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Legislation Details (With Text)

File #: SO2019-7967
Type: Ordinance **Status:** Passed
File created: 10/16/2019 **In control:** City Council
Final action: 12/18/2019
Title: Zoning Reclassification Map No. 1-E at 233 E Ontario St - App No. 20226
Sponsors: Misc. Transmittal
Indexes: Map No. 1-E
Attachments: 1. SO2019-7967.pdf, 2. O2019-7967.pdf

Date	Ver.	Action By	Action	Result
12/18/2019	1	City Council	Passed as Substitute	Pass
12/10/2019	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
10/16/2019	1	City Council	Referred	

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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 DX-12 Downtown Mixed Use District symbols and indications as shown on Map No. 1-E in an area bounded by:

East Ontario Street, a line 265.0 feet west of and parallel to North Fairbanks Court; the alley next south of and parallel to East Ontario Street; a line 295.75 feet west of and parallel to North Fairbanks Court

to the designation of Commercial Planned Development No. _____ and a corresponding use district is hereby established in the area above described.

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

Common Address: 233 East Ontario Street, Chicago, Illinois

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COMMERCIAL PLANNED DEVELOPMENT NO. PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Commercial Planned Development No. consists of approximately 3,689.99 square feet of property which is depicted on the attached Planned Development Boundary Plan ("Property") and is owned or controlled by the Applicant, 233 E. Ontario Hotel Propco LLC.
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 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 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 adjustments of right-of-way, shall require a separate submittal to the Department of Transportation on behalf of the Applicant or its successors, assignees, or grantees.

APPLICANT: 233 E. ON TARIO HOTEL PROPCO LLC
ADDRESS: 233 E. ONTARIO ST.
INTRODUCED: OCTOBER 16, 2019
PLAN COMMISSION: NOVEMBER 21, 2019

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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 work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction 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 the Department of Transportation. 4. This Plan of Development consists of these seventeen (17) Statements; a Bulk Regulations and

Data Table; an Existing Zoning Map; an Existing Land Use Map; a Planned Development Boundary Plan; Site Plan; and Building Elevations prepared by Jonathan Splitt Architects Ltd. submitted herein. Full size copies of the Site Plan and Building Elevations are on file with the Department of Planning and Development. 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 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

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2

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Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses shall be allowed within the area herein delineated as Commercial

Planned Development:

- Eating and Drinking Establishments (all, including Taverns in conjunction with a Hotel/Motel)
- Food and Beverage Retail Sales including Liquor Store (packaged goods),
- Liquor Sales (as accessory use)
- Hotel/Motel
- Accessory Parking
- Personal Service
- Retail Sales, General
- Related facilities 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 the Department of Planning and Development. 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 site 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 3,689.99 square feet.
9. The Applicant acknowledges that the planned development contains an existing building

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3

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with an FAR of 15.1. Applicant may receive bonus FAR of up to 15.9 FAR, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR the total FAR for the Planned Development is up to 15.9 FAR. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Section 17-4-1003-13 & C prior to the issuance of a building permit that requires use of FAR over 15.1. Further, if the Planned Development is constructed in phases the bonus payment may be paid on a pro rata basis as the building permit for each subsequent building or phase of construction is issued over an FAR of 15.1. 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 and shall be based on the difference of the floor area used in excess of 15.1 FAR. 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.

10. 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 the Department of Planning

and Development. The fee, as determined by staff at the time, is final and

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PLAN COMMISSION: NOVEMBER 21, 2019

4

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

11. 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.
12. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-085 of the Municipal Code, or any other provision of that Code.
13. 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.

14. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enable and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayors 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 standards of accessibility.

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15. 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 for minor renovations, in effect at the time the Part 11 review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

16. 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 M/WBE and city resident participation, an Applicant 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

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PLAN COMMISSION: NOVEMBER 21, 2019

6

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residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review, 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, the Applicant must provide DPD with the actual level of M/WBE and city resident participation, 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.

17. This Planned Development shall be governed by Sec. 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Zoning Administrator of the Department of Planning and Development shall initiate a Zoning Map Amendment to rezone the property to DX-12.

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7

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BULK REGULATIONS AND DATA TABLE

NET SITE AREA:

AREA IN RIGHT-OF-WAY

GROSS SITE AREA:

3,690 s.f. 1,445 s.f. 5,135 s.f.

MAXIMUM FAR:

EXISTING FAR (existing w/bonus): 12.0 base, 15.1 existing w/bonus PROPOSED FAR:

0.8 TOTAL FAR: 15.9

MAXIMUM BUILDING HEIGHT:

SETBACKS:

FRONT YARD: REAR YARD: SIDE YARDS:

O'-O" O'-O" O'-O"

HOTEL ROOMS:

PARKING SPACES:

0 (the existing loading space does not meet current zoning requirements)

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AREA ZONING & LAND USE

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P.D. BOUNDARY & AREA PLAN

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ROOFTOP DECK BUILDOUT 233 EAST ONTARIO STREET CHICAGO, IL 60611
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project IVY HOTEL

ROOFTOP DECK 3UILDOUT 233 EAST ONTARIO STREET CHICAGO, :L iOiW

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ROOFTOP DECK 3UILDOUT 233 EAST ONTARIO STREET CHICAGO, IL foOfvii

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To: Alderman Tom Tunney
Chairman, City Council Committee 641 Zoning

Date: November 21, 2019

Re: Proposed Commercial Planned Development (233 E. Ontario Street)

On November 21, 2019, the Chicago Plan Commission recommended approval of a proposed Commercial Planned Development submitted by 233 E Ontario Hotel Propco LLC. The applicant proposed to rezone the subject property from DX-12 (Downtown Mixed-Use District) to a Commercial Planned Development to allow for the installation of a retractable structure to enclose the existing roof top terrace for the Ivy Hotel. The applicant will utilize the Neighborhood Opportunity Fund Bonus to increase the overall FAR from 15.1 to 15.9. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-0756.

Cc: PD Master File (Original PD, copy of memo)

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