

# PD 1051

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Numbers 16023, 16034, 16018, 16019, 15660, 15909, 15591 and 15172 of the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

Respectfully submitted,

(Signed) WILLIAM J. P. BANKS,  
Chairman.

On motion of Alderman Banks, the said proposed substitute ordinances transmitted with the foregoing committee report were *Passed* by yeas and nays as follows:

*Yeas* -- Aldermen Flores, Haithcock, Preckwinkle, Hairston, Lyle, Beavers, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, T. Thomas, Coleman, L. Thomas, Lane, Rugai, Troutman, Brookins, Muñoz, Zalewski, Chandler, Solis, Ocasio, E. Smith, Carothers, Reboyras, Suarez, Matlak, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore, Stone -- 47.

*Nays* -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

Alderman Burke invoked Rule 14 of the City Council's Rules of Order and Procedure, disclosing that he had represented parties to these ordinances in previous and unrelated matters.

The following are said ordinances as passed (the italic heading in each case not being a part of the ordinance):

*Reclassification Of Area Shown On Map Number 1-E.*

(As Amended)

(Application Number 15885)

RBPD 1051

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the current DX-12 Downtown Mixed-Use District symbols and indications as shown on Map Number 1-E in the area bounded by:

East Ohio Street; North Fairbanks Court; East Grand Avenue; and a line approximately 150.33 feet west of and parallel to North Fairbanks Court,

to those of Residential-Business Planned Development Number 1051.

**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 1051.*

*Plan Of Development Statements.*

1. The area delineated herein as a Residential-Business Planned Development (the "Planned Development") consists of approximately thirty-two thousand seven hundred ninety-seven (32,797) net square feet (approximately zero and seventy-five hundredths (0.75) acre) of real property located in the area generally bounded on the north by East Ohio Street; on the east by North Fairbanks Court; on the south by East Grand Avenue; and on the west by a line approximately one hundred fifty and thirty-three hundredths (150.33) feet west of and parallel to North Fairbanks Court in Chicago, Illinois (the "Property"). For purposes of this Planned Development, the Property is controlled by Fairbanks Development Associates, L.L.C. (the "Applicant").
2. The Applicant shall obtain all applicable official reviews, approvals or permits that 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 and approval by the City Council.
3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant or its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessees. 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 titleholders and any ground lessees. Furthermore, pursuant to the requirements of Section 17-8-0400 of Title 17 of the Municipal Code of Chicago (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. In addition, where portions of the improvements located on the Property are owned by different persons, the term “owners” shall mean all of the owners (including any condominium association(s) with respect to any portions of the Property that consist of condominiums and all legal titleholders to any portions of the Property and any and all ground lessees of any portions of the Property). 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.

4. This plan of development consists of these seventeen (17) statements; a Bulk Regulations and Data Table; the following plans (collectively, the “Plans”) prepared by Solomon Cordwell Buenz and Associates, Inc., all dated September 1, 2006 and revised as of January 18, 2007: Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Basement Level Plan; Site/Landscape Plan; Green Roof Diagram; Sign Locations and Dimensions; East Elevation; Sign Locations and Dimensions -- West Elevation; Publicly Available Pedestrian Zone; Public Way Plan; North Elevation; East Elevation; West Elevation; and South Elevation. These and no other zoning controls shall apply to the Property. This Planned Development conforms with the intent and purpose of the Chicago Zoning Ordinance, and all requirements thereof, and

satisfies the established criteria for approval as a planned development. In any instance where a provision of the Planned Development conflicts with the Chicago Building Code, the Building Code shall control.

5. The following uses are permitted on the Property under this Planned Development: residential uses (including dwelling units and residential support services); hotel uses; eating and drinking establishment uses; retail uses; service and commercial uses; bank uses; health club uses; business and professional office uses; telecommunications uses (including antennas and satellite dishes); temporary uses (including construction staging, storage of construction materials and accessory buildings for construction purposes); accessory and underground non-accessory parking uses; accessory uses; and all other uses permitted in the DX-12 Downtown Mixed-Use District.
6. Temporary signs such as construction and marketing signs shall be permitted subject to the review and approval of the Department. Business identification signs shall be permitted upon the Property, provided that such signs are consistent with the provisions of Section 17-12-010, et seq., of the Municipal Code of Chicago, and are compatible with the character of development authorized by this Planned Development and with the character of the area in which it is located. The aggregate sign-face area, dimensions and locations of the business signs depicted on the Plans are for reference only. Off-premise signs shall not be permitted.
7. Ingress and egress for the Property shall be provided in substantial compliance with the Plans and subject to the approval of the Department of Transportation.
8. For purposes of building height calculations, the definitions in the Chicago Zoning Ordinance shall apply. 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. 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 space areas at the rate of a 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. (a) For purposes of maximum floor area ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply.

(b) The calculation of F.A.R. shall be made based on the Net Site Area of the Planned Development. Notwithstanding any dedication or reservation of any interest in the Property, or portion thereof, as public or publicly available right-of-way, including the Publicly Available Pedestrian Zone established by Statement 17 hereof, the site areas thereof shall be included in the Net Site Area of the Property for purposes of calculating F.A.R.

(c) The permitted F.A.R. identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of thirty-two thousand seven hundred ninety-seven (32,797) square feet, a base F.A.R. of 12.0 and additional F.A.R. for the amenities proposed under this Planned Development, as follows:

Description	Floor Area Ratio
Base Floor Area Ratio	12.00
Affordable Housing Contribution	1.59
Education Bonus	1.67
Upper Level Setbacks	2.57
Underground Parking	1.58
Sidewalk Widening	<u>0.54</u>
Total Floor Area Ratio:	19.95

Notwithstanding the above, the Applicant may reallocate F.A.R. bonuses or substitute other bonusable amenities as identified in the Chicago Zoning Ordinance, subject to the review and approval of the Commissioner of the Department (the "Commissioner"). Said other bonusable amenities may include, but are not limited to, Streetscape Improvements, pursuant

to Section 17-4-1019A of the Municipal Code of Chicago, for landscaping and related improvements to the median area in North Fairbanks Court, between East Ohio Street on the north and East Grand Avenue on the south, east of the Property.

11. The terms, conditions and exhibits of this Planned Development ordinance may be modified administratively by 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.
12. (a) Pursuant to Section 17-4-1004, et seq., of the Chicago Zoning Ordinance, the Applicant has requested an increase in F.A.R. over the base F.A.R. of 12.0 for the Property, in the amount shown for the Affordable Housing Bonus on the Bulk Regulations and Data Table and Statement 10(c) hereof. The Department has approved said increase subject to the provisions of this Statement 12(a). The Applicant hereby acknowledges that, in accordance with Section 17-4-1004C of the Chicago Zoning Ordinance, to receive said Affordable Housing Bonus, either 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 pursuant to the aforementioned bonus or a cash payment must be made to the City of Chicago Affordable Housing Opportunity Fund equal to the increase in allowable floor area multiplied by eighty percent (80%) of the median cost of land per buildable square foot, as determined by the Commissioner and in effect prior to January 1, 2007. Accordingly, the Applicant has agreed to provide a cash payment to the City of Chicago Affordable Housing Fund in the amount of One Million Forty-two Thousand Nine Hundred Forty-four and 60/100 Dollars (\$1,042,944.60). Prior to the issuance of any building permit for construction of the building, the Applicant will provide a receipt from the Department of Housing evidencing payment of said cash contribution for said Affordable Housing F.A.R. bonus.  
  
(b) Pursuant to the Chicago Public Schools Capital Improvement Program provision of the City of Chicago Zoning Ordinance, Title 17, Chapter 17-4-1023, 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 17-4-1023 B of the Zoning

Ordinance, that eligibility to receive a floor area bonus and contribute to the Chicago Public Schools Capital Improvement Program is contingent upon the applicant first selecting, qualifying and obtaining the affordable housing bonus. The affordable housing bonus shall be subject to all other applicable provisions of the Zoning Ordinance. To contribute to the Chicago Public Schools Capital Improvement Program, a cash payment must be made to the Floor Area Bonus Fund -- C.P.S. based on the increase in allowable floor area multiplied by eighty percent (80%) of the median cost of land per buildable square foot. Based on Section 17-4-1023D, the Applicant has agreed to provide a cash payment to the City of Chicago Floor Area Bonus Fund -- C.P.S. in the amount of One Million Ninety-five Thousand Four Hundred Nineteen and 80/100 Dollars (\$1,095,419.80). Prior to the issuance of permits, the Applicant must enter into an agreement with the City of Chicago and the Chicago Board of Education acknowledging this financial obligation, pursuant to Section 17-1-0101C of the Zoning Ordinance and shall provide a receipt from the Chicago Floor Area Bonus Fund -- C.P.S. or its designee evidencing payment of said cash contribution for the Education Bonus. Prior to Part II Approval, in the event the Applicant elects to reduce the number of floors in the tower portion of the building by up to two (2) floors, the Education Bonus shall be reduced in accordance with the reduction in floor area, and the associated cash contribution shall be reduced accordingly.

13. 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. 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.
14. 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 approximately six thousand three hundred ninety-nine (6,399) square feet of vegetated

**“green” roof improvements in conformance with the Green Roof Diagram. These improvements cover at least twenty-five percent (25%) of the net roof area. “Net roof area” is defined as total roof area minus any required perimeter setbacks, rooftop structures and roof-mounted equipment.**

- 15. 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, enables and maximizes access for persons with disabilities 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 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.**
  - 16. Unless substantial construction has commenced in or upon the Property 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 former DX-12 Downtown Mixed-Use District. Said six (6) year period may be extended for up to one (1) additional year if, before expiration, the Commissioner determines that good cause for such an extension is shown.**
  - 17. The Applicant acknowledges and agrees that it shall cause those portions of the Property located at grade-level of the Property along East Grand Avenue and North Fairbanks Court, which are depicted on the Site Plan as located within the “Publicly Available Pedestrian Zone”, to be maintained and available at all times for unobstructed publicly available pedestrian passage to and from the adjacent public sidewalk areas. No building improvements or other obstructions may be located in the Publicly Available Pedestrian Zone, except as may otherwise be approved by the Commissioner of the Department of Planning and Development and the Commissioner of the Department of Transportation; provided, however, that the Publicly Available Pedestrian Zone, or portions thereof, may become temporarily unavailable to public pedestrian use, from time to time, as necessary for temporary work such as building maintenance, repair, re-construction or for similar reasons, in which case notice shall be provided to the Commissioner of the Department of Planning and Development and the Commissioner of the Department of Transportation at least five (5) business days prior to commencement of the temporary work. In the event of an emergency requiring work that causes the Publicly Available Pedestrian Zone, or portions thereof, to become temporarily**
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unavailable, the aforesaid notice shall be provided simultaneously with the commencement of the work to the extent feasible and, if not feasible, then as soon thereafter as feasible. The Publicly Available Pedestrian Zone shall not extend below grade-level and shall be open to the sky, except for projections into said zone that are approved by the City pursuant to applicable procedures. Notwithstanding the establishment of the Publicly Available Pedestrian Zone herein, nothing in this Statement 17 shall limit vehicular access to and from the Property via the curb cuts and access drives depicted on the Site Plan, as said curb cuts and access drives may be modified from time to time as approved by the City.

[Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Basement Level Plans; Site/Landscape Plan; Green Roof Diagram; Sign Locations and Dimensions; Publicly Available Pedestrian Zone; Public Way Plan; and Building Elevations referred to in these Plan of Development Statements printed on pages 101074 through 101088 of this *Journal*.]

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

*Residential-Business Planned Development. 1061*

*Plan Of Development Bulk Regulations  
And Data Table.*

Gross Site Area of approximately 58,537 square feet (1.28 acres) = Net Site Area of approximately 32,797 square feet (0.75 acres) + Area Remaining in Public Right-of-Way of approximately 25,740 square feet (0.53 acres)

Maximum Floor Area Ratio (F.A.R.)  
(Per Statement 10(c) hereof):

Base Floor Area Ratio:	12.00
Affordable Housing:	1.59
Education Bonus:	1.67
Upper Level Setbacks:	2.57

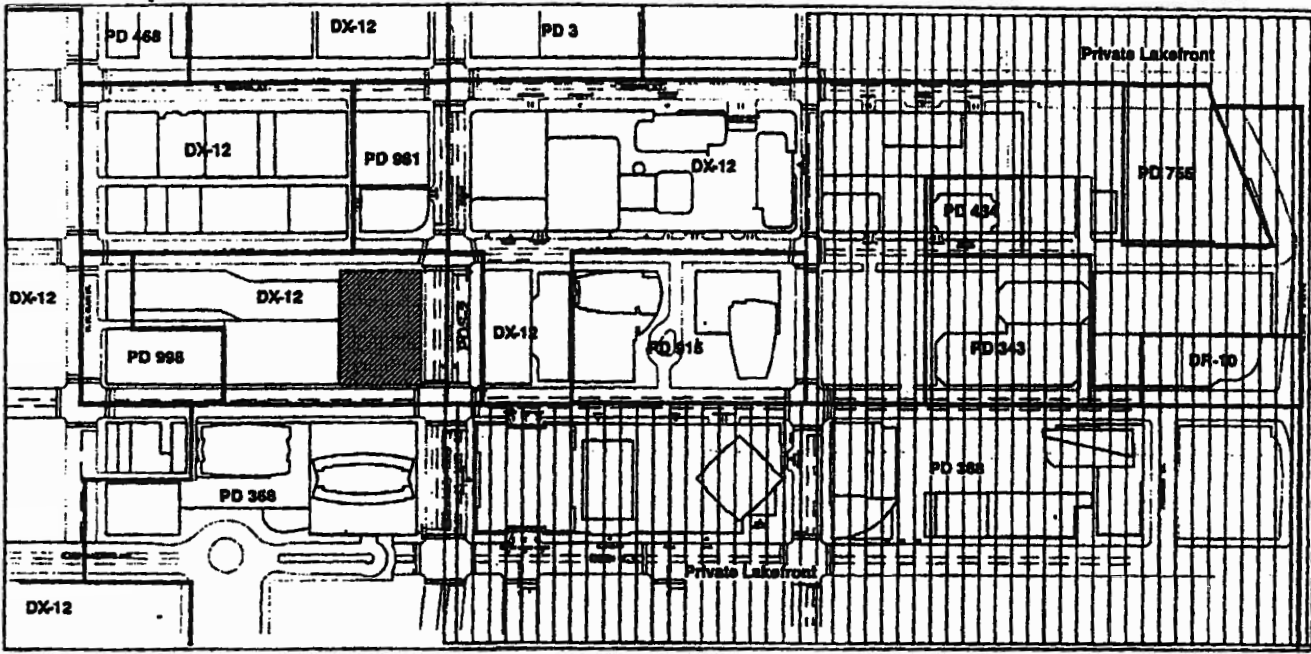
Underground Parking:	1.58
Sidewalk Widening:	<u>0.54</u>
Total Floor Area Ratio:	19.95
Permitted Uses:	Per Statement 5 hereof
Maximum Number of Dwelling Units:	220 (see Note 1)
Maximum Number of Hotel Keys:	240
Maximum Site Coverage:	In accordance with the Site and Landscape Plan
Minimum Building Setbacks:	In accordance with the Site and Landscape Plan
Minimum Off-Street Parking Spaces:	
Below Grade:	82
Above Grade:	229
Minimum Number of Off-Street Loading Berths:	4 berths, each 10 feet by 25 feet
Maximum Building Height:	750 feet
Minimum On-Site Open Space:	36 square feet per dwelling unit in private and/or common open space areas

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Note:

1. The maximum gross floor area of the building devoted to residential dwelling units shall be less than fifty percent (50%) of the total gross floor area of the building. Such residential dwelling unit floor area shall not include, for purposes of calculation of said percentage, floor area devoted to residential uses that are not within dwelling units such as, but not limited to, residential elevator lobbies, residential storage areas and residential amenity or recreation area.
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Existing Zoning Map.

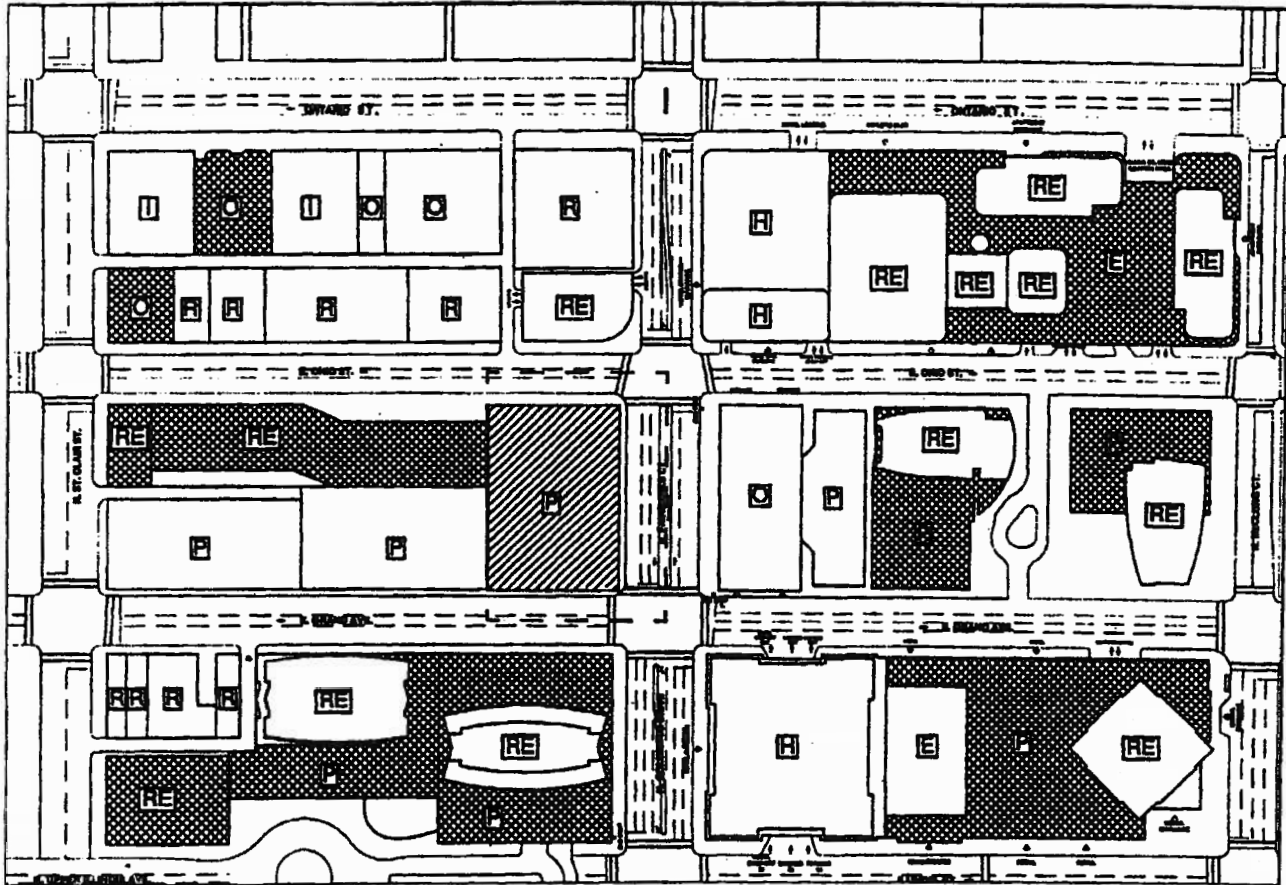


Sheet Title: Existing Zoning Map  
 Applicant: Fairbanks Development Associates, LLC  
 Addresses: 530 - 548 North Fairbanks Ct.  
 243 - 249 East Ohio St.  
 242 - 258 East Grand Ave.  
 Date: 09.01.06  
 Revised: 01.18.07

**LEGEND**  
 Property Line - - - - -  
 Subject PD Property



Existing Land-Use Map.



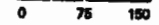
Sheet Title: Existing Land Use Map  
 Applicant: Fairbanks Development Associates, LLC  
 Addresses: 530 - 548 North Fairbanks Ct.  
 243 - 249 East Ohio St.  
 242 - 258 East Grand Ave.  
 Date: 09.01.06  
 Revised: 01.18.07

**LEGEND**  
 Planned Development ---  
 Boundary - - -  
 Subject PD Property [diagonal lines]

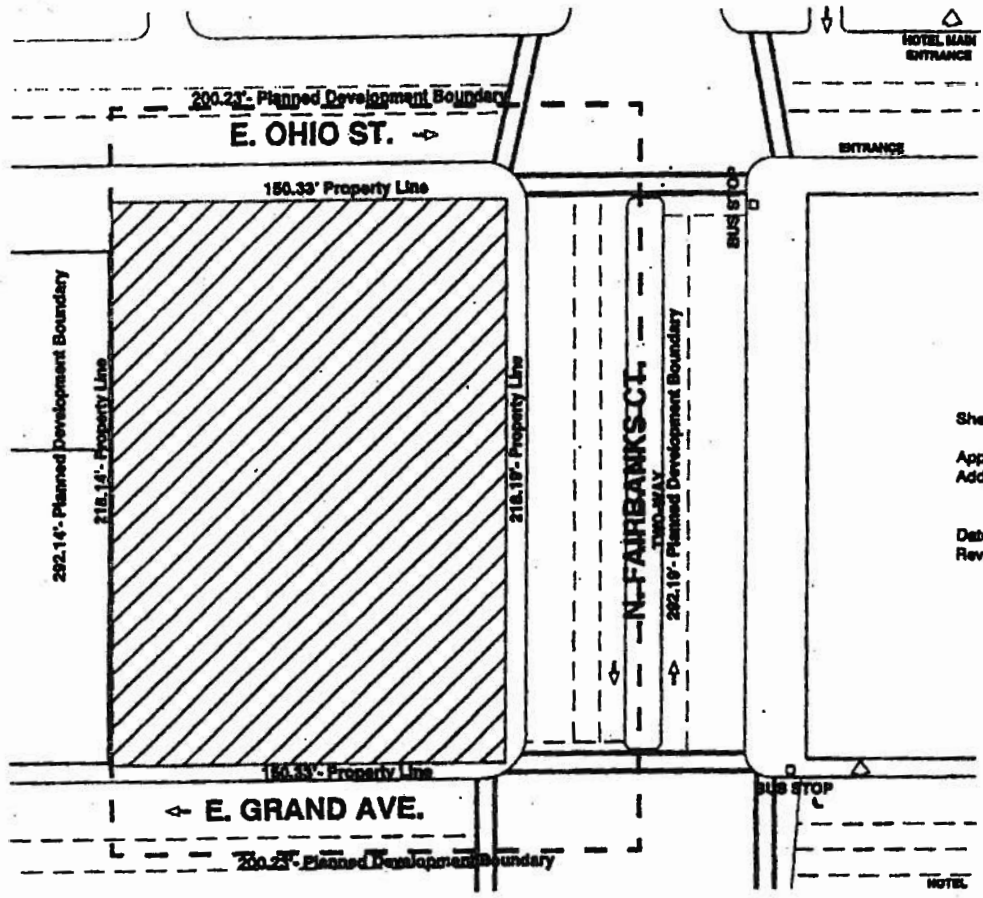
Institutional [I]  
 Office [O]  
 Retail [R]  
 Parking [P]

Hotel [H]  
 Entertainment [E]  
 Residential [RE]  
 Retail on 1st Floor [RE with dot pattern]

SCB  
 © 2006 Solomon Cordwell Buenz



Planned Development And Property Line Boundary Map.



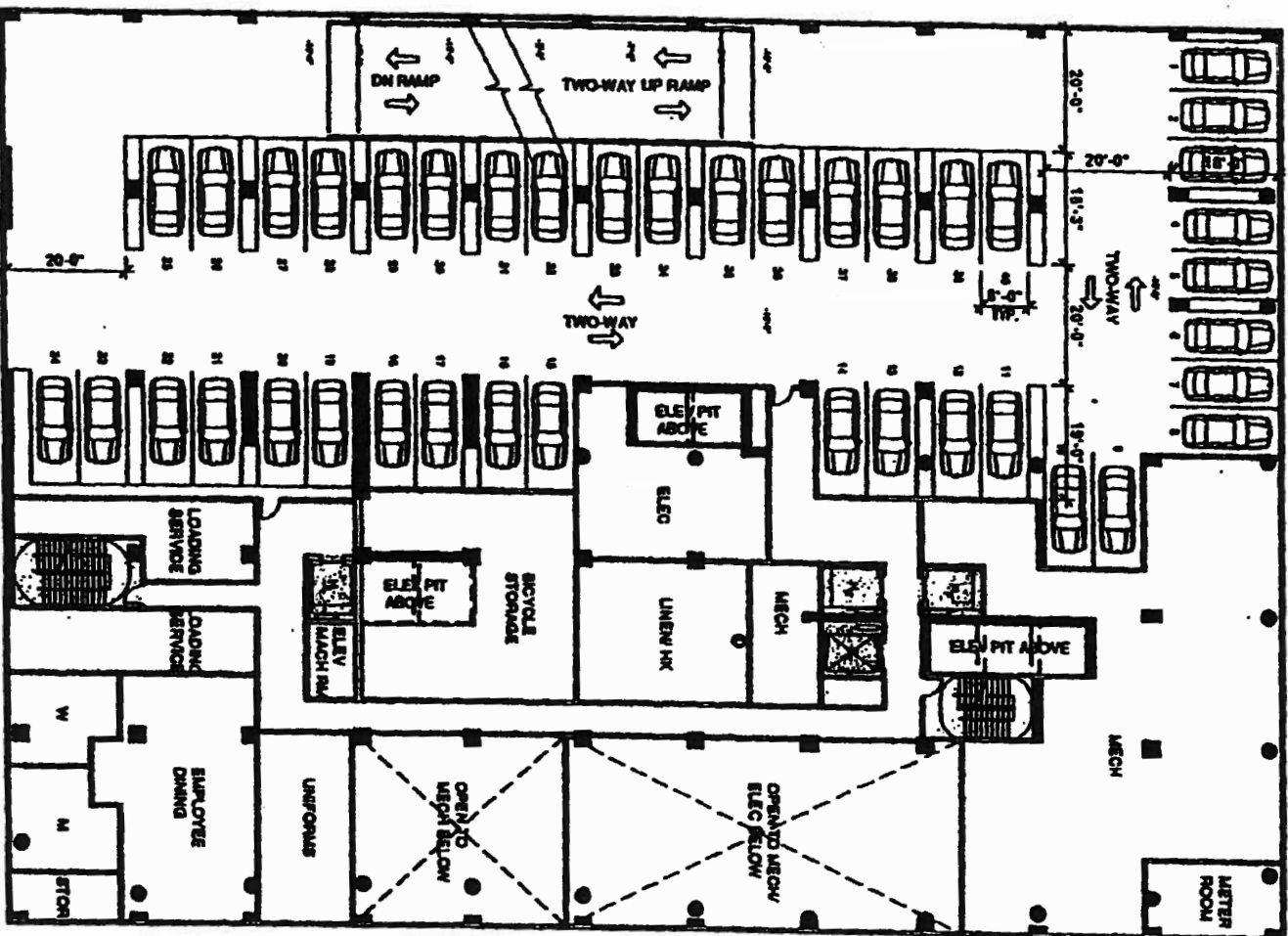
Sheet Title: Planned Development & Property Line Boundary Map  
 Applicant: Fairbanks Development Associates, LLC  
 Addresses: 530 - 548 North Fairbanks Ct.  
 243 - 249 East Ohio St.  
 242 - 258 East Grand Ave.  
 Date: 09.01.06  
 Revised: 01.18.07

LEGEND

- Planned Development Boundary
- Property Line
- Subject PD Property

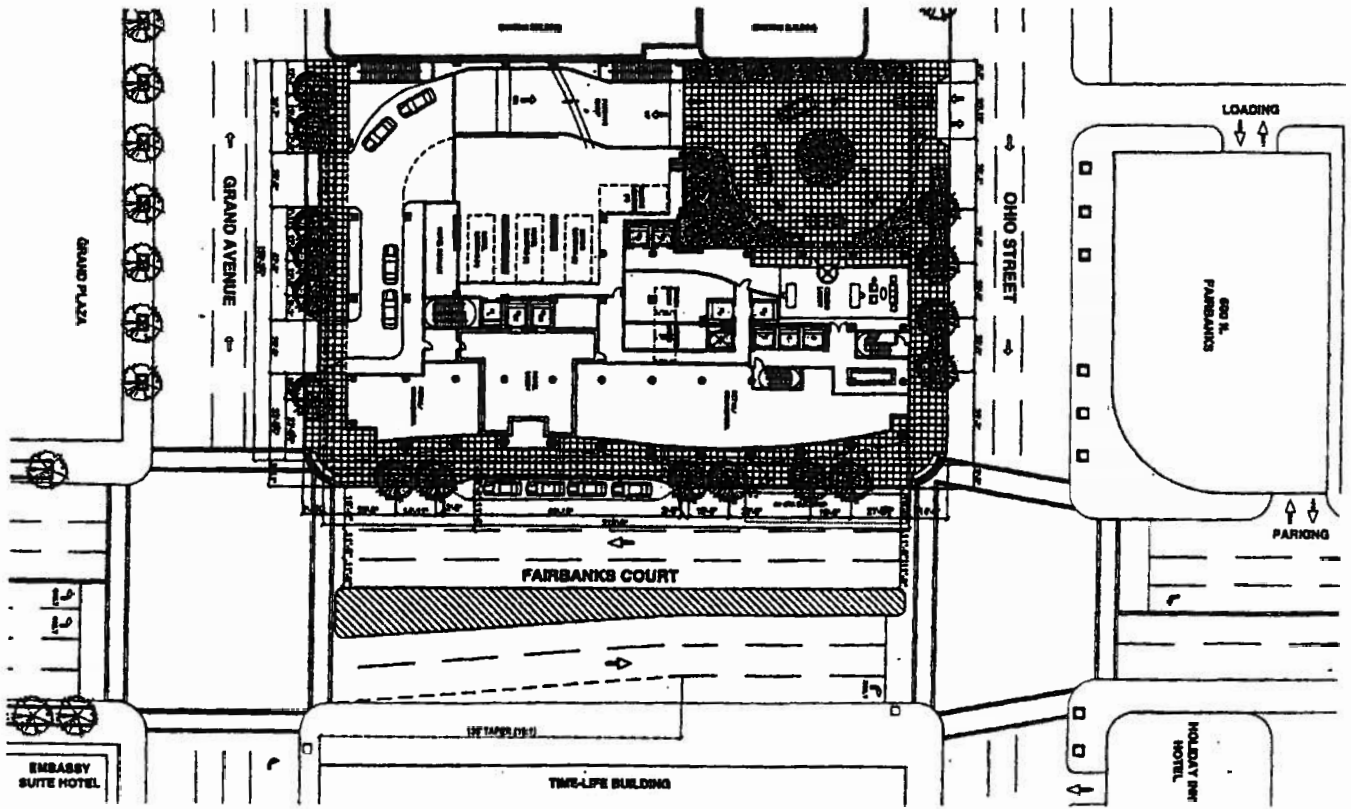
SCP  
 © 2006 Solomon Cordwell Buenz

First Basement Plan.





Site/Landscape Plan.



Green Roof Diagram.

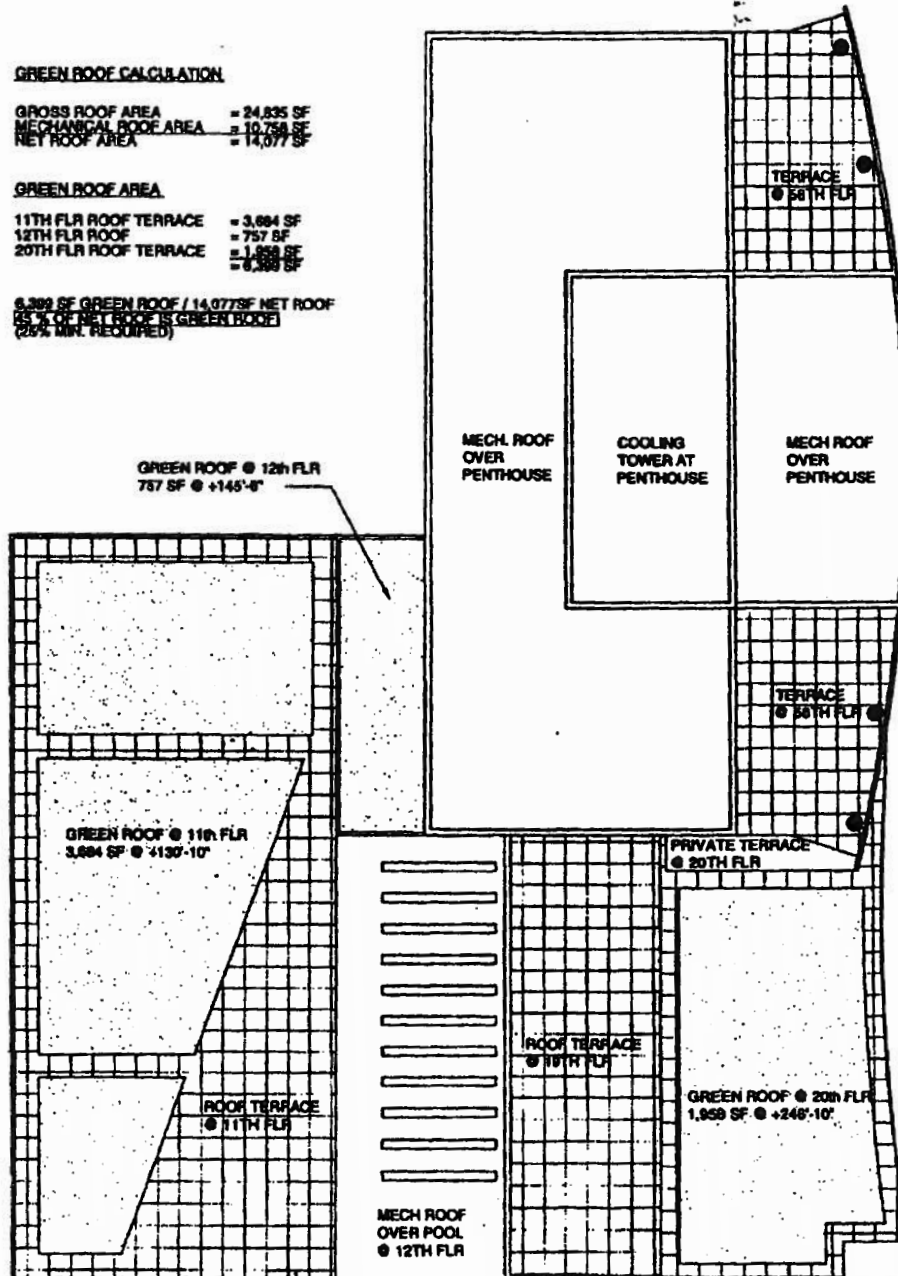
**GREEN ROOF CALCULATION**

GROSS ROOF AREA = 24,835 SF  
MECHANICAL ROOF AREA = 10,758 SF  
NET ROOF AREA = 14,077 SF

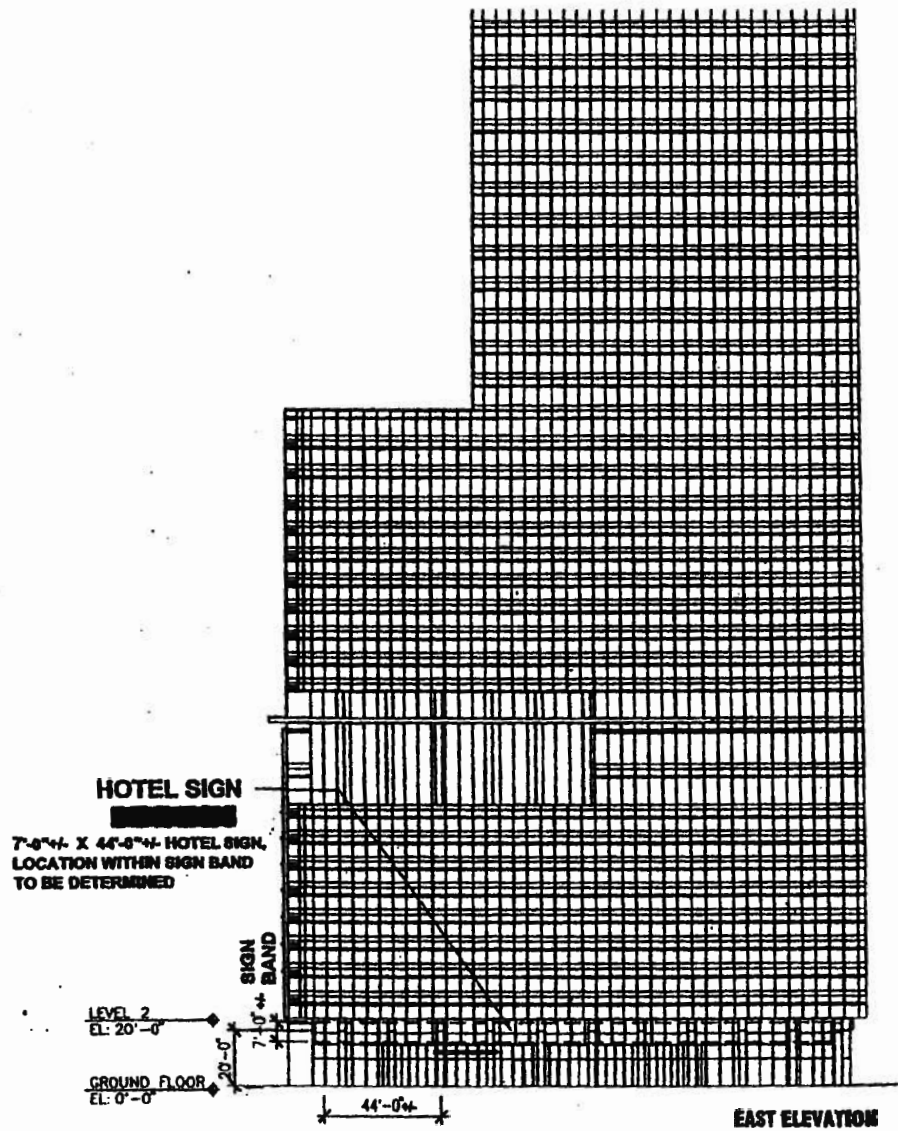
**GREEN ROOF AREA**

11TH FLR ROOF TERRACE = 3,884 SF  
12TH FLR ROOF = 757 SF  
20TH FLR ROOF TERRACE = 1,958 SF  
= 6,599 SF

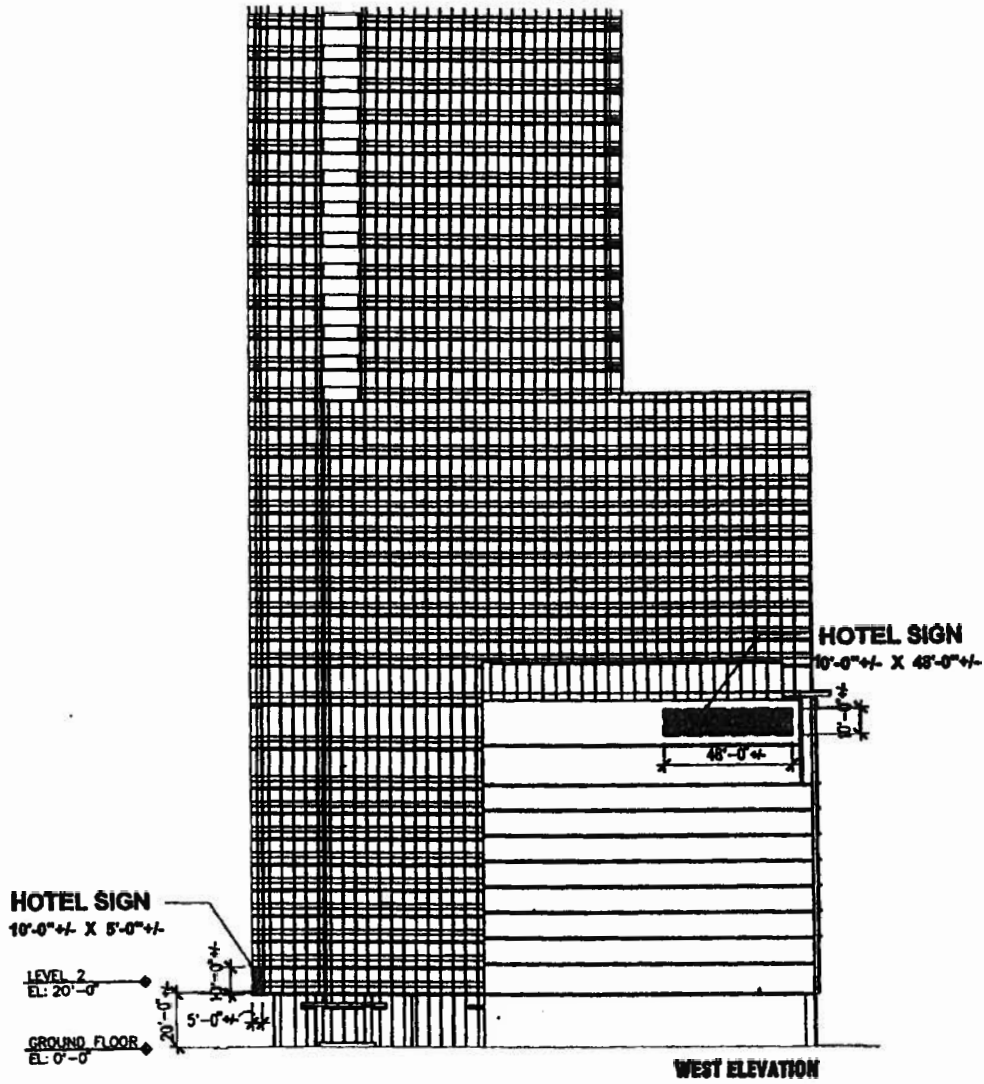
6,599 SF GREEN ROOF / 14,077 SF NET ROOF  
47% OF NET ROOF IS GREEN ROOF  
(25% MIN. REQUIRED)



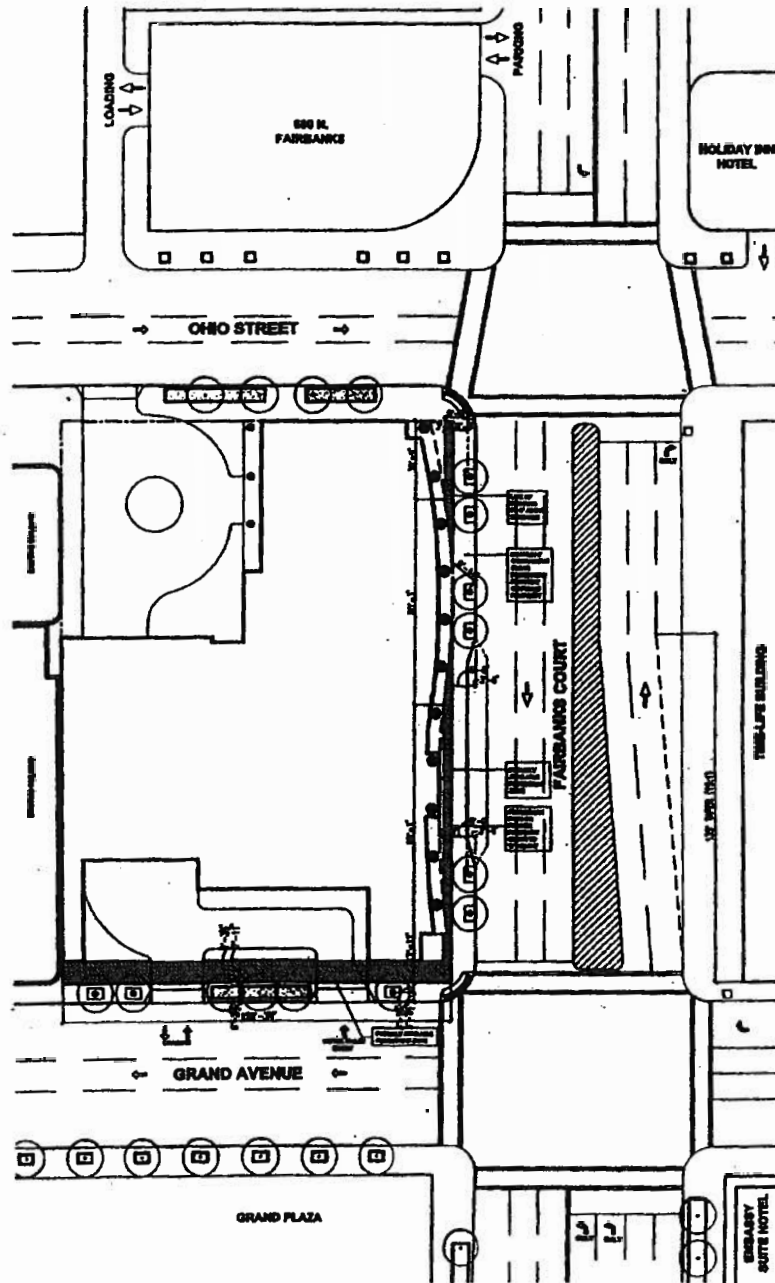
East Elevation Sign Location And Dimension.



West Elevation Sign Location And Dimension.

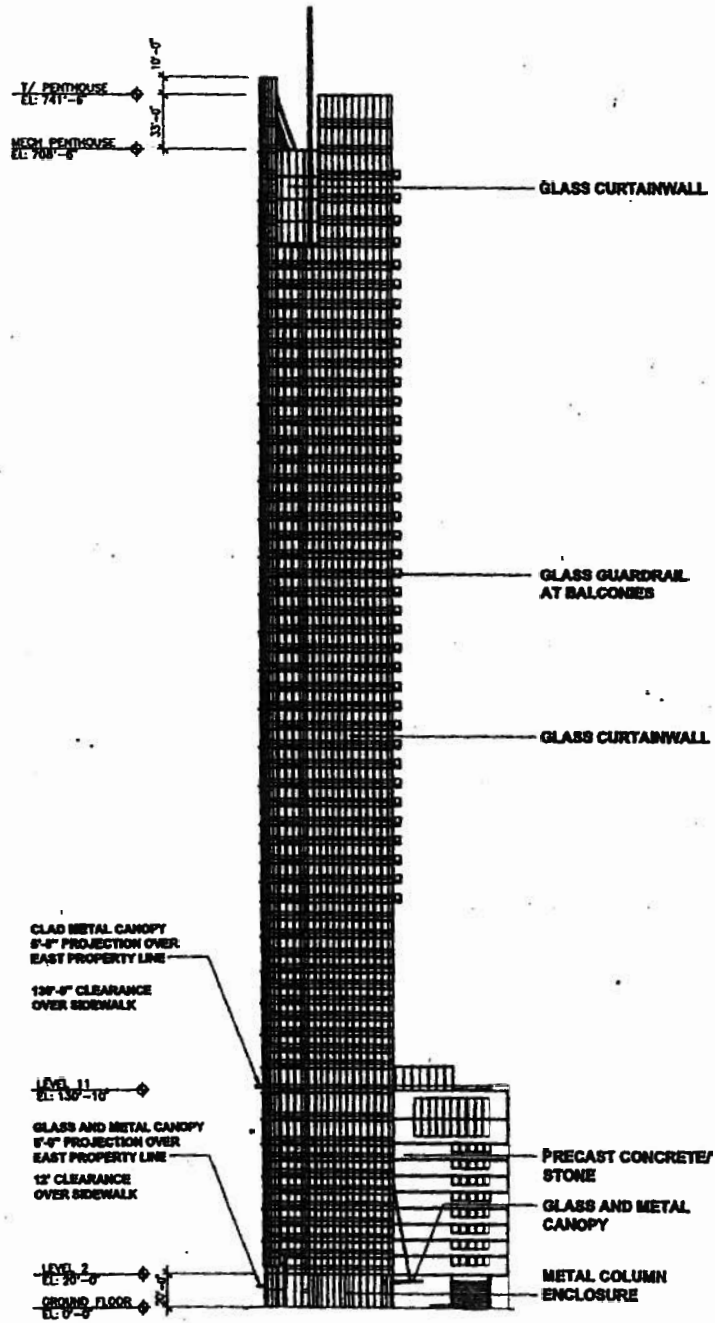


Publicly Available Pedestrian Zone.

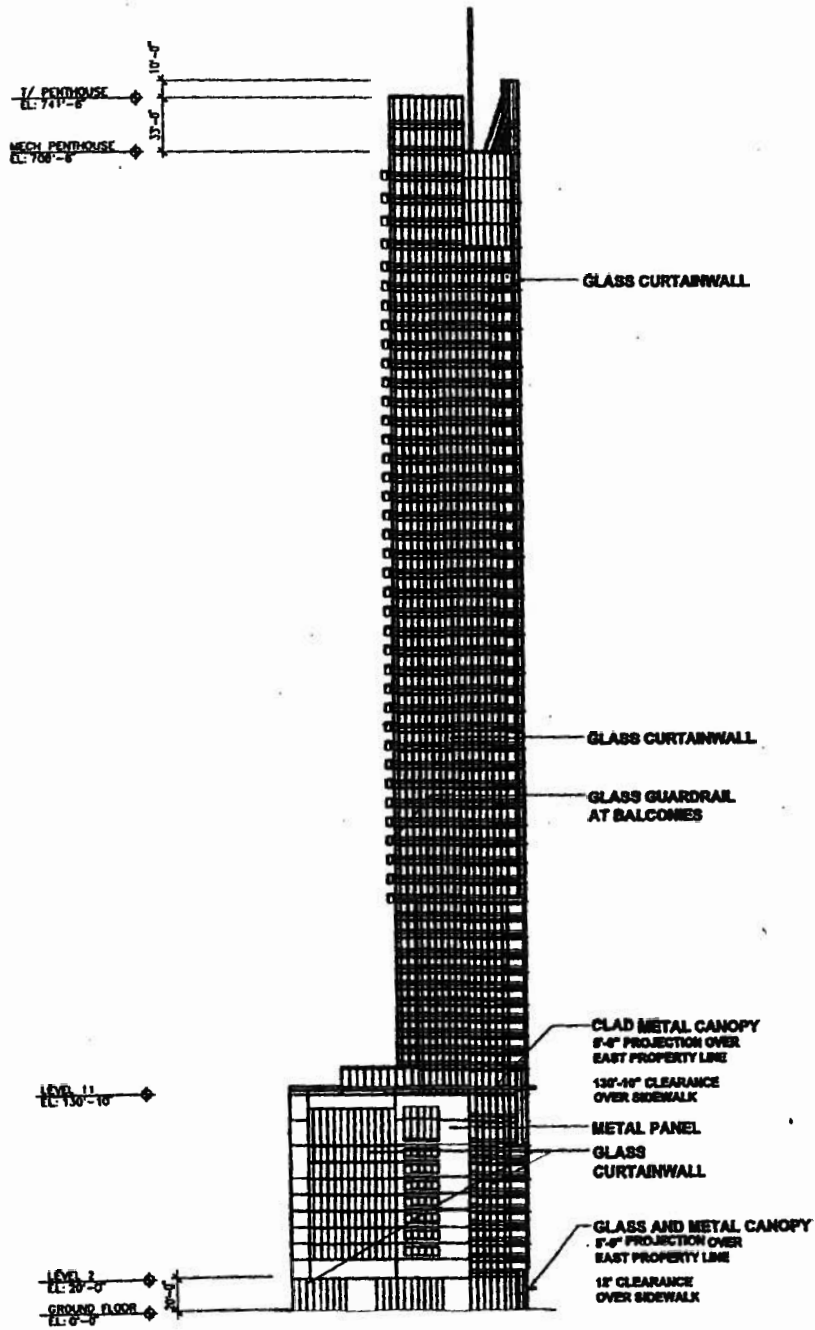




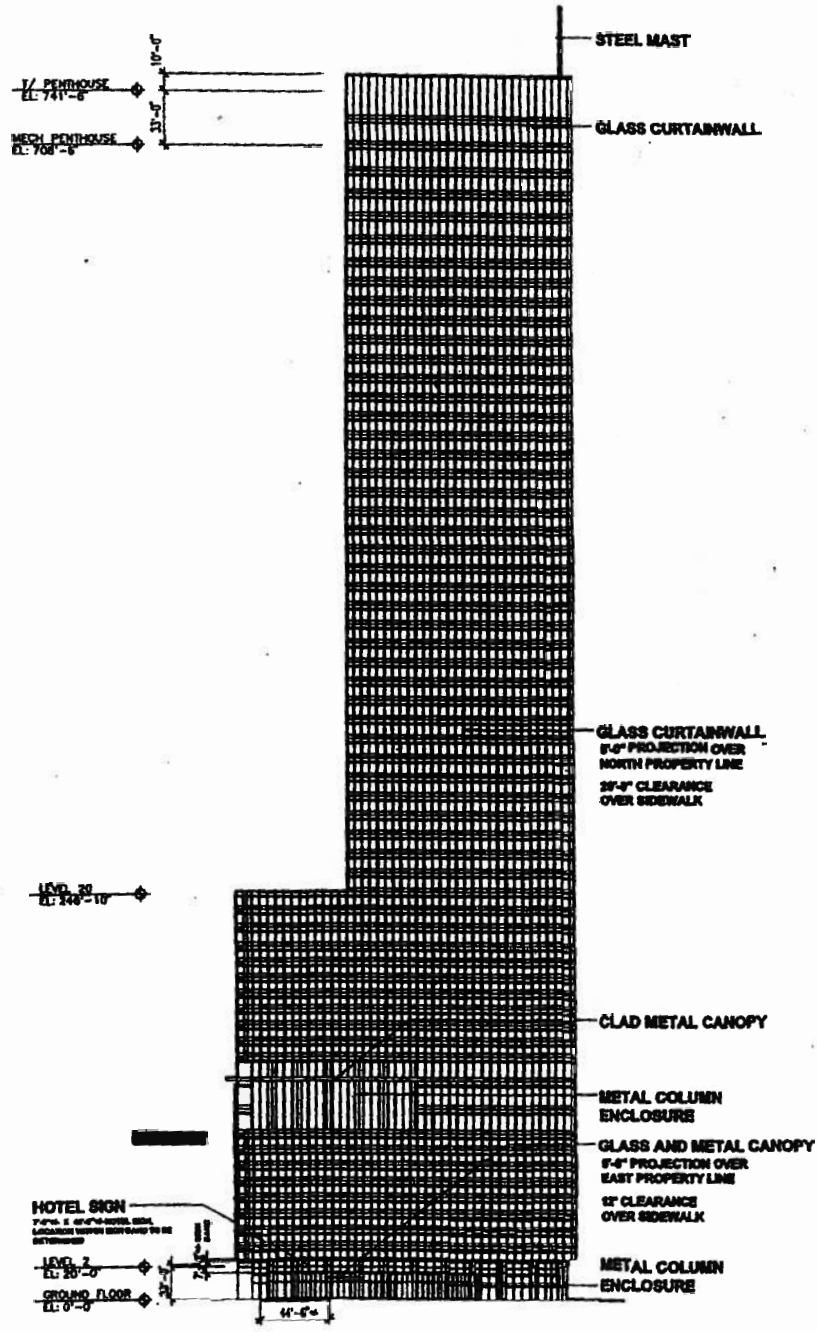
North Elevation.



South Elevation.



East Elevation.



West Elevation.

