

PD 965

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DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

November 17, 2023

Karl D. Camillucci
Taft Stettinius & Hollister
111 E. Wacker, Suite 2800
Chicago, IL 60601

Re: 7969 S. Cicero Avenue

Dear Mr. Camillucci:

In response to your recent request, please be advised that the subject property is zoned Business Planned Development Number 965 ("PD 965"). You represent Green & Bradley, LLC, who is seeking to establish an adult use cannabis dispensary at the subject site. You have included consent from the property owner Abraham Katz, on behalf of Katz Bros. Development, LLC and Scottsdale Center, LLC.

Pursuant to Statement No. 5 of PD 965 and Section 17-3-0207-AAA(1) of the Zoning Ordinance, an adult use cannabis dispensary requires special use approval from the Zoning Board of Appeals. Additionally, an adult use cannabis dispensary shall be located no closer than 500 feet from any school, pursuant to Section 17-9-0129(3) of the Ordinance. According to our records and the information provided with your request, there are no schools within 500 feet of the subject property.

Before a public hearing is held by the Zoning Board of Appeals to consider the special use application, the applicant must hold at least one community meeting in the ward in which the use is proposed. Please refer to Section 17-13-0905-G of the Ordinance for more information about the community meeting process. This letter may be used as your official denial to file for the required special use with the Zoning Board of Appeals.

Sincerely,

Patrick Murphey
Zoning Administrator

C: Victor Resa, Noah Szafraniec, PD 965 Main file

Reclassification Of Area Shown On Map No. 20-K.

(As Amended)

(Application No. 22179)

(Common Address: 7901 -- 8071 S. Cicero Ave./4744 -- 4760 W. 81st St./4649 -- 4711 W. 79th St.)

BPD 965, 99

[O2023-2003/SO2023-0001895]

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 current Business Planned Development Number 965 District symbols and indications as shown on Map Number 20-K in the area bounded by:

Lot A in Scottsdale Fourth Addition, being Raymond I. Lutgert's Resubdivision of the northwest quarter of the northwest quarter of Section 34, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, and the land adjacent to said Lot A to the centerlines of the public right-of-way in West 79th Street, South Cicero Avenue and West 81st Street,

to those of Business Planned Development Number 965, as amended.

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

Plan of Development Statements referred to in this ordinance read as follows:

Business Planned Development No. 965, As Amended.

Plan Of Development Statements.

1. The area delineated herein as Business Planned Development Number 965, as amended (the "Planned Development") consists of approximately 895,376 net square feet (twenty and five hundred fifty-five thousandths (20.555) acres) of real property located in the area generally located in the southeast quadrant of the intersection of West 79th Street and South Cicero Avenue and described as follows:

Lot A in Scottsdale Fourth Addition, being Raymond I. Lutgert's Resubdivision of the northwest quarter of the northwest quarter of Section 34, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, and the land adjacent to said Lot A to the centerlines of the public right-of-way in West 79th Street, South Cicero Avenue and West 81st Street (the "Property").

- The Property is currently owned by Scottsdale Limited Partnership, an Illinois limited partnership (the "Applicant").
2. The Applicant or its successors, assignees or grantees shall obtain all applicable official reviews, approvals or permits which are necessary to implement this Planned Development. Any dedication or vacation of streets, alleys or easements or any adjustment of rights-of-way shall require a separate submittal on behalf of the Applicant or its successors, assignees or grantees, and approval by the City Council. The Applicant or its successors, assignees or grantees may construct the proposed new improvements in the Planned Development in phases and shall be permitted to seek and obtain permits required for such construction separately for different structures located in the Planned Development.
 3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessors except as provided herein. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessors and their respective successors and assignees. 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 subject, however, to the following exceptions and conditions: (a) any changes or modifications to this Planned Development applicable to or in a given subarea existing or designated pursuant to Statement Number 10 below need only be made or authorized by the owners and/or ground lessors of such subarea; provided, however, that for so long as the Applicant or any affiliate thereof owns or controls any part of the Property, any application to the City for any such changes or modifications (administrative, legislative or otherwise) must in all cases be authorized by the Applicant; and (b) where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein. 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 term "the Applicant" shall be deemed amended to

apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and 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; provided, however, that the Applicant's right to authorize changes or modifications to this Planned Development for so long as it owns or controls all or any portion of the Property as set forth in clause (a) of this Statement Number 3 above shall not be deemed amended or transferred to apply to a transferee (or its beneficiaries as aforesaid) unless expressly assigned in a written instrument executed by the original Applicant hereunder.

4. This plan of development consists of these 15 Statements; a Bulk Regulations and Data Table, the Advisory Opinions (defined below), the ALTA/ACSM Land Title Survey prepared by Edward J. Molloy & Associates, Ltd., Order Number 2010-0001 and File Number 34-38-14 dated March 11, 2010, and the following plan documents dated April 14, 2005, which are published on pages 48688 through 48707 of the *Journal of the Proceedings of the City Council of the City of Chicago* for May 11, 2005, which are published on pages 48688 through 48707 of the *Journal of the Proceedings of the City Council of the City of Chicago* for May 11, 2005 (collectively, the "Plans"), all of which are incorporated herein and made a part hereof by this reference: an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Property Line and Boundary Map; Subarea Map; Planned Development Site Plan; Building Elevations for Subarea 2; and Right-of-Way Adjustment Map prepared by Ronald P. Sorce Architects P.C.; Building Elevations for Subarea 1 prepared by Boice-Raidl-Rhea Architects, Inc.; a Site Plan and Right-of-Way Adjustment Map prepared by Marchris Engineering Ltd.; Landscape Plan and Landscape Details Plan prepared by Countryside Industries, Inc.; and a Roof Plan prepared by Lowe's. Full-sized copies of the Plans are on file with the Department of Planning and Development.

The following advisory opinion letters are hereby incorporated by reference and made a part of this Planned Development (collectively, the "Advisory Opinions"): Zoning Advisory Opinion for 8027 South Cicero Avenue, Sign Application Number 100621935, Planned Development Number 965, to Bernard I. Citron, dated April 8, 2016; Letter referencing P.D. 965, Lowe's roof replacement at 7971 South Cicero Avenue, to Valerie Sazo, dated March 7, 2023.

These and no other zoning controls shall apply to the Property. This 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.

5. The area within the Planned Development Boundary is divided into two (2) subareas as indicated on the Subarea Map. The following uses of the Property shall be permitted in both subareas of the Planned Development: retail sales; food and beverage sales;

eating and drinking establishments; financial services; medical service; personal service; office; accessory and non-accessory parking; accessory uses; temporary buildings for construction purposes; Cannabis Business Establishment; and all other uses permitted in the C2-2 Motor Vehicle-Related Neighborhood Commercial District.

No Cannabis Business Establishment which requires a special use may operate in any planned development prior to such use being reviewed and approved as a special use by the Zoning Board of Appeals (Section 17-9-0129-05). The special use application must be filed pursuant to Sections 17-13-0900, 17-13-0905-G, and the applicable rules issued by the Zoning Board of Appeals. The operator for the cannabis-related uses including the cannabis dispensary use must be issued all applicable State of Illinois licenses for said cannabis-related uses and the cannabis dispensary use is subject to the standards under Section 17-9-0129-2 and Section 17-9-0129-3.

6. Business identification signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development. No approvals shall be required for any signage located in and designed to be viewed solely from the interior of any improvements on the Property. Any home improvement store located in Subarea A may, in the ordinary course of business, maintain displays of certain seasonal and other merchandise in areas outside the access doors to such store.
7. The improvements of the Property shall be designed, constructed and maintained in substantial conformance with the Plans described in Statement 4 above, and in accordance with the parkway tree and parking lot landscaping provisions of the Chicago Zoning Ordinance.
8. In addition to the maximum heights of the buildings and any appurtenances attached thereto prescribed in this Planned Development, the height of any improvements shall also be subject to height limitations as approved by the Federal Aviation Administration.
9. For purposes of floor area, floor area ratio (FAR) and building height calculations, the definitions of the Chicago Zoning Ordinance in effect as of the date hereof shall apply; provided, however, that in addition to the other exclusions from floor area for purposes of determining FAR permitted by the Chicago Zoning Ordinance, such floor area shall not include: (a) all floor area devoted to mechanical equipment which exceeds one thousand (1,000) square feet, and (b) all floor area associated with parking and loading areas. The calculation of FAR shall be made based on the net site area of the Planned Development. In addition, the calculation of any building height shall not include elevator shafts, ingress/egress towers, mechanical penthouses and enclosures, telecommunications facilities or architectural design elements such as spires.

10. The Applicant shall have the right to redesignate subareas within the Planned Development from time to time in order to promote orderly development, to facilitate financing, acquisition, leasing or disposition of the Property or relevant portions thereof; to designate zoning control or to otherwise administer this Planned Development. The designation and redesignation of subareas shall not require an amendment or minor change to this Planned Development; provided, however, Applicant shall provide notice thereof to the Department of Planning and Development for said Department's administrative purposes to facilitate Part II review for any such designated subarea. In furtherance of the foregoing, the Applicant may allocate or assign the development rights under this Planned Development to and among the designated subareas, including, but not limited to, Floor Area and FAR, signage, building height, and parking; provided, however, that the limitations set forth in the Bulk Regulations and Data Table applicable to the entirety of the Planned Development shall not be exceeded or increased as a result of any such designation(s).
11. 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. Any changes to ingress and egress as depicted in the Plans and as set forth below shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. Off-street parking and loading facilities shall be provided in compliance with this Planned Development. A minimum of two percent (2%) of all parking spaces provided pursuant to this Planned Development shall be designated and designed for parking for the handicapped.
12. The requirements of the Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development (the "Commissioner") upon application and a determination by the Commissioner that such modification is minor, appropriate and consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of the Planned Development by the Commissioner shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance. Notwithstanding the provisions of Section 17-13-0611 of the Chicago Zoning Ordinance, such minor changes may include a reduction of the minimum required distance between structures, a reduction of periphery setbacks, an increase of the maximum percent of land covered and changes to the location, size or display of signage. It is acknowledged that the demising walls for the interior spaces are illustrative only and that the location and relocation of demising walls or division of interior spaces shall not be deemed to require any further approvals pursuant hereto.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner which promotes and maximizes the conservation of

natural resources. The Applicant shall use commercially reasonable efforts to design, construct and maintain all buildings located on the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("LEED") Green Building Rating System; provided, however, nothing set forth in this Planned Development shall be construed to require Applicant to obtain LEED certification for any of the improvements on the Property. The Applicant agrees that: (a) if the Applicant receives tax increment financing ("TIF") assistance from the City of Chicago, then the new improvements constructed in the Planned Development will have either a fifty percent (50%) net green roof and LEED certification or a seventy-five percent (75%) net green roof; and (b) if the Applicant receives no TIF assistance from the City of Chicago, then the new improvements constructed in the Planned Development will have a fifty percent (50%) net green roof. The green roof requirement for the Planned Development may be satisfied through the provision of a green roof on the principal building to be located in Subarea A of the Planned Development, as depicted on the Roof Plan.

14. The Applicant acknowledges that it is in the public interest to design, construct and maintain the improvements of the Property in a manner which promotes, enables, and maximizes universal access throughout the Property. Plans for all new buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("MOPD") 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 permits shall be issued pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the director of MOPD has approved detailed construction drawings for each new building or improvement.
15. This Planned Development shall not be subject to lapse under Section 17-13-0612 of the Zoning Ordinance.

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Business Planned Development No. 965, As Amended.

Bulk Regulations And Data Table.

Gross Site Area (1,026,491 square feet) = Net Site Area (895,376 square feet) + Area Remaining in Public Right-Of-Way (131,115 square feet).

Net Site Area:

Subarea A:	462,346 square feet (10.614 acres)
Subarea B:	433,030 square feet (9.941 acres)

Maximum Floor Area Ratio:

Total Area:	2.2
Subarea A:	2.2
Subarea B:	2.2

Maximum Site Coverage:

In accordance with the Site Plan

Minimum Number of Off-Street
Parking Spaces:

Total Area:	1,000
Subarea A:	478
Subarea B:	522

Minimum Number of Off-Street
Loading Berths:

Total Area:	6 (10 feet by 25 feet)
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Maximum Building Height:

Subarea A:	51 feet
Subarea B:	42 feet

Minimum Setbacks from Property Lines:

In accordance with the Site Plan



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

March 7, 2023

Valerie Sazo
Distributed Solar Development
200 Harborside Drive, Suite 200
Schenectady, NY 12305

Re: PD 965, Lowes's roof replacement at 7971 S. Cicero Ave.

Dear Ms. Sazo:

In response to your recent request, please be advised the subject property is zoned Business Planned Development Number 965 ("PD 965"). Lowes Home Improvement is currently located at 7971 S. Cicero Ave. and is seeking to replace their existing green roof with a photovoltaic ("PV") system. Pursuant to Statement 13 of the Planned Development and its Redevelopment Agreement, Lowes has a required green roof of approximately 105,000 square feet.

The substitution of the existing green roof with a roof-mounted PV system may be allowed via a minor change, pursuant to Section 17-13-0611-A of the Zoning Ordinance. Minor changes to approved planned developments may be permitted by the Zoning Administrator provided such minor changes will not result in one or more of the following: a change in the character of development; an increase in the maximum permitted floor area ratio for the total net site area, provided that phases of the development may temporarily exceed the maximum floor ratio for a sub- area; an increase in the number of dwelling units in excess of the lesser of 3 units or 5% of the maximum number of dwelling units allowed in the approved planned development; or a reduction in the minimum required distance between structures or in periphery setbacks, provided that setback requirements may be adjusted when necessary to permit consistency with the typical pattern or architectural arrangement of surrounding structures.

Please be advised the coverage area of the PV on the roof top should match the required green roof coverage area. The proposed array shall provide onsite renewable energy capacity to meet at least 3% of the total modeled energy use for the project at full occupancy, in order to meet the intent of the current sustainable development policy. For specific questions about sustainability, please contact Brad Roback of our staff at Bradley.Roback@cityofchicago.org. Once Lowes is ready to move forward, the following information must be submitted to our office with the minor change request:

- Details of the proposed change(s), including purpose of and reasons for
- All previously approved PD exhibits that would be altered by the change
- Revised exhibits detailing changes from the previously approved exhibits
- A check made payable to the City of Chicago for \$1,500.00
- Identification and consent of all the property owners within the sub area or the PD, if necessary, to the proposed change(s)

The request will first be reviewed to confirm it qualifies for a minor change and then the review and decision-making criteria outlined in the Chicago Zoning Ordinance will be used to evaluate the request. The applicant will receive a letter approving or denying the request. Minor changes are effective for one year (12 months) from the date of issuance. If you have any questions regarding the minor change process, please contact Teresa McLaughlin of my staff at Teresa.McLaughlin@cityofchicago.org.

Sincerely

A handwritten signature in black ink, appearing to read 'Patrick Murphey', with a long, sweeping horizontal line extending to the right.

Patrick Murphey
Zoning Administrator

C: Brad Roback, Mark Sagun, Noah Szafraniec



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

April 8, 2016

Bernard I. Citron
Thompson Coburn LLP
55 East Monroe St., 37th Floor
Chicago, IL 60603

**Re: Zoning Advisory Opinion for 8027 S. Cicero Avenue, Sign Application Number
100621935, Planned Development Number 965**

Dear Mr. Citron:


In response to your recent request, please be advised that we have reviewed our denial dated March 8, 2016 for the proposed dynamic display sign to be located at 8027 S. Cicero Ave. within Planned Development Number 965 ("PD 965").

You asked us to reverse our decision because you stated that nowhere in the Zoning Ordinance are dynamic display signs prohibited within Planned Developments and secondly, you believe they are permitted within PD 965 pursuant to the use language contained in the PD statements.

In response to your first comment, there is no language expressly permitting dynamic display signs within Planned Developments in the Chicago Zoning Ordinance or within the PD 965 ordinance. Therefore, as you are aware, anything that is not expressly permitted is considered prohibited.

Your letter also states that because PD 965 permits uses in the C2 District and dynamic display signs are permitted in C Districts, subject to Section 17-12-1005-B, the proposed sign is permitted. While we look at what the zoning district was prior to the Planned Development being established as a guide in making signage decisions, we also adhere to Department policy. Dynamic display signs are not permitted within Planned Developments, unless specific language is contained within the Planned Development ordinance. Therefore, the proposed dynamic display sign is not permitted and remains denied.

Sincerely,


Patricia A. Scudiero
Zoning Administrator

C: Vicki Lozano, Main File

Reclassification Of Area Shown On Map Number 20-K.

(As Amended)

(Application Number 14705) BPO 965

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 B1-2 Neighborhood Shopping District, B3-2 Community Shopping District and C1-2 Neighborhood Commercial District symbols and indications as shown on Map Number 20-K in the area bounded by:

Lot A in Scottsdale Fourth Addition, being Raymond I. Lutgert's Resubdivision of the northwest quarter of the northwest quarter of Section 34, Township 38 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, and the land adjacent to said Lot A to the centerlines of the public rights-of-way in the West 79th Street, South Cicero Avenue and West 81st Street,

to those of the C2-2 Motor Vehicle-Related Commercial District and a corresponding use district is hereby established in the area above described.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all the C2-2 Motor Vehicle-Related Commercial District symbols and indications as shown on Map Number 20-K in the area bounded by:

Lot A in Scottsdale Fourth Addition, being Raymond I. Lutgert's Resubdivision of the northwest quarter of the northwest quarter of Section 34, Township 38 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois, and the land adjacent to said Lot A to the centerlines of the public rights-of-way in the West 79th Street, South Cicero Avenue and West 81st Street,

to those of a Business Planned Development and a corresponding use district is hereby established in the area above described.

SECTION 3. This ordinance shall be in force and effect from and after its passage and due publication.

Plan of Development Statements referred to in this ordinance read as follows:

Business Planned Development Number 965.

Plan Of Development Statements.

1. The area delineated herein as Business Planned Development (the "Planned Development") consists of approximately eight hundred ninety-five thousand three hundred seventy-six (895,376) net square feet (twenty and five hundred fifty-five thousandths (20.555) acres) of real property located in the area generally located in the southeast quadrant of the intersection of West 79th Street and South Cicero Avenue and described as follows:

Lot A in Scottsdale Fourth Addition, being Raymond I. Lutger's Resubdivision of the northwest quarter of the northwest quarter of Section 34, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, and the land adjacent to said Lot A to the centerlines of the public rights-of-way in West 79th Street, South Cicero Avenue and West 81st Street (the "Property").

The Property is currently owned by Scottsdale Limited Partnership, an Illinois limited partnership (the "Applicant").

2. The Applicant or its successors, assignees or grantees shall obtain all applicable official reviews, approvals or permits which are necessary to implement this Planned Development. Any dedication or vacation of streets, alleys or easements or any adjustment of rights-of-way shall require a separate submittal on behalf of the Applicant or its successors, assignees or grantees, and approval by the City Council; provided, the Applicant will dedicate land for a public sidewalk along a portion of the Property boundary adjacent to South Cicero Avenue, as depicted on the Right-of-Way Adjustment Map, subject to the approval of the Illinois Department of Transportation, as a condition to the issuance of a certificate of occupancy for improvements located on the Property and to the south of South Scottsdale Avenue. The Applicant may seek, and the Department of Planning and Development shall grant, "Part II" approval for the construction of improvements in the Planned Development pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance prior to completion of the proposed right-of-way dedication depicted on the Right-of-Way Adjustment Map, provided the Applicant has otherwise complied with the requirements of said Section 17-13-0610. The Applicant or its successors, assignees or grantees may construct the proposed new improvements in the Planned Development in phases and shall be

permitted to seek and obtain permits required for such construction separately for different structures located in the Planned Development.

3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessors except as provided herein. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessors and their respective successors and assignees. 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 subject, however, to the following exceptions and conditions: (a) any changes or modifications to this Planned Development applicable to or in a given subarea existing or designated pursuant to Statement Number 10 below need only be made or authorized by the owners and/or ground lessors of such subarea; provided, however, that for so long as the Applicant or any affiliate thereof owns or controls any part of the Property, any application to the City for any such changes or modifications (administrative, legislative or otherwise) must in all cases be authorized by the Applicant; and (b) where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein. 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 term "the Applicant" shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and 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; provided, however, that the Applicant's right to authorize changes or modifications to this Planned Development for so long as it owns or controls all or any portion of the Property as set forth in clause (a) of this Statement

Number 3 above shall not be deemed amended or transferred to apply to a transferee (or its beneficiaries as aforesaid) unless expressly assigned in a written instrument executed by the original Applicant hereunder.

4. This plan of development consists of these fifteen (15) statements; a Bulk Regulations and Data Table, and the following plan documents dated April 14, 2005 (collectively, the "Plans"): an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Property Line and Boundary Map; Subarea Map; Planned Development Site Plan; Building Elevations for Subarea 2; and Right-of-Way Adjustment Map prepared by Ronald P. Sorce Architects P.C.; Building Elevations for Subarea 1 prepared by Boice-Raidl-Rhea Architects, Inc.; a Site Plan and Right-of-Way Adjustment Map prepared by Marchris Engineering Ltd.; a Landscape Plan and Landscape Details Plan prepared by Countryside Industries, Inc.; and a Roof Plan prepared by Lowe's. Full-sized copies of the Plans are on file with the Department of Planning and Development. These and no other zoning controls shall apply to the Property. This 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.
5. The area within the Planned Development Boundary is divided into two (2) subareas as indicated on the Subarea Map. The following uses of the Property shall be permitted in both subareas of the Planned Development: retail sales; food and beverage sales; eating and drinking establishments; financial services; medical service; personal service; office; accessory and non-accessory parking; accessory uses; temporary buildings for construction purposes; and all other uses permitted in the C2-2 Motor Vehicle-Related Neighborhood Commercial District.
6. Business identification signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development. No approvals shall be required for any signage located in and designed to be viewed solely from the interior of any improvements on the Property. Any home improvement store located in Subarea A may, in the ordinary course of business, maintain displays of certain seasonal and other merchandise in areas outside the access doors to such store.
7. The improvements of the Property shall be designed, constructed and maintained in substantial conformance with the Plans described in Statement 4 above, and in accordance with the parkway tree and parking lot landscaping provisions of the Chicago Zoning Ordinance.

8. In addition to the maximum heights of the buildings and any appurtenances attached thereto prescribed in this Planned Development, the height of any improvements shall also be subject to height limitations as approved by the Federal Aviation Administration.
9. For purposes of floor area, floor area ratio ("F.A.R.") and building height calculations, the definitions of the Chicago Zoning Ordinance in effect as of the date hereof shall apply; provided, however, that in addition to the other exclusions from floor area for purposes of determining F.A.R. permitted by the Chicago Zoning Ordinance, such floor area shall not include (a) all floor area devoted to mechanical equipment which exceeds one thousand (1,000) square feet, and (b) all floor area associated with parking and loading areas. The calculation of F.A.R. shall be made based on the net site area of the Planned Development. In addition, the calculation of any building height shall not include elevator shafts, ingress/egress towers, mechanical penthouses and enclosures, telecommunications facilities or architectural design elements such as spires.
10. The Applicant shall have the right to redesignate subareas within the Planned Development from time to time in order to promote orderly development, to facilitate financing, acquisition, leasing or disposition of the Property or relevant portions thereof; to designate zoning control or to otherwise administer this Planned Development. The designation and redesignation of subareas shall not require an amendment or minor change to this Planned Development; provided, however, Applicant shall provide notice thereof to the Department of Planning and Development for said Department's administrative purposes to facilitate Part II review for any such designated subarea. In furtherance of the foregoing, the Applicant may allocate or assign the development rights under this Planned Development to and among the designated subareas, including, but not limited to, floor area and F.A.R., signage, building height and parking; provided, however, that the limitations set forth in the Bulk Regulations and Data Table applicable to the entirety of the Planned Development shall not be exceeded or increased as a result of any such designation(s).
11. 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. Any changes to ingress and egress as depicted in the Plans and as set forth below shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. Off-street parking and loading facilities shall be provided in compliance with this Planned Development.

A minimum of two percent (2%) of all parking spaces provided pursuant to this Planned Development shall be designated and designed for parking for the handicapped.

12. The requirements of the Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development (the "Commissioner") upon application and a determination by the Commissioner that such modification is minor, appropriate and consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of the Planned Development by the Commissioner shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance. Notwithstanding the provisions of Section 17-13-0611 of the Chicago Zoning Ordinance, such minor changes may include a reduction of the minimum required distance between structures, a reduction of periphery setbacks, an increase of the maximum percent of land covered and changes to the location, size or display of signage. It is acknowledged that the demising walls for the interior spaces are illustrative only and that the location and relocation of demising walls or division of interior spaces shall not be deemed to require any further approvals pursuant hereto.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner which promotes and maximizes the conservation of natural resources. The Applicant shall use commercially reasonable efforts to design, construct and maintain all buildings located on the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System; provided, however, nothing set forth in this Planned Development shall be construed to require Applicant to obtain L.E.E.D. certification for any of the improvements on the Property. The Applicant agrees that (a) if the Applicant receives tax increment financing ("T.I.F.") assistance from the City of Chicago, then the new improvements constructed in the Planned Development will have either a fifty percent (50%) net green roof and L.E.E.D. certification or a seventy-five percent (75%) net green roof; and (b) if the Applicant receives no T.I.F. assistance from the City of Chicago, then the new improvements constructed in the Planned Development will have a fifty percent (50%) net green roof. The green roof requirement for the Planned Development may be satisfied through the provision of a green roof on the principal building to be located in Subarea A of the Planned Development, as depicted on the Roof Plan.

14. The Applicant acknowledges that it is in the public interest to design, construct and maintain the improvements of the Property in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all new 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 permits shall be issued pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the Director of M.O.P.D. has approved detailed construction drawings for each new building or improvement.

15. Unless substantial construction of the new buildings contemplated by this Planned Development has commenced within six (6) years following adoption of this Planned Development, and unless completion of such buildings is pursued thereafter, then this Planned Development shall expire. If this Planned Development expires under the provisions of this section, then the zoning of the Property shall automatically revert to the underlying C2-2 Motor Vehicle-Related Commercial District classification. Said six (6) year period may be extended for up to one (1) additional year if, before expiration, the Commissioner of the Department of Planning and Development determines that good cause for such an extension is shown.

[Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Subarea Map; Planned Development Site Plan; Preliminary Landscape Plan; Landscape Details Plan; Building Elevations; and Right-of-Way Adjustment Map referred to in these Plan of Development Statements printed on pages 48696 through 48707 of this *Journal*.]

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Business Planned Development. 905

Plan Of Development Bulk Regulations And Data Table.

Gross Site Area (1,026,491 square feet) = Net Site Area (895,376 square feet) + Area Remaining in Public Right-of-Way (131,115 square feet)

Net Site Area:

Subarea A:	462,346 square feet (10.614 acres)
Subarea B:	433,030 square feet (9.941 acres)

Maximum Floor Area Ratio:

Total Area:	2.2
Subarea A:	2.2
Subarea B:	2.2

Maximum Site Coverage: In accordance with the Site Plan

Minimum Number of Off-Street
Parking Spaces:

Total Area:	1,000
Subarea A:	478
Subarea B:	522

Minimum Number of Off-Street
Loading Berths:

Total Area:	6 (10 feet by 25 feet)
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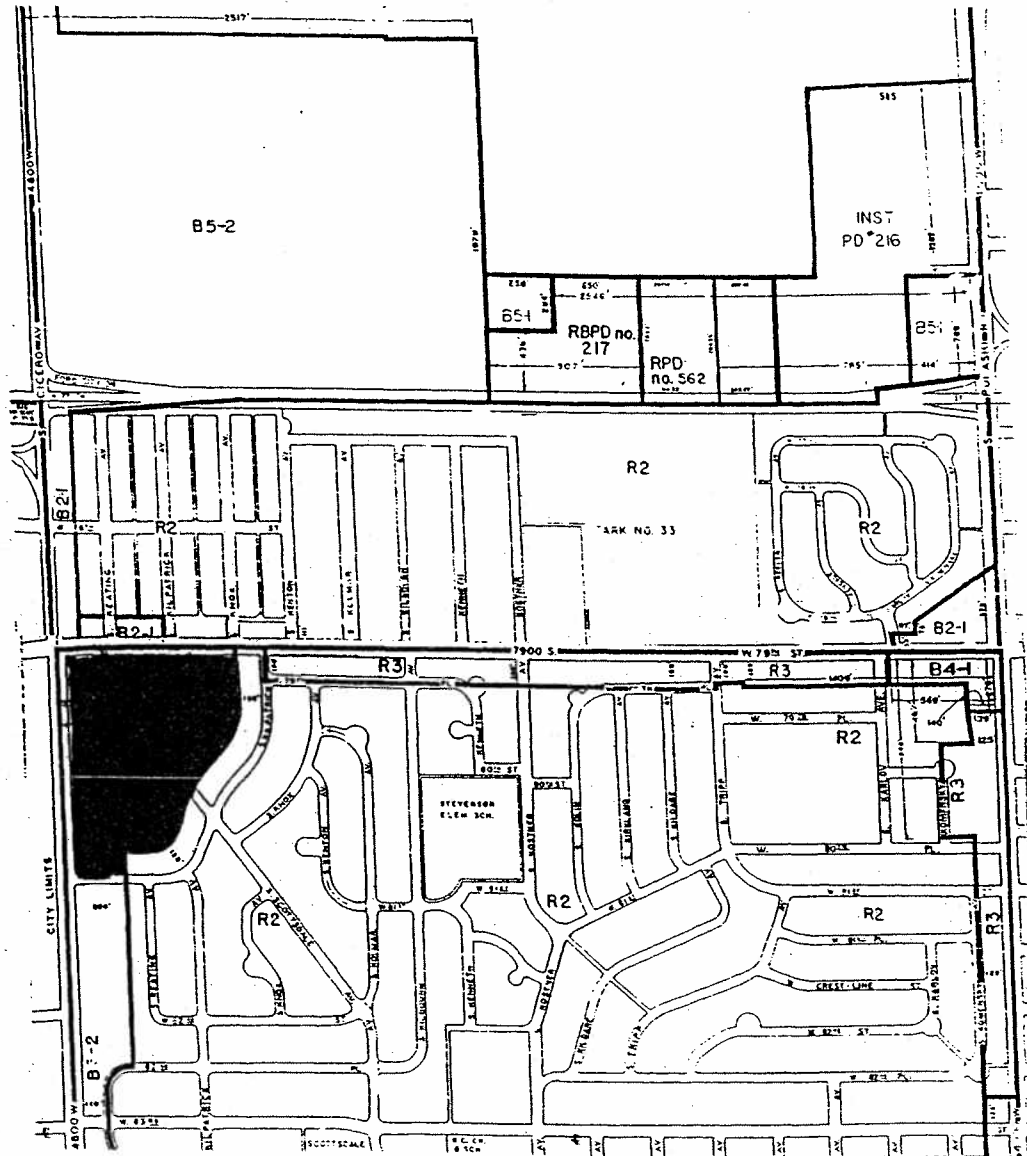
Maximum Building Height:

Subarea A:	51 feet
Subarea B:	42 feet

Minimum Setbacks from
Property Lines:

In accordance with the Site Plan

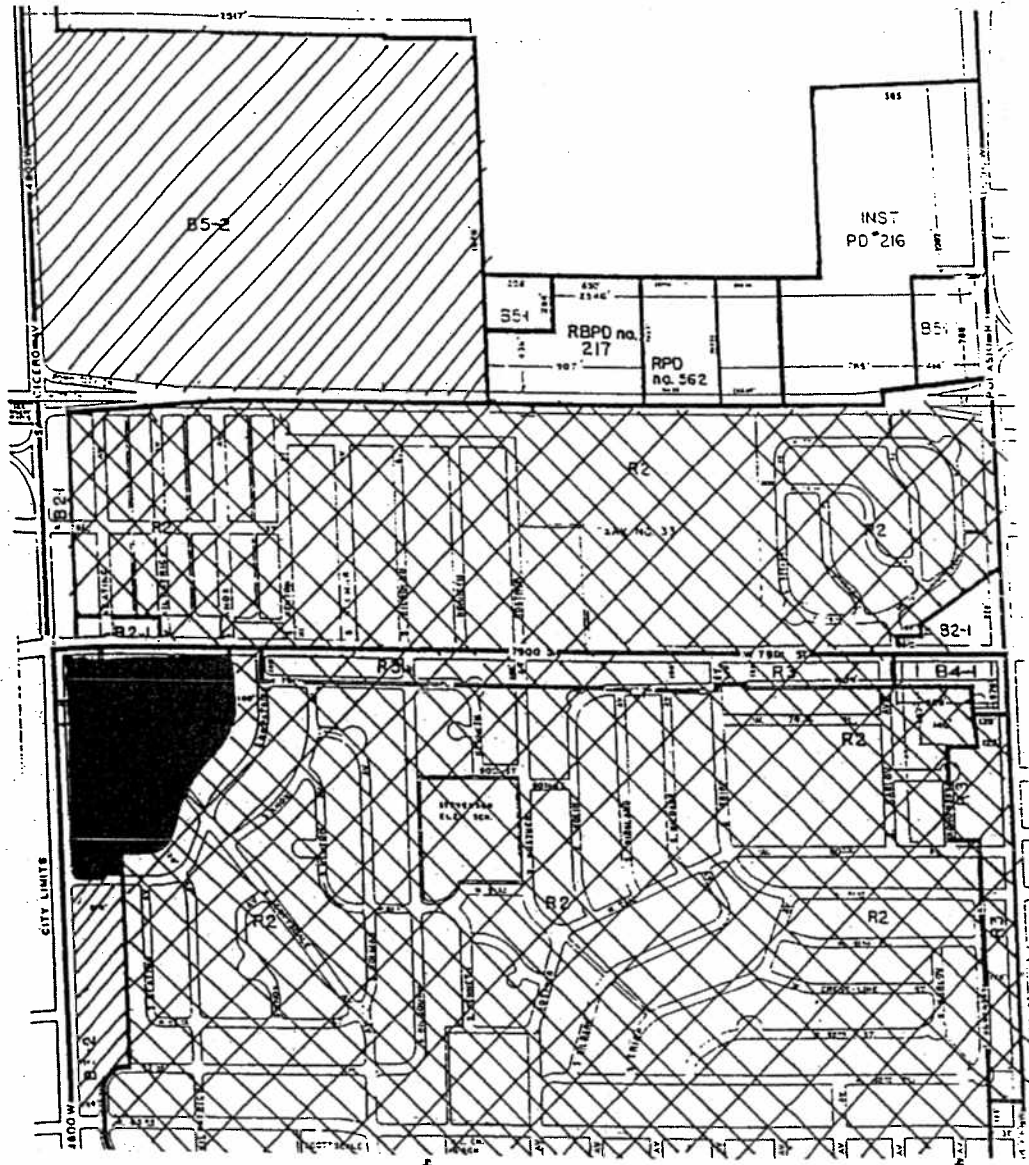
Existing Zoning Map.



KEY
SUBJECT PROPERTY



Existing Land-Use Map.



KEY

SUBJECT PROPERTY



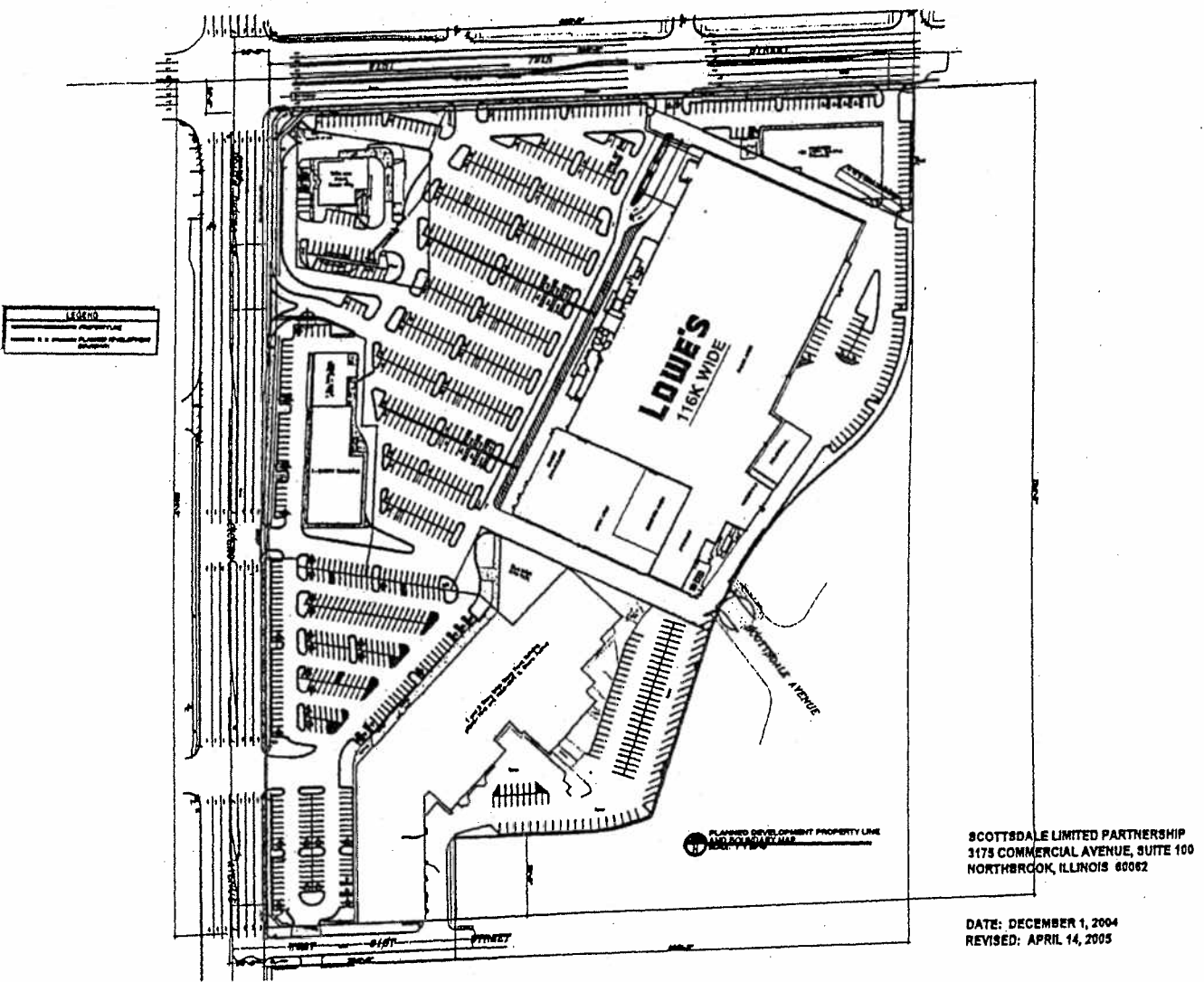
COMMERCIAL



RESIDENTIAL



Planned Development Boundary
And Property Line Map.

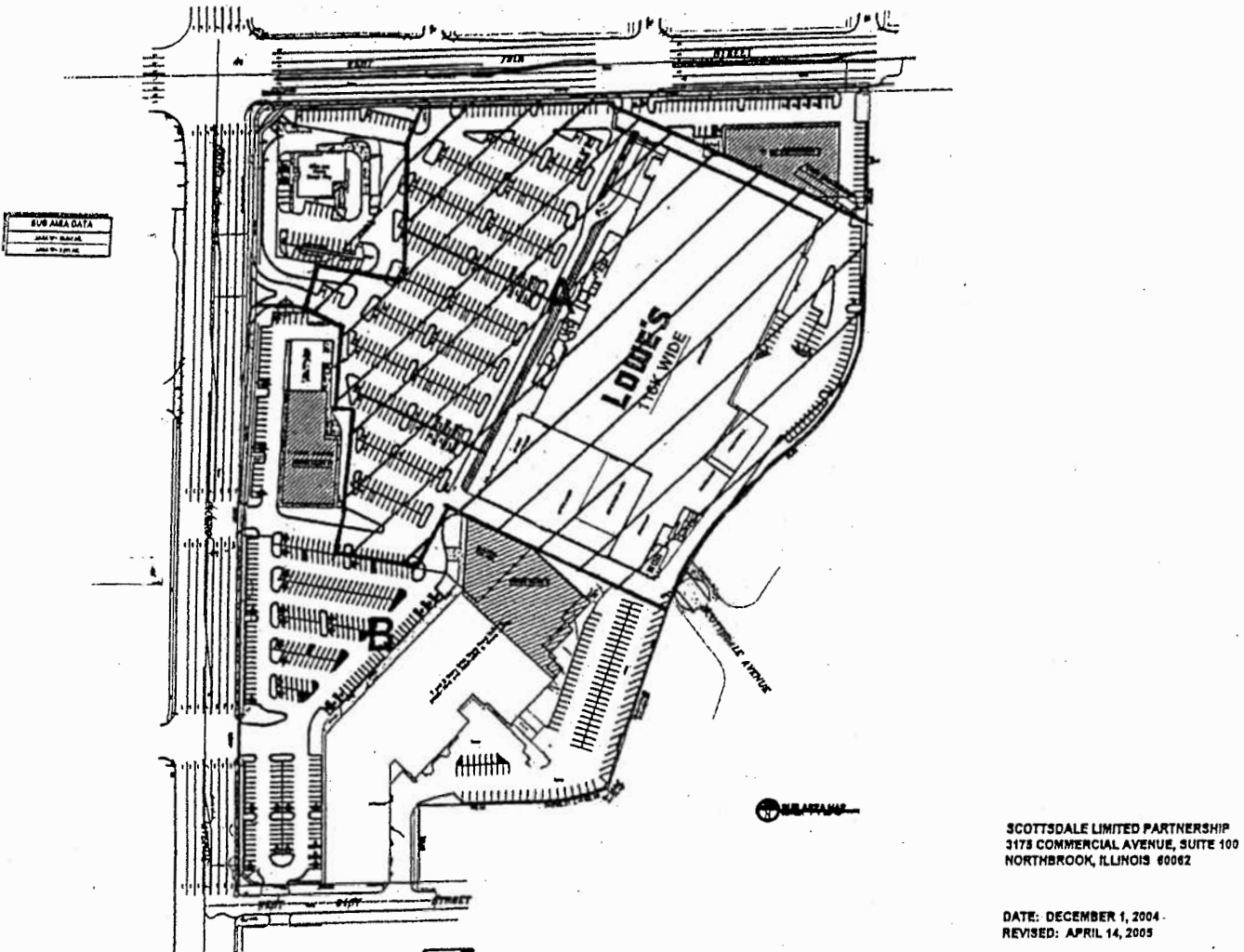


5/11/2005

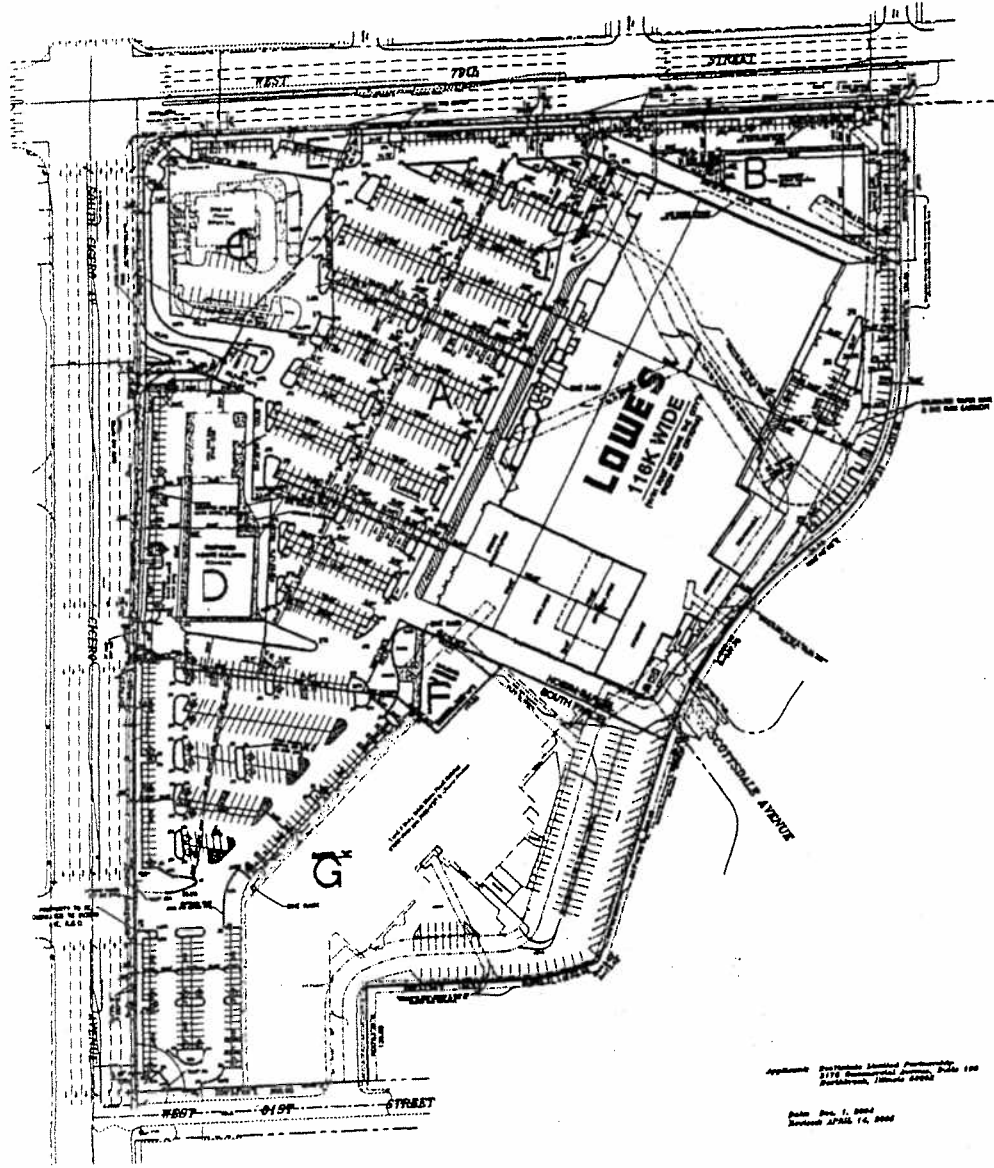
REPORTS OF COMMITTEES

48699

Subarea Map.



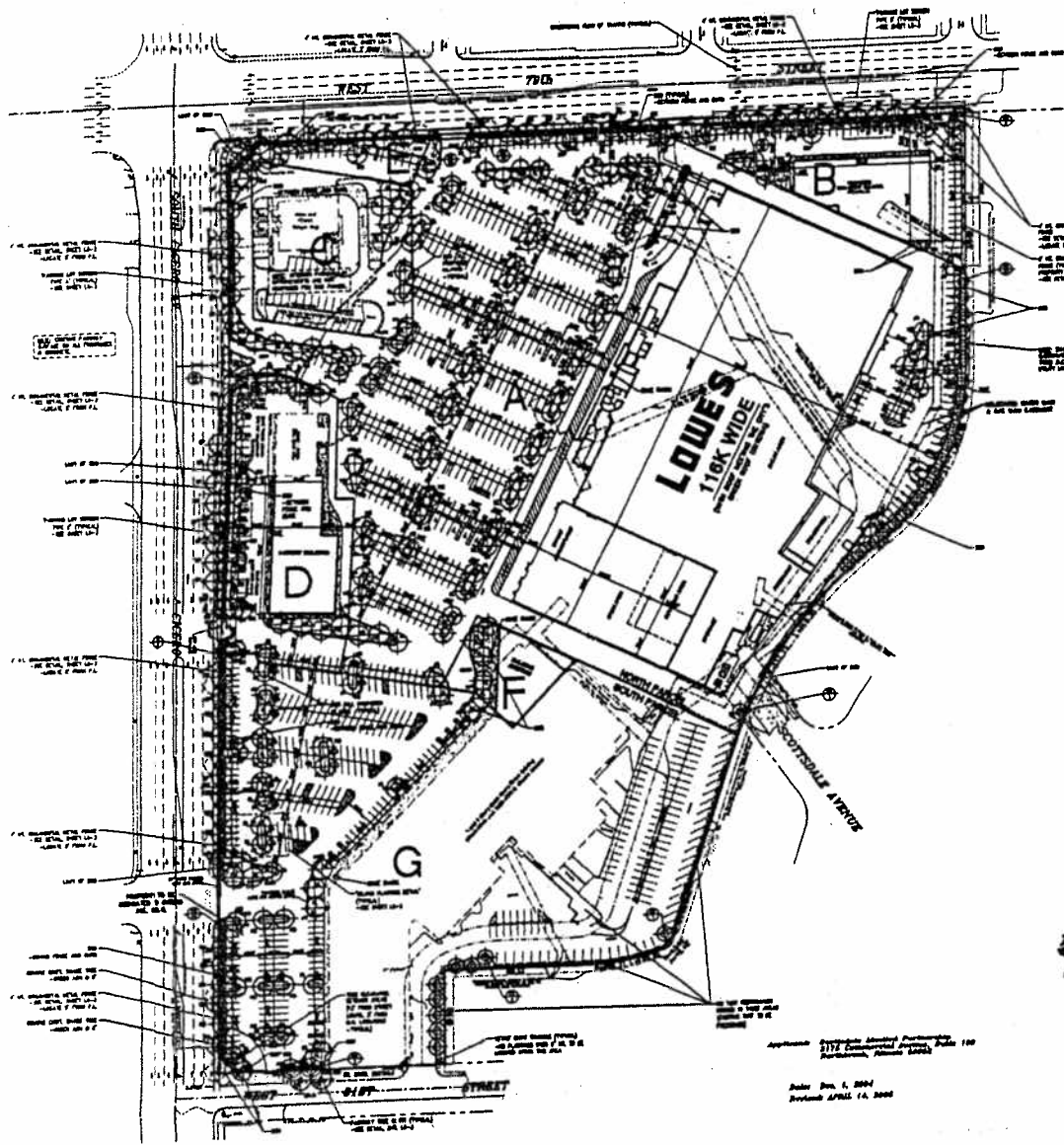
Planned Development Site Plan.



Application: Residential Planned Development
 1176 Commercial Avenue, Suite 100
 Northbrook, Illinois 60062
 Date: Dec. 1, 2004
 Revised: APRIL 14, 2005

PLANNED
 DEVELOPMENT SITE PLAN

Preliminary Landscape Plan.



PLANT SCHEDULE

Symbol	Plant Name	Quantity	Notes
⊕
⊙
⊗
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PLAN NOTES

1. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.
2. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.
3. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.
4. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.
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18. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.
19. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.
20. ALL PLANTINGS TO BE INSTALLED BY THE CONTRACTOR.

SWORN STATEMENTS

I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the Preliminary Landscape Plan for the above-captioned project, as prepared by me or under my direct supervision and control, and that I am a duly licensed Professional Engineer in the State of North Carolina.

[Signature]

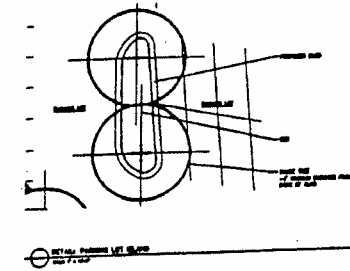
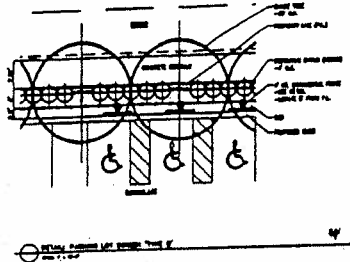
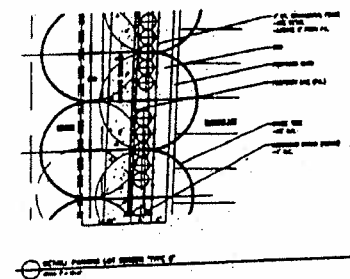
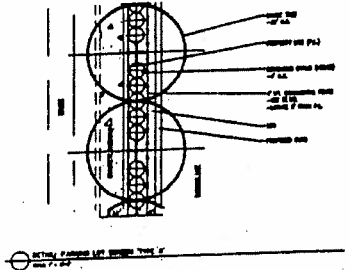
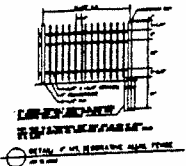
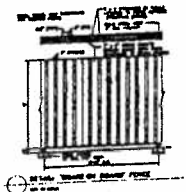
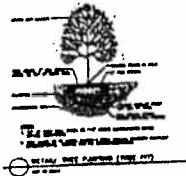
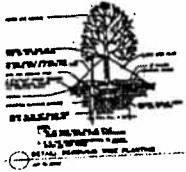
Category	Area	Notes
Landscape Area:		
Plant (Perennial)	64,222	sq. ft.
Plant (Annual)	1,000	sq. ft.
Plant (Tree)	1,000	sq. ft.
Plant (Shrub)	10,000	sq. ft.
Plant (Fruit)	1,000	sq. ft.
Plant (Other)	1,000	sq. ft.
Total Landscape Area	80,222	sq. ft.
Vehicle Use Area:		
Park	200,000	sq. ft.
Other	100,000	sq. ft.
Total Vehicle Area	300,000	sq. ft.



PLANNED DEVELOPMENT
PRELIMINARY LANDSCAPE PLAN

Project: 2004-0004
 Date: APRIL 14, 2004

Landscape Details Plan.



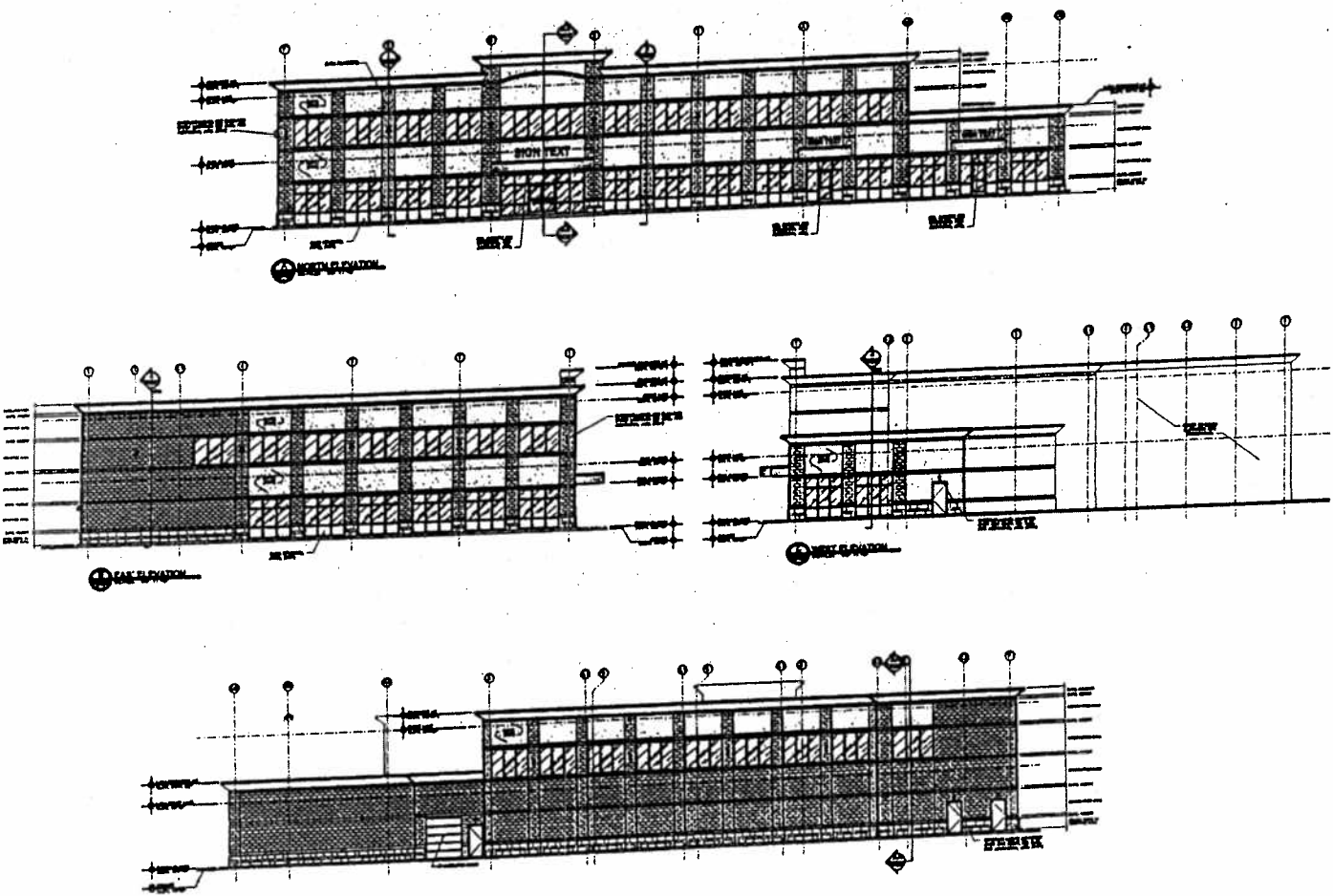
Author: Countryside Landscaping Partnership
 3710 East Lincoln Avenue, Suite 100
 Northbrook, Illinois 60062

Date: Dec. 1, 2004
 Revised: APRIL 14, 2005

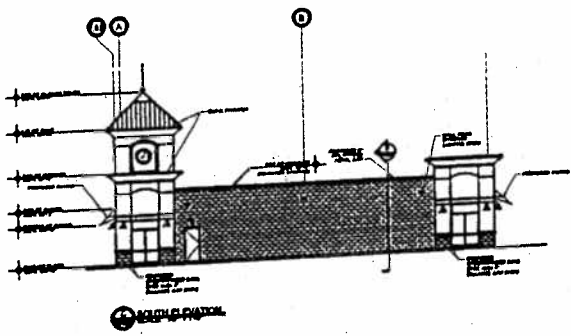
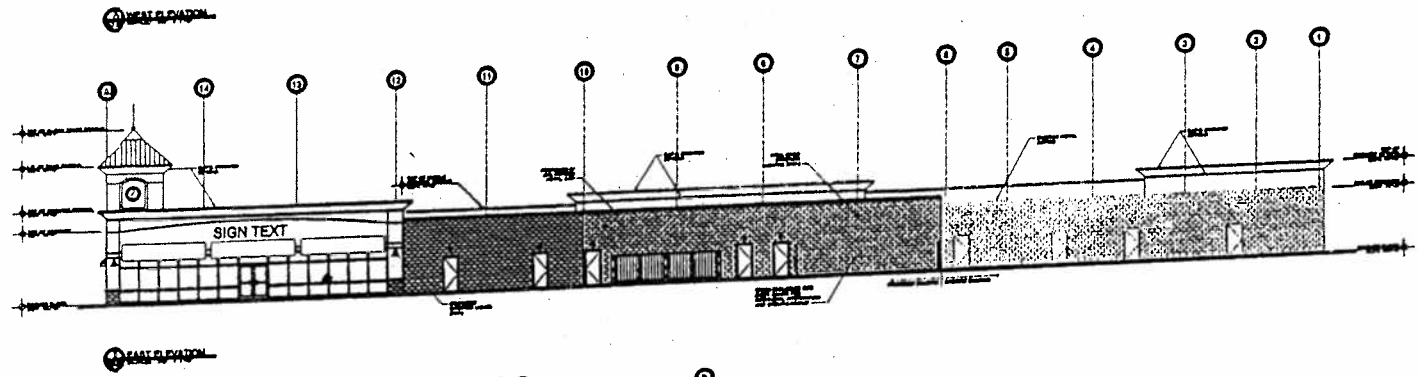
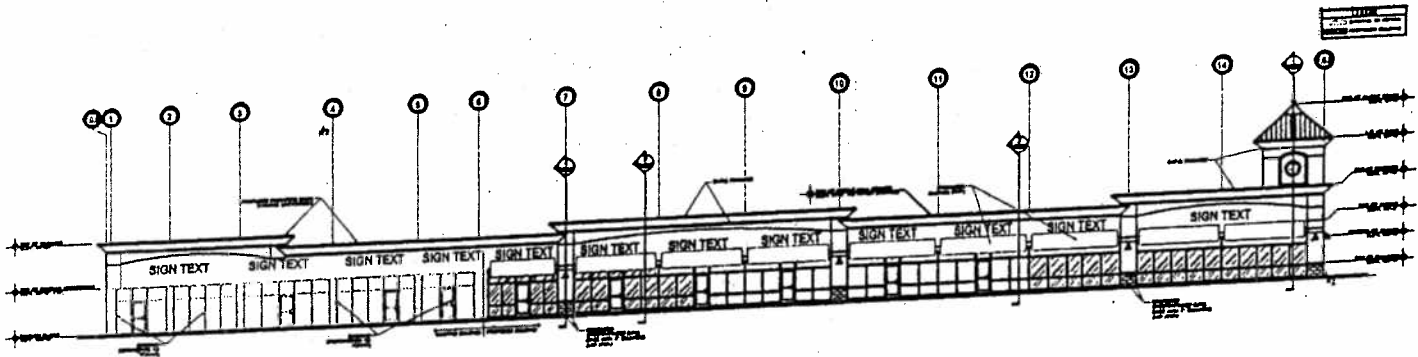


LANDSCAPE DETAILS PLAN
 AND THE LIST OF TREE SPECIES TO BE PLANTED
 SHOULD BE REVIEWED BY A PROFESSIONAL

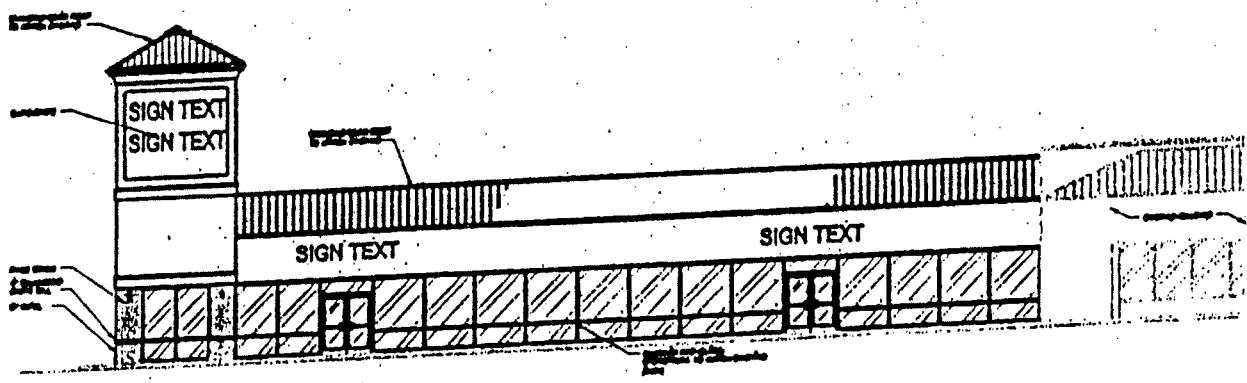
Building B.



Building D.

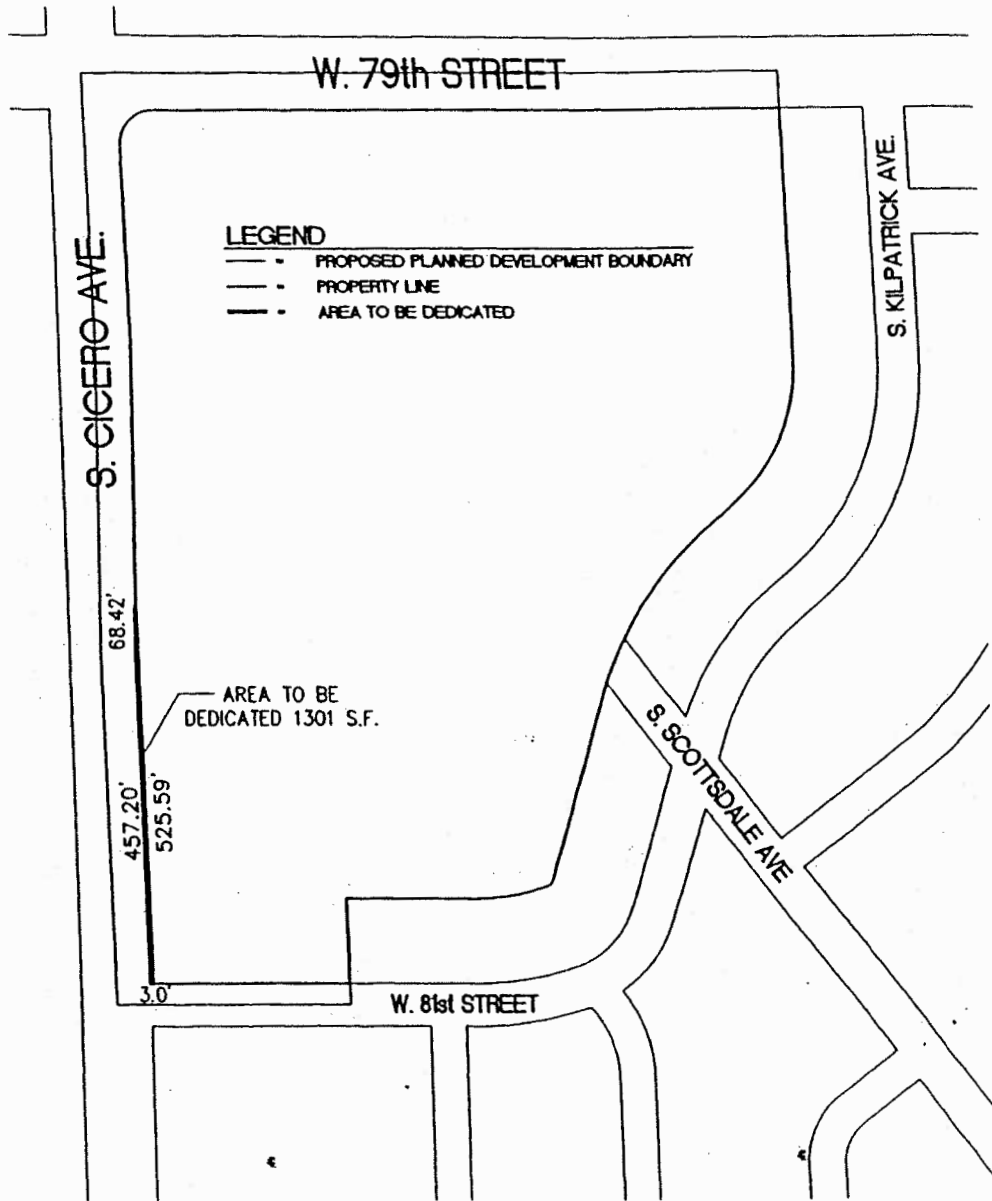


Building F.



WEST ELEVATION

Right-Of-Way Adjustment Map.



Applicant: *Scottsdale Limited Partnership*
3175 Commercial Avenue, Suite 100
Northbrook, Illinois 60062

Date: Dec. 1, 2004
Revised: April 14, 2005

RIGHT-OF-WAY ADJUSTMENT MAP



SCALE 1"=200'