



Office of the City Clerk

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

Legislation Text

File #: SO2019-6862, **Version:** 1

Final for Publicati

ORDINANCE

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing aii of the C1-3 Neighborhood Commercial District and the C3-3 Commercial, Manufacturing and Employment District symbols and indications as shown on Map 7-H in the area bounded by:

the North Branch of the Chicago River; Fullerton Avenue; North Elston Avenue; North Damen Avenue

to those of a C3-3 Commercial, Manufacturing and Employment District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all ofthe C3-3 Commercial Manufacturing and Employment District symbols and indications as shown on Map 7-HL in the area bounded by:

the North Branch of*, the Chicago River; Fullerton Avenue; North Elston Avenue; North Damen Avenue

to those of a Waterway 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.

2501 North Damen Avenue / 1880 West Fullerton Avenue / 2417 North Elston Avenue, Chicago, Illinois

EAST* 168776329.3

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WATERWAY PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Waterway Planned Development Number _____ (the "Planned Development") consists of approximately 407,862 net square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property"). Drive Shack Chicago LLC is the "Applicant" for this Planned Development.
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 "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 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.

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 gutter width of alleys streets Curb Full and

- Pavement markings
- Sidewalks
ADA crosswalk ramps Parkway &
landscaping

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Chicago, Illinois Introduced:
September 18, 2019 Plan Commission: January 23,
2020

EASTU 71706352.2

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall require 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.

The Applicant commits to fund and implement safety lighting under the Damen Avenue Bridge prior to issuance of the final Certificate of Occupancy. Such lighting 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. Upon installation of the lighting, such lighting will be owned, operated and maintained by the City.

4. This Planned Development consists of these 16 Statements; a Bulk Regulations and Data Table and the following exhibits and plans attached hereto prepared by DDCA Architects and dated September 18, 2019 (the "Plans"): an Existing Land Use Map; an Existing Zoning Map; a PD Property Line and Boundary Map; a Site Plan; a Dimensioned Landscape Plan; a Landscape Notes and Schedule; an Open Space Exhibit; and Building Elevations (North, South, East and West), prepared by Kimley Horn and dated January 23, 2020. 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 thereof, 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. The following uses are permitted in the area delineated herein as a Waterway Planned Development: entertainment and spectator sports establishments of any type and capacity, other than inter-track wagering facilities; sports and recreation, participant (indoor and outdoor); general retail sales; food and beverage sales, including liquor sales; eating and drinking establishments, including restaurant, tavern and outdoor patio; wireless communication facilities; accessory parking, and incidental 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 DPD.

The Property presently includes a non-conforming freestanding off-premise sign, measuring a total of 672 square feet pursuant to Permit Number 100244726, issued May 28, 2009 (the "Existing Sign"). The Existing Sign is double-faced,

with an angle less than 30 degrees of parallel. The Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors shall be permitted to maintain the Existing Sign, provided that such sign shall not be expanded or upgraded except for routine maintenance and repair, pursuant to the provisions of Section 17-15-0500 of the Zoning Ordinance. Change of copy or sign face shall be permitted.

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New business identification signage at the Property will be limited to an allowance of 600 additional square feet, for an aggregate maximum total sign area of 1,272 square feet within the planned development pursuant to Section 17-12-1003-E, until the planned development is brought into compliance with Chapter 17-12-1000, et seq, and in such event, the sign standards of the C3-3 District shall apply.

New 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 Property 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 overall FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 407,862 square feet.
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 of Chicago, 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 title holders 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 obtain the number of points necessary to

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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.

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 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 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 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.
16. The Applicant acknowledges the importance of the Chicago River as a resource for both commerce and recreation and also acknowledges the City's goals of improving the appearance, quality and accessibility of the river, as contained in

the waterway planned development guidelines contain in the Chicago Zoning Ordinance (Section 17-8-0912) and the Chicago River Design Guidelines. The Applicant also acknowledges the desirability to include wildlife habitat and other natural features in or near the water's edge. To further these goals, the Applicant agrees to: (a) provide and maintain a landscaped minimum 30- foot-wide river setback and continuous 30'-wide riverside trail as indicated on the Site Plan, Public and Common Open Space Plan and Landscape Plan; and, (b) permit connection of such setback and trail to the setback and trails of adjacent properties when the river edges of the adjacent properties are similarly improved. The Applicant shall permit un-gated public access to the river setback and provide informational and wayfinding signage following the Chicago River Brand and Sign Guidelines at all entries to the riverwalk that the riverwalk is open to the public, free of charge, during normal park hours from 6:00 a.m. to 11 p.m. The Applicant shall provide the menu of improvement items identified on the

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Landscape Plan with supporting documentation necessary to meet the requirements of the Chicago River Design Guidelines, in effect at the time the Part 11 review process. All improvements within the river setback must substantially be completed prior to receipt of Certificate of Occupancy for the principal building, provided that planting may be delayed, if consistent with good landscape practice, but not longer than one year following receipt of the occupancy certificate.

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 the C3-3 Commercial, Manufacturing and Employment District.

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WATERWAY PLANNED DEVELOPMENT NO.

BULK REGULATIONS AND DATA TABLE

Gross Site Area (.sf):	629,857
Area of Public Rights-of-Way (sf):	221,995
Net Site Area (sf):	407,862
Maximum Floor Area Ratio:	I
Minimum Accessory Off-Street Parking Spaces:	337
Minimum Off-Street Loading Spaces:	(I) 10ft x 25ft
Maximum Building Height:	54'
Minimum Setbacks:	In conformance with the Plans
Dwelling Units:	0

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RETAIL 1 STORY
RES. 2 STORY
COMM. 1 STORY
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»' / GRAPHIC SCALE IN FEET
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RES.
RES.
3 STORY
RETAIL 1 STORY
RESI. 4 STORY
4 STORY
RETAIL 1 STORY

EXISTING LAND USE MAP

APPLICANT- DRIVE SHACK CHICAGO LLC ADDRESS, 2417 N. ELSTON AVENUE INTRODUCED: OCTOBER 25, 2019 PLAN COMMISSION JANUARY 23, 2020

GRAPHIC SCALE IN FEET

0 100 200 400

EXISTING ZONING MAP

APPLICANT- DRIVE SHACK CHICAGO LLC ADDRESS, 2417 N. ELSTON AVENUE INTRODUCED: OCTOBER 25, 2019 PLAN COMMISSION JANUARY 23, 2020

PLAN JANUARY 23, 2020

DIMENSIONED LANDSCAPE PLAN

APPLICANT DRIVE SHACK CHICAGO LLC ADDRESS 2417 N ELSTON INTRODUCED OCTOBER 25, 2019 PLAN JANUARY 23, 2020

LANDSCAPE CODE REQUIREMENTS - CHICAGO, IL

CODE | REQUIREMENT | PROPOSED

SECTION 17-11-0100. PARKWAY TREES

1 TREE FOR EVERY 25' OF STREET FRONTAGE, ELSTON AVENUE 821' LF. 1 CANOPY TREE EVERY 25' EX 1 SITING CANOPY TREES, 4 PLANTED 25' ON CENTER

ADDITIONAL CANOPY TREES TO MEET 25' LF ON CENTER

SECTION 17-11-0200 VEHICULAR USE AREAS

PERIMETER OF VEHICULAR USE AREAS FROM SHRUBS ALONG ELSTON AVENUE

SHRUB ROW PROVIDED

ALL ADJUTING STREETS MUST BE VISUALLY SCREENED BY A HEDGE HEDGF CONSISTS OF SHRUBS PLANTED 24" - 36" ON CENTER.

ORNAMENTAL FENCE INSTALLED

ADJACINT TO PUBLIC STREET RIGHT-OF-WAYS, ORNAMENTAL FENCING MUST BE INSTALLED BEHIND THE REQUIRED PERIMETER LANDSCAPE AREA, WITH A HEIGHT OF NO MORE THAN 5'.

REQUIRED ORNAMENTAL FENCE ALONG ELSTON AVENUE

C.

1 TREE EVERY 25' OF STREET FRONTAGE, PLANTED 75' ON CENTER

WEST PARKING AREA 450' LF OF DISPLACED PE13 CANOPY TREES PROVIDED IN LANDSCAPE *3,150(7" PLANTED) ADDITIONAL INTERNAL PARKING AREA PROVIDED ELSEWHERE ON SITE - 13

ELSTON AVENUE 731' LF. 1 CANOPY TREE EVERY 25' LF ON CENTER

SECTION 17-11-0203 INTERIOR LANDSCAPING

THE AREA OF INTERIOR LANDSCAPING MUST BE EQUAL TO EITHER 5%, 7.5% OR 10% OF THE TOTAL VEHICULAR USE AREA

VEHICULAR USE AREA = 108,270 SQUARE FEET 17,121 SQUARE FEET OF MINIMUM INTERIOR LANDSCAPE AREA 0 10' 10" LANDSCAPE AREA PROVIDED

1 TREE FOR EVERY 125 SQUARE FEET OF REQUIRED INTERIOR LANDSCAPE AREA

SQUARE FEET - 10 827 SQUARE FEET / 125 SQUARE FEET = 87x CANOPY TREES PROVIDED TREES REQUIRED

LANDSCAPE NOTES AND SCHEDULE

APPLICANT DRIVE SHACK CHICAGO LLC ADDRESS 2501 NORTH DAMEN AVENUE INTRODUCED OCTOBER 25, 2019

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OPEN SPACE EXHIBIT

APPLICANT DRIVE SHACK CHICAGO LLC ADDRESS, 2501 NORTH DAMEN AVENUE INTRODUCED, OCTOBER 25, 2019 PLAN COMMISSION JANUARY 23, 2020

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