

# PD 1102

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3/12/2008

REPORTS OF COMMITTEES

16015  
23423

Yeas -- Aldermen Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyte, Jackson, Harris, Beale, Pope, Baker, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Turney, Levar, Shiller, Schutter, M. Smith, Moore, Stone -- 50.

Nays -- None.

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

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-F  
(As Amended)  
(Application Number 16015)*

RPD 1102

*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 DC-12 Downtown Core District symbols as shown on Map Number 1-F in the area generally bounded by:

West Kinzie Street; a line 121.13 feet east of and parallel to North Wells Street; a line 194.19 feet south of and parallel to West Kinzie Street; a line 94.93 feet east of and parallel to North Wells Street; a line 156.94 feet south of and parallel to West Kinzie Street; and North Wells Street.

to the designation of a Residential-Business Planned Development, subject to the use and bulk regulations set forth in the Plan of Development attached hereto and made a part hereof.

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

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

*Residential Planned Development Number 1102*

*Plan Of Development Statements.*

1. The area delineated herein as a Residential Planned Development ("Planned Development"), consists of approximately twenty thousand one hundred eighty-eight (20,188) square feet (zero and forty-six hundredths (0.46) acre) of property generally

located on the southeast corner of North Wells Street and West Kinzie Street (the "Property"), as more fully depicted on the attached Planned Development Boundary and Property Line Map. The Property is under the unified control of the applicant, SA Lynd Development Partners, L.P.

2. All applicable official reviews, approvals or permits that are required in connection with the Planned Development shall be obtained or authorized to be obtained by the applicant. Any dedication or vacation of streets, alleys or easements, or adjustments of rights-of way, or consolidation or resubdivision of parcels, shall require a separate submittal and approval by the City Council
3. The requirements, obligations and conditions contained within the Planned Development shall be binding upon the applicant its successors and assigns and, if different from 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 from the applicant, the legal titleholder and any ground lessees of the Property. Any applications for amendments, modifications or changes (administrative, legislative or otherwise) to the Planned Development shall be made or authorized by the applicant or its successors and assigns.

Furthermore, pursuant to the requirements of Section 17-8-0400 of the 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) with respect to all portions of the Property that consist of condominiums and all legal titleholders 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 all 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 with respect to the portion of the property so transferred.

4. The plan of development consists of these sixteen (16) statements; a Bulk Regulations and Data Table, an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary, Property Line and Right-of-Way Adjustment Map; a Site Plan; a Landscape Plan and Green Roof Plan; Ground Floor Plan; North, East, South and West Building Elevations and a Building Section prepared by Valerio Dewalt Train, dated February 21, 2008. Full-sized copies of the Building Elevations, Site Plan, and Landscape/Green Roof Plan are on file with the Department of Planning and Development. These and no other zoning controls shall apply to the Property. The 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. 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 shall be permitted in the area delineated herein as a Residential Planned Development: residential dwelling units; accessory parking; artist work or sales spaces; financial services; business and professional offices; retail sales, food and beverage retail sales; eating and drinking establishments; personal services; residential support services; wireless communication facilities; accessory and related uses; and all other uses permitted in the DC Downtown Core District except hotel.  
  
Portions of the Property may be used on an interim basis for construction staging and the storage of construction materials for the various phases of development of the Property.
6. On-premise identification signs, on-premise signs and temporary signs such as construction and marketing signs, shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development. Off-premise signs are prohibited.
7. All driveways providing ingress and egress, including for emergency vehicles, shall be adequately designed and paved in accordance with the regulations of the Chicago Department of Transportation in effect at the time of construction and in compliance with the Municipal Code of Chicago. Closure of all or any part of any public street or alley during demolition or construction shall be subject to review and approval of the Chicago Department of Transportation. 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.

8. For purposes of height calculations, the definitions in the Chicago Zoning Ordinance shall apply. In addition to the maximum height of the building and any appurtenance thereto prescribed in this Planned Development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. For purposes of floor area and floor area ratio ("F.A.R.") calculations, the definitions of the Chicago Zoning Ordinance shall apply. For purposes of this Planned Development, "grade" is defined as the curb level adjacent to the Kinzie Street property line.

The permitted F.A.R. identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of twenty thousand one hundred eighty-eight (20,188) square feet, a base F.A.R. of 12.0 and additional bonus F.A.R., as follows:

Description	Floor Area Ratio
Base Floor Area Ratio	12.00
Affordable Housing Contribution	3.50
Total Floor Area Ratio	15.50

10. The improvements on the Property shall be designed, constructed and maintained in substantial conformance with the Site Plan, Landscape Plan/Green Roof Plan and Building Elevations attached hereto and made a part of this Planned Development.

The minimum lot area per dwelling unit in a DC-12 Downtown Core District is seventy-five (75) square feet per efficiency unit and one hundred fifteen (115) square feet for non-efficiency dwelling units. The Applicant's actions referenced in Statement Number 14 below, in association with a three point five (3.5) F.A.R. Affordable Housing Floor Area Bonus qualify the project for a fifteen percent (15%) reduction in minimum lot area per dwelling unit under Section 17-4-0404-B of the Chicago Zoning Ordinance. An additional ten point one percent (10.1%) reduction in the minimum lot area per dwelling unit has been approved in consideration of the Applicant's agreement to provide retail space fronting on and, accessible from, a future transit-related platform over West Carroll Avenue. Therefore, the maximum permitted number of dwelling units shall be two hundred forty-nine (249), consisting of forty-two (42) efficiency dwelling units and two hundred seven (207) non-efficiency dwelling units.

Section 17-10-0102-B-2 of the Chicago Zoning Ordinance allows up to a twenty-five percent (25%) reduction in the minimum required parking for new construction development within six hundred (600) feet of a transit station. The proposed

development site is located within six hundred (600) feet of a transit station, the Merchandise Mart Station on the C.T.A.'s Brown/Purple Line. The minimum residential parking requirement shall be zero point five two (0.52) parking spaces per dwelling unit, an approximately six percent (6%) reduction.

Because of special conditions, a transit station located above North Wells Street and the use of West Carroll Avenue as a service and transit street, this Planned Development is not required to provide parkway trees on either street. Otherwise, this Planned Development shall be subject to the provisions of Chapter 17-11 of the Chicago Zoning Ordinance governing landscaping and screening. In any other instance where a provision of the Planned Development conflicts with landscape and screening provisions of the Chicago Zoning Ordinance, the Chicago Zoning Ordinance shall control. Nothing in this Planned Development is intended to waive the applicability of the landscape and screening provisions of the Chicago Zoning Ordinance.

11. The terms, conditions and exhibits of this Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development upon written application and a determination by the Commissioner of the Department of Planning and Development that such modification is minor, appropriate and consistent with the nature of the improvements contemplated by the Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of the Planned Development by the Commissioner of the Department of Planning and Development 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.
12. The Applicant acknowledges that it is in the public interest to design, construct and renovate all buildings in a manner that provides healthier environments, reduces operating costs and conserves energy and resources. The Applicant shall design, construct and maintain the building located within the Planned Development as a L.E.E.D. certified building consistent with the Leadership in Energy and Environmental Design Green Building Rating System. The Applicant has agreed to install a green roof on at least fifty percent (50%) (approximately four thousand eight hundred seventy-four (4,874) square feet) of the net available roof area.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner that promotes, enables and maximizes universal access throughout the Property. Plans for the building 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 applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. Pursuant to the Floor Area Bonuses provision of the City of Chicago Zoning Ordinance, Title 17, Chapter 17-4-1000, 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 building square foot. Based on Section 17-04-1004-D, the Applicant has agreed to provide a financial contribution to the City of Chicago Affordable Housing Fund in the amount of One Million Four Hundred Thirteen Thousand One Hundred Sixty and no/100 Dollars (\$1,413,160.00).

15. The Applicant acknowledges that the City of Chicago is studying transit alternatives along an east/west corridor north of the main branch of the Chicago River. This study may lead to the eventual establishment of a transit way on West Carroll Avenue adjacent to the Property. At such time as the City or its designee initiates construction of the transit way, the Applicant agrees to work with the City of Chicago to facilitate design and construction of a proposed future station platform over lower Carroll Avenue and a transit plaza above the platform adjacent to the south elevation of the proposed building. All costs associated with the construction of the platform shall be borne by the City of Chicago. Any revision to the building's south elevation adjacent to the future transit way requires approval by the City of Chicago Department of Transportation. Nothing in the foregoing statement shall be construed as releasing, waiving or otherwise limiting any rights of the City existing as of the date of passage of this Planned Development.
16. Unless substantial construction contemplated by this Planned Development has commenced upon the Property within six (6) years of the date of City Council approval of this Planned Development Ordinance and thence diligently pursued, this Planned Development shall expire and the zoning of the Property shall revert to the pre-existing classification of DC-12, Downtown Core District.

[Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary, Property Line and Right-of-Way Adjustment Map; Site Plan; Landscape Plan/Green Roof Plan; Ground Floor Plan; North, South, East and West Elevations; Building Section; and Lower Level Plan referred to in these Plan of Development Statements printed on pages 23430 through 23441 of this *Journal*.]

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

3/12/2008

REPORTS OF COMMITTEES

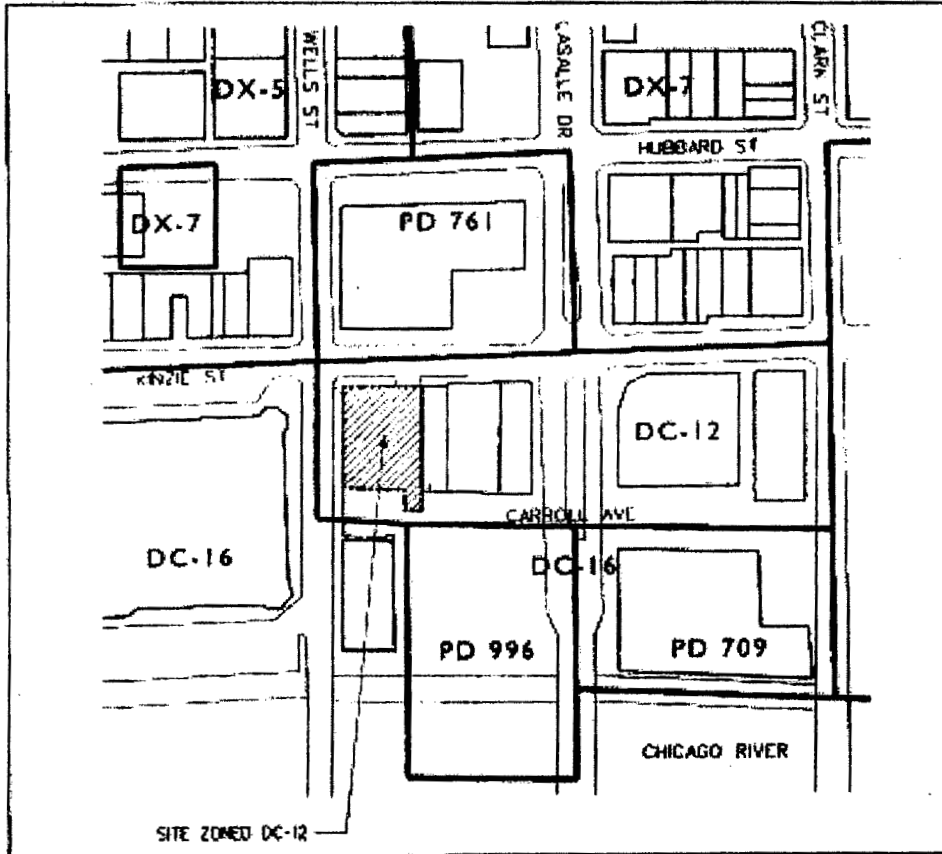
16015  
23429

*Bulk Regulations And Data Table.*

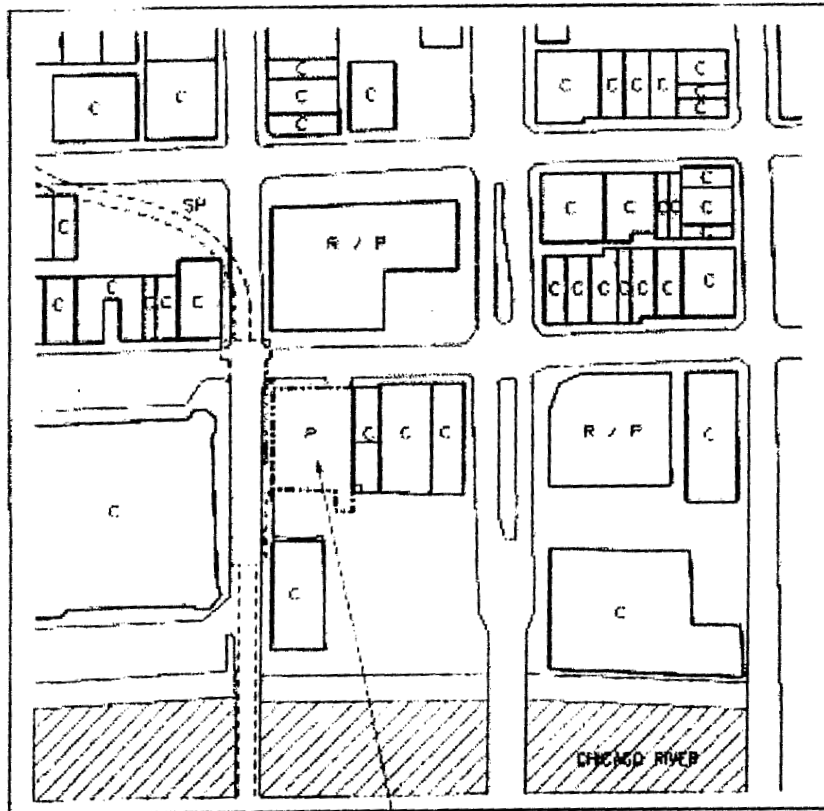
Gross Site Area (53,089 square feet/ 1.21 acres) = Net Site Area (20,188 square feet/ 0.46 acre) + Area to Remain in Public Right-of-Way (32,901 square feet/ 0.75 acre)

Maximum Floor Area Ratio:	15.5
Base Floor Area Ratio:	12.0
Floor Area Bonus:	
Affordable Housing:	3.5
Setback from Property Line:	0 feet
Permitted Uses:	See Statement Number 5
Maximum Number of Dwelling Units:	249 (42 efficiencies and 207 non-efficiencies) (See Statement Number 10)
Minimum Number of Parking Spaces:	129 (See Statement Number 10)
Minimum Number of Loading Berths:	3 at 10 feet by 25 feet
Minimum Number of Bicycle Spaces:	50
Maximum Building Height: (Building height shall be measured as set forth in §17-17-0311 of the Chicago Zoning Ordinance)	325 feet

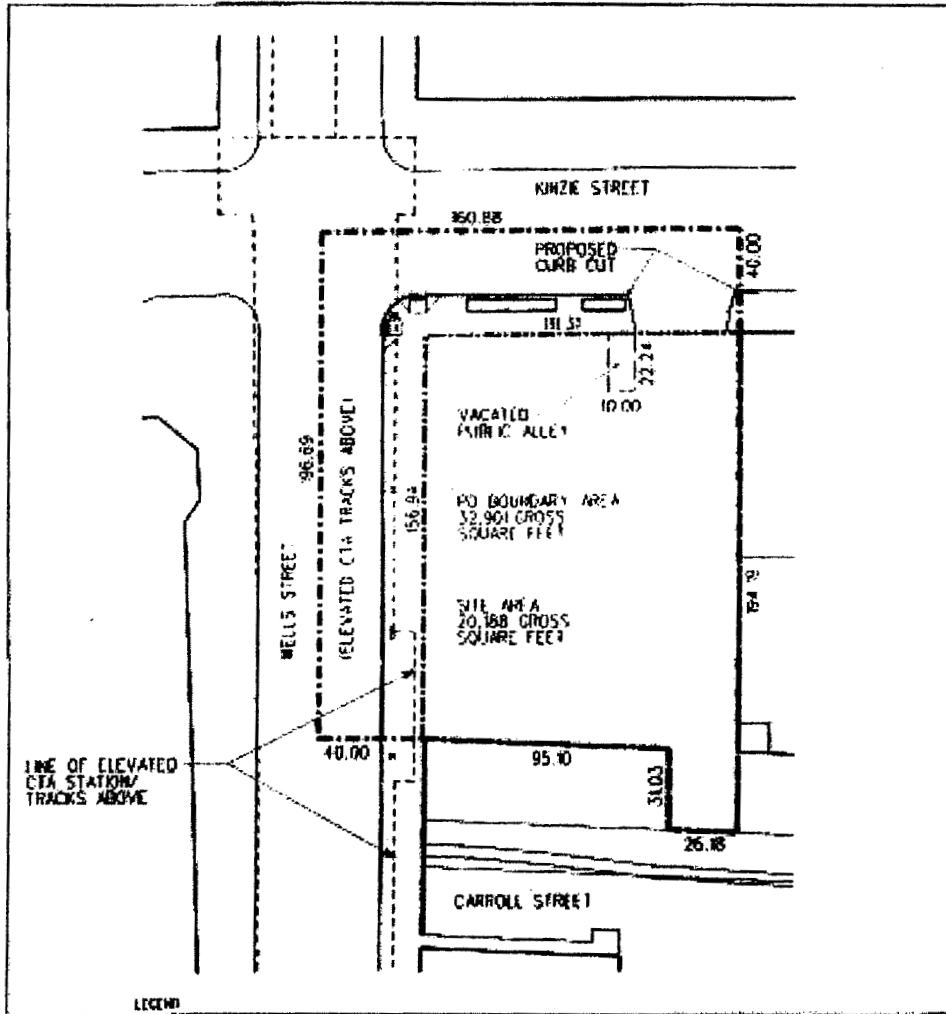
Existing Zoning Map



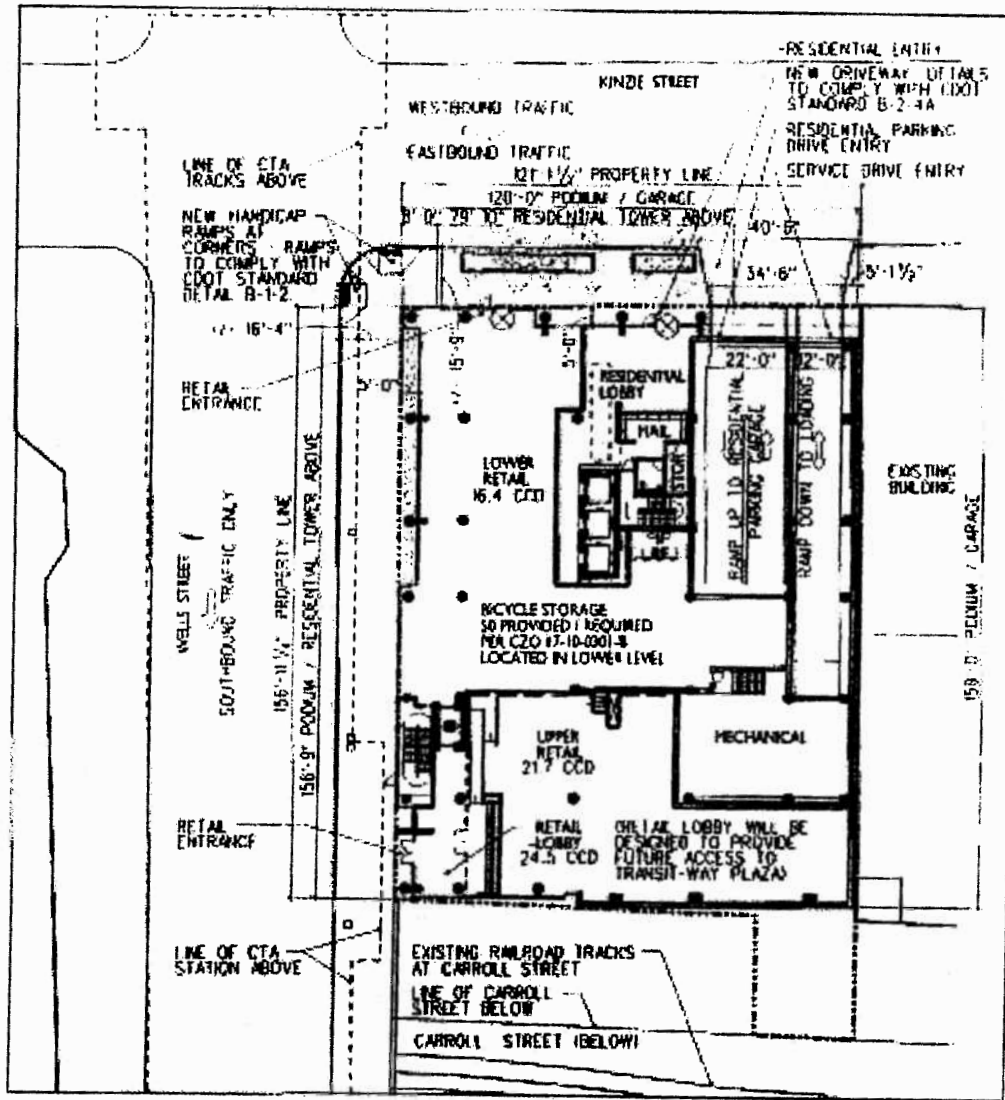
Existing Land-Use Map.



Planned Development Boundary, Property Line  
And Right-Of-Way Adjustment Map.

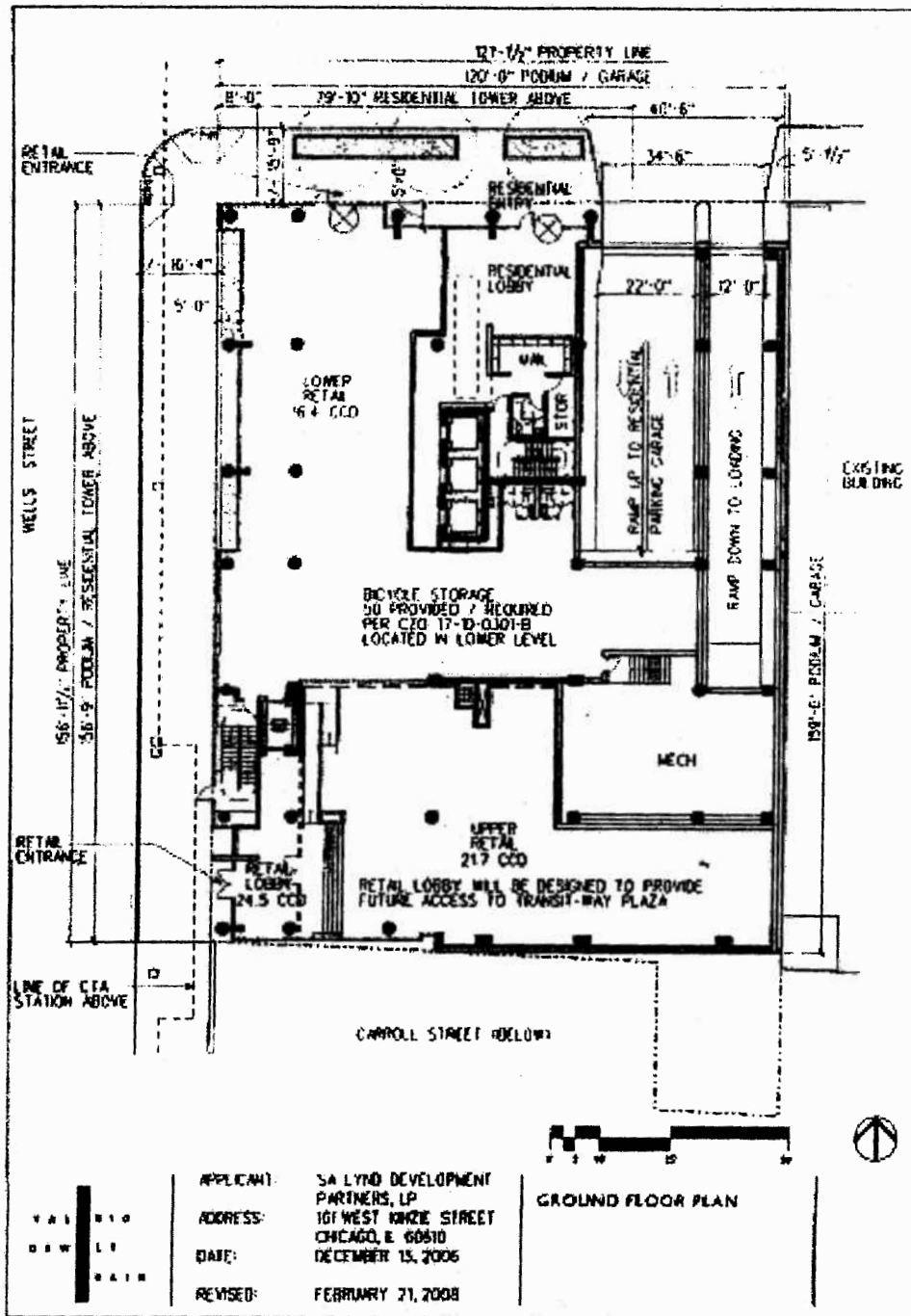


Site Plan

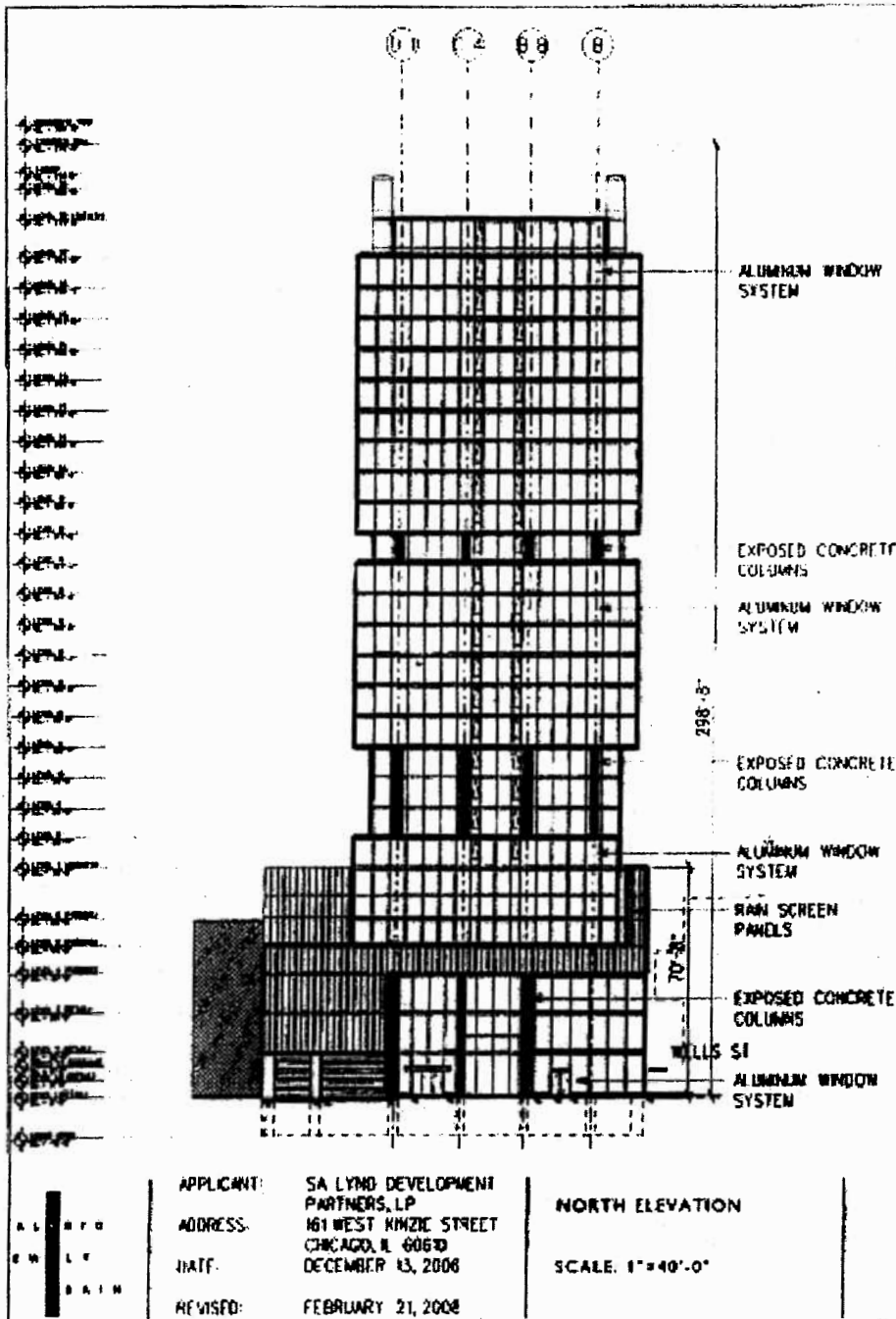




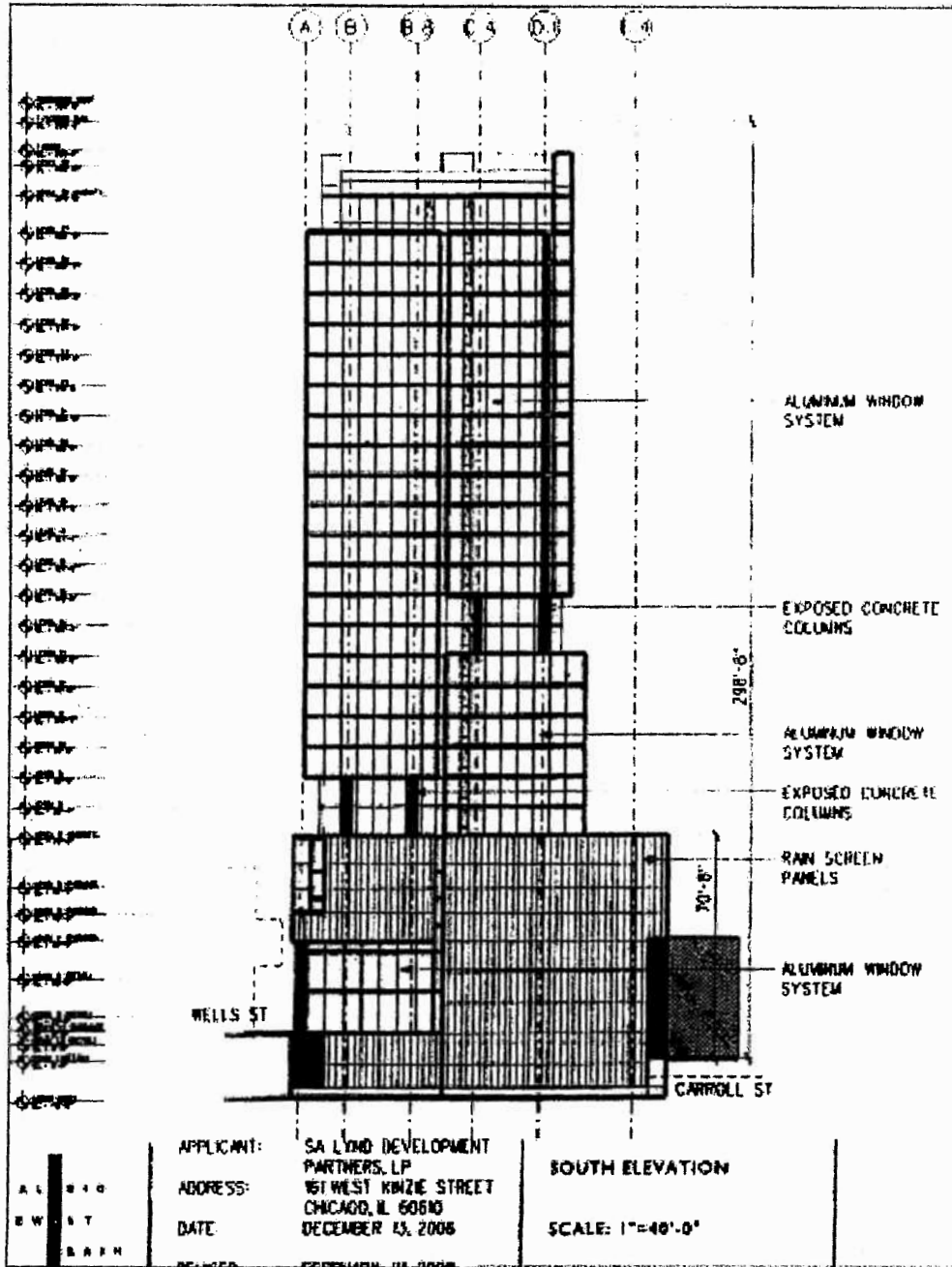
Ground Floor Plan.



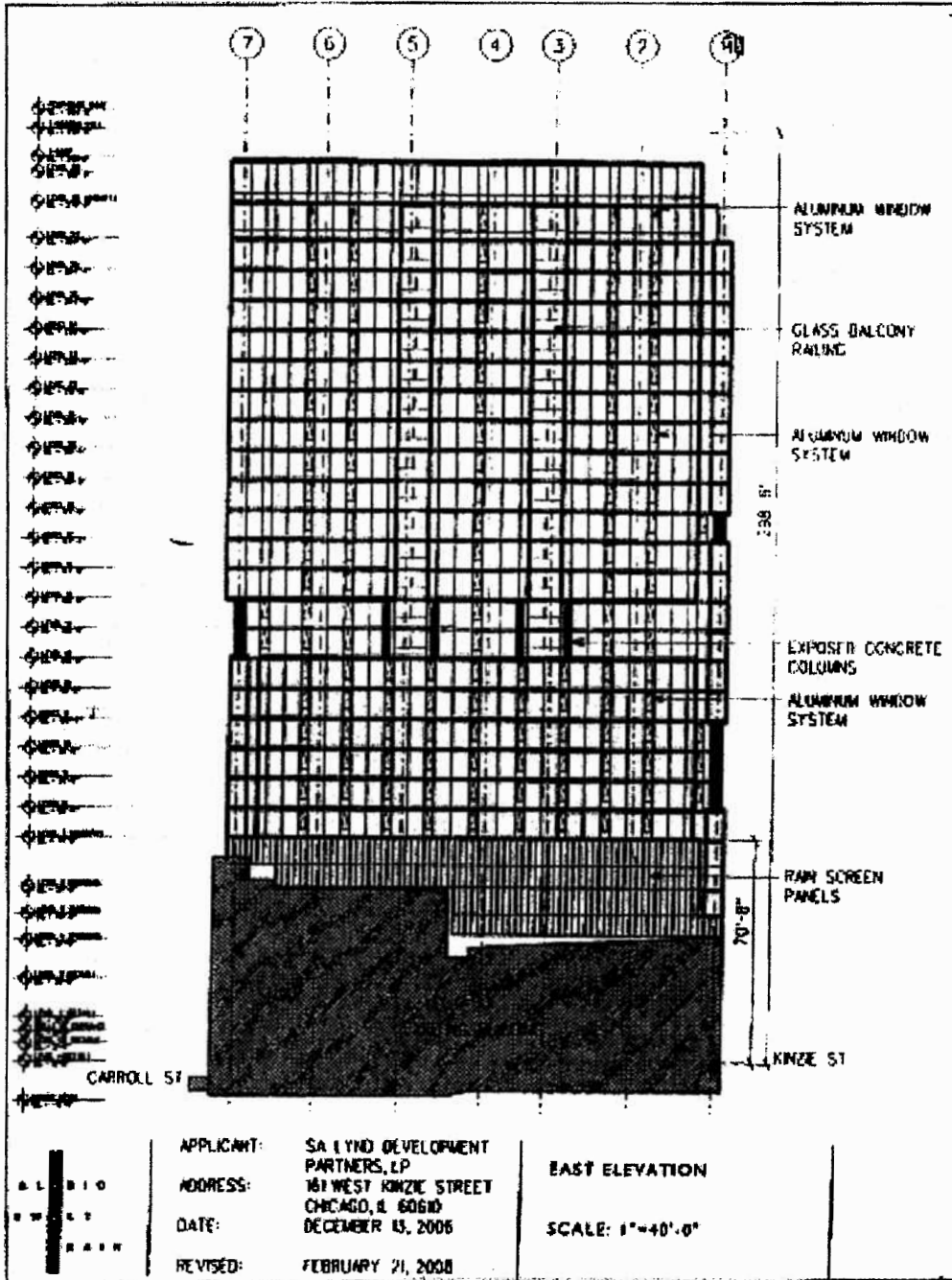
North Elevation.



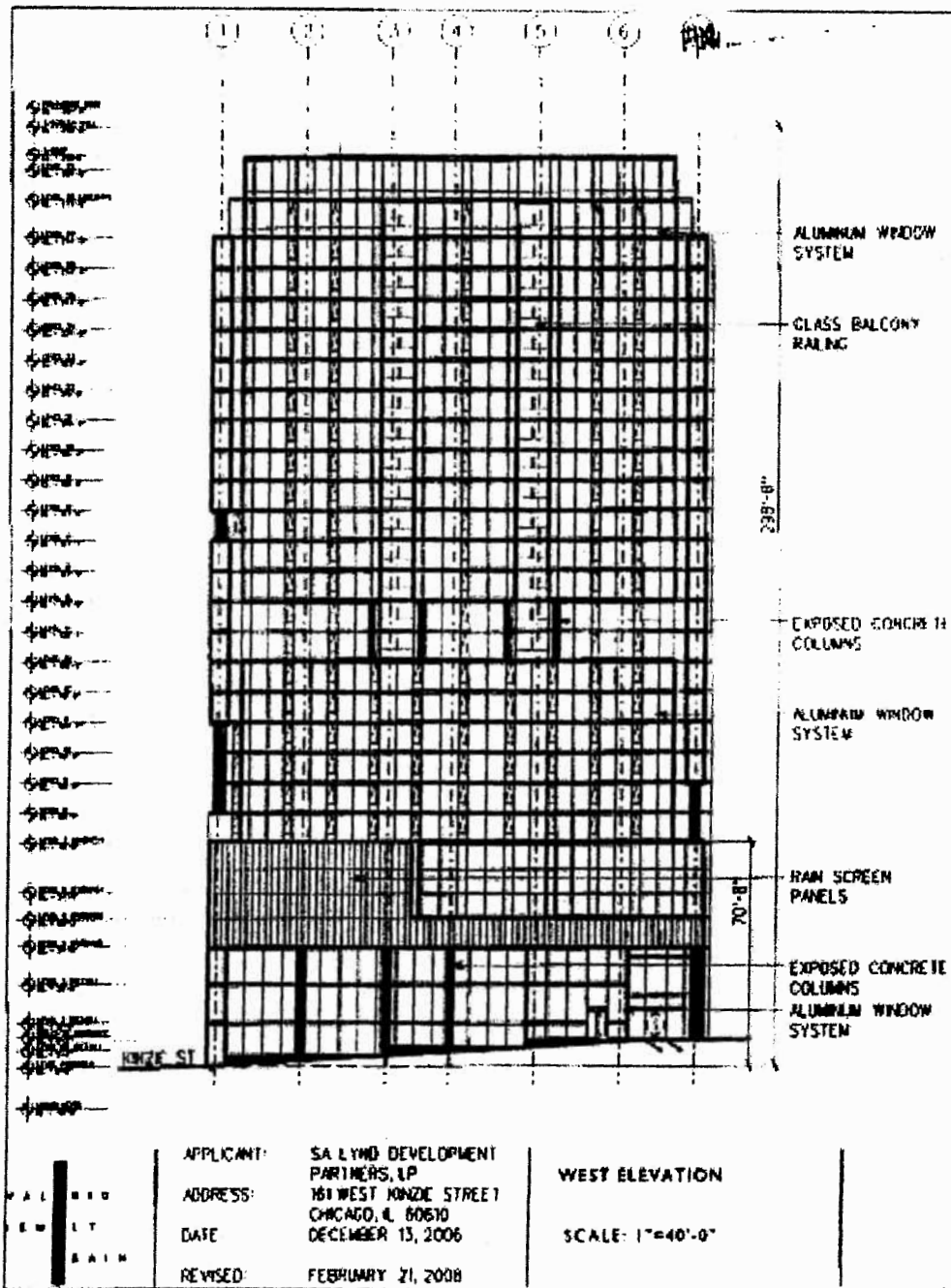
South Elevation



East Elevation.



West Elevation.





Lower Level Plan.

