Plaza Level Riverwalks which interferes with the reasonable operation or use of the improvements on the Property or as establishing an easement or other legal right to perpetually traverse or access those areas. The applicant may close the Dock Level or Plaza Level Riverwalks to the public to the extent and for such period of time as may be necessary to accommodate the construction, repair or maintenance of the Dock Level or Plaza Level Riverwalks or the other improvements on the Property or to retain the applicant's claim to unencumbered private ownership of the Dock Level or Plaza Level Riverwalks.

C) The Dock Level Riverwalk shall be a minimum width of 15 feet, except that its minimum width may be reduced:

- 1) To accommodate the River Bank Transit Line referenced in Statement 14; and
- 2) Where site constraints require a lesser width. The area where such site constraints occur (the "Constrained Area") is indicated on the Site Plan. However, the applicant shall make a good faith effort to secure approval from the appropriate government agencies permitting it to either

construct a platform over the Chicago River or place fill in the Chicago River, thereby creating additional area for the Dock Level Riverwalk. To the extent approval is obtained permitting sufficient additional area to accommodate a 15-foot Dock Level Riverwalk and providing a Dock Level Riverwalk of such a dimension is practicable, then a Dock Level Riverwalk of that minimum width shall be provided. If not, then the Dock Level Riverwalk may be of such lesser width as is practicable and/or which can be accommodated by the maximum additional area for which approval is obtained. If no approvals can be obtained for the creation of additional area for the Dock Level Riverwalk or providing such additional area is impracticable, then the applicant shall provide access from the Dock Level Riverwalk up to the Plaza Level Riverwalk near where the Dock Level Riverwalk is of insufficient width to allow continued passage along it and back down to the Dock Level Riverwalk at some point north of the Constrained Area.

D) The required minimum width of the Dock Level Riverwalk shall be kept substantially clear of obstructions and shall be open to the sky, except:

- 1) That it can contain an outdoor cafe or other uses, which are compatible with its nature, and the improvements depicted on the Site Plan, if at least 8 feet of its width is kept substantially clear of obstructions and any columns or piers placed within the minimum width of the Riverwalk shall be at least 17 feet apart; and
- 2) Where an arcade is indicated on the Site Plan.

E) No advertising signs upon the Property, except marketing signs approved by the Department of Planning under the provisions of Statement 4, shall be visible from the Chicago River.

F) The contemplated buildings' facades which front on the Chicago River shall be architecturally treated as one of the principal facades.

G) The applicant shall use its best efforts to incorporate along the Dock Level or Plaza Level Riverwalk frontage of any of the contemplated buildings the following uses or facade treatments:

- 1) Retail or service uses;
- 2) Recreational or water oriented uses;
- 3) Lobbies or corridors;

- 4) Doors opening or windows looking into the aforementioned uses or areas;
or
- 5) Display windows.

H) Where the grade differential between the Dock Level Riverwalk and the Plaza Level Riverwalk exceeds 20.0 feet, that portion of the Riverwalk which forms its western boundary shall be subject to the provisions of G above or shall be architecturally articulated.

I) The facade of the contemplated improvements fronting on the Dock Level or Plaza Level Riverwalks shall not be, at those levels, of mirrored reflective glass.

J) The seawall or bulkhead shall be clad in appropriate materials. Such materials must be acceptable to the government agencies governing the construction or reconstruction of seawalls and bulkheads. The seawall or bulkhead shall contain stairs permitting access from boats to the Dock Level Riverwalk.

K) The grade of the Dock Level Riverwalk shall be sloped at least 1% away from the River.

L) The Dock Level and Plaza Level Riverwalks and all stairways or walkways leading thereto shall be illuminated to a minimum level of two footcandles. Lighting fixtures shall be compatible in design with the design and nature of the Dock Level and Plaza Level Riverwalks. The height of lighting fixtures mounted on standards shall not exceed fifteen feet.

M) Pedestrian access ways, seating areas, and other high traffic areas shall be paved with brick, tile, stone or other suitable materials.

N) Fixed or movable seating shall be provided along the Dock Level and Plaza Level Riverwalks. The seating may consist of wooden or masonry benches or ledges and planters suitable for seating or any combination thereof. At least 50 percent of the seating along the Dock Level Riverwalk shall provide a direct view of the Chicago River.

O) The applicant shall place a historical marker along either the Dock Level or the Plaza Level Riverwalk recognizing the fact that the Property was the site of the Wolf Point Settlement, one of the original settlements that grew into the City of Chicago.

P) At least one means of access for handicapped persons shall be provided to the Dock Level Riverwalk and the Plaza Level Riverwalk and at least one accessible connection for handicapped persons shall be provided between the two areas. In addition, the circular stairs depicted on the Site Plan shall have a tread and riser combination which complies with the provisions of A.N.S.I. Section 4.9.2.

Q) Railings along the Chicago River edge of the Dock Level and Plaza Level Riverwalks shall be at least 50 percent open or of a transparent material.

R) The species of trees to be used along the Dock Level Riverwalk shall be those specified in the Chicago River Urban Design Guidelines adopted by the Chicago Plan Commission on June 14, 1990 or Redmond Lindens or such other species as may be approved by the Department of Planning. Trees along the Dock Level Riverwalk shall not be placed in above-ground planters unless a practicable alternative does not exist or the planters are part of an integrated landscaping plan which includes trees and shrubs in the planters.

S) The treatment of the Dock Level Riverwalk's edge shall include, to the extent approved by the appropriate government agencies, appropriate devices for the tying up of boats and other water craft.

T) The center of the vehicular turnaround located on the southern portion of the Property and depicted on the Site Plan shall contain an amenity, which could be a sculpture or a water feature.

14. To the extent that the City desires to locate the proposed River Bank Transit Line along land owned by the applicant and included in this Planned Development, then the applicant shall grant to and for the benefit of the City an easement (the "Easement") over such portions of the Property (the "Easement Area"). The granting of the Easement shall be subject to the following conditions:

- A) The approximate location and dimensions of the Easement Area shall be as set forth in the attached River Bank Transit Line Easement Map.
- B) The Easement shall be granted within sixty (60) days following the applicant's receipt of the City's written request therefore.
- C) The applicant may at anytime, either prior to or after the granting of the Easement, construct improvements within the Easement Area, provided that those improvements are later either removed or adjusted so as not to interfere with the construction or operation of the River Bank Transit Line. The applicant's obligation to remove or adjust improvements within the Easement Area shall not commence until 90 days following the applicant's receipt of written notice from the City of the expected date of construction of the River Bank Transit Line.
- D) The applicant's obligation to grant the Easement, or the Easement, if granted, shall terminate on the seventh anniversary of the adoption of this Planned Development, unless prior to that date the City Council has adopted an ordinance committing the City to the design and construction of the River Bank Transit Line and a certified copy of said ordinance is delivered to the applicant.

E) The Commissioner of the Department of Planning shall waive the requirement of this Statement to grant the Easement if the design of the River Bank Transit Line adopted by the City indicates that the Easement is not required to accommodate the development or operation of the River Bank Transit Line. A waiver of the requirements of this Statement by the Commissioner of the Department of Planning shall be deemed to be a minor change in the Planned Development as contemplated by Section 11.11-3(c) of the Chicago Zoning Ordinance.

15. In addition to seeking the approvals contemplated under Statement 13(C) (2), the applicant may seek approval from the appropriate government agencies governing construction in, over or adjacent to the Chicago River for:

- A) The construction of a marina;
- B) The placement of fill in the Chicago River;
- C) The placement of columns or piers in the Chicago River; or
- D) The construction of platforms over the Chicago River.

provided, however, that any usable area added as a result of obtaining any such approval shall be devoted to public space, water oriented recreational activities, a marina or associated retail space and that any such added area shall not be included in the Planned Development net site area for purposes of computing the maximum permitted Floor Area. Any modification to the Site Plan resulting from the addition of such area must be reviewed and approved by the Department of Planning.

16. The applicant owns the property above and below certain elevations included in this Planned Development and depicted on the attached Boundary and Property Line Map. Should the applicant secure ownership of any portion of the property below or above those elevations, such additional property shall be automatically included in this Planned Development; provided, however, that no portion of such added property may be included in the Planned Development net site area for purposes of computing the maximum permitted Floor Area.

17. The improvements contemplated by this Planned Development may be developed in phases and the density of development of any parcel during each phase may exceed the overall density permitted in this Planned Development, provided that the total development upon completion does not exceed the density permitted by this Planned Development. The parking and loading requirements that must be provided in connection with each phase shall be, at a minimum, proportional to the Floor Area being developed given the maximum development potential and the minimum required parking spaces and loading berths under this Planned Development. For purposes of determining the timing of the construction of the

Dock Level and Plaza Level Riverwalk improvements contemplated by this Planned Development, the Property is divided into three subareas as depicted in the Phasing Plan. Within Subarea A, there is no contemplated Plaza Level Riverwalk and the development of the Dock Level Riverwalk and associated public improvements shall commence within 1 year of the issuance of a certificate of occupancy for the building within this subarea. Within Subarea B, the development of the portion of the Plaza Level Riverwalk immediately east of the buildings included within this Subarea shall occur substantially contemporaneously with the development of any such building. Within Subarea C, the development of the portion of the Plaza Level Riverwalk adjacent to the building within this Subarea shall occur substantially contemporaneously with the development of the building. Construction of the portion of the Dock Level Riverwalk not included within Subarea A shall be commenced within one year of the earlier of:

- A) The issuance of a certificate of occupancy for the last of any three buildings contemplated by this Planned Development;
 - B) The issuance of a certificate of occupancy for the last building which, in combination with other buildings contemplated by this Planned Development and then existing on the Property, achieves a total constructed aggregate Floor Area equal to or greater than 750,000 square feet; or
 - C) The tenth anniversary of the effective date of this Planned Development.
18. There are two surface parking lots currently located on the Property. Those lots may remain, provided, however, that:
- A) If on the fifth anniversary of the effective date of this Planned Development the parking lot located on the northern portion of the Property remains, then the applicant shall effectively screen it from the Chicago River; and
 - B) Once the use of either surface parking lot is discontinued, except for such period of time as may be necessary for their maintenance, repair or alteration, then the use of the discontinued surface parking lot shall not be renewed.
19. The rights granted to and the obligations imposed on the applicant under this Planned Development shall inure to the benefit of and be binding on the applicant's successors or assigns.
20. A) Unless a building permit for two of the six buildings contemplated under this Planned Development is properly applied for and thereafter pursued with due

diligence, the approvals granted in and obligations imposed under this Planned Development shall expire upon the tenth anniversary of the effective date hereof; provided, however, that:

- 1) if the City Council amends the Chicago Zoning Ordinance to provide for a shorter expiration period which is applicable to all planned development ordinances, then this Planned Development shall expire upon the expiration of such shorter time period as provided for by said amendatory ordinance (the first day of which as applied to this Planned Development shall be the effective date of the amendatory ordinance); and
- 2) if the shorter expiration period referenced above in 20(A)(1) (the "Shorter Expiration Period") is five years or less, then the filing of a building permit application for one of the contemplated buildings, and its pursuit with due diligence, shall be deemed to satisfy the requirements of this Statement 20(A) and preclude the expiration of this Planned Development.

B) If this Planned Development expires under the provisions of Statement 20(A) above, then the zoning of the Property shall automatically revert to that of a B6-7 Restricted Central Business District.

C) The period of time from the end of the initial period described in Statement 20(A) above (the "Initial Period") to the twentieth anniversary of the effective date of this Planned Development shall be divided into a maximum of three successive periods (the "Successive Periods"). If the Initial Period is greater than five years in duration, then there shall be two Successive Periods each extending from the tenth anniversary of the effective date of this Planned Development for a period of five years. If, however, the Initial Period is five years or less because the Shorter Expiration Period becomes applicable, then there shall be three Successive Periods with the first two such periods extending for five years and the third extending from the end of the second Successive Period through the twentieth anniversary of the effective date hereof.

D) If by the last day of each Successive Period, a building permit application has not been properly filed and thereafter pursued with due diligence for one building other than the one or two buildings for which an application must be filed to satisfy the requirements applicable during the Initial Period, then the City may decide to review and modify, in whole and in part, the provisions of this Planned Development under the conditions and pursuant to the procedure outlined below:

- 1) After the Initial Period, it is presumed that the Planned Development need not be reviewed and modified and such presumption may be overcome only by clear and convincing evidence to the contrary;

- 2) If any of the Successive Periods expires without a building permit application being filed, then: 1) within 30 days of the expiration of such Successive Period the Commissioner of the Department of Planning must issue, and make available to the Applicant within two days of its issuance, a written determination stating whether the Planned Development must be reviewed; and 2) no approvals shall be issued by the Department of Planning under Section 11.11-3(b) of the Chicago Zoning Ordinance in connection with a building permit application filed after the expiration of the Successive Period for a building or buildings for which the original building permit application was not filed prior to the expiration of the Successive Period. If the Commissioner fails to make determination regarding the need to review the Planned Development within the 30 days following the expiration of the Successive Period, it shall be conclusively presumed that no review and modification of the Planned Development is required;
- 3) If the Commissioner's written determination states that the Planned Development must be reviewed, then within 30 days of the issuance of such determination, he must prepare and issue a report to the Chicago Plan Commission stating the facts warranting such a review and any proposed modifications to the Planned Development. The Commissioner's determination that the Planned Development must be reviewed shall be treated as if it were a filed application for a planned development amendment with the City being deemed the applicant and providing such notice as may be required by the Chicago Zoning Ordinance. All proposed modifications to the Planned Development must be directly related to the basis for the Commissioner's decision that the Planned Development must be reviewed. If such report is not issued, and extensions of time for its issuance are not secured from the applicant, then it shall be conclusively presumed that a review of the Planned Development is not necessary and the Commissioner's prior decision to the contrary shall be deemed null and void;
- 4) A review of this Planned Development may be commenced by the Commissioner and the Commissioner's decision that such a review is warranted may be upheld by the Chicago Plan Commission or the City Council only if there is clear and convincing evidence that:
 - a) There has been a substantial change in traffic conditions in the immediate vicinity of the Property or in another area but causing a substantial impact in the Property's immediate vicinity;
 - b) There has been a substantial change in the public transportation network in the immediate vicinity of the Property or in another area but causing a substantial impact in the Property's immediate vicinity;

- c) There has been a substantial change in the availability of on-street parking in the immediate vicinity of the Property or in another area but causing a substantial impact in the Property's immediate vicinity;
- d) There has been a substantial change in the availability of public utility services or municipal services for the improvements contemplated by this Planned Development; or
- e) It is determined that the contemplated improvements would have a substantial adverse physical impact on other improvements not located on the Property and existing at the time the decision to review the Planned Development is made.

The design or construction of a Light Rail Transit Line in the immediate vicinity of the Property or any modifications to Canal Street as a result thereof, or a change in the directional flow of Lake Street shall not provide the basis for a review and modification of this Planned Development. In addition, the impairment of any view by the structures contemplated under this Planned Development shall not be deemed a substantial adverse physical impact on other improvements within the meaning of Statement 20(D)(4)(e). All changes in conditions shall be measured based on the conditions that existed at the time of approval of this Planned Development or at the time of the expiration of a prior Successive Period;

- 5) The report prepared by the Commissioner, and all facts and reports on which it is based, must be made available to the applicant within two business days of the issuance of the report. If not, the report shall be deemed not to have been issued;
- 6) Within 90 days of the expiration of the relevant Successive Period but no sooner than 30 days after the issuance of the Commissioner's report, the Chicago Plan Commission shall hold a hearing, proper notice thereof as required by the Chicago Zoning Ordinance having been provided, to determine if a review of the Planned Development under the parameters outlined above is warranted. If the Plan Commission decides that a review of the Planned Development is not warranted, then such review shall be conclusively presumed not to be warranted. If the Plan Commission decides that a review of the Planned Development is warranted, then it shall prepare a report and recommendation to the City Council Committee on Zoning outlining the facts which support its decision and the modifications, directly related to the facts giving rise to the review, which should be made to the Planned Development; and
- 7) The Plan Commission's decision to uphold the Commissioner's determination that a review of the Planned Development was warranted

and any recommendations for modifications to the Planned Development shall be made available to the applicant and forwarded to the City Council Committee on Zoning within 15 days of the Plan Commission's decision. Once the Plan Commission's report is forwarded to the City Council Committee on Zoning, the proposed modifications to the Planned Development shall follow the procedure outlined in the Chicago Zoning Ordinance for planned development amendments, except that a further review of the matter by the Department of Planning and hearings by the Plan Commission need not be held.

[Existing Zoning Map, Boundary and Property Line Map, Generalized Land Use Map, Existing Land Use Map, River Bank Transit Line Easement Map, Building Setbacks Site Plan, Site Plan, Ground Plan, Two Volumetric Diagrams and Phasing Diagram attached to this Plan of Development printed on pages 21320 through 21330 of this Journal.]

Use and Bulk Regulations and Data attached to this Plan of Development reads as follows:

*Residential Business Planned Development.
(As Amended)*

Plan Of Development

Use And Bulk Regulations And Data.

Net Site Area	General Description Of Land Use	Maximum Floor Area Ratio
<u>Square Feet</u> Acres		
<u>144,375</u> 3.33	Business and professional offices, retail and service uses, multi-family dwelling units, hotel, broadcast and telecommunications structures, equipment and installations including parabolic transmitting and receiving dishes which may	13.25

Net Site Area	General Description Of Land Use	Maximum Floor Area Ratio
---------------	------------------------------------	-----------------------------

exceed 8 feet in diameter, marina and other water-oriented recreational uses, day care centers, inter-track wagering facilities, enclosed, unenclosed or partially enclosed taverns including live entertainment and dancing, art galleries and museums, non-accessory public parking, public transportation facilities, accessory uses and uses authorized as permitted uses in the B6-7 District.

Gross Site Area = Net Site Area + Area remaining in public right-of-way:
190,073 square feet = 144,375 square feet + 45,698 square feet.

Setbacks from Property Line:

In General Conformance with the Site Plan and the Plan of Development Statements.

Percentage of Site Coverage: In accordance with the Site Plan.

Parking and Loading:*

Minimum Number of Off-Street Parking Spaces: 330.

Maximum Number of Off-Street Parking Spaces: 495.

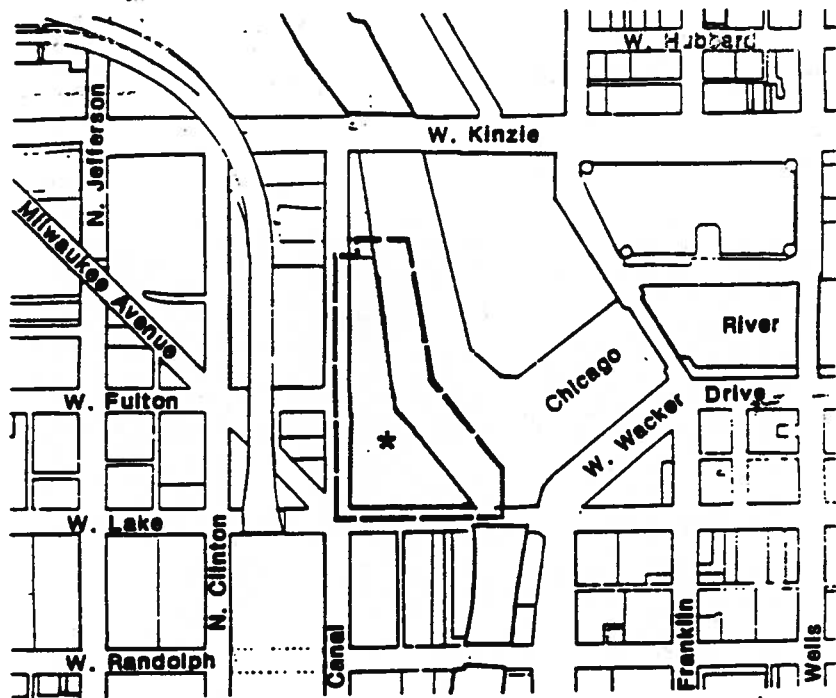
Minimum Number of Off-Street Loading: In accordance with the requirements of the B6-7 District regulations, but in no event to exceed a total of 11 berths.

Maximum Number of Hotel Rooms: 440 keys.

Maximum Number of Dwelling Units: See Statement No. 9D.

* See Statement No. 9

GENERALIZED LAND USE MAP



LEGEND



PROPERTY BOUNDARY



PLANNED DEVELOPMENT BOUNDARY

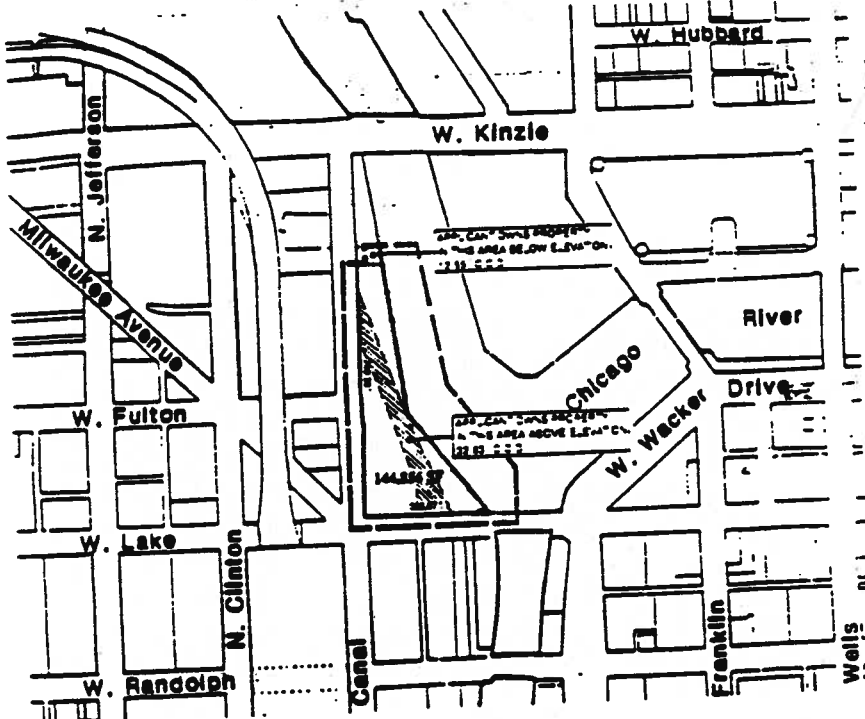
* For Land Use, See Statement #3 of Plan of Development

Applicant: L & M Riverbend Venture
800 N. Michigan Avenue, Suite 400
Chicago, IL 60611

Date: July 12, 1990

X

BOUNDARY AND PROPERTY LINE MAP

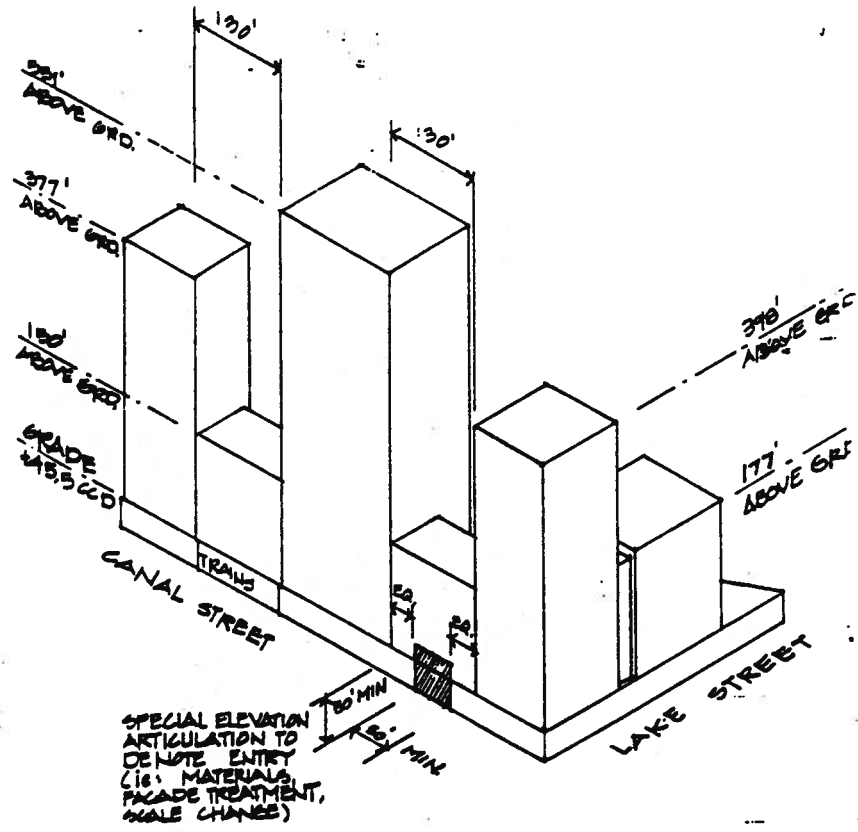


LEGEND

- PROPERTY BOUNDARY (net site area)
- PLANNED DEVELOPMENT BOUNDARY

APPLICANT: L & M Riverbend Venture
 980 N. Michigan Avenue, Suite 400
 Chicago, IL 60611

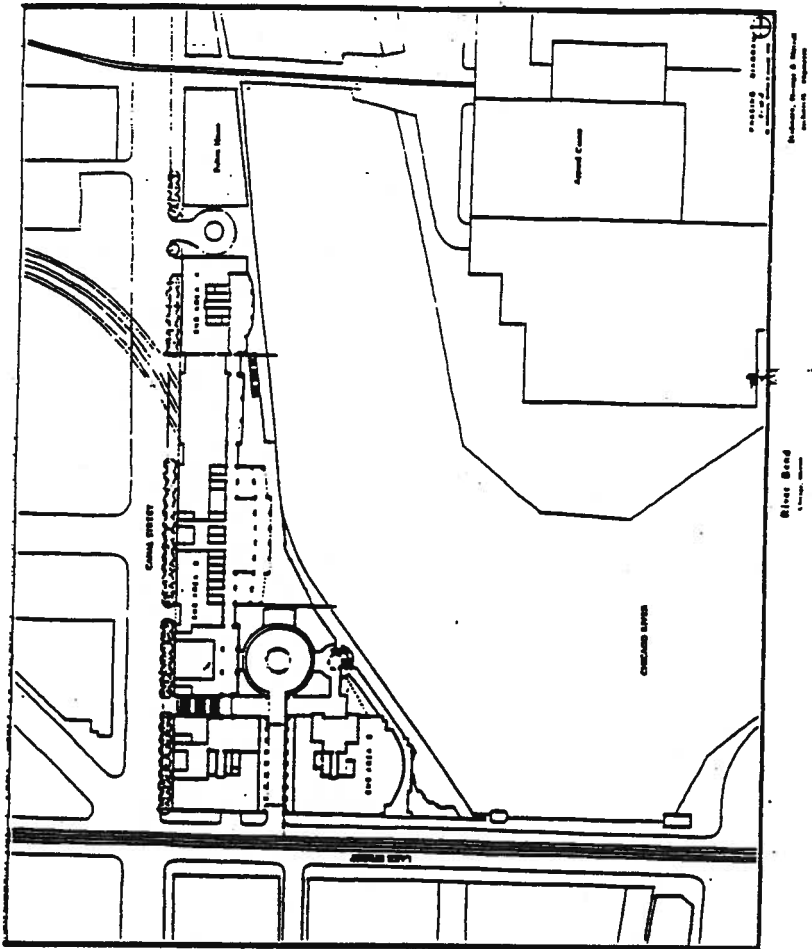
DATE: April 25, 1990
 REVISED: JULY 12, 1990



Volumetric Diagram

River Bend
Chicago, Illinois

Skidmore Owings & Merrill
July 12, 1990

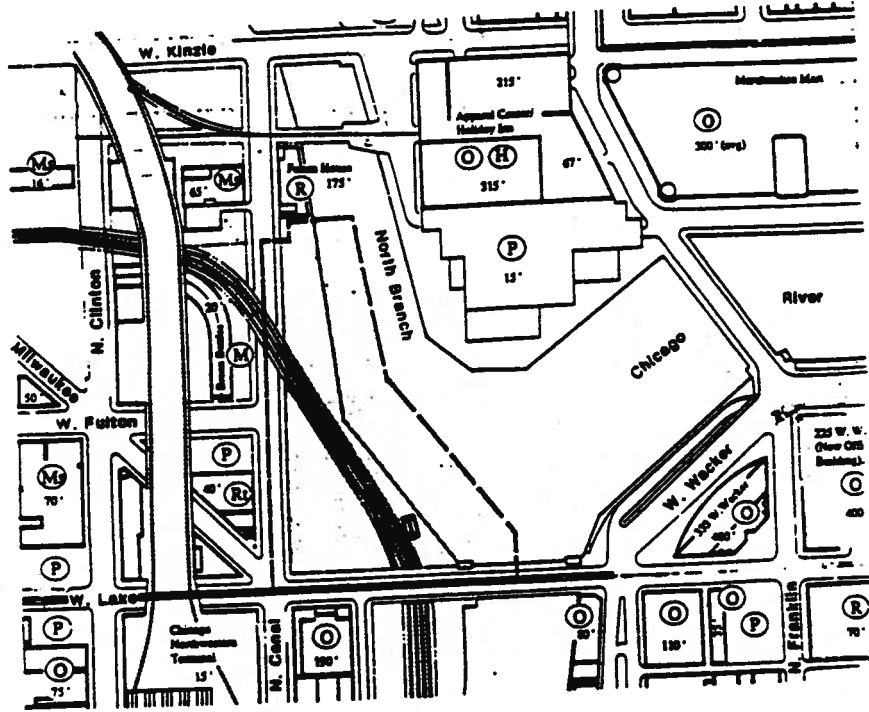


PHASING DIAGRAM

RIVERSIDE

DATE: JULY 12, 1990

EXISTING LAND USE MAP



LEGEND



PROPERTY BOUNDARY



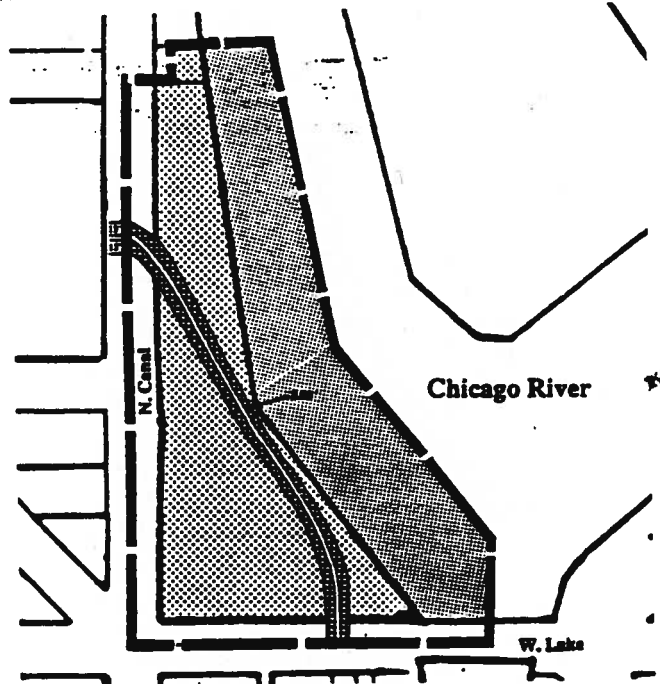
PLANNED DEVELOPMENT BOUNDARY

- O = Office
- R_r = Retail
- R = Residential
- H = Hotel
- M = Manufacturing
- P = Parking
- Ms = Miscellaneous Buildings




Applicant: L & M Riverbend Venture
 200 N. Michigan Avenue, Suite 400
 Chicago, IL 60611

Date: July 12, 1990

RIVER BANK TRANSIT LINE EASEMENT MAP

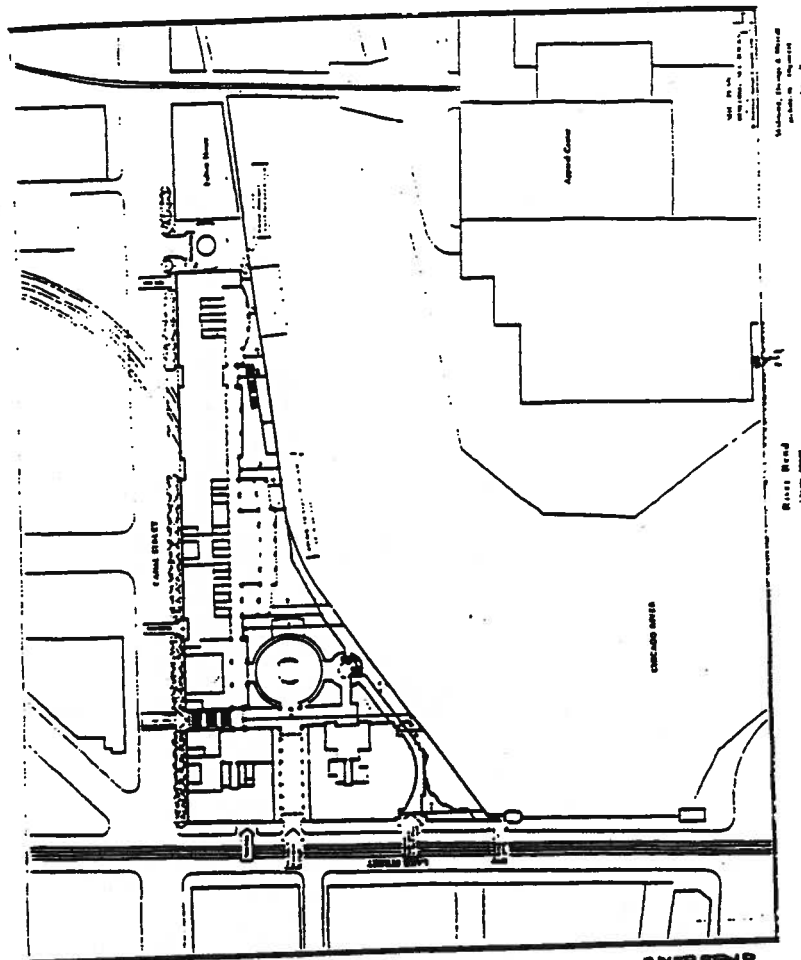


LEGEND

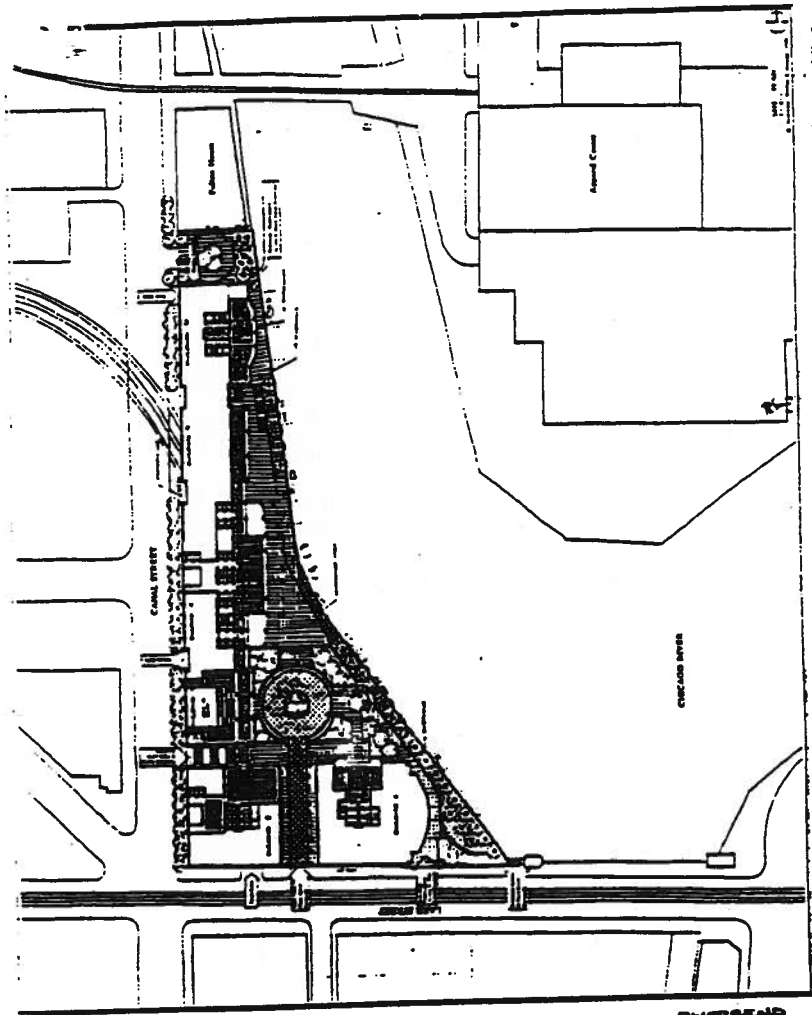
-  PROPERTY BOUNDARY
-  PLANNED DEVELOPMENT BOUNDARY
-  RIVER BANK TRANSIT LINE EASEMENT
Two (2) lines, each 13 feet in width

Applicant: L & M Riverbank Venture
880 N. Michigan Avenue, Suite 400
Chicago, IL 60611

Date: July 12, 1990



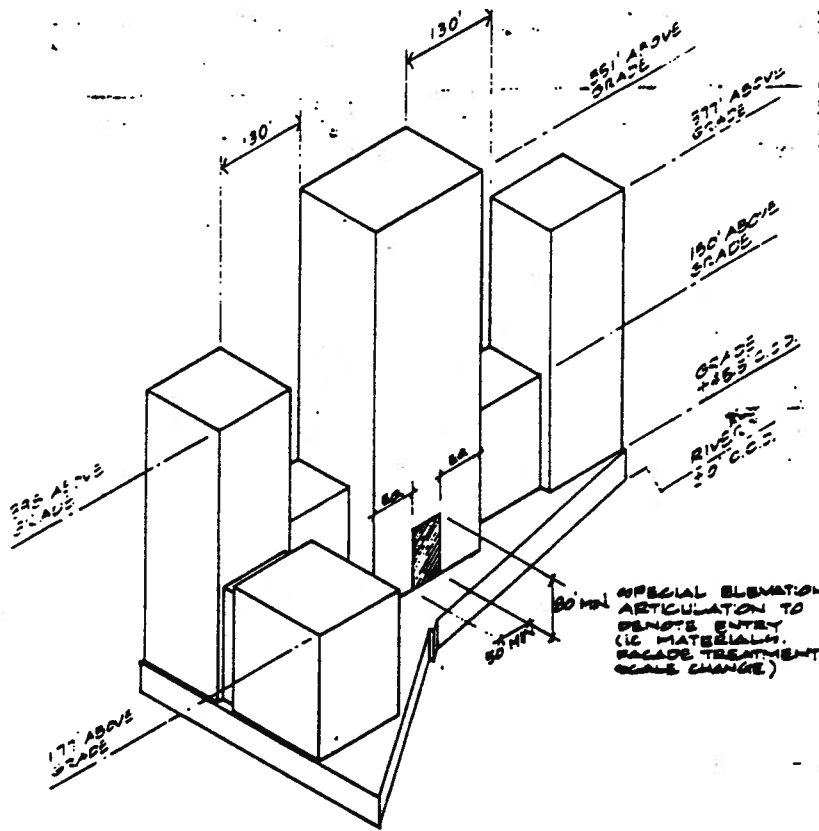
**BUILDING SETBACKS
SITE PLAN**
DATE: JULY 12, 1990



SITE PLAN
JULY 12, 1990

RIVERBEAD



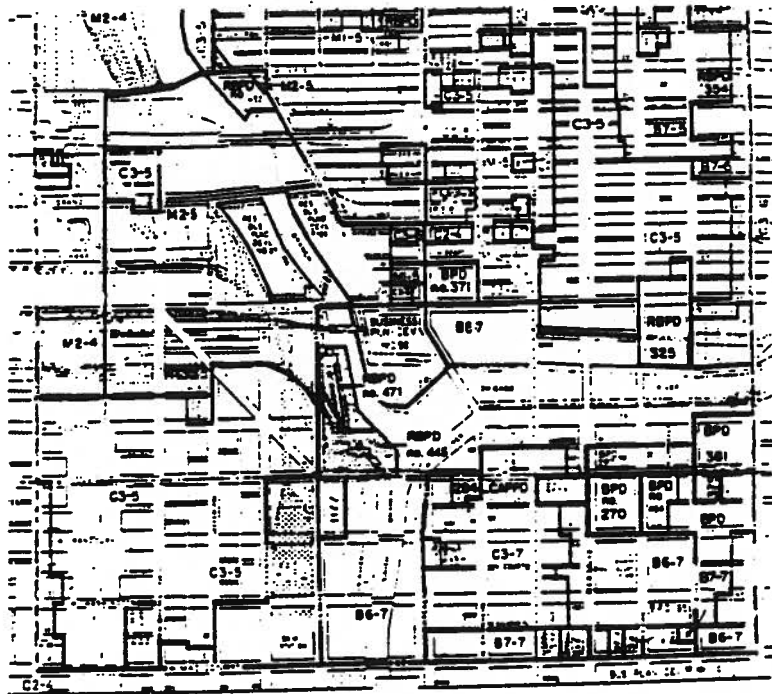


Volumetric Diagram

River Bend
Chicago, Illinois

Skidmore Owings & Merrill
July 12, 1990

EXISTING ZONING MAP



LEGEND



PLANNED DEVELOPMENT BOUNDARY

Applicant: L & M Riverbend Venture
980 N. Michigan Avenue, Suite 400
Chicago, IL 60611

Date: July 12, 1990

10242

(Continued from page 12165)

a line from a point 654.26 feet north of West Lake Street along the east line of North Canal Street to a point 597.26 feet north of West Lake Street and 20 feet east of North Canal Street; a line from a point 597.26 feet north of West Lake Street and 20 feet east of North Canal Street to a point 527.26 feet north of West Lake Street and 49 feet east of North Canal Street, connected by a line with an arc of 74.90 feet with a chord length of 74.86 feet; a line from a point 527.26 feet north of West Lake Street and 49 feet east of North Canal Street to a point 399.64 feet north of West Lake Street and 148.64 feet east of North Canal Street; a line from a point 399.64 feet north of West Lake Street and 148.64 feet east of North Canal Street to a point 319.63 feet north of West Lake Street and 155.5 feet east of North Canal Street; a line 319.63 feet north of and parallel to West Lake Street; the North Branch of the Chicago River; West Lake Street; and North Canal Street,

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to the designation of a Residential-Business Planned Development which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part thereof and to no others.

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

Plan of Development attached to this ordinance reads as follows:

Residential-Business Planned Development No. 445

BECAME PART OF *Plan Of Development* 471 ON 9/2/90
Statements.

1. The area delineated herein as "Residential-Business Planned Development No. _____" is controlled by Harris Trust and Savings Bank, as Trustee under Trust Number 41543, dated November 17, 1981 (the "Trustee"). The Trustee owns a leasehold interest in land and air rights comprising the Site. River Bend Associates, an Illinois limited partnership, is the beneficial owner of Trust No. 41543. Chicago Union Station Company, an Illinois corporation, Consolidated Rail Corporation, a Pennsylvania corporation, and CMC Real Estate Corporation, a Wisconsin corporation, own the fee interest in the Site.

2. This Plan of Development consists of 14 statements, a table of use and bulk regulations and related controls, an Existing Zoning Map, a Planned Development Boundary and Property Line Map, and a Generalized Land Use Plan. The Plan of

Development is applicable to Residential-Business Planned Development No. _____ at these and no other controls shall apply to the area delineated herein.

3. The uses permitted in Residential-Business Planned Development No. _____ shall be residential units, hotel, office, retail, service uses, accessory and related uses. Related uses shall be those permitted in the B6-7 District. In addition, the following uses shall be permitted: off-street parking; off-street loading; earth stations, transmitting and/or receiving dishes; day care centers; public transportation facilities; and recreational uses.
4. The attached Planned Development Use and Bulk Regulations and Data table sets forth the requirements concerning off-street parking and off-street loading facilities concerning the Site. Existing surface parking will be permitted to continue until construction commences. Distances between any high-rise towers 130 feet above Chicago City Datum constructed at the site, measured from exterior walls shall be at least seventy (70) feet.
5. Business and business identification signs shall be permitted in Residential-Business Planned Development No. _____ subject to compliance with the Municipal Code of Chicago. Temporary signs, such as construction and marketing signs, shall be permitted subject to approval of the Commissioner of the Department of Planning (the "Commissioner") and compliance with applicable provisions of the Municipal Code of Chicago.
6. Any service drive or other ingress or egress shall be adequately designed and paved in accordance with the regulations of the Department of Streets and Sanitation and in compliance with the Municipal Code of Chicago to provide ingress and egress for motor vehicles, including emergency vehicles. Fire lanes shall be adequately designed and paved in compliance with the Municipal Code of Chicago and shall have a minimum width of 20 feet to provide ingress and egress for emergency vehicles. There shall be no parking within such paved areas.
7. The height restriction of each building constructed on the Site and any appurtenance attached thereto shall be subject to:
 - (a) Height limitations as certified on form FAA-117 (or on successor forms involving the same subject matter) and approved by the Federal Aviation Administration pursuant to Part 77 of the Regulations of the Administrator, Federal Aviation Administration; and
 - (b) Airport Zoning Regulations as established by the Department of Planning, Department of Aviation and Department of Law and approved by the City Council.
8. The development of Residential-Business Planned Development No. _____ shall be restricted to a maximum total net site coverage of 45% above +130 feet Chicago City Datum. The maximum total net site area between +40 feet Chicago City Datum and +130 feet Chicago City Datum shall be 75% with most of the resulting set-back oriented

toward the River. The maximum total net site coverage below +40 feet Chicago City Datum shall be 98%.

9. The Applicant, which, for the purposes of this Plan of Development No. _____, shall include successors in interest to the Applicant and successors in interest to the Trustee, shall develop a continuous river walk through the site along the Chicago River's edge which shall be completed within one year of the time when the first phase of development in Residential-Business Planned Development No. _____ is ready for occupancy. Said river walk area shall cover not less than 5,000 square feet of site area, and have a minimum width of eight (8) feet, subject to possible reduction if necessary to accommodate the proposed River Bank Transit Line. Applicant shall be permitted to establish an outdoor cafe or similar compatible private use along a portion of the completed river walk, provided that an area of the completed river walk at least six (6) feet wide is kept free and clear from said private use to permit continuous pedestrian passage. The Applicant shall be allowed to delay development of the river walk or to close the river walk on an interim basis if construction of a building or buildings on the Site necessitates such an action. The Applicant shall be allowed to place columns on the river walk and construct a building or buildings above any plane over the river walk 16 feet above the grade of the river walk, provided that at least one-half (1/2) of the length of the river walk shall be open to the sky.

10. The Applicant shall cooperate with the City in its efforts to obtain an easement benefiting the City of Chicago to allow for the proposed River Bank Transit Line. The City has advised that it desires the approximate dimensions and location of said easement to be as set forth on the track level plan attached hereto as Exhibit "A". Applicant shall further design its buildings and improvements to accommodate said proposed easement for the River Bank Transit Line. Applicant may construct portions of the river walk and other removable improvements within the aforesaid River Bank Transit Line easement area, provided that said improvements shall be removed or adjusted by Applicant when the City advises Applicant that it will commence construction of the River Bank Transit Line within said easement area. In addition, the Applicant shall use its best efforts to obtain the cooperation of the owners of the railroad right-of-way in granting an easement to the City of Chicago for the River Bank Transit Line through their property. The obligations of the Applicant contained in this Statement Number 10 shall expire on the ninth (9th) anniversary of the approval and passage of this ordinance by the Chicago City Council, unless prior to that date the City Council has by ordinance committed the City to the design and construction of the River Bank Transit Line at the location depicted in Exhibit "A" attached hereto. Notwithstanding the foregoing, the Commissioner of the Department of Public Works may relieve Applicant of its obligations contained in this Statement Number 10 if the River Bank Transit Line is abandoned or re-routed or if the area depicted in Exhibit "A" attached hereto is otherwise deemed to be unnecessary for the development of said River Bank Transit Line.

11. The attached table titled Residential-Business Planned Development Use and Bulk Regulations and Data sets forth data concerning the generalized land use plan of the Residential-Business Planned Development.

12. For purposes of floor area ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply, provided, however, that space devoted to parking, together

with space devoted to heating, ventilation and air conditioning equipment and either (a) comprising forty percent (40%) or more of the space on a floor or (b) exceeding 5,000 square feet in a single location regardless of placement in the building, shall not be included in F.A.R.

13. This Plan of Development shall be developed in phases over a period of time not to exceed 20 years from the date it is passed by the City Council of the City of Chicago.

14. The Plan of Development shall be subject to the "Rules, Regulations and Procedures in Relation to Planned Developments" as promulgated by the Commissioner of the Department of Planning in effect on the date this Plan of Development is passed by the City Council of the City of Chicago.

Planned Development Use and Bulk Regulations and Data attached to this Plan of Development reads as follows:

Residential-Business Planned Development.

Planned Development Use And Bulk Regulations And Data.

Net Site Area		General Description Of Land Use	Maximum No. Of Residential Dwelling Units	Maximum Total Net Site Coverage	Maximum F.A.R.
Sq. Ft.	Acres				
113,891	2.61	Dwelling units, hotel, office, retail, service uses, related uses permitted in the B6-7 District and the uses permitted under this Plan of Development	1,273 Maximum No. of Hotel Room Keys 440	At grade level: 98%; Between + 40 ft. and + 130 ft. Chicago City Datum: 75%; Above + 130 ft. Chicago City Datum: 45%	17.0

Notes To Residential-Business Planned Development.

1. Maximum Number of Efficiency Units: 50%.

2. **Maximum Number of Keys for Hotel Purposes:** For hotel purposes, the maximum permissible number of hotel room keys shall be 440.
3. **Minimum Number of Off-Street Parking Spaces:** For residential uses, 50% of the number of dwelling units; for hotel uses, one parking space for every three hotel room keys built up to a maximum of 107; and, to serve the non-residential and non-hotel uses, the number required for development under the B6-7 Restricted Central Business District classification.
4. It is understood that the Site may be developed with more than one tower. The maximum permissible floor area for any single tower constructed on the Site shall be 850,000 square feet for offices uses and 750,000 square feet for uses permitted hereunder other than office purposes. The minimum permissible floor area for any single tower constructed on the Site shall be 350,000 square feet.
5. **Minimum Number of Off-Street Loading Facilities:** 6.
6. **Minimum Periphery Setbacks:** None required.
7. The regulations noted in this Plan of Development relate to the ultimate development of the Site. Interim stages of development may exceed or otherwise not be in conformance with these permitted standards.

[Exhibit "A" and Maps attached to the Plan of Development are printed on pages 12176 through 12179 of this Journal.]

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Reclassification Of Area Shown On Map No. 1-G.

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 M2-4 General Manufacturing District symbols and indications as shown on Map No. 1-G in area bounded by

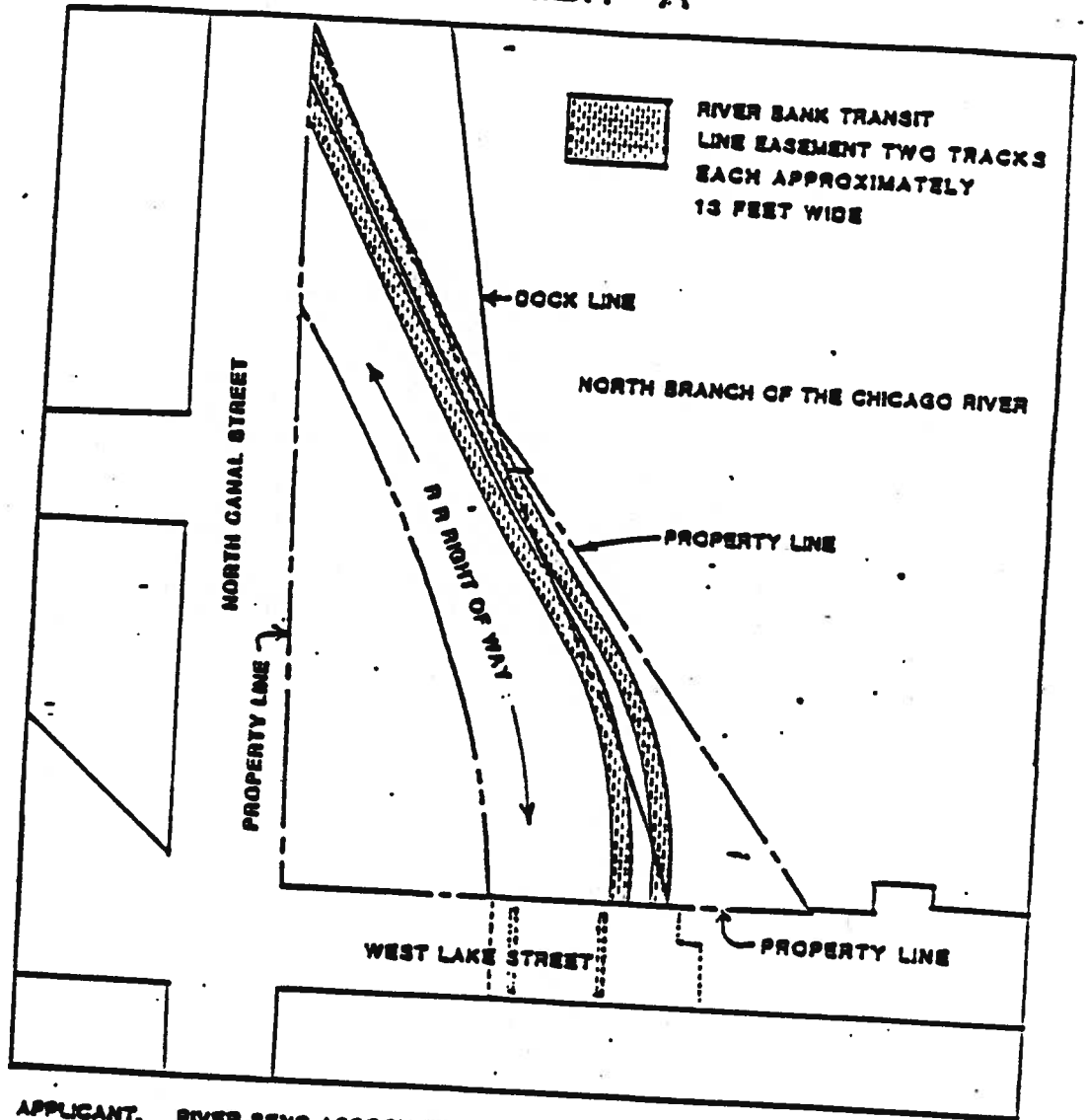
West Chicago Avenue; North Halsted Street; West Superior Street; the alley next west of and parallel to North Halsted Street; the alley next south of and parallel to West Chicago Avenue; North Green Street,

10245

to those of a C2-4 General Commercial District, and a corresponding use district is hereby established in the area above described.

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

EXHIBIT A



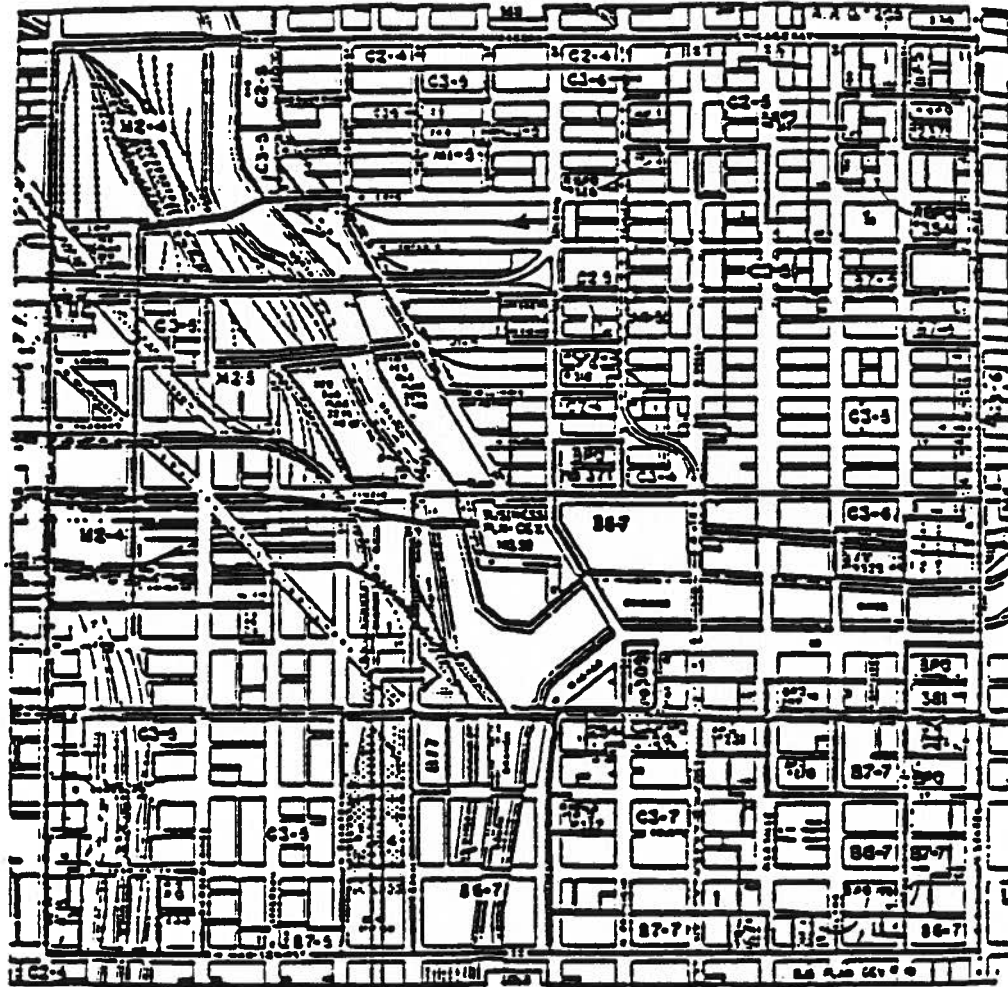
APPLICANT. RIVER BEND ASSOCIATES

DATE:

North



EXISTING ZONING



PROPOSED PLANNED DEVELOPMENT

APPLICANT: RIVER BEND ASSOCIATES

DATE: NOVEMBER 4, 1987

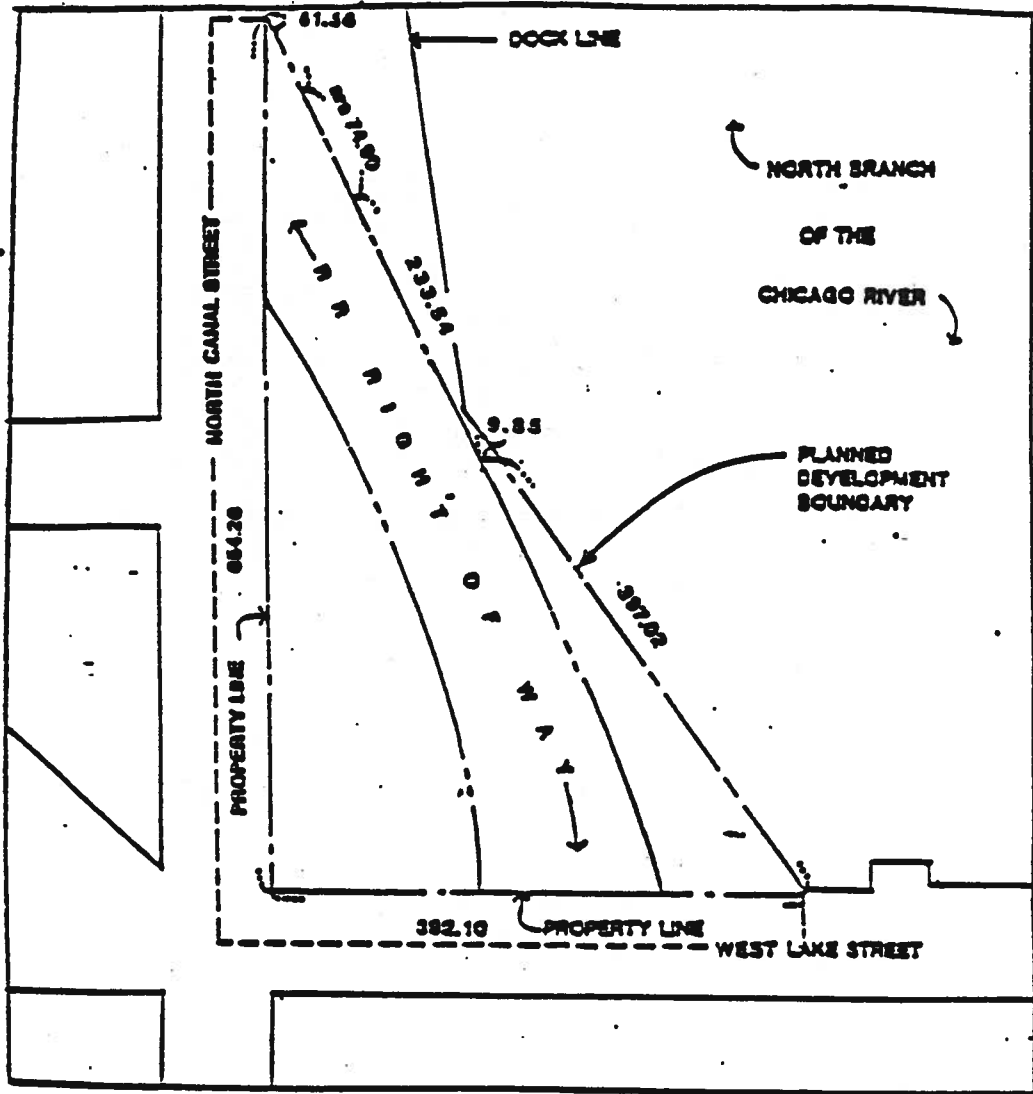
0 250 500 750 1000

scale in feet

North



PLANNED DEVELOPMENT BOUNDARY AND PROPERTY LINE MAP



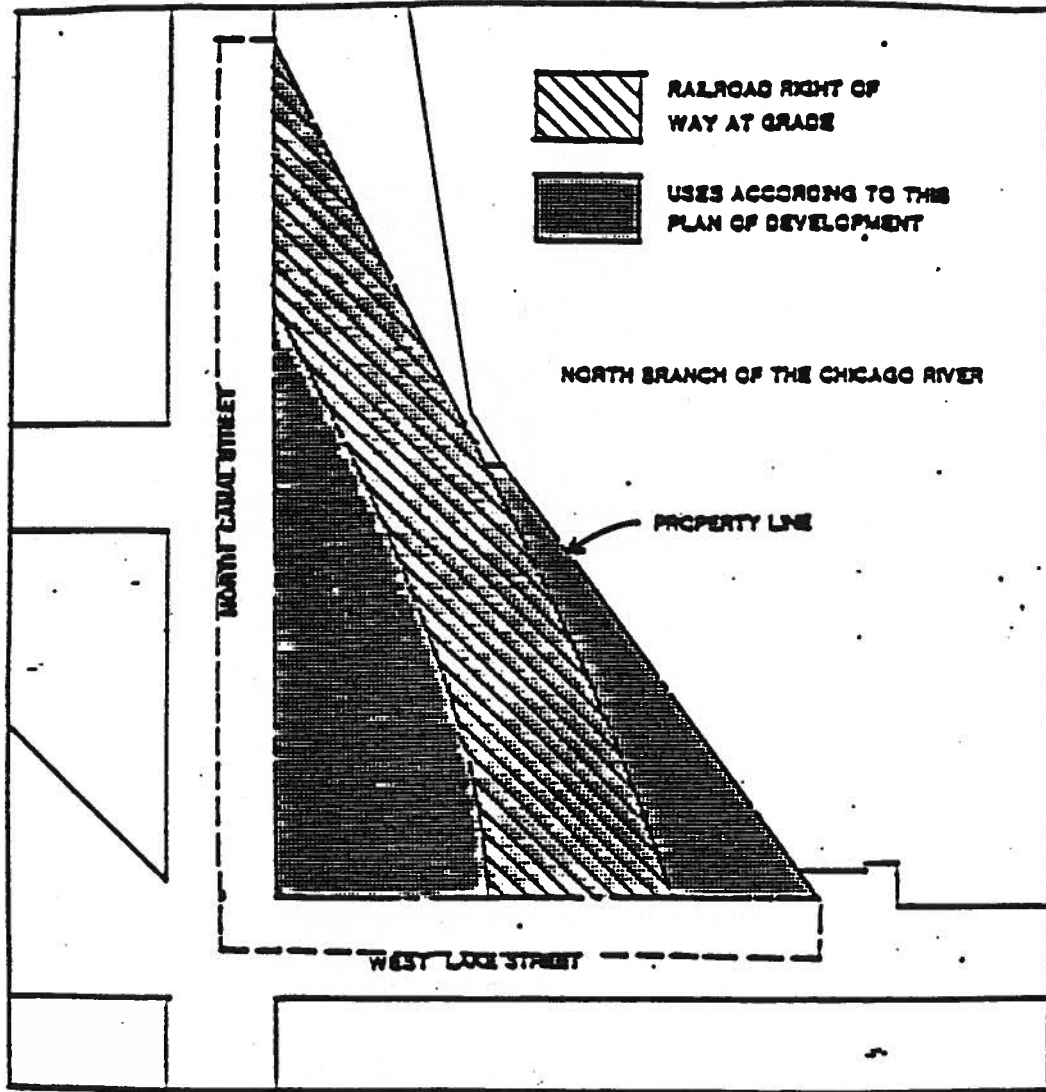
APPLICANT: RIVER BEND ASSOCIATES

DATE:

NORTH



GENERALIZED LAND USE PLAN



APPLICANT: RIVER BEND ASSOCIATES

DATE: NOVEMBER 4, 1987

north

