



Office of the City Clerk

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

Legislation Text

File #: SO2016-4778, Version: 1

FINAL FOR PUBLICATION

ORDINANCE

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

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the Residential-Business Planned Development No. 1043 symbols and indications as shown on Map Number 3-F in the area bounded by:

West Walton Street; North State Street; West Delaware Place; and North Dearborn Street,

to the designation of Residential-Business Planned Development No. 1043, as amended, 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.

Address: 9 West Walton, Chicago, Illinois

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Residential-Business Planned Development Number 1043 Plan of Development Statements.

1. The area delineated herein as a Residential-Business Planned Development consists of approximately seventy-seven thousand ninety-seven (77,097) square feet (one and seventy-seven hundredths (1.77) acres) (the "Property"). West Walton Chicago Investors LLC is the "Applicant" for this amendment with due authorization of the owners of the remainder of the Property.
2. 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 easements, or adjustments of right-of-way, or consolidation or resubdivision of parcels, shall require a separate submittal on behalf of the applicant or its successors, assignees, or grantees and approval by the City Council.
3. 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 titleholder 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, then to the owners of record title to all of the Property and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time any 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. An agreement among property owners, the board of directors or any
 - property owners association, or a covenant binding property owners, may designate the authorized party for any future amendment, modification or change. The applicant shall retain single designated control and shall be deemed to be the authorized party for any future amendment, modification or change until the applicant shall designate in writing the party or parties authorized to make application for any future amendment, modification or change.

4. This plan of development consists of these sixteen (16) Statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Surrounding Land-Use Plan; a Planned Development Boundary and Property Line Map; a Site Plan; a Landscape Plan; an Expanded Historical District Diagram; a Site Demolition Plan; a Green Roof Plan; a Plaza Level Plan; a Typical Garage Plan; a 2' Floor Plan; a Ground Floor Plan; a 801 Garage Plan; a B02 Garage Plan; a B03 Garage Plan; the Existing Second and Third Floor Plans (Scottish Rite Cathedral); a Site Section; and Building Elevations (North

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Elevation, South Elevation. East Elevation and West Elevation) dated November 16, 2006 prepared by Pappageorge/Haymes Architects. Full size sets of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. The planned development is applicable to the area delineated hereto and these and no other zoning controls shall apply.

This planned development consists of the following exhibits related to the property that is the subject of this Amendment: a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land Use Map; a Planned Development Boundary and Property Line Map; a Site/Landscape Plan and Building Elevations (North, South, East and West) prepared by Hartshorne Plunkard Architects dated August 18, 2016.

5. The following uses shall be permitted within the area delineated herein as "Residential-Business Planned Development": all uses permitted in the DX-7 Downtown Mixed-Use District (with the exception of hotel uses) accessory and non-accessory parking and related uses.
6. Identification signs shall be permitted within the planned development subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted, subject to the review and approval of the Department of Planning and Development. Off-premises advertising signs are prohibited.

7. Ingress and egress shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standard for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Closure of all or part' of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation.
8. In addition to the maximum height of the building and any appurtenance thereto prescribed in this planned development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. For purposes of floor area ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance 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, all floor area devoted to mechanical, equipment in excess of seven hundred fifty (750) square feet in a single location regardless of placement in the building, all rooftop floor area devoted to mechanical equipment irrespective of square footage, and

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all penetrations for elevators and stair shafts located entirely within the accessory parking garage and the rooftop mechanical system shall be excluded.

10. The improvements on the Property shall be designed, installed and maintained in substantial conformance with the Site Plan, Landscape Plan and Building Elevations and in accordance with the parkway tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. Subject to the provisions of Section 17-4-1022 of the Chicago Zoning Ordinance, the Commissioner of the Department of Planning and Development, acting on behalf of the City of Chicago and the Commission on Chicago Landmarks is authorized to enter into an agreement with the applicant, the owners of the Property, and the owner(s) of the landmark property commonly known as the "Scottish Rite Cathedral" (the "Landmark Project") regarding the manner in which the funds for the renovation work in the Landmark Project relating to the Adopt-A-Landmark Bonus as approved by the Commission on Chicago Landmarks will be used. The agreement shall be in a form approved by the Corporation Counsel and shall be executed and submitted to the Department of Planning and

Development as part of the Part II submission for the first high-rise building to be constructed at the Property. The terms and conditions of the Landmark Project Scope of the Work and Budget may be modified administratively by the Commissioner of the Department of Planning and Development in accordance with the provisions of Statement 13 of this planned development. Upon completion of the work related to the Landmark Project, the applicant shall apply to the Commission on Chicago Landmarks for the issuance of a Certificate of Completion of the Landmark Project. The applicant shall provide written notice of said application to the Commission on Chicago Landmarks to the Office of the Zoning Administrator, the Department of Law, and the Department of Planning and Development. The work related to the Landmark Project must be completed and a Certificate of Completion of the Landmark Project must be obtained, from the Commission on Chicago Landmarks prior to the issuance of the Certificate of Occupancy for the first high-rise building to be constructed at the Property.

11. Demolition. The applicant shall be entitled to demolish the portions of the existing buildings as depicted and indicated on the Site Demolition Plan contingent upon an engineer's report to be reviewed and accepted by the Commission on Chicago Landmarks. The report shall assess the impact of the demolition on the structural integrity of the historic buildings and structures to remain, including any recommended protection or stabilization measures. The permit for any demolition work shall also be contingent upon, and subject to the review and approval of the Commissioner of the Department of Planning and Development, a plan and implementation schedule for the following: (i) the relocation and replacement with working systems of the heating, ventilation, air conditioning (existing capacities), gas, hot water and electrical service for the Scottish Rite Cathedral; (ii) providing an approved ingress and egress path from the southeast

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corner stairwell of the Scottish Rite Cathedral upon completion of the permitted demolition work; (iii) a plan and implementation schedule for the repair of the south facade of the cathedral building, the north facade of the Carpenter House, and the portion of the two (2) story connector along Dearborn Street between the buildings to remain, and, (iv) a plan and implementation schedule for either temporary or permanent repairs to enclose and protect the rear portions of the Carpenter House and Taylor House upon completion of the demolition.

a) Historic Buildings. The Scottish Rite Cathedral, the Carpenter House, the facade of the two (2) story connector along Dearborn Street between these two (2) buildings, the Taylor House, and the Thompson House, including the coach house and the masonry south wall connecting it to the house, shall all be retained and preserved. Any excavation, foundation or other work related to the

construction of the new residential towers shall be contingent upon an engineer's report to be reviewed and accepted by the Commission on Chicago Landmarks. The report shall assess the impact of the work on the structural integrity of the adjacent historic buildings and structures to remain, including any recommended protection or stabilization measures during construction. Subject to the review and approval of the Commissioner of the Department of Planning and Development, the applicant shall be permitted to make modifications and construct additions to the east elevations of the Taylor House and the Carpenter House, including breezeway connections to the garages of said homes. Additionally, no side yard or rear yard setbacks shall be required for any of the single-family homes. Permitted materials for the additions shall include masonry brick, stone (both natural and man-made), precast concrete, metal, glass and glass products. There shall be no restrictions on the size of the window openings or amounts of glass and glass products used in constructing the additions. The heights and volumes of the additions shall not exceed those heights and volumes indicated on the Site Plan and Site Section. The applicant shall also be allowed, subject to the review and approval of the Commissioner of the Department of Planning and Development and the Commission on Chicago Landmarks, to construct additional window openings along the east elevation of the Thompson House.

b) Landmark Designation. The applicant, and its successors and assigns, shall consent to amending the Washington Square District landmark designation to: (i) revise the district boundaries as depicted and indicated on the Expanded Historical District Diagram, and (ii) identify the significant historical and architectural features of the district as all exterior elevations, including rooflines. The consent shall be provided at the request of, and in a form acceptable to, the Commission on Chicago Landmarks. At the determination of the Commissioner of the Department of Planning and Development at the same or different time as amending the Washington Square District designation identified above in this Statement, the applicant, and its successors and assigns, shall also consent to the inclusion of the second (2nd) floor sanctuary interior of the Scottish Rite

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Cathedral, as depicted and indicated on the Existing Second (2nd) and Third (3rd) Floor Plans (Scottish Rite Cathedral) and including the historic pipe organ, either as part of (i) the Washington Square District landmark designation or (ii) a covenant for the purposes of protecting the sanctuary interior and requiring any future changes thereto to be reviewed and approved by the Commission on Chicago Landmarks. The Commissioner of the Department of Planning and Development is authorized to enter into such a covenant with the applicant, and its successors and assigns.

c) Donation Of Scottish Rite Cathedral. Prior to a donation of the Scottish Rite Cathedral to a

donee, the applicant, and its successors and assigns, shall inform the Commissioner of the Department of Planning and Development of the identity of the donee. Said Commissioner shall be authorized in her discretion, reasonably exercised, to accept or reject the proposed donee. Said Commissioner shall be entitled to impose conditions upon the conveyance including, but not limited to, a requirement that the donee complete within a reasonable time any work required under the provisions of the Chicago Building Code for occupancy of the Scottish Rite Cathedral. The applicant, and its successors and assigns, shall maintain and keep secure the cathedral building, including heating the building, until such time as it is transferred to the donee.

d) Easement. The applicant, and its successors and assigns, shall record an easement for the benefit of the Scottish Rite Cathedral property which provides for use by the Scottish Rite Cathedral property owner of the common driveway area, loading dock, loading area and the trash room of the tower building depicted in the Ground Floor Plan.

12. The permitted Floor Area Ratio identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of seventy-seven thousand ninety-seven (77,097) square feet (one and seventy-seven hundredths (1.77) acres), a base Floor Area Ratio of 7.00 and additional Floor Area Ratio for a series of proposed amenities, as follows:

Description	Floor Area Ratio
Base Floor Area Ratio 7.00	
Adopt-A -Landmark	1.40
	Affordable Housing 1.75
	Neighborhoods Opportunity 0.29
Total Floor Area Ratio:	10.44

The calculation of the additional Floor Area Ratio obtained through the series of proposed amenities is as follows:

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Restoration and renovation work and budget as approved by the Commission on Chicago Landmarks.

Bonus Floor Area Ratio = $7 \times 0.20 = 1.40$ Floor Area Ratio

$1.40 \times 77,097 = 107,935$ square feet

$107,935$ square feet \times \$25.00 per square foot \times 0.80 = \$2,158,700.00 contribution Affordable

Housing.

Bonus Floor Area Ratio = $7 \times 0.25 = 1.75$ Floor Area Ratio $1.75 \times 77,097$

= 134,919.25 square feet

$134,919.25$ square feet \times \$25.00 per square foot \times 0.80 = \$2,698,385.00 contribution

The applicant, its successors or assigns, shall contribute the amount of Two Million Six Hundred Ninety-eight Thousand Three Hundred Eighty-five and no/100 Dollars (\$2,698,385.00) to the City of Chicago's Affordable Housing Opportunity Fund prior to the issuance of the "Part II Approval" for the construction of the first high-rise building contemplated in this planned development.

Neighborhoods Opportunity.

$22,290$ square feet \times \$43.00 per square foot \times .80 = \$766,776 contribution

Pursuant to Section 17-4-1003-C, prior to the issuance of the first building permit for any building or buildings within the Planned Development, the Neighborhoods Opportunity Fund floor area bonus payment, as further described in this Statement 12 and Section 16-14-010, shall be paid in full; provided, however, if the Planned Development is constructed in phases, the bonus payment shall be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued.

The Applicant, its successors or assigns, shall contribute the amount of Seven Hundred Sixty-Six Thousand Seven Hundred Seventy-Six and no/100 Dollars (\$766,776.00) to the City of Chicago prior to the issuance of the "Part II Approval" for the building that is the subject of this 2016 amendment as follows: Six Hundred Thirteen Thousand Four Hundred Twenty-One and no/100 Dollars (\$613,421) into

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the Neighborhoods Opportunity Fund and Seventy-Six Thousand Six Hundred Seventy-Eight and

no/100 Dollars (\$76,678) into each of the Citywide Adopt-a-Landmark Fund and Local Impact Fund. The amount of bonus floor area and corresponding payment may be modified prior to issuance of a building permit in accordance with Section 17-4-1003-C of the Zoning Ordinance, provided that the total FAR does not exceed the maximum FAR set forth in this Planned Development. The funds contributed pursuant to this Statement 12 shall be utilized as set forth in Section 17-4-1004 (Neighborhoods Opportunity Fund), 17-4-1005 (Local Impact Bonus) and 17-4-1006 (Citywide Adopt-a-Landmark) of the Zoning Ordinance. The Applicant's obligations pursuant to this Statement 12 shall be fully satisfied upon payment of the amounts set forth herein (as modified pursuant to Section 17-4-1003-C).

It is currently anticipated that the Seventy-Six Thousand Six Hundred Seventy-Eight and no/100 Dollars (\$76,678) contribution to the Local Impact Fund (as such amount shall be adjusted in accordance with Section 17-4-1003-C at the time of building permit) will be utilized for improvements to Washington Square Park. Any modification of the allocation of the Local Impact Fund contribution shall be subject to Section 17-4-1005-G but in no event shall such modification cause a delay in the issuance of a Part II approval, building permit or certificate of occupancy for the planned development.

13. The terms, conditions and exhibits of this planned development ordinance may be modified administratively by the Commissioner of the Department of Planning and Development upon the application for such a modification by the applicant and after a determination by the Commissioner of the Department of Planning and Development that such a modification is minor, appropriate and consistent with the nature of the improvements contemplated in this planned development and the purposes underlying the provisions hereof. Any such modification of the requirements of this planned development by the Commissioner of the Department of Planning and Development shall be deemed to be a minor change in the planned development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
14. The applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner that promotes and maximizes the conservation of natural resources. The applicant shall use best and reasonable efforts to design, construct and maintain all buildings located within the Property in a manner generally consistent with the Leadership in Energy and Environmental Design Green Building Rating System ("L.E.E.D."). The applicant agrees to provide a twenty-five percent (25%) green roof equating approximately sixteen thousand forty-six (16,046) square feet of net useable

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roof area. The applicant agrees to provide an outdoor dog run of approximately two hundred (200) square feet to be located as depicted on the second (2nd) Floor Plan.

The applicant for purposes of this 2016 Amendment agrees to provide a thirty-nine percent (39%) green roof equaling approximately 14,328 square feet, achieve building certification (such as Green Globes or Energy Star) and provide a three-year maintenance contract for the green roof.

15. 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 ("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 building permit shall be granted by the Department of Buildings until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement proposed to be constructed pursuant to the permit.
16. Unless substantial construction of the improvements contemplated by this Amendment has commenced within six (6) years following adoption of this planned development and completion is thereafter diligently pursued, this planned development shall expire and the zoning of the Property shall revert to Residential-Business Planned Development Number 1043, as it existed prior to this Amendment.

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**RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1043 BULK
REGULATIONS AND DATA TABLE**

Net Site Area (square feet):

Net Site Area (acre):

Gross Site Area (square feet):

Gross Site Area (acre):

Base Floor Area Ratio:

Adopt-A-Landmark Bonus:

Affordable Housing Bonus:

Neighborhood Opportunities Bonus:

Maximum Floor Area Ratio:

Minimum Number Off-Street Parking:

Maximum Number Non-Accessory Parking:

Maximum Number Dwelling Units:

Total

77,097

1.77

124,574

2.86

7.00

1.40

1.75

0.29

10.44

1 to 1 Per Dwelling Unit

50

453

Maximum Permitted Building Height Tower 1: 360 feet, 0 inches to top of parapet

350 feet, 0 inches underside of mechanical ceiling

326 feet, 2 inches Highest Residential Ceiling

Maximum Permitted Building Height Tower 2: 462 feet, 0

inches to top of parapet

Maximum Site Coverage: Per approved Site Plan

Minimum Periphery Setbacks:

Per approved Site Plan

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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

August 19, 2016

RE: Proposed Amendment to Residential Business Planned Development No. 1043 for property generally located at 9 West Walton Street.

On August 18, 2016, the Chicago Plan Commission recommended approval of the proposed amendment submitted by West Walton Chicago Investors LLC. A copy of the proposed planned development 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, bureau of Planning and Zoning 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)

121 NORTH LASALLE STREET, ROOM 1000, CHICAGO, ILLINOIS 60602