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Legislation Details (With Text)

File #: SO2019-2728
Type: Ordinance **Status:** Passed
File created: 4/10/2019 **In control:** City Council
Final action: 7/24/2019
Title: Zoning Reclassification Map No. 1-G at 1033-1057 W Fulton Market, 225-233 N Aberdeen St and 224 -232 N Carpenter St - App No. 20010
Sponsors: Misc. Transmittal
Indexes: Map No. 1-G
Attachments: 1. O2019-2728.pdf, 2. SO2019-2728.pdf

Date	Ver.	Action By	Action	Result
7/24/2019	1	City Council	Passed as Substitute	Pass
4/10/2019	1	City Council	Referred	

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ORDINANCE

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

SECTION 1: That Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, be amended by changing all CI-1, Neighborhood Commercial District and C3-5, Commercial, Manufacturing and Employment District symbols and designations as shown on Map No. 1 -G in the area bounded by

West Fulton Market Street; North Carpenter Street; the public alley next south of and parallel to West Fulton Market Street; and North Aberdeen Street,

to the designation of DX-5, Downtown Mixed Use District and a corresponding use district is hereby established in the area above described.

SECTION 2: That Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, be amended by changing all DX-5, Downtown Mixed Use District symbols and designations as shown on Map No. 1 -G in the area bounded by

West Fulton Market Street; North Carpenter Street; the public alley next south of and

parallel to West Fulton Market Street; and North Aberdeen Street,

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

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

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Address: 1033-1057 W. Fulton Market, 225-233 N. Aberdeen & 224-232 N. Carpenter

Residential-Business Planned Development No.

Planned Development Statements

1. The area delineated herein as Planned Development Number _____, as amended ("Planned Development") consists of approximately 25,180 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). Silver Queen, LLC is the "Applicant" and owner of Sub-Area A of the Property for this Planned Development. 232 Carpenter, LLC is the owner of Sub-Area B of the Property for this Planned Development and have provided proper consent.
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 titleholders 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 titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400.
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 Department of Transportation 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 Planned Development.

Ingress or egress shall be pursuant to the Planned Development and may be subject to the review and approval of the Departments of Planning and Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

All colorized concrete, cobblestone, or other non-standard treatment, and street furniture and/or hardware shall be restored to current condition or replaced per the Fulton Market Streetscape Section 2 Contract Plans.

Pursuant to a negotiated and executed Perimeter Restoration 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

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be reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- Curb and gutter
- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

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The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Perimeter Restoration Agreement shall reflect that all work must comply 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 Department of Transportation's Rules and Regulations for Construction in the Public Way as well as the Street and Site Plan Design Standards. Any variation in scope or design of public way improvements and restoration must be approved by Department of Transportation.

4. This plan of development consists of 17 Statements; a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary, Property Line, and Sub-Area Map; Site Plan; Landscape Plan; Axonometric Diagrams; and Building Elevations (North, East, South and West) prepared by Hartshorne Plunkard Architecture and Planning dated July 18, 2019 and submitted herein. 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 Chicago Zoning Ordinance, and all requirements thereto, 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 Chicago Zoning Ordinance, this Planned Development shall control.
5. In each of the following Sub Areas, the following uses shall be permitted in this Planned Development:

Subarea A: Hotel, office, general retail sales, food and beverage retail sales; eating and drinking establishments

including incidental liquor sales; financial services; personal services; co-located wireless communications facilities; and incidental and accessory uses.

Subarea B: Office, general retail sales, food and beverage retail sales; eating and drinking establishments including incidental liquor sales; financial services; business equipment sales and services; business support services; accessory parking; personal services; co-located wireless communications facilities; and incidental and accessory uses.

6. On-premises 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

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Department of Planning and Development. Off-premises signs are prohibited within the boundary of the Planned Development.

7. For purposes of height measurement, the definitions in the Chicago 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 used a net site area of 25,180 square feet and a base FAR of 5.0 and a Neighborhood Opportunity Bonus of 3.1 for a total FAR of 8.1.
9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, a Part II Review fee shall be assessed by the Department of Planning and Development. 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 the Department of Planning and Development. 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 13-32-085, or any other provision of the Municipal Code of Chicago.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A, 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 titleholders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct, renovate, and maintain all buildings 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

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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.

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 Department of Planning and Development ("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 26 percent MBE and 6 percent WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50 percent 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 II 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 forgoing, 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 Planned Development includes the property commonly known as 1033-1057 W. Fulton Market; 225-233 N. Aberdeen St.; 224-232 N. Carpenter St., which is within a district designated as a Chicago Landmark. The plans for this Planned Development have been reviewed and approved by the Commission on Chicago Landmarks pursuant to the Chicago Landmarks Ordinance, Section 2-120-740. Any variation in the plans for this Planned Development may be subject to the approval of Commission on Chicago Landmarks.

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**17. This Planned Development shall be governed by Section 17-13-0612. Should this
Planned Development ordinance lapse, the Commissioner of the Department of Planning and
Development shall initiate a zoning map amendment to rezone the Property to the DX-5 Downtown
Mixed-Use District.**

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Bulk Regulations and Data Table

Gross Site Area (square feet): 46,079 Sub-Area A: 26,721 Sub Area B: 19,358

Net Site Area (square feet): 25,180

Sub-Area A: 15,108

Sub-Area B: 10,072

Base Floor Area Ratio: 5.00

Bonus Floor Area Ratio: 3.1

Maximum Floor Area Ratio: 203,958 sf 8.1

Sub-Area A: 151,584 sf 10.03

Sub-Area B: 52,374 sf 5.19

Minimum Accessory Off-Street Parking Spaces:

Sub-Area A: 0

Sub-Area B: 15

Maximum Non-Accessory Off-Street Parking Spaces: 0

Minimum Bicycle Parking Spaces:

Sub-Area A: 36

Sub-Area B: 20

Minimum Off-Street Loading Spaces:

Sub-Area A: 1 (10'W x 25'L x 12'H)

Sub-Area B: 0

Maximum Building Height (feet):

Sub-Area A: 147

Sub-Area B: 88

Minimum Setbacks: Per Plans

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