

PD 1031

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City of Chicago
Richard M. Daley, Mayor

Department of Planning and
Development

Arnold L. Randall
Commissioner

City Hall, Room 1000
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<http://www.cityofchicago.org>

May 28, 2008

Mr. David Narefsky
Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606-4637

**Re: Administrative Relief request for Waterway Planned Development
No. 1031, 1500 West Webster Avenue**

Dear Mr. Narefsky:

Please be advised that your request for a minor change to Waterway Planned Development No. 1031 has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 15 of the Planned Development (PD). This PD was previously granted an Administrative Relief on January 31, 2008.

Specifically, you are requesting the following revisions:

- Reduce the parking within the boundaries of the development site from 27 to 25 parking spaces as a result of Fire Prevention Bureau requirements. Pursuant to agreements between the Applicant and the early childhood learning/day care center and tenants of the retail-restaurant building, employees of both the early childhood learning/day care center and of the retail-restaurant tenants will not park in the 25 off-street parking spaces.

To accommodate this requirement, agreements shall be executed with the owner of the mixed-use retail/movie theater development located immediately south of West Webster Avenue and east of North Dominick Street to provide at least 20 off-site parking spaces. All employees of the early childhood learning/day care center and tenants of the retail-restaurant building shall park in these off-site spaces. Any spaces not required for employees shall be available for patrons of the retail-restaurant building. Therefore, the off-site parking spaces shall increase from 16 to 20 spaces, resulting in an increase from 43 to 45 in the minimum number of off-street parking spaces.

- Redesign the retail-restaurant building by adding 3,840 square feet of commercial space on the second floor. There is no change in the permitted floor area ratio of 0.73.
- Substitute the following PD Exhibits, prepared by Pappageorge/Haymes Ltd, and dated May 5, 2008:
 - Exhibit 1 Bulk Regulations and Data Table
 - Exhibit 5 Proposed Site Plan





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Richard M. Daley, Mayor

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January 31, 2008

Mr. David Narefsky
Mayer Brown LLP
71 South Wacker Drive
Chicago, Illinois 60606-4637

**Re: Administrative Relief request for Waterway Planned Development
No. 1031, 1500 West Webster Avenue**

Dear Mr. Narefsky:

Please be advised that your request for a minor change to Waterway Planned Development No. 1031 has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 15 of the Planned Development (PD).

Specifically, you are requesting the following revisions:

- Abandoning the proposed vacation of North Dominick Street.
- Redesigning the early childhood learning center by reducing the width of the building so as not to extend into the North Dominick Street right of way and extending the building footprint for several feet in a southerly direction.
- Reconfiguring the parking to provide 27 parking spaces within the boundaries of the development site. Approximately 34 additional parking spaces will be located within the improved North Dominick Street right of way. These spaces will not count towards the project's required off-street parking. Employees of the early childhood learning center and retail-restaurant uses will continue to be required to park off-site. In addition, the minimum number of off-street parking spaces will be reduced from 55 to 43.
- Redesigning the retail-restaurant building.
- Substituting the following PD Exhibits:

Exhibit 1	Bulk Regulations and Data Table (1-17-08)
Exhibit 3	Planned Development Boundary and Property Line Map (8-21-07)
Exhibit 4	Land Use Plan (8-21-07)
Exhibit 5	Site Plan (8-21-07)
Exhibit 6	Landscape Plan (8-21-07)
Exhibit 7	Right of Way of Adjustment Plan (exhibit deleted as a result of abandonment of proposed vacation of Dominick Street) (8-21-07)
Exhibit 8	Riverwalk Access Plan (8-21-07)
Exhibit 9	Right of Way Improvement Plan (8-21-07)
Exhibit 10	Plan for Green Design Elements (8-21-07)



9/13/2006

REPORTS OF COMMITTEES

85151

15486

~~Reclassification Of Area Shown On Map Number 1-J.
(Application Number A-6014)~~

~~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 M1-2 Limited Manufacturing/Business Park District symbols and indications as shown on Map Number 1-J in the area bounded by:~~

~~the public alley next north of and parallel to West Carroll Avenue; a line 283.70 feet east of and parallel to North Homan Avenue; West Carroll Avenue; and a line 258.70 feet east of and parallel to North Homan Avenue,~~

~~to those of an RT4 Residential Two-Flat, Townhouse and Multi-Unit District.~~

~~SECTION 2. This ordinance takes effect after its passage and approval.~~

Reclassification Of Area Shown On Map Number 2-L.
(As Amended)

(Application Number 15486)

WPD 1031

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing the M3-3 Heavy Industry District symbols and indications as shown on Map Number 2-L in the area bounded as follows:

the east bank of the North Branch of Chicago River; the centerline of West Webster Avenue; the east line of North Dominick Street; and a line running southwesterly for a distance of approximately 232.12 feet from the point of termination of North Dominick Street to a point of intersection with the North Branch of the Chicago River,

to that of a C3-3 Commercial, Manufacturing and Employment District and then to a Waterway Planned Development and a corresponding use district is hereby established in the area described above.

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

Plan of Development Statements referred to in this ordinance read as follows:

Waterway Planned Development Number *1031*.

Plan Of Development Statements.

1. The area delineated herein as a Waterway Planned Development (the "Planned Development") consists of approximately ninety-six thousand seven hundred thirty-nine (96,739) square feet (or approximately two and twenty-two hundredths (2.22) acres) gross site area and seventy-four thousand five hundred fourteen (74,514) square feet (or approximately one and seventy-one hundredths (1.71) acres) net site area (the "Property"), which is depicted on Exhibit 3 -- Planned Development Boundary and Property Line and Map and for which West Webster, L.L.C. (the "Applicant") is the contract purchaser. Applicant has submitted its application with the consent of Lakin Property Partnership, the contract seller of the Property; and the City of Chicago, with respect to North Dominick Street.
2. Applicant shall obtain all official reviews, approvals or permits necessary to implement development of the Property. The intended vacation of a portion of North Dominick Street, to facilitate a portion of the proposed development, is identified on Exhibit 7 -- Public Way Adjustment Plan. This intended vacation (and any other vacation of streets or alleys, or easements, or adjustments of right-of-way, or consolidation or re-subdivision of parcels) shall require a separate submittal on behalf of the Applicant and approval by the City Council and issuance of any required permits.
3. In order to facilitate the Planned Development hereby approved, the City agrees to undertake and complete construction of the following: all improvements within the public rights-of-way within, or adjacent to and affecting, the Property, curb to curb as well as street lighting improvements on adjacent public sidewalks, specifically including paving, and metered parking within the improved right-of-way of North Dominick Street and curb and sidewalk improvements to West Webster Avenue (as reflected on Exhibit 9 -- Right-of-Way Improvement Plan). In addition, the City agrees to work cooperatively with Applicant with respect to the relocation of the Metropolitan Water Reclamation District interceptor sewer line that lies underneath North Dominick Street.
4. The requirements, obligations and conditions contained with this Planned Development shall be binding upon the Applicant, its successors and

assigns, and, if different than the Applicant, the legal titleholders or 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 or any ground lessors. The Applicant is hereby designated as the single designated controlling entity for the purposes of this Planned Development. "Single designated control" for purposes of this paragraph shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by the Applicant (and, to the extent applicable, its successors and assigns). Nothing herein shall prohibit or in any manner restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein.

5. This plan of development consists of these eighteen (18) statements and the following described exhibits, all such documents having been prepared by Pappageorge Haymes Architects, all dated July 20, 2006 (collectively, the "Plans", all of which are incorporated herein and made a part hereof by this reference):

- Exhibit 1 -- Bulk Regulations and Data Table;
- Exhibit 2 -- Existing Zoning Map;
- Exhibit 3 -- Planned Development Boundary and Property Line Map;
- Exhibit 4 -- Land-Use Plan -- Surrounding Properties;
- Exhibit 5 -- Site Plan;
- Exhibit 6 -- Landscape Plan;
- Exhibit 7 -- Right-of-Way Adjustment Plan;
- Exhibit 8 -- River Walk Access Plan;
- Exhibit 9 -- Right-of-Way Improvement Plan;
- Exhibit 10 -- Plan for Green Design Elements;
- Exhibit 11.1 -- Retail/Restaurant Building -- North and South Exterior Elevations;
- Exhibit 11.2 -- Retail/Restaurant Building -- East and West Exterior Elevations;

- Exhibit 11.3 -- Section at Riverwalk -- Facing North;
- Exhibit 11.4 -- Riverfront Fence Detail;
- Exhibit 11.5 -- Riverfront Elevation with Fence;
- Exhibit 12.1 -- Early Childhood Learning Center -- South Exterior Elevation;
- Exhibit 12.2 -- Early Childhood Learning Center -- North Exterior Elevation;
- Exhibit 12.3 -- Early Childhood Learning Center -- West Exterior Elevation;
- Exhibit 12.4 -- Early Childhood Learning Center -- East Exterior Elevation; and
- Exhibit 12.5 -- Early Childhood Learning Center -- Key to Materials.

Full-size sets of the Plans are on file with the Department of Planning and Development ("D.P.D."). This Planned Development is applicable to the Property and these and no other controls shall apply. This plan of development is in conformity with the intent and purposes of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of the City of Chicago and all requirements thereof, and satisfies the established criteria for approval as a planned development.

6. The following uses shall be permitted within the area delineated herein as a Waterway Planned Development: Uses permitted in a C3-3 Commercial, Manufacturing and Employment District, specifically including Day Care, Eating and Drinking Establishments and Retail Sales, General; Office; public open space; accessory off-street parking; and accessory uses. Residential uses shall not be permitted.
7. Use identification signs shall be permitted within the Planned Development, subject to review and approval by D.P.D.. Temporary signs such as construction and marketing signs shall also be permitted subject to the review and approval by the D.P.D.. No advertising signs shall be permitted within the Planned Development.
8. Any service drives or any other means of ingress or egress, including for emergency vehicles, shall be adequately designed and paved in accordance with the provisions of the Municipal Code and the regulations of the Chicago Department of Transportation ("C.D.O.T.") in effect at the time of

construction, subject to review and approval by C.D.O.T. and D.P.D.. Ingress and egress shall also be subject to the review and approval of C.D.O.T. and D.P.D.. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standard for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Closure of all or any part of any public streets or alleys during demolition or construction shall be subject to the review and approval of C.D.O.T.. To the extent there is any conflict between the provisions of this Planned Development and the provisions of the Chicago Building Code, the provisions of the Chicago Building Code shall apply.

9. The maximum height of any building or any appurtenance thereto, in addition to any limitations prescribed in this Planned Development, shall also be subject to height limitations approved by the Federal Aviation Administration.
10. The maximum permitted floor area ratio ("F.A.R.") shall be in accordance with Exhibit 1 -- Bulk Regulations and Data Table. For purposes of F.A.R. calculations and floor area measurements, the definitions in the Chicago Zoning Ordinance shall apply; provided that, in addition to other exclusions from floor area permitted for determining F.A.R. under the Chicago Zoning Ordinance, all parking provided anywhere on the Property shall be deemed accessory parking and shall be excluded from the calculation of floor area.
11. All improvements to the Property shall be designed, installed and maintained in substantial conformance with the Plans.
12. (a) Off-street parking shall be provided for the Property in accordance with the provisions of Exhibit 1 -- Bulk Regulations and Data Table and as depicted on Exhibit 9 -- Right-of-Way Improvement Plan.

(b) Parking spaces to be constructed in the North Dominick Street right-of-way (as depicted on Exhibit 9 -- Right-of-Way Improvement Plan) (the "Dominick Street Parking Spaces") shall be metered and shall be available to the general public and shall not be limited to patrons of the retail and restaurant uses developed on the Property. Pursuant to a separate grant of privilege to use the public way, Applicant shall be responsible for maintenance and upkeep of the Dominick Street Parking Spaces.

(c) Pursuant to leases between Applicant and the early childhood learning center/day care center and the retail-restaurant tenants for the Property, employees of both the early childhood learning center/day care center and these retail-restaurant tenants will not park in either the off-street parking provided within the Property or the Dominick Street Parking Spaces. To

accommodate this requirement, it is expected that pursuant to one or more agreements with the owner of the mixed-use, retail/movie theatre development located immediately south of West Webster Avenue and east of North Dominick Street (the "Adjacent Mixed-Use Development"), all such employees shall instead utilize the off-street parking spaces provided as a part of the Mixed-Use Adjacent Development.

13. The Applicant acknowledges the importance of the Chicago River as a resource for commerce and recreation, specifically including riverfront bicycle path, and also acknowledges the City's goal of improving the appearance, quality and accessibility of the river. To further these goals, the Applicant agrees as follows:

- (a) Applicant will provide a thirty (30) foot river setback for all building structures as indicated in the Site Plan and Landscape Plan. The enclosed outdoor play area, that is accessory to the early childhood learning/day care, shall be permitted within the thirty (30) foot setback area, but must be setback a minimum of seventeen (17) feet from the Chicago River.

- (b) Applicant will provide a twelve (12) foot-wide riverwalk path along the length of the river frontage, with access points to the parking lot, and to West Webster Avenue by means of a staircase. Access to the riverwalk shall be ungated and shall be made available to the public for use at no charge, open during normal park hours (as established by Chicago Park District), and Applicant shall provide signage, as submitted to and approved by D.P.D. to indicate the riverwalk is publicly accessible. However, public access will not be permitted at times when access is required by the M.W.R.D. for servicing and maintenance of its facilities.

Additionally, Applicant shall provide public access to the riverwalk from West Webster Avenue via an elevator, as and to the extent such elevator is constructed to provide for customer and patron use as a part of the retail-restaurant use. Public access from this elevator shall be provided only during regular business hours of the retail-restaurant tenant. Alternatively, if such elevator is not provided for customer and patron use, public access to the riverwalk shall be provided from the rear of the retail-restaurant use.

To the extent that an outdoor patio area is developed to serve the retail-restaurant use, access to the riverwalk shall also be available from this outdoor patio area.

- (c) The riverwalk, which includes a pedestrian path, street access, landscaping, benches, railing and lighting shall be constructed in accordance with the Chicago River Corridor Design Guidelines and Standards and in consultation with D.P.D. and M.W.R.D.. The Applicant is responsible for the maintenance of all riverwalk improvements.

(d) Applicant shall install clear and legible signage on the Property, as submitted to and approved by D.P.D., identifying the publicly accessible bicycle path leading to and from the riverwalk. Applicant also agrees to use its best efforts to work with D.P.D. and adjacent property owners in the eventual development of a bicycle path that connects to the riverwalk and running along North Dominick Street, the seventeen (17) foot wide parcel located immediately east of the early childhood learning center/daycare center (along an easement granted that will be granted to the M.W.R.D.) and then along property immediately north of the location of the early childhood learning center/daycare center (also along an easement granted to the M.W.R.D.). Applicant shall permit encroachment of the bicycle path on the northeast corner of the Property to provide adequate turning radius, and shall make such other minor accommodations as are reasonable and necessary to establish a safe and convenient path.

(e) Applicant shall permit connection of the riverwalk to similar improvements to the north and south of the Property for the purpose of establishing a continuous riverfront bicycle path.

(f) Applicant agrees that the riverwalk path shall be dedicated with a public access easement as approved by the Department of Planning and Development. Applicant also agrees to permit such encroachments or accommodations as may be reasonably necessary, as approved by the Department of Planning and Development, to establish the bicycle path.

14. Landscaping shall be designed in accordance with Exhibit 6 -- Landscape Plan and applicable provisions of the Chicago Zoning Ordinance and the Guide to the Chicago Landscape Ordinance.
15. The terms, conditions and exhibits of this Planned Development may be modified administratively by the Commissioner of D.P.D., upon the application for such a modification by the Applicant and after a determination by the Commissioner that such a modification is minor in nature, appropriate and consistent with the nature of the improvements contemplated in this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of this Statement by the Commissioner of D.P.D. shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611-A of the Chicago Zoning Ordinance.
16. 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. To the extent applicable, plans for buildings and improvements on the property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("M.O.P.D.") to ensure compliance with all laws and regulations related to access for persons with disabilities and to promote the highest standard

of accessibility; provided, however, that the "Riverfront Access" staircase described in Statement 13 shall not be required to be accessible for the handicapped. No approvals shall be granted pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement, as applicable.

17. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings and improvements on the Property in a manner that promotes energy efficiency and maximizes the conservation of natural resources. Applicant shall comply with the requirements of the Green Design Matrix promulgated by D.P.D. and shall use reasonable efforts to design, construct and maintain all buildings located within the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System. As shown in Exhibit 1, each of the two (2) buildings to be developed on the Property will have green roofs, with the following square footages and percentages: Retail/Restaurant Building -- ten thousand two hundred eighteen (10,218) square feet (fifty percent (50%)); and Early Childhood Learning/Day Care Center five thousand one hundred (5,100) square feet (twenty-five percent (25%)).
18. Unless construction has commenced within six (6) years following adoption of this Planned Development, and unless completion thereof is diligently sought, then this Planned Development shall expire and the zoning of the property shall automatically revert to that of a C3-3. This six (6) year period may be extended for up to one (1) additional year if, prior to expiration, the Commissioner of D.P.D. determines that good cause for an extension is shown.

[Exhibit 2 -- Existing Zoning Map; Exhibit 3 -- Planned Development Boundary and Property Line Map; Exhibit 4 -- Land-Use Plan; Exhibit 5 -- Site Plan; Exhibit 6 -- Landscape Plan; Exhibit 7 -- Right-of-Way Adjustment Plan; Exhibit 8 -- River Walk Access Plan; Exhibit 9 -- Right-of-Way Improvement Plan; Exhibit 10 -- Green Design Elements; Exhibits 11.1 -- 11.3 -- Restaurant/Retail Building; Exhibit 11.4 -- Riverfront Fence Detail; Exhibits 12.1 -- 12.4 Early Childhood Learning Center; and Exhibit 12.5 -- Material Key referred to in these Plan of Development Statements printed on pages 85160 through 85178 of this *Journal*.]

Exhibit 1 -- Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Exhibit 1.

Bulk Regulations And Data Table.

1500 West Webster Avenue.

Gross Site Area:	96,739 square feet (2.22 acres)
Rights-of-Way:	22,225 square feet (0.51 acre)
Net Site Area	74,514 square feet (1.71 acres)
Floor Area Ratio (Net):	0.73
Number of Buildings:	2
Minimum Number of Off-Street Parking Spaces:	55
Minimum Number of Off-Street Loading Spaces:	1
Minimum Periphery Setbacks:	Per approved Site Plan
Maximum Building Height:	Per approved Building Elevations (+51 feet, 6 inches)
Maximum Site Coverage:	Per approved Site Plan (56.0%) (41,798 square feet)
Bicycle Parking Spaces:	7
Green Roof Percentage (Retail):	50% (10,218 square feet)
Green Roof Percentage (Daycare):	25% (5,100 square feet)

Exhibit 3.

Planned Development Boundary And
Property Line Map.

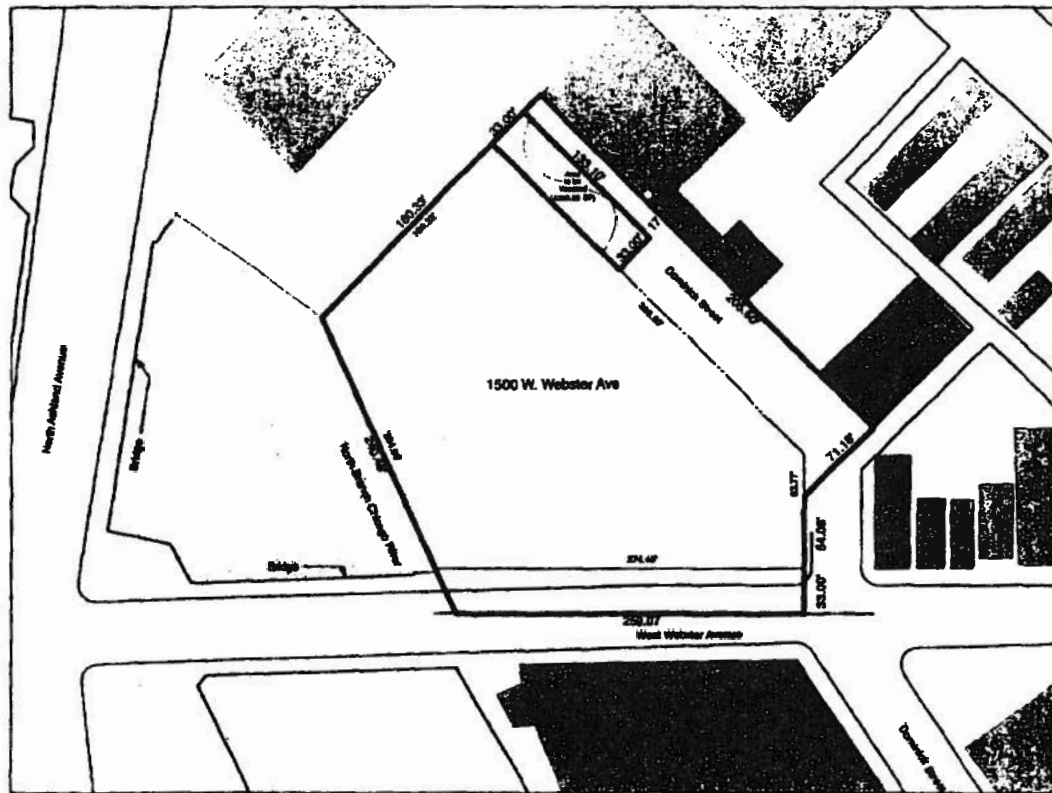


Exhibit 4.

Land-Use Plan.

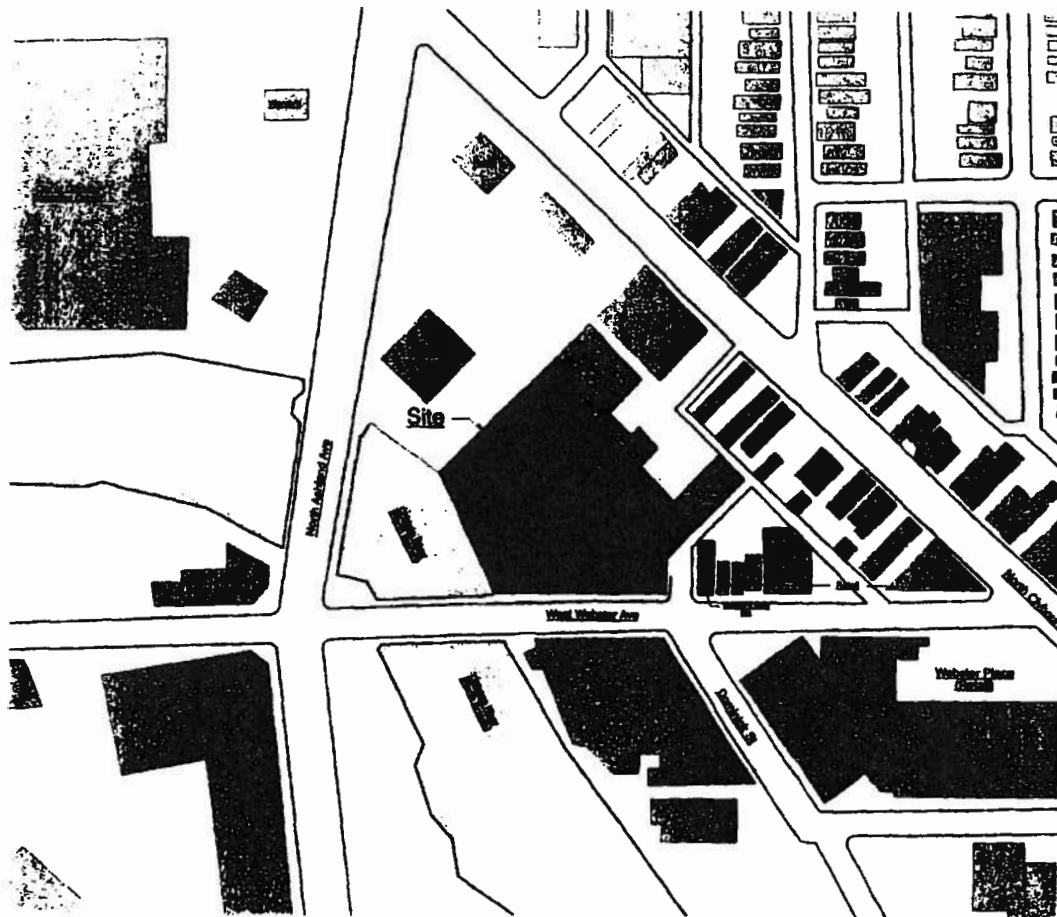


Exhibit 5.

Proposed Site Plan.

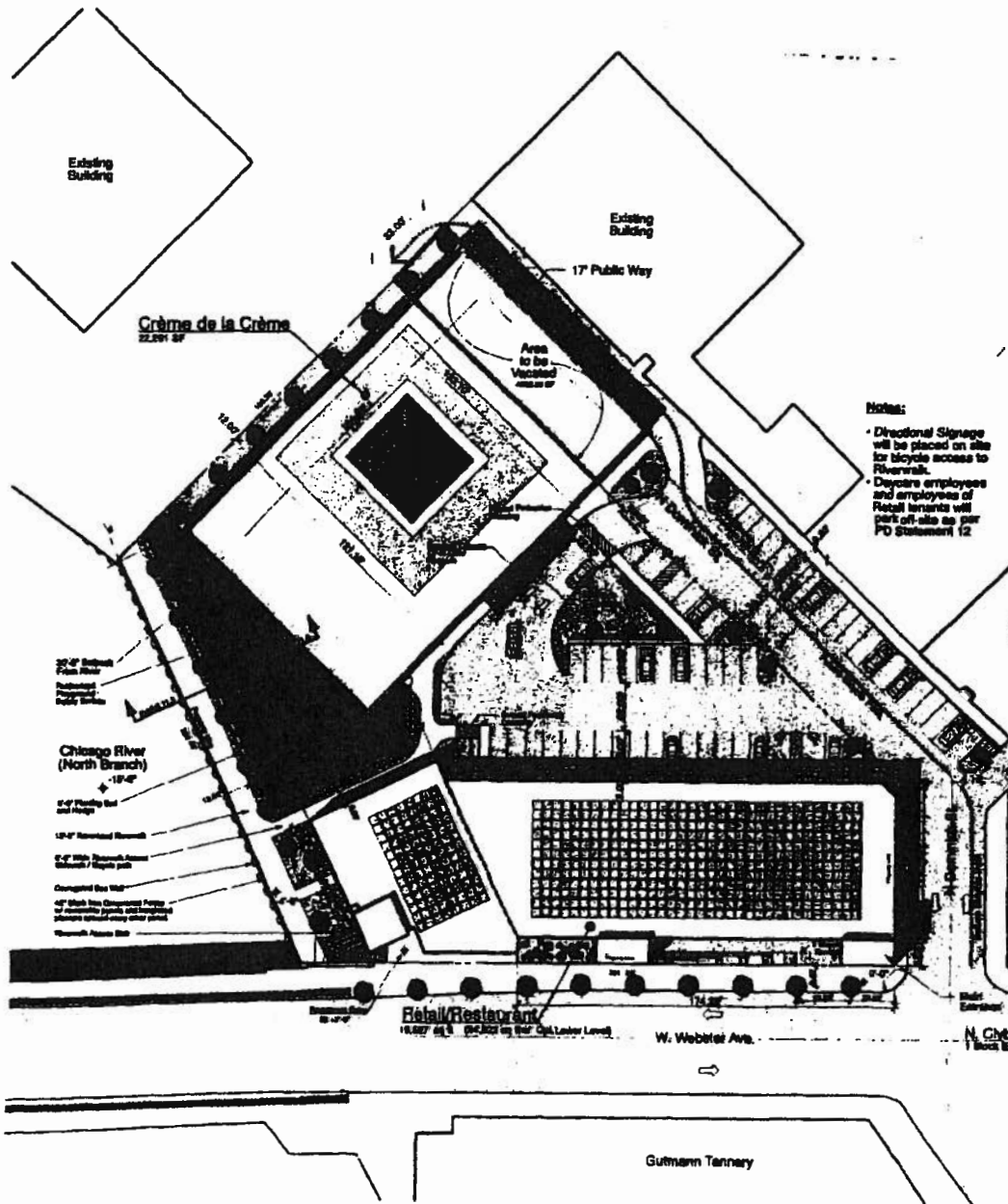


Exhibit 7.

Right-Of-Way Adjustment Plan.

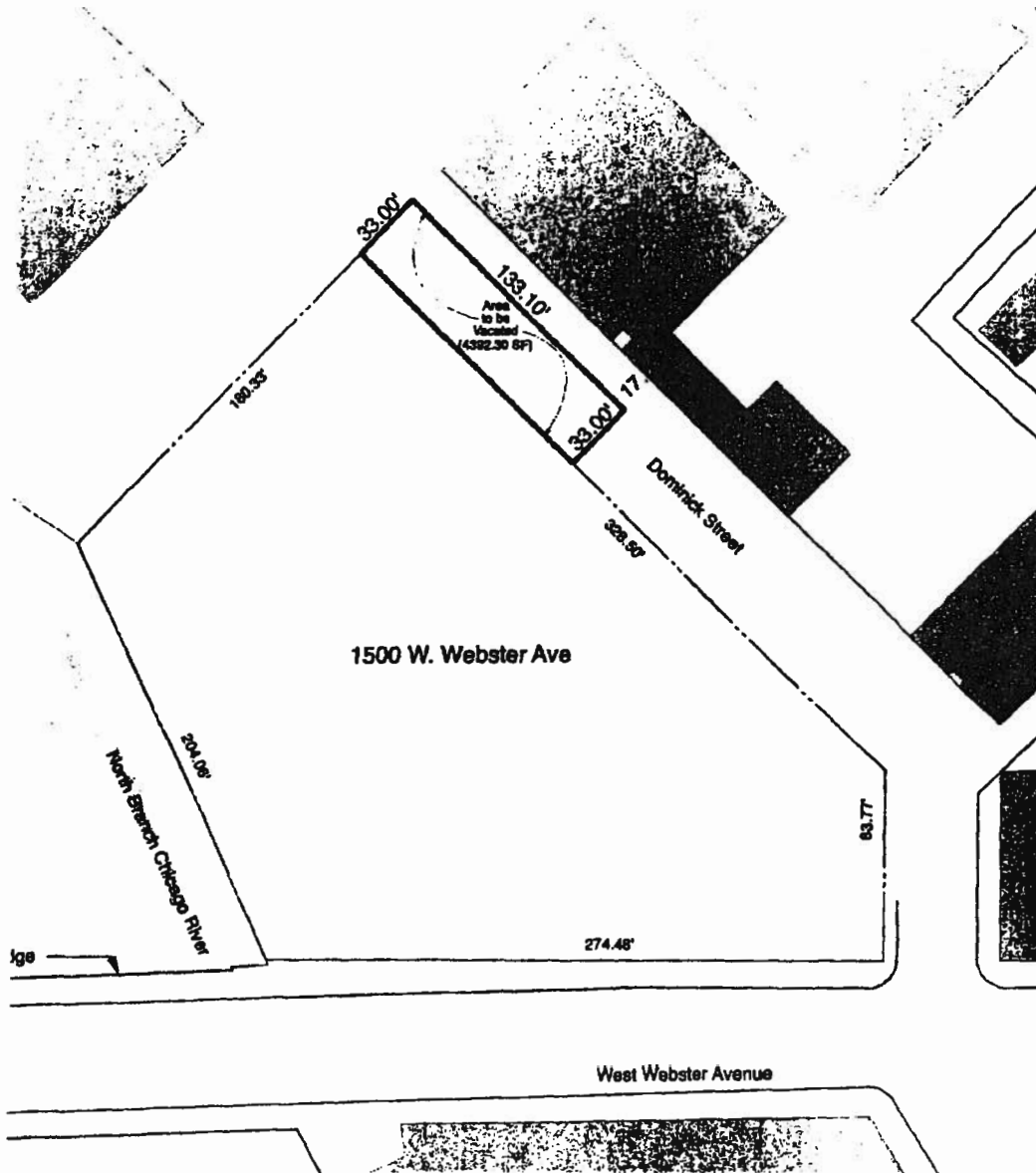


Exhibit 8.

Riverwalk Access Plan.

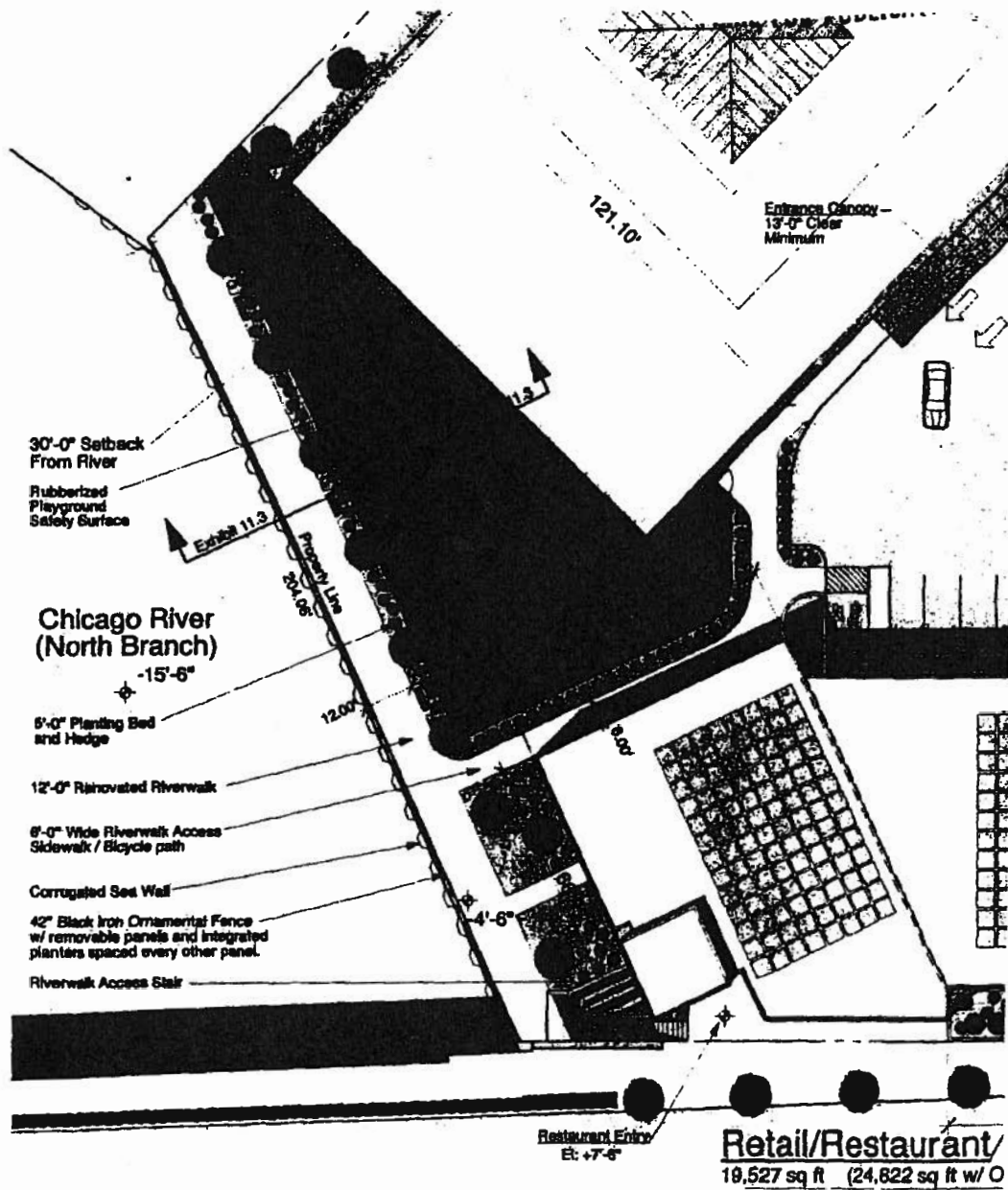


Exhibit 9.

Right-Of-Way Improvement Plan.

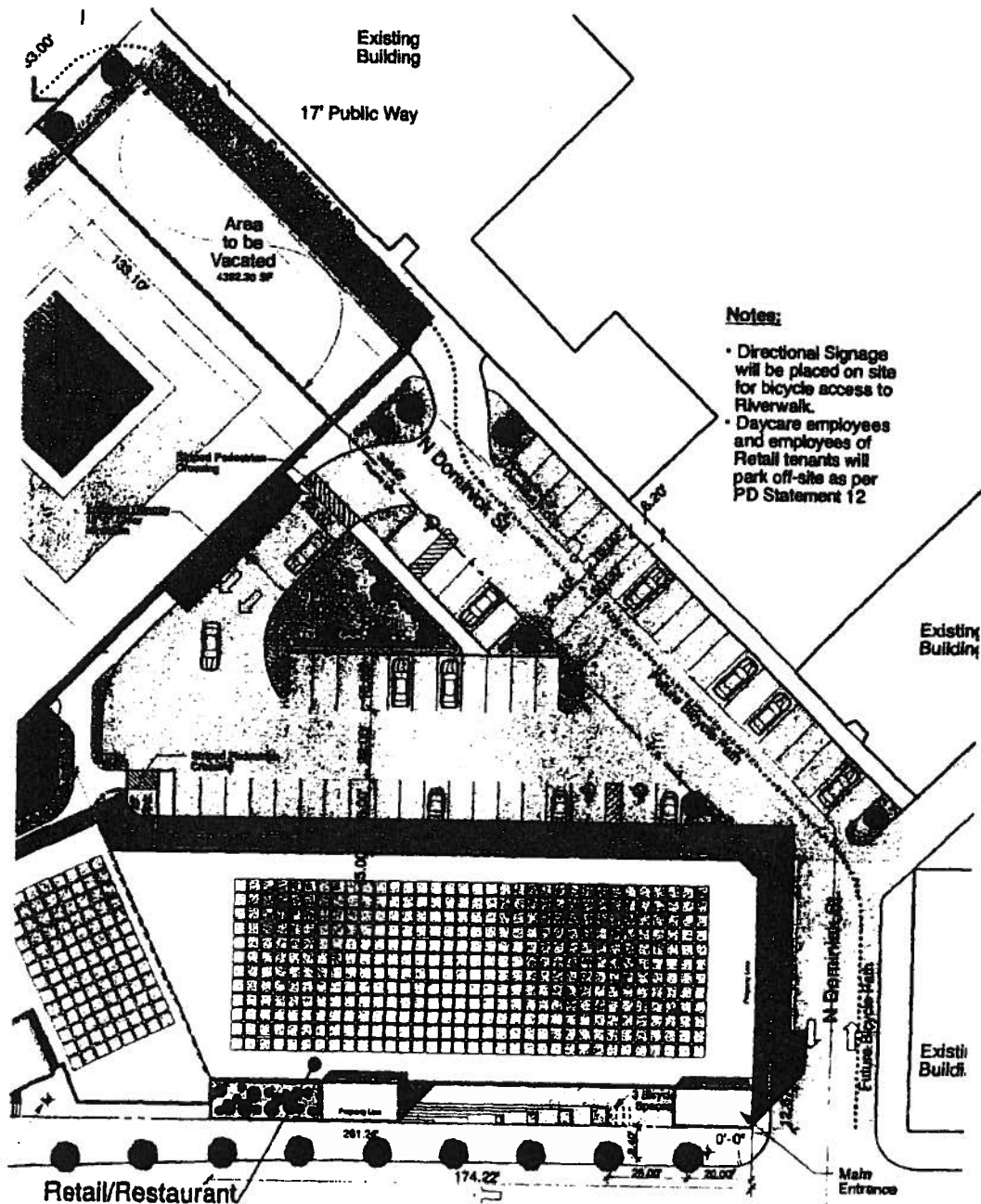
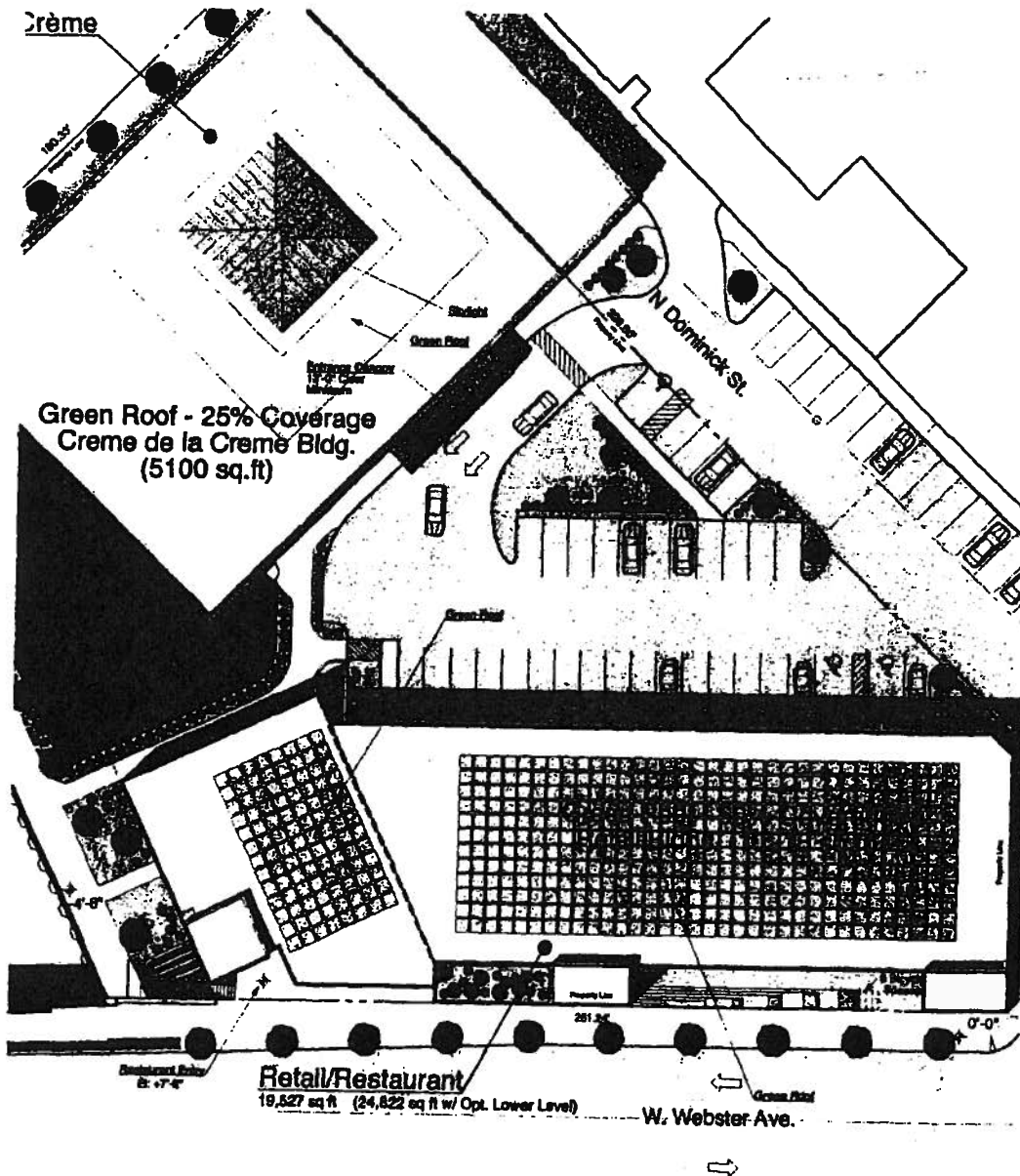


Exhibit 10.

Plan For Green Design Elements.



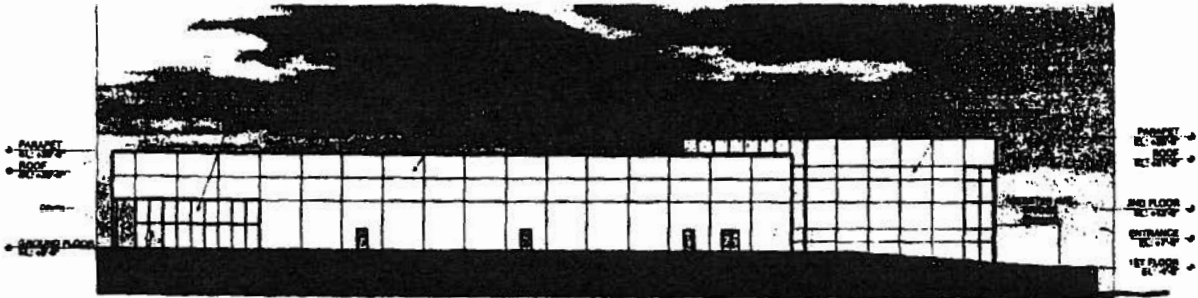
9/13/2006

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Exhibit 11.1.

Retail Building -- North And South Elevations.



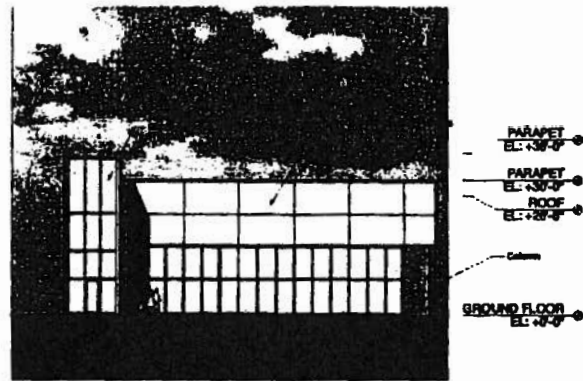
North Elevation



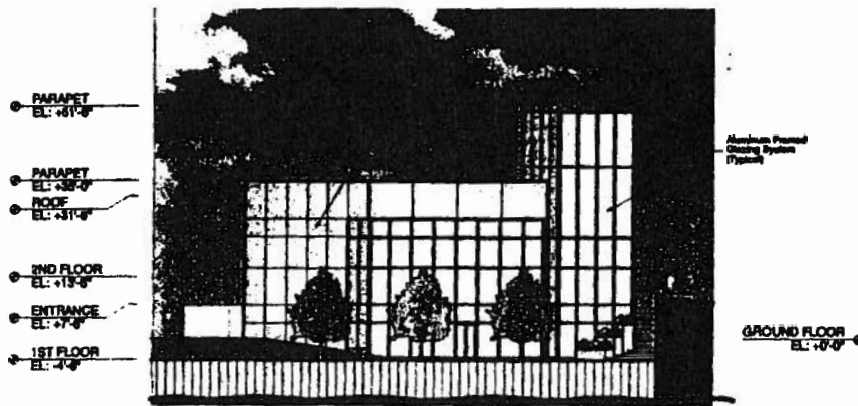
Webster Avenue Elevation (South)

Exhibit 11.2.

Retail Building -- East And West Elevations.



East Elevation



West Elevation (Facing River)

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Exhibit 11.3.

Section At Riverwalk.

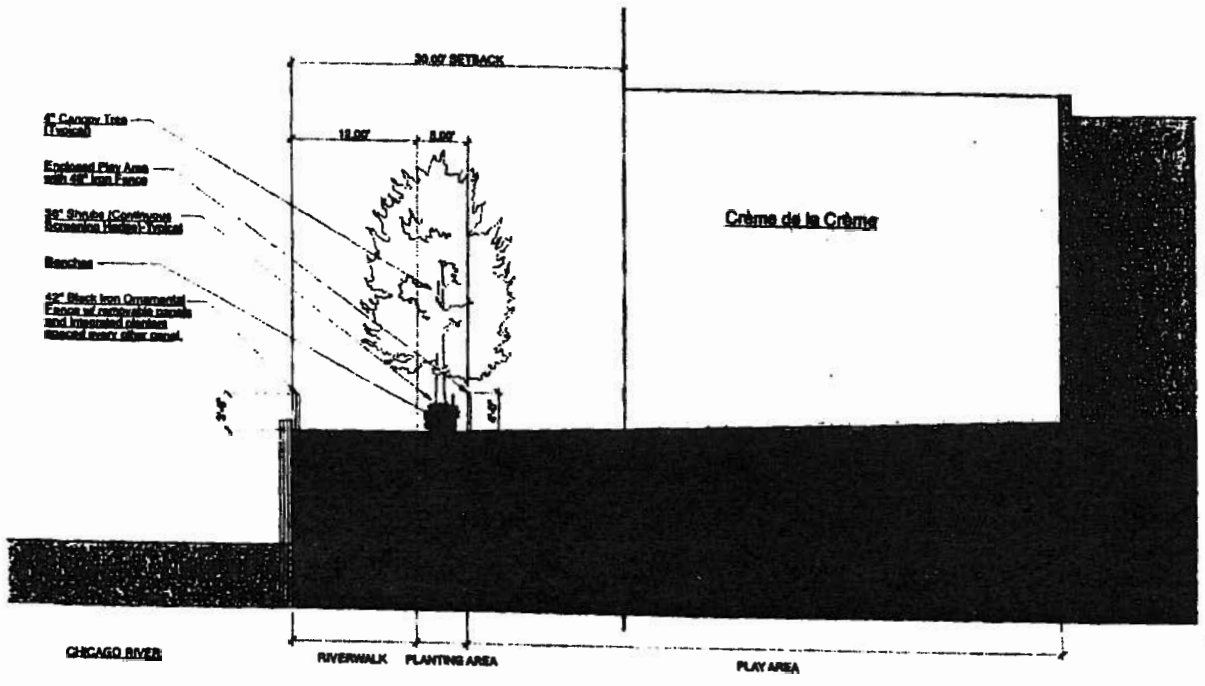
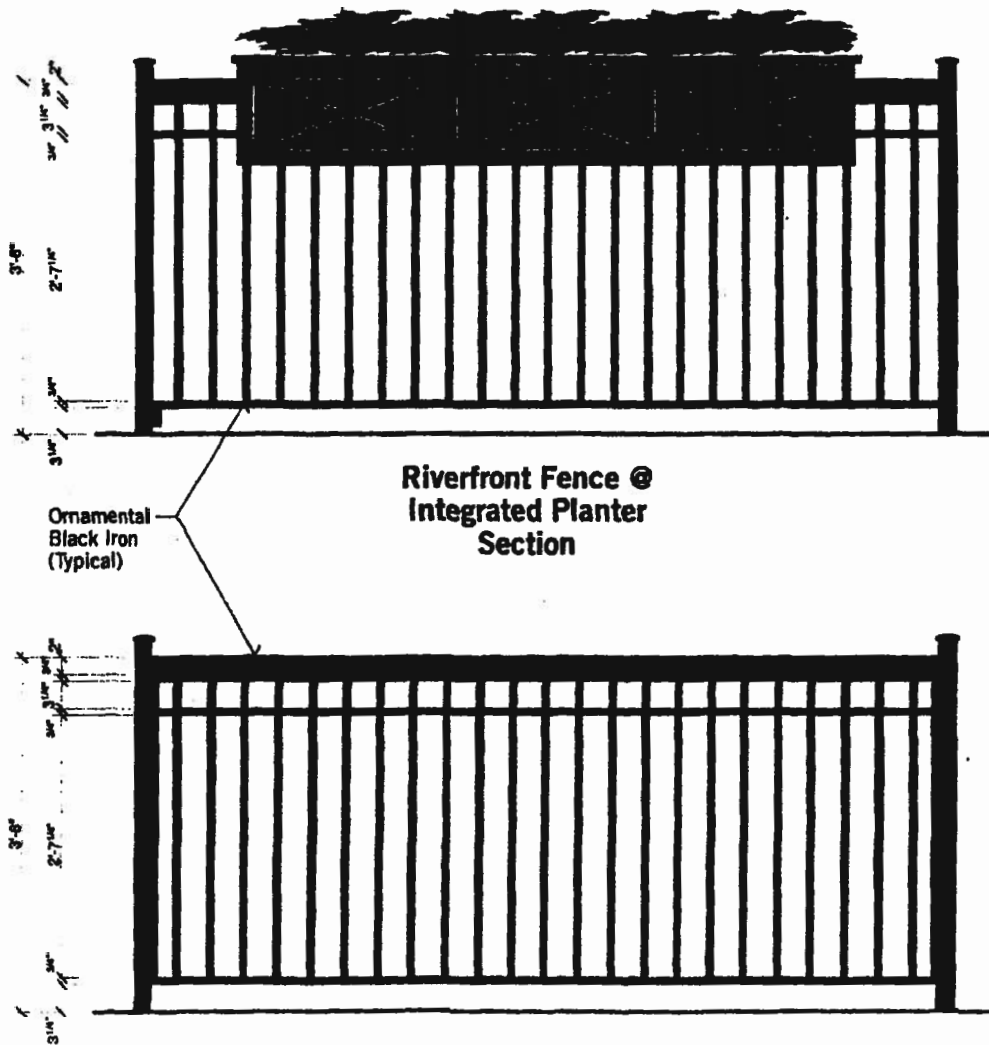


Exhibit 11.4.

Riverfront Fence Detail.



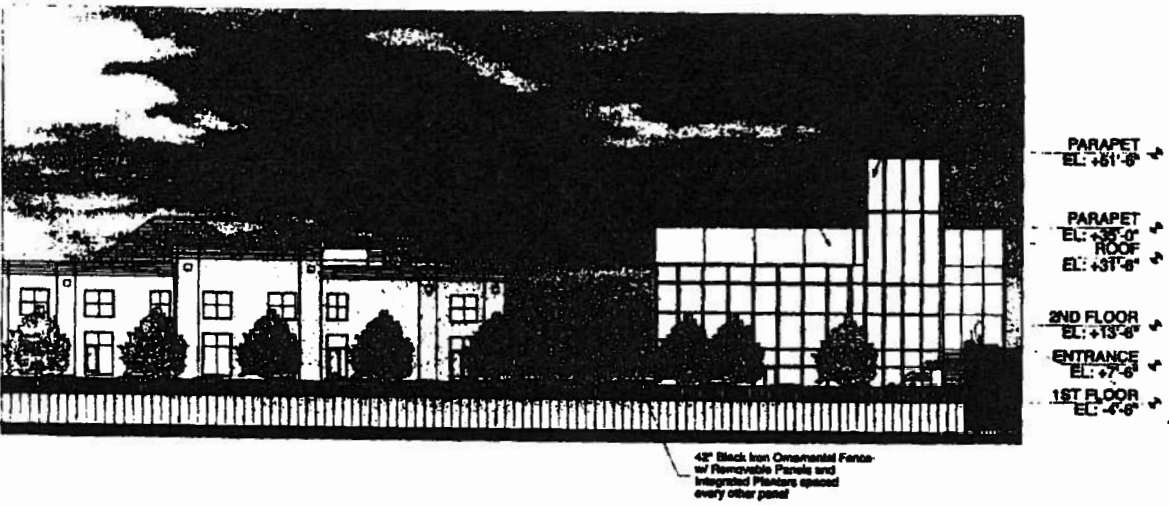
9/13/2006

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Exhibit 11.5.

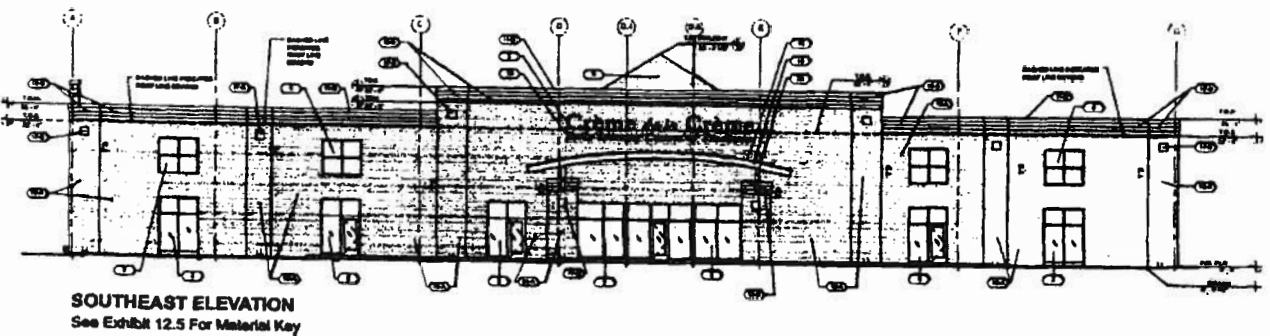
Riverfront Elevation With Fence.



Riverfront Elevation w/ Fence

Exhibit 12.1.

Southeast Elevation.



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Exhibit 12.2.

Northwest Elevation.

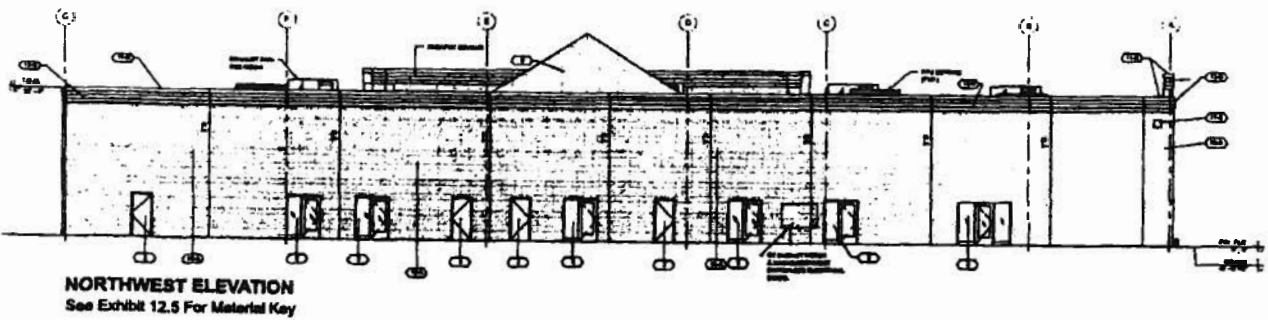
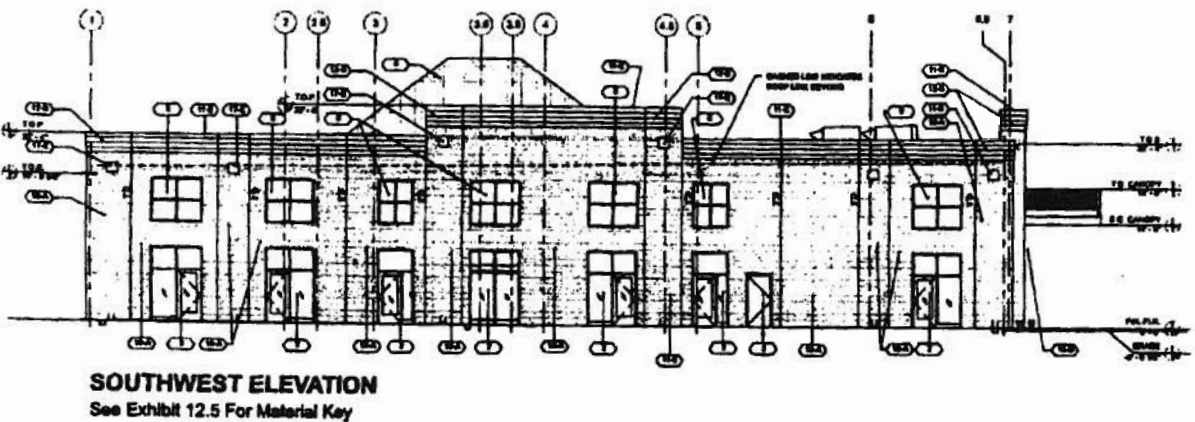


Exhibit 12.3.

Southwest Elevation.



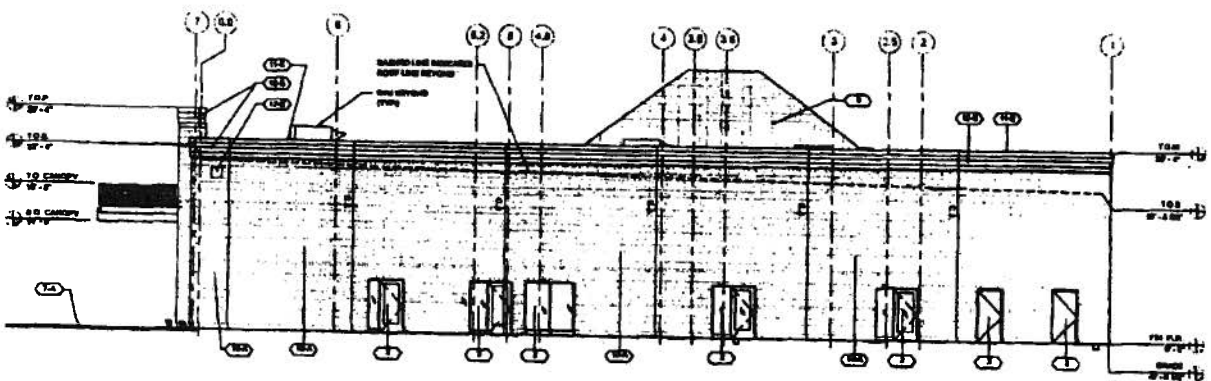
9/13/2006

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Exhibit 12.4.

Northeast Elevation.



NORTHEAST ELEVATION
See Exhibit 12.5 For Material Key

Exhibit 12.5.

Material Key.

1-A KEYED NOTES:	
1. CONCRETE CURB.	
2. 1" INSULATED GLASS IN THERMALLY BROKEN WHITE ALUMINUM FRAME TYP.	
3. HOLLOW METAL DOOR & FRAME, PAINT TO MATCH ADJACENT WALL FIELD.	
4. PRE-FINISHED METAL COPING. COLOR TO MATCH EIFS CORNICE.	
5. ILLUMINATED SIGN LETTERS. SEE SPECS.	
6. SPANDRAL GLASS IN THERMALLY BROKEN WHITE ALUMINUM FRAME, TYP.	
7. CONCRETE FILLED STL. PIPE BOLLARD, PAINTED TO MATCH EIFS.	
8. WALL PACK LIGHT FIXTURE (REFER TO ELEC. DWG'S.)	
9. PRE-ENGINEERED SKYLIGHT BY KALWALL/ STRUCTURES UNLIMITED.	
10. STANDARD BRICK VENEER UPPER FACADE.	
11. RENAISSANCE STONE CAP.	
12. BRICK SOLDIER COURSE ACCENT BAND.	
13. NOT USED	
14. NOT USED	
15. NON-ILLUMINATED TAG-LINE SIGNAGE.	
16. INTEGRALLY COLORED STUCCO SYSTEM.	
17. RENAISSANCE STONE ACCENT.	
18. TRANSLUCENT KALWALL CANOPY	
19. CURVED STEEL CANOPY FRAME	
20. CANTILEVERED STEEL BEAM	
COLOR LEGEND:	
A.	BRICK-1: MARSEILLES BRICK ROYAL BURGANDY #10-871-02 OR EQUAL AS SELECTED BY OWNER.
B.	BRICK-2: MARSEILLES BRICK - BLEND #602 "WHITE" OR EQUAL AS SELECTED BY OWNER.
C.	NOT USED
D.	NOT USED
E.	STONE-1 RENAISSANCE STONE OR EQUAL AS SELECTED BY OWNER.