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Legislation Details (With Text)

File #: SO2020-2406
Type: Ordinance **Status:** Passed
File created: 5/20/2020 **In control:** City Council
 Final action: 7/22/2020

Title: Zoning Reclassification Map No. 1-F at 171-185 N Halsted St, 729-741 W Lake St and 728-740 W Couch Pl - App No. 20405

Sponsors: Misc. Transmittal

Indexes: Map No. 1-F

Attachments: 1. O2020-2406.pdf, 2. SO2020-2406.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|---|----------------------|--------|
| 7/22/2020 | 1 | City Council | Passed as Substitute | Pass |
| 7/21/2020 | 1 | Committee on Zoning, Landmarks and Building Standards | Recommended to Pass | |
| 5/20/2020 | 1 | City Council | Referred | |

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ORDINANCE

5£ IT ORDA INED B Y 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 of the Residential-Business Planned Development No. 1252 District symbols and indications as shown on Map No. 1 -F in the area bounded by.

North Halsted Street; West Lake Street; a line 151.11 feet east of and parallel to North Halsted Street; and West Couch Place,

to those of a Residential-Business Planned Development No. 1252, 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 thereto and to no others.

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

Common Address of property: 171-185 North Halsted Street; 729-741 West Lake Street and 728-740 West Couch Place

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1252, IS

PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number TBD ("Planned Development") consists of approximately 22,505 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). Parker Owner, LLC is the 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 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, 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 amendment consists of 17 statements; all previous exhibits as approved, from the September 10, 2014 Council Journal (pages 88631, to XS640) with the exception of the following new exhibits as prepared by Booth Hansen, submitted herein: floor plan, site plan, and photographs of the exterior storefront. The Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the DPD.

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 Zoning Ordinance, this Planned Development ordinance shall control.

The following uses are permitted in the area delineated herein as a Residential Business Planned Development: Multi-Family Dwelling Units above the Ground Floor; Co-Located Wireless Communication Facilities; Cultural Exhibits and Libraries; Day Care; Postal Service; Public Safety Services; Animal Services; Artist Work or Sales Space; Building Maintenance Services; Business Equipment Sales and Service; Business Support Services; Communication Service Establishments; Eating and Drinking Establishments; Entertainment (except Medium Venue and Banquet or Meeting Malls); Financial Services (excluding pawn shops and pay day loan stores); Food and Beverage Retail Sales (provided Liquor Sales shall not be included); Liquor Packaged Goods Sales; Medical Service; Office; Personal Service; Repair or Laundry Service, Consumer; Retail Sales, General; and Vehicle Sales and Service (Auto Supply/Accessory Sales, only); and related, incidental and accessory uses and accessory parking.

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 DPD. Off-premises signs are prohibited within the boundary of the Planned Development.

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.

The permitted Floor Area Ratio identified in the Bulk Regulations Table has been determined using a Net Site Area of 22,505 square feet and a base FAR of 7 and additional FAR for proposed FAR bonuses as follows:

Description

Base FAR:

Upper Level Setbacks

Affordable Housing:

Adopt-a-Landmark:

TOTAL FAR:

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. 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 titleholders 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 seek LEED certification and provide a 50 percent net green roof equivalent to an actual total of 8,774 square feet.
15. The Applicant acknowledges and agrees that the rezoning of the Property from the DX-7 Downtown Mixed-Use District to Residential Business Planned Development for this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance" or "AHO"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii).

The Applicant further acknowledges and agrees that this Planned Development is subject to Section 17-4-1004-D of the Zoning Code, which also requires on-site affordable housing or payment of a fee in lieu of providing affordable housing for rezonings in DC. DX and

DR districts that increase the base floor area ratio. If a planned development is subject to the requirements of both sections (2-45-110 and 17-4-1004-D), the developer may elect to satisfy the AHO requirements by complying with the affordable housing floor area bonus provided for in Section 17-4-1004. Applicant has elected to comply with Section 17-4-1004. Pursuant to Section 17-4-1004-B of the Zoning Ordinance, the Applicant has requested an increase in the floor area ratio for the Property, as set forth in the bonus worksheet required under Section 17-4-1003-D and attached hereto as Exhibit L ("Bonus Worksheet"). In accordance with the formulas set forth in Section 17-4-1004-C and the Bonus Worksheet, the Applicant acknowledges and agrees that it must provide either a minimum of at least 9,846 square feet of floor area (the "Affordable Units") in the building receiving the affordable housing floor area bonus ("Eligible Building"), with an affordable unit mix comparable to the overall mix and approved by DPD's density bonus project manager prior to issuance of the first building permit, or make a cash payment in lieu of providing affordable housing in the amount of \$913,703 ("Cash Payment"), or \$100,000 per unit ("Pro Rata Amount"). Prior to the issuance of any building permits for the Eligible Building, including, without limitation, excavation or foundation permits, the Applicant must either make the required Cash Payment or provide a performance bond or other security in the amount of the Cash Payment ensuring construction of the Affordable Units.

If the Applicant elects to construct the Affordable Units, it must also enter into an Affordable Housing Agreement with the City pursuant to Section 17-4-1004-E9 prior to the issuance of any building permits for the Eligible Building, including, without limitation, excavation or foundation permits. The terms of the Affordable Housing Agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the Affordable Housing Agreement will be recorded against the Eligible Building and will constitute a lien against each Affordable Unit in an amount equal to the Pro Rata Amount. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit. In addition to the Affordable Housing Agreement, the Applicant acknowledges and agrees that, pursuant to Section 17-4-1003-03, the Bonus Worksheet will serve as an official record of bonuses and amenities. The Applicant must comply with the applicable affordable housing standards and requirements set forth in Section 17-4-1004, (the terms of which are incorporated herein by this reference. Notwithstanding anything to the contrary contained in Section 17-4-1003-E, the Commissioner of the Department of Planning and Development may enforce remedies for breach of the Affordable Housing Agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.

16. Pursuant to the Adopt-a-Landmark Bonus provisions of Section 17-4-1022 of the Zoning Ordinance, the Applicant has requested an increase in the floor area of the Property based on the proposed restoration of the Mid-City Trust and Savings Bank located at 2 South Halsted Street/801 West Madison Street, Chicago, Illinois (the "Landmark Project"). Pursuant to Section 17-4-1022 of the Zoning Ordinance, the Commissioner of DPD (the "Commissioner"), acting on behalf of the City and the Commission on Chicago Landmarks, is authorized and directed to enter into an agreement with the Applicant and

if different from the Applicant, the owner(s) of the Landmark Building, regarding the manner in which funds for renovation work in the Landmark Building relating to the Adopt-a-Landmark Bonus, as approved by the Commission on Chicago Landmarks, will be used. On August 7, 2014, the Commission on Chicago Landmarks approved a Scope of Work and Budget for the Landmark Project, providing for the expenditure of \$735,000 in project costs, of which \$730,963 corresponds to a floor area bonus of 1.40. The agreement shall be in a form approved by the Corporation Counsel and shall be executed and submitted to DPD prior to the issuance of any approvals pursuant to Section 17-13-0610 of the Chicago Municipal Code ("Part II"). The terms and conditions of the Landmark Project Scope of Work and Budget may be modified administratively by the Commissioner in accordance with the provisions of Statement 12 of this Planned Development and as described in the Landmark Project Scope of Work and Budget. 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, the Office of the Zoning Administrator, the Department of Law, and DPD. The work described on the Landmark Project Scope of Work and Budget 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 any certificate of occupancy for the Property.

17. 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 (underlying zoning that formed the basis of this Planned Development)

RESIDENTIAL- BUSINESS PLANNED DEVELOPMENT NO. 1252. AS AMENDED BULK REGULATION AND

DATA TABLE

Gross Site Area: Area in Right-of-Way: Net Site Area:

Base Floor Area Ratio (FAR):

Upper Level Setbacks Bonus:

Affordable Housing Bonus:

Adopt-a-Landmark Bonus:

Total Maximum FAR:

Maximum Number of Dwelling Units:

Minimum Number of Off-Street Parking Spaces:

Maximum Number of Off-Street Parking Spaces:

Minimum Number of Bicycle Spaces:

Maximum Building Height: Minimum Setbacks:

38,640

16,135

22,505

7.00

1.00

1.75

I. 40

II. 15

227

137 or .6 spaces per dwelling unit

249 or 1.1 spaces per dwelling unit 50

315 feet Per Site Plan

(Non-binding) Letter of Intent 10/29/2019

a

Couch P/ftce

Exhibit B:

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The Parker Fulton Market - Google Maps

Google Maps The Parker Fulton Market

Imagery ©2020 Maxar Technologies, Sanborn, U.S. Geological Survey, USDA Farm Service Agency. Map data ©2020 50 ft = ;

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Chicago, Illinois

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Department of Planning and Development city of chicago

MEMORANDUM

To: Alderman Thomas Tunney
Chairman, City Council Committee on Zoning

From: /
MauriceD. Cox
Chicago Plan Commission

Date: June 18, 2020

Re: Proposed Amendment to Residential-Business Planned Development for the property generally located at 733 West Lake Street

On June 18, 2020, the Chicago Plan Commission recommended approval of the proposed amendment to the planned development submitted by, 733 W. Lake St., Inc. A copy of the proposed amendment to the planned development is 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 and Land Use recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-9476.

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

121 NORTH LASALLE STREET. ROOM 1000. CHICAGO ILL INOIS 60602