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Legislation Details (With Text)

File #: SO2022-1113
Type: Ordinance **Status:** Passed
File created: 4/27/2022 **In control:** City Council
Final action: 10/26/2022
Title: Zoning Reclassification Map No. 3-F at 330 W Chestnut St - App No. 20993
Sponsors: Misc. Transmittal
Indexes: Map No. 3-F
Attachments: 1. O2022-1113.pdf, 2. SO2022-1113.pdf

Date	Ver.	Action By	Action	Result
10/26/2022	1	City Council	Passed as Substitute	Pass
10/25/2022	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
4/27/2022	1	City Council	Referred	

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ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the C1-5 Neighborhood Commercial District symbols and indications as shown on Map 3-F in the area bounded by:

North Orleans Street; a line 143.36' feet north of and parallel to West Chestnut Street; the public alley east of and parallel to North Orleans Street; and West Chestnut Street

to those of the DX-5 Downtown Mixed-Use District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the DX-5 Downtown Mixed-Use District symbols and indications as shown on Map 3-F in the area bounded by:

North Orleans Street; a line 143.36' feet north of and parallel to West Chestnut Street; the public alley east of and parallel to North Orleans Street; and West Chestnut Street

to those of Residential-Business Planned Development.

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

Address: 330 W. Chestnut

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number _____, ("Planned Development") consists of approximately 14,377 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). DK. Chestnut LLC is the "Applicant" for this planned development and owner of the Property.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different than the Applicant, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance (the "Zoning Ordinance"), the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans.

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

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between the Department of Transportation's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply

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with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the Department of Transportation's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by the Department of Transportation.

4. This Plan of Development consists of these 17 Statements; a Bulk Regulations and Data Table and the following exhibits and plans attached hereto prepared by Fitzgerald Associates and dated (the "Plans"): an Existing Zoning Map; a Land Use Map; a Planned Development Boundary and Property Line Map; a Street Scape Site Plan; Building Elevations (North, South, East and West); and the Affordable Housing Profile Form (AHP). In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereof, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Residential-Business Planned Development: Dwelling Units located above the ground floor; Office; Animal Services (excluding overnight boarding and kennels); Business Equipment Sales and Service; Business Support Services (excluding Day Labor Employment Agency); Communication Service Establishments; Eating and Drinking Establishments; Financial Services (excluding payday loan and pawn shops); Food and Beverage Retail Sales; Medical Service; Personal Service; General Retail Sales; Participant Sports and Recreation;; Co-located Wireless Communication Facilities, accessory parking; and incidental and accessory uses.
6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review, and approval of DPD. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of 14,377 square feet and a base FAR of 5.0.

The Applicant acknowledges that the project has received a bonus FAR of 2.55, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total FAR for the Planned Development is 7.55. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Sections 17-4-1003-B & C, prior to the issuance of the first building permit for any building in the Planned Development; provided, however, if the Planned Development is constructed in phases, the bonus payment may be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued. The bonus payment will be recalculated at the time of payment (including partial

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payments for phased developments) and may be adjusted based on changes in median land values in accordance with Section 17-4-1003-C.3

The bonus payment will be split between three separate funds, as follows: 80% to the Neighborhoods Opportunity Fund, 10% to the Citywide Adopt-a-Landmark Fund and 10% to the Local Impact Fund. In lieu of paying the City directly, the Department may: (a) direct developers to deposit a portion of the funds with a sister agency to finance specific local improvement projects; (b) direct developers to deposit a portion of the funds with a landmark property owner to finance specific landmark restoration projects; or, (c) approve proposals for in-kind improvements to satisfy the Local Impact portion of the payment.

9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the

Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.

10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines, including Section 17-13-0800. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-061 I-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors. In the event the Applicant does not proceed with the south hotel tower depicted on the East and West Elevations, the Applicant shall have the right to incorporate the square footage allocated to such hotel to create additional office square footage consistent with the elevations for office floors shown in the PD, which modification shall be subject to approval pursuant to Section 17-13-0611.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

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15. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of (i) 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured

against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part I permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the foregoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

16. The Applicant acknowledges and agrees that the rezoning of the Property from the CI-5 Neighborhood Commercial District to the DX-5 Downtown Mixed-Use District and then to a Residential-Business Planned Development is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The PD is located in a "downtown district" within the meaning of the ARO and permits the construction of 128 dwelling units. The Applicant intends to construct a 128-unit rental building (the "Project").

Developers of rental projects in downtown districts with 30 or more units must provide between 10% and 20% of the units in the residential development as affordable units, depending on the average depth of affordability provided, as described in subsection (F)(2) of the ARO. Regardless of the applicable percentage of affordable units in the rental project, developers must construct at least 25% of the affordable units on-site and another 25% on-site or off-site (collectively, the "Required Units"), and may satisfy the balance of their affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of on-site or off-site affordable units; or (c) any combination thereof. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. All off-site affordable units must have at least two bedrooms and must be located in a downtown district, inclusionary housing area, or community preservation area. Whether on-site or off-site, developers must give preference in leasing affordable units

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off two bedrooms or more to multi-person households, as specified in the ARO rules. If a residential project is located in a transit-served location, off-site units must be located in a substantially comparable transit-served location.

The Applicant has elected the 20% option as set forth in the chart in subsection (f)(2) of the ARO. As a result, the Applicant's affordable housing obligation is 25.6 affordable units (20% of 128) and half of those affordable units are Required Units. Pursuant to subsection (T) of the ARO, the Applicant must provide an additional unit on-site or off-site to satisfy the fractional obligation. The Applicant has agreed to satisfy its affordable housing obligation by providing all 26 affordable units in the rental building in the PD, as set forth in the Affordable Housing Profile (AHP) attached

hereto. The Applicant agrees that the affordable rental units must be affordable to households with a range of incomes averaging 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually, provided that (x) the maximum income level for any affordable unit may not exceed 80% of the AMI, (y) at least one-third (or 9 units) must be affordable to households at or below 50% of the AMI, of which one-sixth (or 2 of the 9 units) must be affordable to households at or below 40% of the AMI, and (z) all income levels must be multiples of 10% of the AMI.

If the Applicant requests any material change to its method of compliance with the ARO, such as locating affordable units off-site instead of on-site or changing the target affordability level after the passage of this PD, DOH may adjust the AHP as requested, in accordance with the ARO, without amending the PD, provided however, (he Applicant must update and resubmit the revised AHP to DOH for review and approval and, at DOH's request, provide an informational presentation to Plan Commission on such change. Prior to the issuance of any building permits for any residential building in the PD, including, without limitation, excavation or foundation permits, the Applicant must execute and record an Inclusionary Housing Agreement ("IHA") in accordance with subsection (N) of the ARO. The terms of the IHA and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against the PD and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 16, including any breach of any IHA, and enter into settlement agreements with respect to any such breach; subject to the approval of the Corporation Counsel, without amending the PD.

This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this PD. In the event of any conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

17. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Zoning Administrator of DPD shall initiate a Zoning Map Amendment to rezone the property to the DX-5 Downtown Mixed-Use District.

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT BULK REGULATIONS AND DATA
TABLE

Gross Site Area (si): Area of Public Rights-of-Way (sf): Net Site Area (sf): Maximum Floor Area Ratio: Maximum Number of Dwelling Units: Minimum Off-Street Parking Spaces: Minimum Bicycle Parking Spaces: Minimum Off-Street Loading: Maximum Building Height: Minimum Setbacks:

25.095

10,718

14,377

7.55

128

11

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In conformance with the Plans

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Submit this form for projects that are subject to the ARO or Pilsen/Little Village Pilot

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Applicant Contact Information

Name: Gordon Ziegenhagen

Email: gziegen@draperandkramer.com <mailto:gziegen@draperandkramer.com>

Development Information

Address

Printed Date: 08/25/2022

Number From: 324 Number To: 332 Direction: W

Street Name: Chestnut Street

Postal Code: 60610

Development Name

330 W. Chestnut

Are you rezoning to downtown?: Yes

Is your project subject to the ARO Pilots?: 2021 ARO

Information

Ward: 27

ARO Zone: Downtown

Details

ARO Ttrigger: DP

Total Units 128

Development Type: Rent

TSL Project: TSL-or FAR doesn't exceed 3.5

Date Submitted: 08/25/2022

Requirements

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Affordable Units: 25.6 (20% of 128 DUs) *On-site aff. Units: 7 How do you intend to

meet your required obligation On-Site: 26 Off-Site: 0

On-Site to CHA or Authorized Agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 26 In-

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Planned Development No. -
SITE/LANDSCAPE PLAN
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CONCRETE PAVING
WEST CHESTNUT STREET 66' R.O.W.
TREE PLANTERS

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Planned Development No. - ROOF PLAN FINAL FOR PUBLICATION

WEST CHESTNUT
STREET 66' R.O.W.

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Planned Development No. - NORTH ELEVATION FINAL FOR PUBLICATION

AREA FOR PROPOSED PUBLIC ART

METAL AND GLASS

WINDOWWALL

S

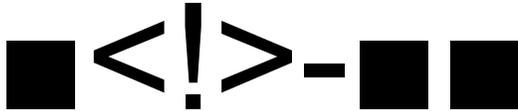
METAL CLADDING

BALCONY W7
GLASS
GUARDRAIL

CONCRETE MASONRY UNIT WALL

METAL CLADDING

, BUFF COLORED
MASONRY



125'-8"

MAIN ROOF
US'-0"

LEVEL 08 ^ " 8; ' 0**

LEVEL 07 j.
73'

LEVEL 00 ^

LEVEL 05

LEVLL 03

LEVEL 02 17'-0~"

LEVEL 01 ^_ 0'-0**

BUFF COLORED
MASONRY

Applicant DK Chestnut LLC
Address: 330 West Chestnut Street
Chicago, IL 60610
Introduced: April 27, 2022
CPC Date'
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Planned Development No. - EAST ELEVATION

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BUFF COLORED METAL AND GLASS
MASONRY WINDOW WALL -
OVERHEAD GARAGE DOOR
BALCONY W/ GLASS GUARDRAIL
CONCRETE MASONRY UNIT WALL
PRE-FINISHED METAL LOUVERS
METAL CLADDING
KUF, 15'-0"

PENTHOUSE . 12b7- 8" ^

MAIN ROOF 1

LEVEL 09 ^
90' - 4"

LEVEL 08
85' - 0"

LEVEL 07 ^

LEVEL 05 ,

4>-
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LEVEL 0-1
39' - 8"

LEVEL 03 j.

77.#"TM'

JLEVEL 02 ^_ 17- - 0" ■

LEVEL 01 ^ | . : . r" ^ #

Applicant DK Chestnut LLC Address: 330 West Chestnut Street
Chicago, IL 60610 Introduced: Anril 27 2022 CPC Date: October 20, 2022

Planned Development No. - SOUTH ELEVATION FINAL FOR PUBLICATION

BUFF COLORED METAL AND GLASS
vMASONRY WINDOW WALL ~

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METAL CLADDING

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PRE-FINISHED METAL LOUVERS

PENTHOUSE .

MAIN ROOF

4~

__LE_VEL Oy ^ 96' -4" ^

LEVEL 08 85' - 0"

LEVEL 06 ^ _ 62'-4" ^

LEVEL 0: 51'-0"v

LEVEL 04

LEVEL 03 j.

LEVEL 02 j.

4-

LEVEL 01
0' - 0"

METAL AND GLASS STOREFRONT WINDOWS

Applicant DK Chestnut LLC
Address 330 West Chestnut Street.
Ch.cago.il <http://Ch.cago.il> 60610
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Planned Development No. - WEST ELEVATION FINAL FOR PUBLICATION

Applicant DK Chestnut LLC
Address 330 West Chestnut Street
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