

# PD 1048

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*Reclassification Of Area Shown On Map Number 1-F.  
(As Amended)  
(Application Number 15855)*

*Be It Ordained by the City Council of the City of Chicago:* **R BPD 1048**

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the current DX-7 Downtown Mixed-Use District symbols and indications as shown on Map Number 1-F in the area bounded by:

West Randolph Street; North Desplaines Street; West Court Place; and the public alley next west of and parallel to North Desplaines Street,

to those of a Residential-Business Planned Development.

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

Plan of Development Statements attached to this ordinance read as follows:

*Residential-Business Planned Development Number* 1048.

*Plan Of Development Statements.*

1. The area delineated herein as Residential-Business Planned Development Number 1048 (the "Planned Development") consists of approximately thirty thousand five hundred forty-three (30,543) net square feet (zero and seventy-hundredths (0.70) acre) of real property generally located along North Desplaines Street between West Randolph Street and West Court Place and bounded as follows:

West Randolph Street; North Desplaines Street; West Court Place; and the public alley next west of and parallel to North Desplaines Street in Chicago, Illinois (the "Property").

DAGS Desplaines L.L.C., an Illinois limited liability company (the "Applicant"), is the legal titleholder of the Property and the applicant for this Planned Development.

2. The Applicant or its successors, assignees or grantees shall obtain all applicable official reviews, approvals or permits which are necessary to implement this Planned Development. Any dedication or vacation of streets, alleys or easements or any adjustment of rights-of-way shall

require a separate submittal on behalf of the Applicant or its successors, assignees or grantees, and approval by the City Council.

3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assignees 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 assignees and, if different than the Applicant, the legal titleholders and any ground lessors and their respective successors and assignees. 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 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) is made or authorized by all the owners of the Property and any ground lessees of the Property. For purposes of this Planned Development, where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein; provided, however, that for so long as the Applicant or any affiliate thereof owns or controls any part of the Property, any application to the City for any such changes or modifications (administrative, legislative or otherwise) must in all cases be authorized by the Applicant. Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein. Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of the Property so transferred, the term "Applicant" shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder; provided, however, that the Applicant's right to authorize changes or modifications to this Planned Development for so long as it owns or controls all or any portion of the Property as set forth above in this Statement Number 3 shall not be deemed amended or transferred to apply to a transferee (or its beneficiaries as aforesaid) unless expressly assigned in a written instrument executed by the original Applicant hereunder.
4. This plan of development consists of these sixteen (16) statements; a Bulk Regulations and Data Table; and the following plans prepared by

Brininstool + Lynch, Ltd., all dated September 12, 2006, and revised as of December 14, 2006 (collectively, the "Plans"): Existing Zoning Map; Planned Development Boundary and Property Line Map; Site Plan; Landscape Plan; East Elevation -- Street Frontage; East Elevation -- Set Back; South Elevation -- Street Frontage; South Elevation -- Set Back; West Elevation; North Elevation; Floor 4 Green Roof Plan; Floor 18 Green Roof Plan; and Floor 19 Green Roof Plan. Full-sized copies of the Plans are on file with the Department of Planning and Development. These and no other zoning controls shall apply to the Property. In any instance where a provision of the Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, and all requirements thereof, and satisfies the established criteria for approval as a planned development.

5. The following uses are permitted on the Property under this Planned Development: dwelling units, including but not limited to multi-unit residential; residential support services; retail, service and commercial facilities; business and professional offices; food and beverage retail sales; temporary construction staging, temporary storage of construction materials, and temporary buildings for construction purposes; accessory and non-accessory parking; accessory uses; and all permitted uses in the DX-7 Downtown Mixed-Use District, except for hotel/motel uses.
6. Temporary signs such as construction and marketing signs shall be permitted subject to the reasonable review and approval of the Department of Planning and Development. Business identification signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development, consistent with the provisions of Section 17-12-010, et seq., of the Chicago Municipal Code.
7. Ingress and egress for the Property shall be provided in substantial compliance with the Plans, and no further approvals shall be required for such ingress and egress plans.
8. In addition to the maximum heights of the buildings and any appurtenance attached thereto prescribed in this Planned Development, the height of any improvements shall also be subject to height limitations as approved by the Federal Aviation Administration.
9. The improvements on the Property, the landscaping along adjacent rights-of-way and all entrances and exits to and from the parking and loading areas, shall be designed, constructed and maintained in substantial conformance with the Plans described in Statement Number 4 above.

Landscaping shall be installed and maintained at all times in accordance with the Landscape Plan and the Parkway Tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. On-site open space shall be provided in private and/or common open space areas at the rate of at least thirty-six (36) square feet per dwelling unit. On-site open space shall be designed in conformance with the requirements of the Chicago Zoning Ordinance.

10. For purposes of floor area, floor area ratio ("F.A.R.") and building height calculations, the definitions of the Chicago Zoning Ordinance in effect as of the date hereof shall apply; provided, however, that in addition to the other exclusions from floor area for purposes of determining F.A.R. permitted by the Chicago Zoning Ordinance, such floor area shall not include (a) all floor area devoted to mechanical equipment which exceeds five thousand (5,000) square feet, and (b) all floor area associated with accessory parking and loading areas. The calculation of F.A.R. shall be made based on the net site area of the Planned Development. In addition, the calculation of any building height shall not include elevator shafts, ingress/egress towers, mechanical penthouses and enclosures, telecommunications facilities or architectural design elements such as spires.

The permitted floor area ratio ("F.A.R.") identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of thirty thousand five hundred forty-three (30,543) square feet, a base F.A.R. of seven and zero hundredths (7.00) and additional F.A.R. for the amenity proposed, as follows:

Description	Floor Area Ratio
Base F.A.R.	7.00
Affordable Housing Bonus	<u>1.75</u>
Total F.A.R.	8.75

11. The requirements of the Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development (the "Commissioner") upon application and a determination by the Commissioner that such modification is minor, appropriate and consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of the Planned Development by the Commissioner shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance. It is acknowledged that the demising walls for the interior spaces are illustrative only and that the location and relocation of

demising walls or division of interior spaces shall not be deemed to require any further approvals pursuant hereto.

12. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Any changes to ingress and egress as depicted in the Plans and as set forth below shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. Off-street parking and loading facilities shall be provided in compliance with this Planned Development and in conformance with the Chicago Zoning Ordinance. A minimum of two percent (2%) of all parking spaces provided pursuant to this Planned Development shall be designated and designed for parking for the handicapped.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner which promotes and maximizes the conservation of natural resources. The Applicant shall use commercially reasonable efforts to design and maintain all buildings located on the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System. The Applicant shall provide a vegetated ("green") roof as indicated on the Green Roof Plans and consisting of at least twenty-five percent (25%) of the net roof area.
14. The Applicant acknowledges that it is in the public interest to design, construct and maintain the improvements of the Property in a manner which promotes, enable and maximizes universal access throughout the Property. Plans for all new buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("M.O.P.D.") at the time of application for a building permit to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility at the time of application for a building permit.
15. Pursuant to the Affordable Housing provision of the City of Chicago Zoning Ordinance, Title 17, Chapter 17-4-1004, et seq. ("Zoning Ordinance"), the Applicant has asked for an increase in the floor area ratio of the Property. The Applicant hereby acknowledges that, according to Section 17-4-1004-D of the Zoning Ordinance, the total floor area devoted to affordable housing units must equal at least twenty-five percent (25%) of the total increase in floor area allowed under the Affordable Housing Bonus or a cash payment must be made to the City of Chicago Affordable Housing Opportunity Fund based on the increase in allowable floor area multiplied by eighty percent (80%) of the median cost of land per square foot. Based on Section 17-04-1004-D, the Applicant has agreed to provide twenty-

four (24) affordable housing units on-site, consisting of at least thirteen thousand three hundred fifty-nine and fifty hundredths (13,359.50) square feet of floor area. Prior to the issuance of any approvals pursuant to Section 17-13-0610 of the Municipal Code of Chicago ("Part II"), the Applicant will enter into an Affordable Housing Agreement with the Chicago Department of Housing and provide a performance bond or other security, in the amount of Seven Hundred Twenty-six Thousand Seven Hundred Fifty-six and 80/100 Dollars (\$726,756.80), ensuring construction of the affordable housing units. The Applicant must comply with all the applicable sections of the Affordable Housing Provisions of the Zoning Ordinance, which sections are hereby incorporated into this Planned Development. The Affordable Housing Agreement required by Section 17-4-1004-E9 is also incorporated into this Planned Development.

- 16. Unless substantial construction has commenced within six (6) years of the date of City Council approval of this Planned Development ordinance, then the zoning of the Property shall automatically revert to the DX-7 Downtown Mixed-Use District. Said six (6) year period may be extended for up to one (1) additional year if, before expiration, the Commissioner of the Department of Planning and Development determines that good cause for such an extension is shown.

[Existing Zoning Map; Planned Development Boundary and Property Line Map; Site Plan; Landscape Plan; Street Frontage Elevations; Setback Frontage Elevations; and Green Roof Plans referred to in these Plan of Development Statements printed on pages 98619 through 98631 of this *Journal*.]

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

*Residential-Business Planned Development Number* 1048.

*Plan of Development Bulk Regulations  
And Data Table.*

Gross Site Area, 58,933 square feet (1.35 acres) = Net Site Area, 30,543 square feet (0.70 acre) + Area Remaining in Public Right-of-Way, 28,390 square feet (0.65 acre)

Net Site Area: 30,543 square feet

**Maximum Floor Area Ratio (F.A.R.):**

Base F.A.R.:	7.00
Affordable Housing Bonus:	1.75
Total F.A.R.:	8.75

**Permitted Uses:**

Dwelling units, including but not limited to multi-unit residential; residential support services; retail, service and commercial facilities; business and professional offices; food and beverage retail sales; temporary construction staging, temporary storage of construction materials, and temporary buildings for construction purposes; accessory and non-accessory parking; accessory uses; and all permitted uses in the DX-7 Downtown Mixed-Use District, except for hotel/motel uses.

**Maximum Number of Dwelling Units:**

240

**Maximum Site Coverage:**

In accordance with the Site Plan

**Minimum Building Setbacks:**

In accordance with the Site Plan

**Minimum Number of Off-Street Parking Spaces:**

176

**Minimum Number of Bicycle Parking Spaces:**

50

**Minimum Number of Off-Street Loading Berths:**

2 at 10 feet by 25 feet, each

**Maximum Building Height:**

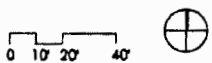
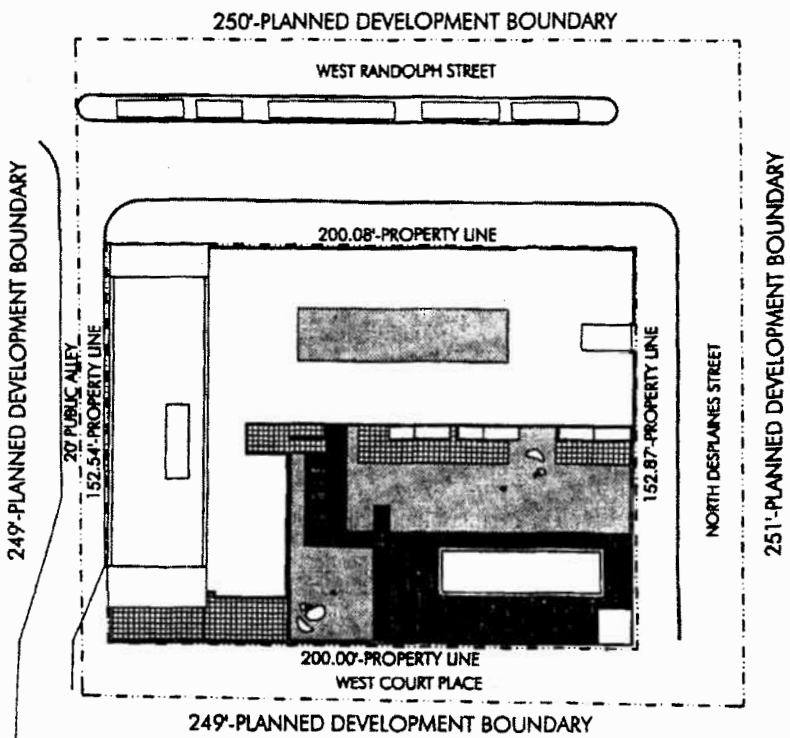
190 feet to the top of the highest habitable space

**Minimum On-Site Open Space:**

36 square feet per dwelling unit in private and/or common open space areas

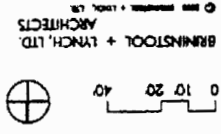


Planned Development Boundary And  
Property Line Map.

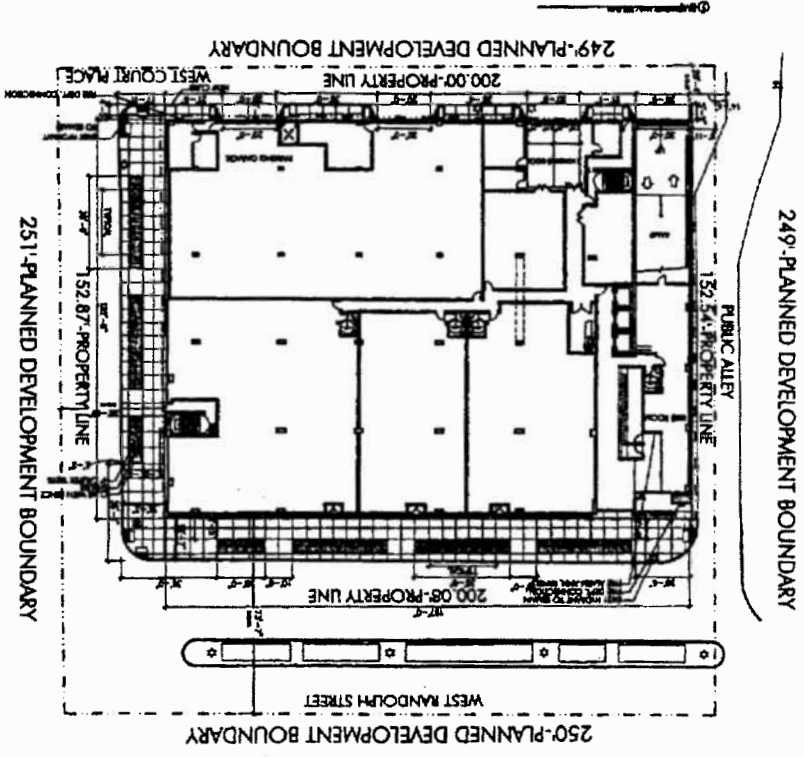


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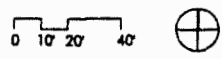
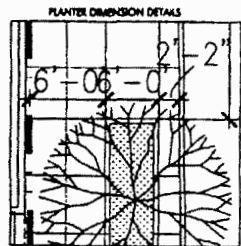
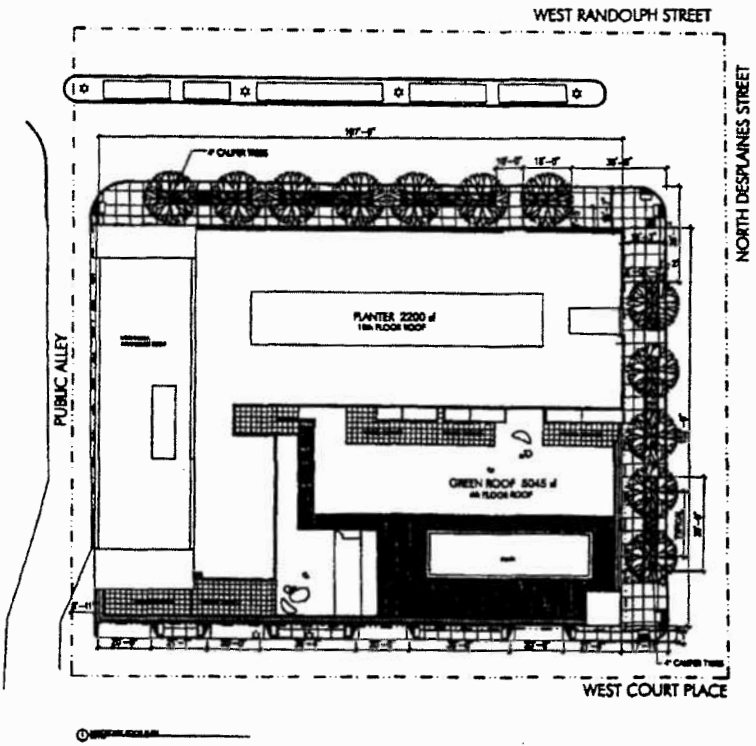
Site Plan.



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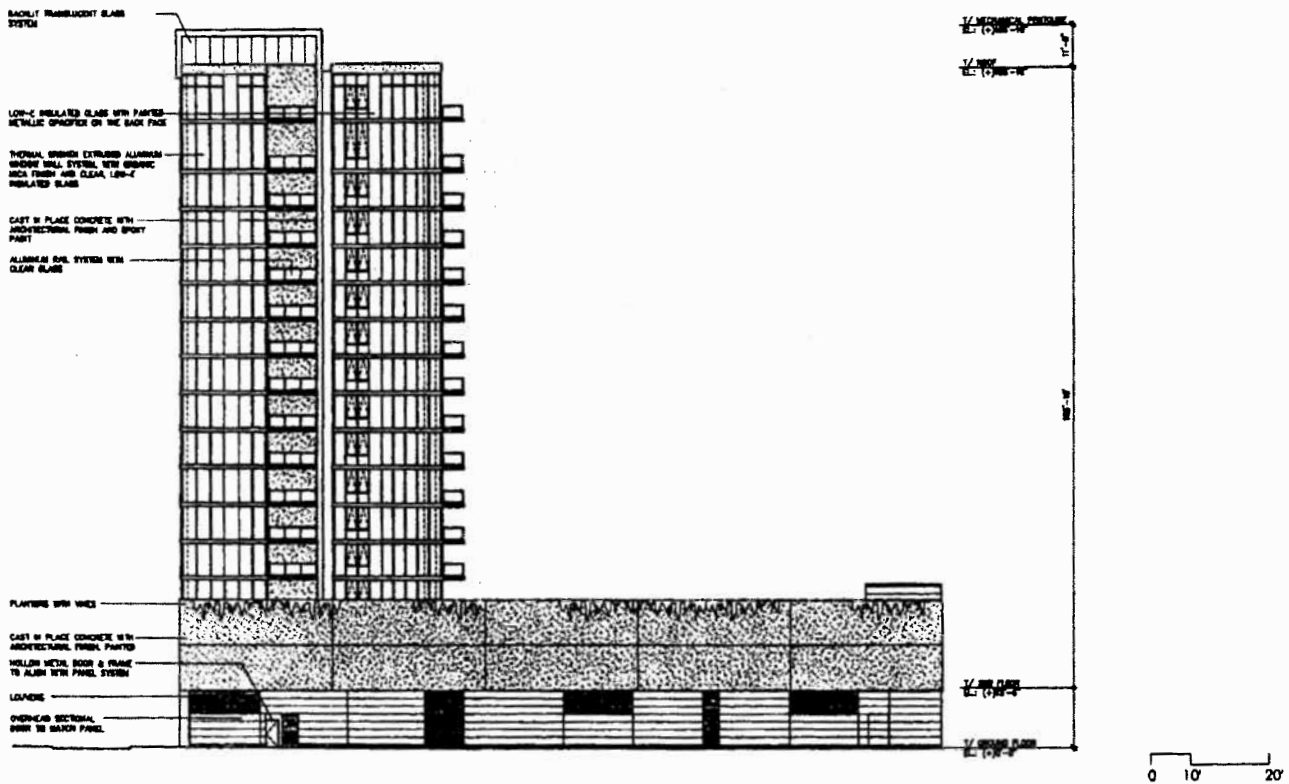
Landscape Plan.



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South Elevation -- Street Frontage.



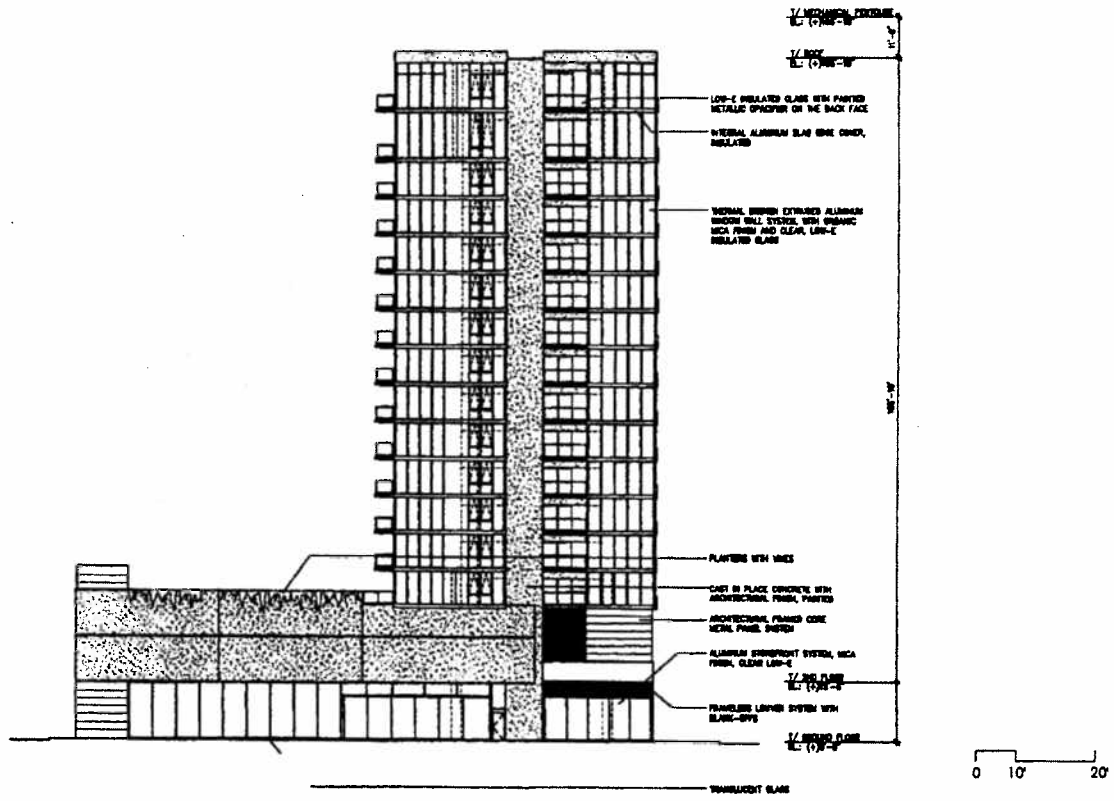
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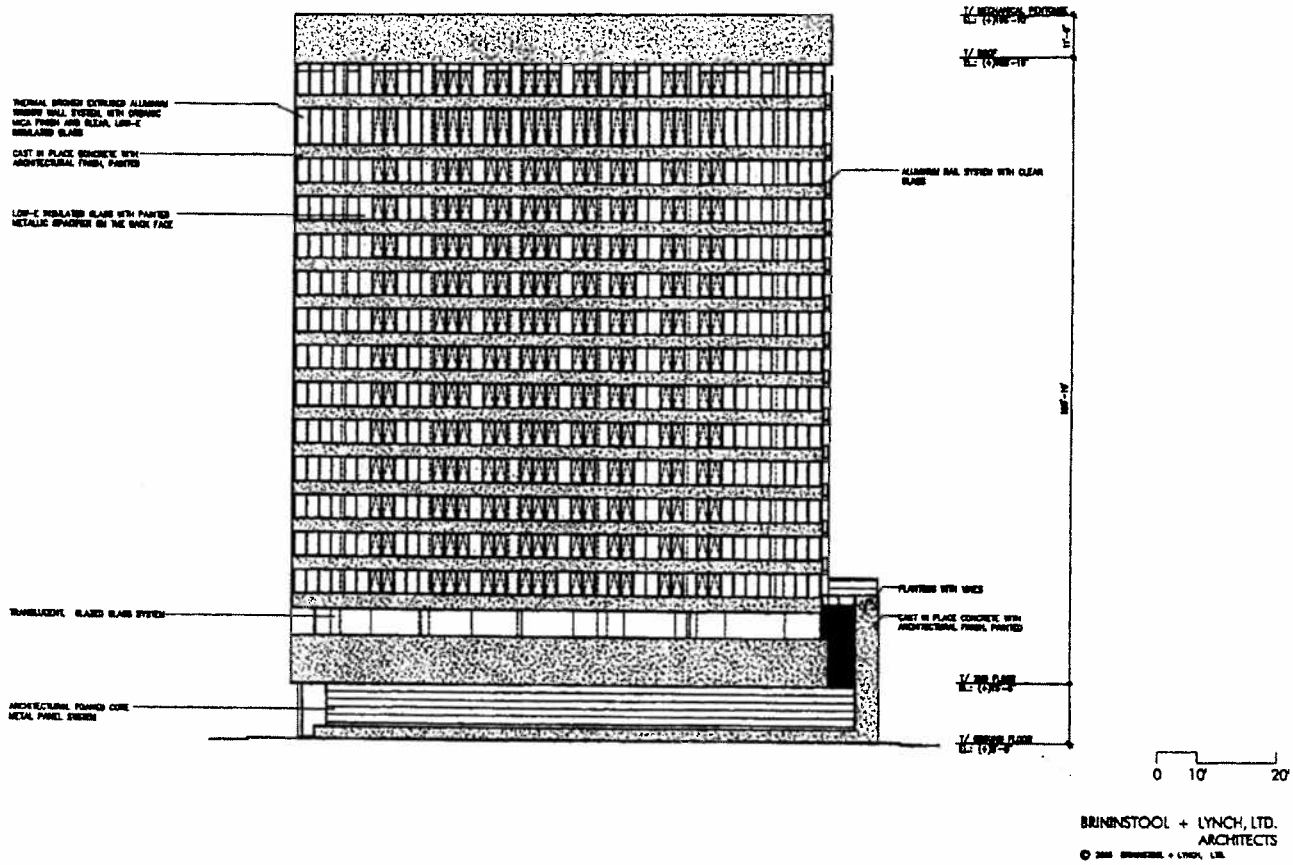
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East Elevation -- Street Frontage.



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West Elevation -- Street Frontage.

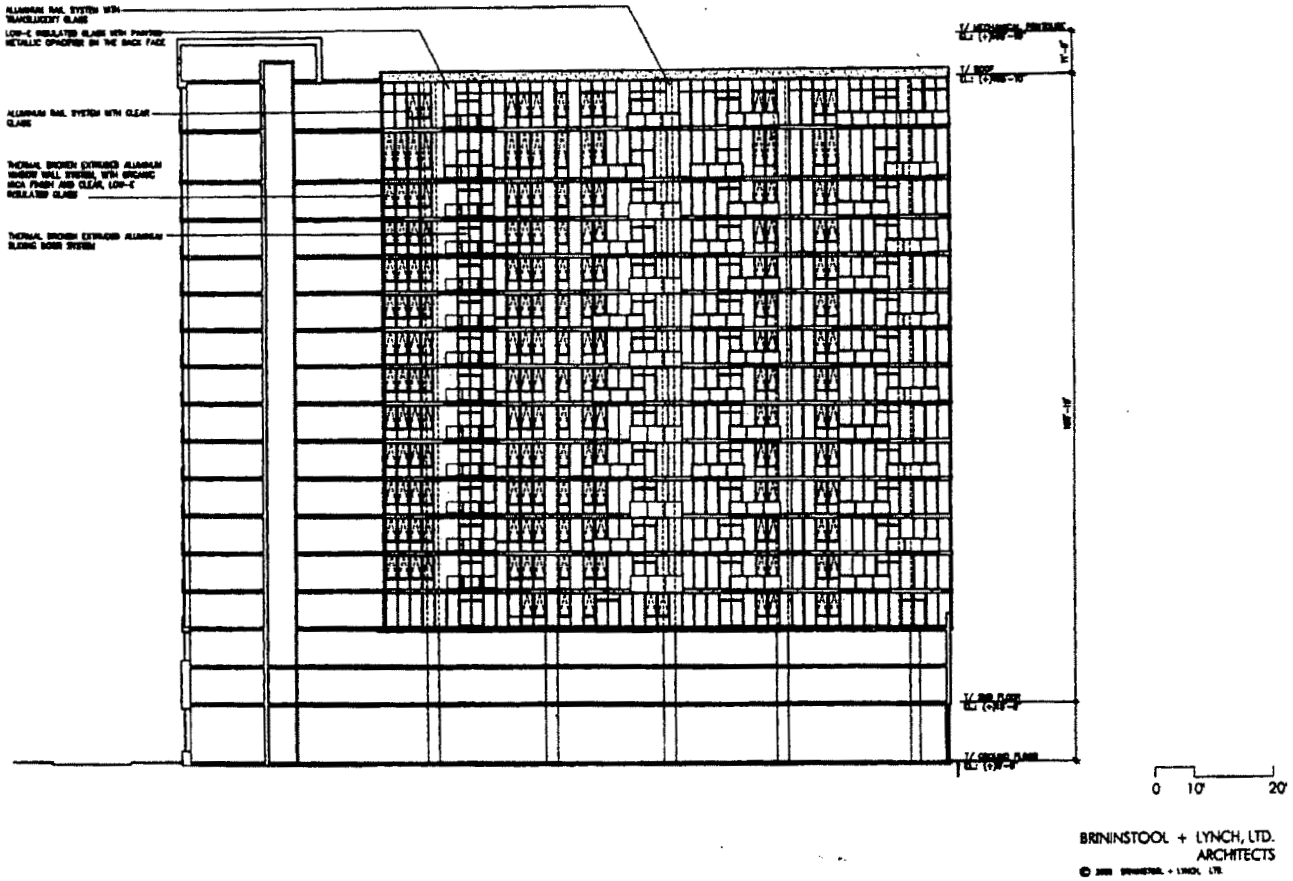


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South Elevation -- Setback Frontage.

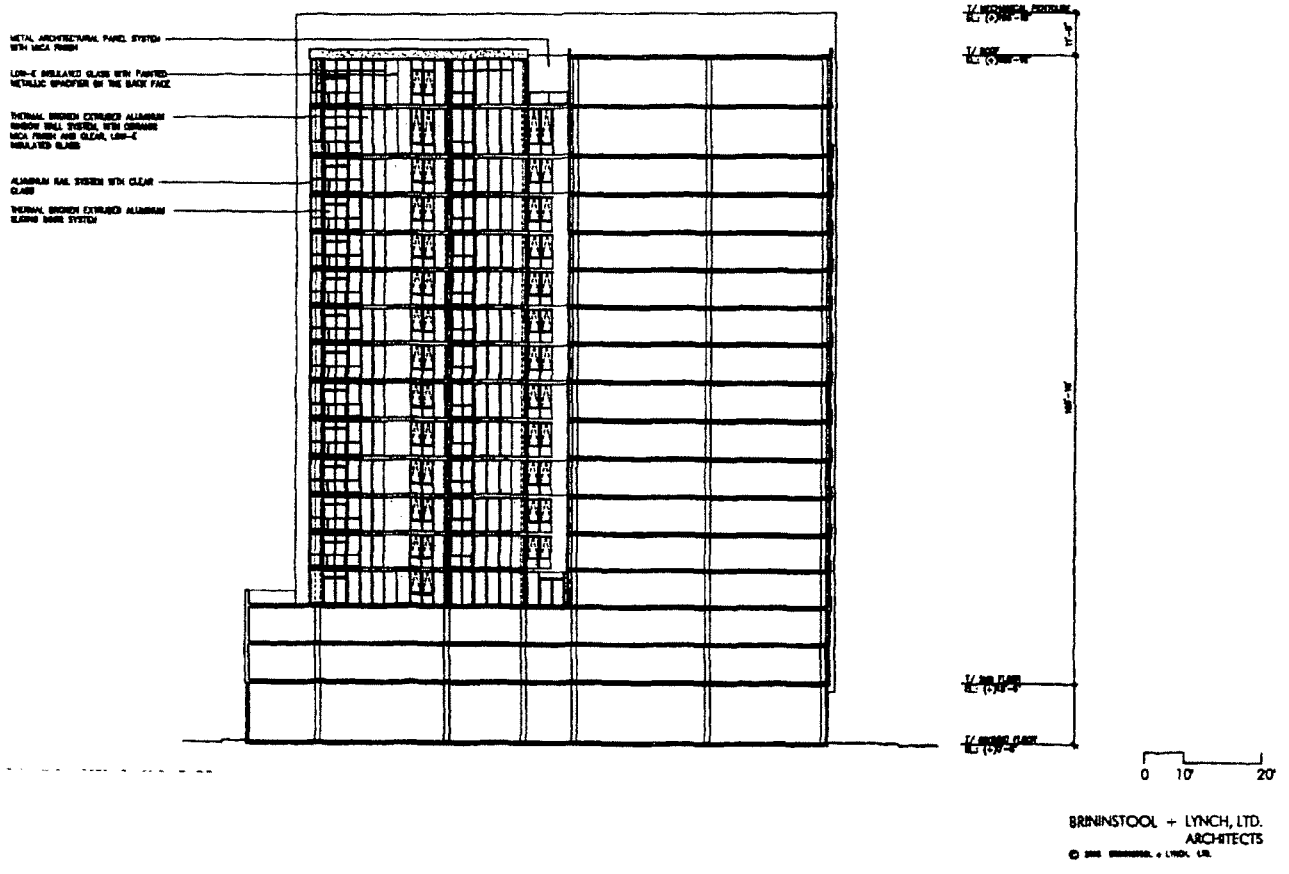


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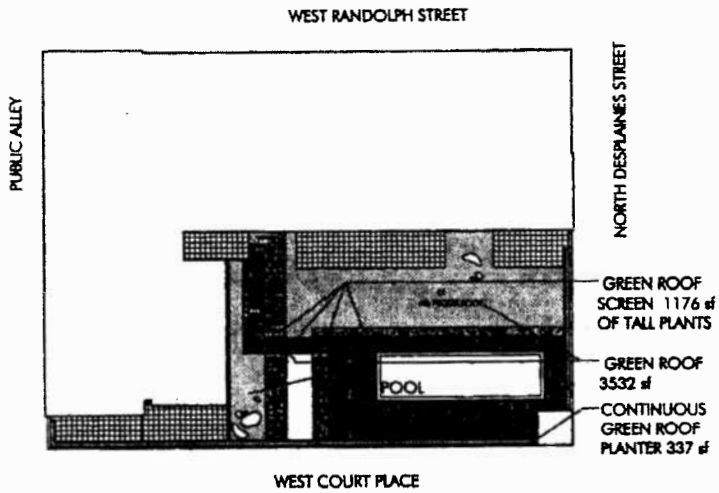
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East Elevation -- Setback Frontage.

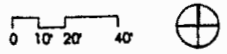


Floor 4 Green Roof Plan.

ROOF GRIDS SF = 29,738 SF  
POOL SF = 938 SF  
NET ROOF AREA = 28,980 SF  
GREEN ROOF SF = 25% OF 28,980 SF = 7245 SF

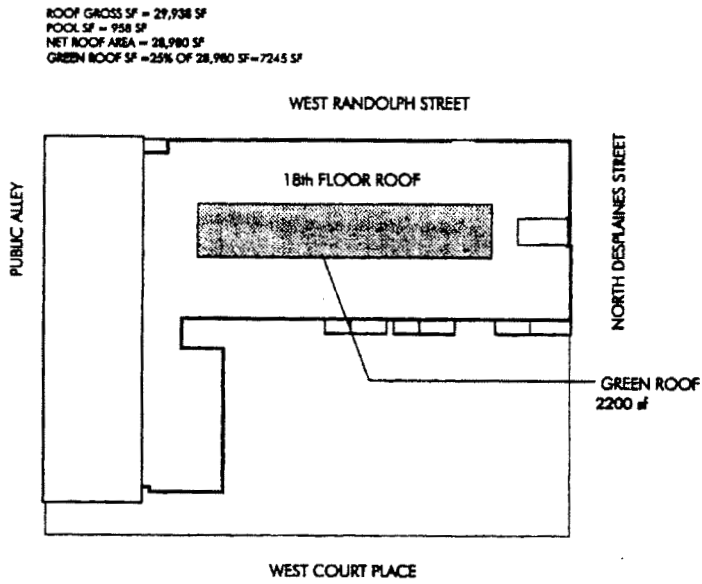


① FLOOR 4 - GREEN ROOF PLAN

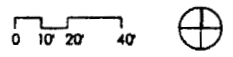


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Floor 18 Green Roof Plan.

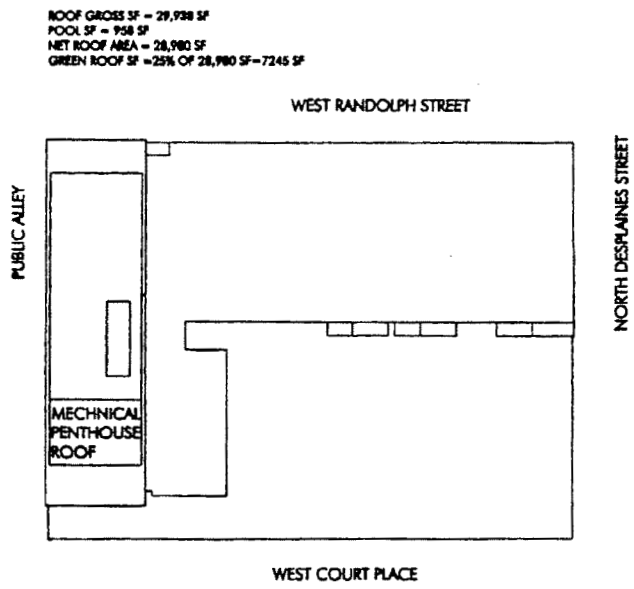


① FLOOR 18 - GREEN ROOF PLAN

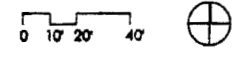


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Floor 19 Green Roof Plan.



① FLOOR 19 - GREEN ROOF PLAN



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