



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Text

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File #: SO2016-5585, Version: 1

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# FINAL FOR PUBLICATION

## 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 CI-1 Neighborhood Commercial District symbols and indications as shown on Map 1-G in the area bounded by:

West Fulton Market Street; North Peoria Street; a line 185.08 feet next south of and parallel to West Fulton Market Street, a line 125.86 feet next west of and parallel to North Peoria Street; a line 100 feet next south of and parallel to West Fulton Market Street; a line 100 feet next west of and parallel to North Peoria Street;

to those of a DX-3 Downtown Mixed-Use District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the DX-3 Downtown Mixed-Use District symbols and indications as shown on Map 1-G in the area bounded by:

West Fulton Market Street; North Peoria Street; a line 185.08 feet next south of and parallel to West Fulton Market Street, a line 125.86 feet next west of and parallel to North Peoria Street; a line 100 feet next south of and parallel to West Fulton Market Street; a line 100 feet next west of and parallel to North Peoria Street;

to those of a Business Planned Development.

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

Applicant: Thor 905 W Fulton LLC  
Address: 901 - 905 West Fulton Market / 214 - 232 North Peoria Street, Chicago, IL 60607  
Introduced: July 20, 2016  
Plan Commission: November 17, 2016

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## BUSINESS PLANNED DEVELOPMENT NO . PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number \_\_\_\_\_, ("Planned Development") consists of approximately 20,882 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property")- Thor 905 W Fulton LLC is the "Applicant" for this planned development and the owner of a portion of the Property and the Applicant pursuant to authorization from the Property owner.
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.

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

4. This Plan of Development consists of these 16 Statements; a Bulk Regulations and Data Table and the following exhibits and

plans attached hereto prepared by Hartshome Plunkard Architecture and dated November 17, 2016 (the "Plans"): an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Property and Boundary Line Map; a Site Plan; a Landscape/Green Roof Plan; and Building Elevations (North, South, East and West). 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, (his Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Business Planned Development: Office; High Technology Office; Daycare (limited to the ground floor, subject to CDOT and DPD site

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plan review for the loading/drop-off area prior to Part II approval); Animal Services; Business Equipment Sales and Service; Business Support Services; Urban Farm (rooftop operation); Communication Service Establishments; Eating and Drinking Establishments (all, including Taverns and Outdoor Patios); Financial Services; Food and Beverage Retail Sales; Liquor Sales; Medical Service; Personal Service; General Retail Sales; Participant Sports and Recreation; Artisan Manufacturing, Production and Industrial Services; Co-located Wireless Communication Facilities 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 purpose 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 20,882 square feet and a base FAR of 3.0.

The Applicant acknowledges that the project has received a bonus FAR of 1.49, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total FAR for the Planned Development is 4.49. 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 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.

In this case, the Applicant will contribute the Local Impact portion of the bonus payment for construction of a public library (the "Project") The Project is located within one mile of the Planned Development site, as required by Sec. 17-4-1005-C. The Applicant must make such payment, or the applicable portion thereof in the case of a phased development, prior to the issuance of the first building permit for the Planned Development or applicable phase thereof. The City must enter into an intergovernmental agreement regarding the manner in which the funds will be used.

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

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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. 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 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
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 achieve building certification as defined by the Sustainable

Development Policy and provide a 50% green roof equivalent to an actual total of 4,455 square feet.

15. Pursuant to the Chicago Zoning Ordinance (Section 17-8-0911), a Planned Development (PD) gives priority to the preservation and adaptive reuse of Chicago Landmark buildings. The PD is within the Fulton-Randolph Market District, which is designated as a Chicago Landmark District and is subject to the review and approval of the Commission on Chicago Landmarks pursuant to the Chicago Landmarks Ordinance, Section 2-120-740. The PD project includes the demolition of two existing 1-story buildings at 232 and 230 N. Peoria and the partial demolition of the 3-story building at 224-226 N. Peoria. The Applicant acknowledges that, pursuant to Section 2-120-825 of the Municipal Code of Chicago, any permit for demolition of 40% or more of any building located in a Chicago Landmark District requires approval by the Chicago Commission on Landmarks and review and approval by the City Council. Nothing contained herein shall affect or eliminate the requirement for such approval.
16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a Zoning Map Amendment to rezone the property to the DX-3 Downtown Mixed-Use District.

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**BUSINESS PLANNED DEVELOPMENT NO.  
BULK REGULATIONS AND DATA TABLE**

Gross Site Area (sf):	32,275
Area of Public Rights-of-Way (sf):	11,393
Net Site Area (sf):	20,882
Maximum Floor Area Ratio:	4.49
Minimum Off-Street Parking Spaces:	0
Minimum Bike Parking Spaces:	55
Minimum Off-Street Loading Spaces:	0
Maximum Building Height:	70' 0"

Minimum Setbacks:

In conformance with the Plans

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Department of Planning and Development city of chicago

MEMORANDUM

Alderman Daniel S. Solis/

Chairman, City Council Committee on Zoning  
David L. Reifman Secretary  
Chicago Plan Commission

November 18, 2016

RE: Proposed Business Planned Development for the property generally located at 901-905 West  
Fulton Market/214-232 North Peoria Street.

On November 17, 2016, the Chicago Plan Commission recommended approval of the proposed  
Planned Development application submitted by Thor 905 W Fulton, LLC. A copy of the proposed  
application is attached. I would very much appreciate your assistance in having this introduced at the  
next possible City Council Committee on Zoning hearing.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of  
Planning and Development recommendation and a copy of the Resolution. If you have any questions  
in this regard, please do not hesitate to contact me at 744-5777.

cc: Steve Valenziano  
PD Master File (Original PD, copy of memo)

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