



# Office of the City Clerk

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

## Legislation Text

File #: SO2017-8890, 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 of the RS-3 Residential Single-Unit District symbols and indications as shown on Map Number 3-G in the area bounded by:

A line 218.0 feet north of and parallel to West Chestnut Street; a line 82.0 feet east of and parallel to North Noble Street; a line 128.0 feet north of and parallel to West Chestnut Street; a line 200 feet east of and parallel to North Noble Street; West Chestnut Street; North Noble Street.

To those of a B2-3 Neighborhood Mixed-Use District;

SECTION 2. Changing all of the B2-3 Neighborhood Mixed-Use District symbols and indications as shown on Map Number 3-G in the area bounded by:

A line 218.0 feet north of and parallel to West Chestnut Street; a line 82.0 feet east of and parallel to North Noble Street; a line 128.0 feet north of and parallel to West Chestnut Street; a line 200 feet east of and parallel to North Noble Street; West Chestnut Street; North Noble Street.

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

SECTION 3. This ordinance takes effect after its passage and due publication.

Common Address of the Property: 1340-1358 W. Chestnut Street; 901-921 N. Noble Street

## **FINAL FOR PUBLICATION**

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. [ ]  
PLANNED DEVELOPMENT STATEMENTS

The area delineated herein as Residential Planned Development Number | ], ("Planned Development") consists of approximately 32,980 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Applicant, St. Boniface, LLC.

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 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 of the Zoning Ordinance.

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 Plans.

Ingress or egress shall be pursuant to the Plans 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.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("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 be reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks

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- ADA crosswalk ramps
- Parkway & landscaping

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

4. This Plan of Development consists of 19 Statements: a Bulk Regulations Table; an Existing Land Use Map; CDOT approved Site Plan; approved Affordable Housing Profile form; an existing Zoning Map; a Planned Development Boundary and Property Line Map; a Subarea Map; a Site/Ground Floor Plan; a Landscape Plan; and Building Elevations prepared by Space Architects and Planners and dated April 19, 2018, submitted herein. Full-sized copies of the Site Plan, Landscape 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 Zoning Ordinance, this Planned Development Ordinance shall control.
5. In each of the following Sub Areas, the following uses shall be permitted in this Planned Development:  
  
    Subarea A: Multi-family residential, office, children's play center, day care, accessory parking; and accessory and related uses; Subarea B: Multi-family residential, accessory parking; and accessory and related uses;  
    and  
    Subarea C: Multi-family residential, accessory parking; and accessory and related 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 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 Table has been determined using a Net Site Area for each of the three subareas as follows:

Subarea A: 4,100 square feet; Subarea B: 13,776 square feet; and Subarea C: 15,104 square feet.

9. The development of Subareas A and B shall be completed in the initial phase of the Residential Planned Development. The issuance of a certificate of occupancy for the residential uses in Subareas A and B is contingent upon the completion of the interim landscaping and fencing improvements in Subarea Q. as further detailed in the attached exhibits. The further development of Subarea C is subject to site plan approval by the Department of Planning and Development.

Prior to the Part II Approval (Section 17-13-0610 of the Chicago Zoning Ordinance) in Sub-Area C, the Applicant, or its successors, assigns or grantees, shall submit a site plan, landscape plan and building elevations for Sub-Area C for review and approval by the Department of Planning and Development (DPD). Review and approval by DPD is intended to assure that specific development components substantially conform with the Planned Development (PD) and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals (Section 17-13-0800) need only include that portion of the Property for which approval is being sought by the Applicant. The site plan provided shall include all dimensioned and planned street Rights-of-Way.

No Part II Approval for any portion of the Property shall be granted until Site Plan approval has been granted. Following approval by DPD, the approved Sub-Area Site Plan Approval Submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the PD.

After approval of the Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement 10. In the event of any inconsistency between approved plans and the terms of the PD, the terms of the PD shall govern. Any Sub Area Site Plan Approval Submittals shall, at a minimum, provide the following information:

- fully-dimensioned site plan (including a footprint of the proposed improvements);
- fully-dimensioned building elevations;
- fully-dimensioned landscape plan(s); and,
- statistical information applicable to the subject Sub-Area, including floor area, the applicable FAR, uses to be established, building heights and setbacks.

Sub Area Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the Planned Development.

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 binding on the

Applicant and must be paid to the Department of Revenue prior to the issuance of any Part 11 approval.

11. 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 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, Fleet and Facility Management and Buildings, under Section 13-32-125 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. The owner of any subarea may apply for a minor change for that subarea without requiring approval by the owners of the remaining subareas.
14. 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.
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 (he number of points necessary to meet the requirements of the Chicago 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.
16. Due to the city's prior ownership and sale of the Property and subsequent consent to transfer the Property to the Applicant, the Applicant acknowledges and agrees that the Planned Development is subject to the requirements of Section 2-45-115 of the Municipal Code (the "2015 Affordable Requirements Ordinance" or "ARO"). Any developer of a "residential housing project" within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project ("ARO Units") as affordable units, or with the approval of the Commissioner of the Department of Planning and Development ("DPD"), provide the ARO Units in an approved off-site location; (ii) pay a fee in lieu of the development of the ARO Units; or (iii) any combination of (i) and (ii); provided, however, that residential housing projects with 20 or more units must provide at least 25% of the ARO Units on-site or

off-site ("Required Units"). If the developer elects to provide ARO Units off-site, the off-site ARO Units must be located within a two-mile radius from the residential housing project and in the same or a different higher income area or downtown district. The Property is located in a "higher income area" within the meaning of the ARO, and

the project has a total of 45 units, only 41 of which are subject to the ARO. The remaining four units are located in a building that the Developer is constructing for and donating to Northwestern University Settlement Association pursuant to a redevelopment agreement to be entered into with the City. These four units will be subject to separate affordability requirements. As a result, the Applicant's affordable housing obligation is 4 affordable units (10% of 41 rounded down), one of which is a Required Unit (25% of 4). Applicant has agreed to satisfy its affordable housing obligation by providing 4 affordable units in an off-site location, as set forth in the Affordable Housing Profile Form attached hereto. The Applicant has requested permission to provide affordable rental units, instead of affordable for-sale units, and the City has agreed to waive the requirement set forth in Section 2-45-115 (U)(2) that condominium or other for-sale developments must provide for-sale affordable units. The City has agreed to waive this requirement in recognition of the Developer's obligation to preserve the Character Defining Features of the historic St Boniface Church, as defined in Statement 18 of this PD. The Applicant agrees that the affordable rental units must be affordable to households earning no more than 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City. If the Applicant subsequently reduces (or increases) the number of housing units in the project, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval. DPD may adjust the requirements to reflect any such change without amending the Planned Development. Prior to the issuance of any building permits for any residential building in the Planned Development, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in accordance with Section 2-45-115(L). 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 Planned Development, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner may enforce remedies for any breach of this Statement 15, including any breach of any 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.

17. 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. As part of the Applicant's Redevelopment Agreement, the Applicant is required to achieve the following standards, at a minimum: 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). Furthermore, 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 two points in the city approval process. First, 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) the Applicant's 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) the applicant's M/WBE and city

resident participation goals. Second, 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.

18. The Applicant acknowledges that the Planned Development (PD) includes a building commonly known as St. Boniface Church (located in Sub-Area B of the PD) and identified as potentially significant in the Chicago Historic Resources Survey. Pursuant to the Municipal Code of Chicago, Sections 17-8-0911 and 13-32-230, the Applicant acknowledges that PD should give priority to the adaptive reuse of historic buildings which are color-coded red or orange in the Chicago Historic Resources Survey. Therefore, the Applicant agrees to retain and preserve the character-defining features of the building. The character-defining features are identified as: exterior walls and rooflines. In general, original features and materials of the character-defining features should be retained and preserved as much as reasonably possible, while any changes should be compatible with the building's historic character. Such work to the character-defining features shall be subject to the review and approval of the Department of Planning and Development as a part of the Part II Review.
19. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. 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 B2-3 Neighborhood Mixed Use District.

REGULATIONS TABLE

Gross Site Area: 32,980 sq. ft. (0.76 acres)

Net Site Area: 32,980 sq. ft. (0.76 acres)

Net Site Area of each Sub Area:

Sub Area A: Sub Area B: Sub Area C:

Maximum FAR:

Sub Area A: Sub Area B: Sub Area C:

4,100 square feet 13,776 square feet 15,104 square feet

3.0

1.8 3.3 3.0

Maximum Number of Dwelling Units:

Sub Area A Sub Area B Sub Area C

4

17

24

Maximum Building Height:

Sub Area A Sub Area B Sub Area C

Commercial Space:

Sub Area A Sub Area B Sub Area C

28'-0"

121 '-0" (at existing steeple) 53'-0"

2,000 square feet 0 square feet 0 square feet

Minimum Parking Spaces:

Sub Area A Sub Area B Sub Area C

Applicant:

Address:

Introduced:

Plan Commission:

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St. Boniface, LLC  
1340-1358 W. Chestnut; 901-921 N. Noble December 13, 2017

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Minimum Bicycle Parking

Sub Area A Sub Area B Sub Area C

4  
17  
12

Minimum Loading Berths:

Sub	Area	A:	0	Sub	Area	B:	0
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Sub Area C: 0

Applicant:  
Address:  
Introduced:  
Plan Commission:  
St. Boniface, LLC  
1340-1358 W. Chestnut; 901-927 N. Noble December 13, 2017

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To:

Alderman DanioLS'. Solis Chairman, City' Council Comniittec on Zoning

From:

David L. keifman Chicago Plan Commission

Date: April 19, 2018

Re: 1340-1358 W. Chestnut / 901-921 N. "Noble

On April 19, 2018, the Chicago Plan Commission recommended approval of the proposed planned development submitted by St. Boniface, LLC. A copy of the proposed planned development is attached. I would very much appreciate your assistance in having this introduced al the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Cornrnission 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, ILLINOIS 60602