

15535

6/11/2008

COMMUNICATIONS, ETC.

28661

Please let the record reflect that I recused myself and abstained from voting under the provision of Rule 14 of the City Council's Rules of Order and Procedure on Application Number 16584.

Application Number 16433 was re-referred to the Committee as per Alderman Beale.

At this time, I move for passage of these ordinances and substitute ordinances.

Please let the record reflect that I abstain from voting on application Number 16584 under the provision 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 ordinances and substitute ordinances transmitted with the foregoing committee report were Passed by yeas and nays as follows:

Yeas--Aldermen Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Jackson, Harris, Beale, Pope, Balcer, Cardenas, Olivo, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Colon, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schuller, M. Smith, Moore, Stone -- 48.

Nays -- None.

Alderman Carothers 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 this ordinance 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 15535)

RBPD 1109

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the

all the DX-12, Downtown Mixed-Use District symbols and indications as shown on Map Number 1-E in the area bounded by:

East Erie Street; North McClurg Court; East Ontario Street; and a line 305.11 feet west of and parallel to North McClurg Court,

to the designation of a Residential-Business Planned Development, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part thereof and to no others.

SECTION 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:

Residential-Business Planned Development Number 1109

Plan Of Development Statements.

1. The area delineated herein as a Residential-Business Planned Development consists of approximately sixty-three thousand nine hundred sixty (63,960) square feet (one and forty-seven hundredths (1.47) acres) and is controlled by the applicant, GH 630, L.L.C.
2. All applicable official reviews, approvals or permits are required to be obtained by the applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys, or easements, or adjustments of right-of-way, or consolidation or resubdivision of parcels, 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 assigns and, if different than the applicant, the legal titleholder and any ground lessors. All rights granted hereunder to the applicant shall inure to the benefit of the applicant's successors and assigns and if different than the applicant, then to the owners of record title to all of the property and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the property, at the time any 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) shall be made or authorized by all

the owners of the property and any ground lessors. 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. An agreement among property owners, the board of directors of any property owners association, or a covenant binding property owners, may designate the authorized party for any future amendment, modification or change.

4. This plan of development consists of these sixteen (16) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Surrounding Land-Use Plan; a Planned Development Boundary, Property Line and Right-of-way Adjustment Map; a Site Plan; a Temporary Phase 1 Site Plan; a Temporary Phase 1 Ground Perspective looking Northwest; a Landscape Plan; a Roof Plan; a North Elevation; a South Elevation; an East Elevation; an East Elevation-Phase I; a West Elevation; an Overall Section A- North/South; and an Overall Section B-East/West dated April 17, 2008, prepared by Solomon Cordwell Buenz & Associates Inc.. Full-size sets of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. The planned development is applicable to the area delineated hereto and these and no other zoning controls shall apply. 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 within the area delineated herein as "Residential-Business Planned Development": all uses permitted in the DX-12, Downtown Mixed-Use District, accessory and non-accessory parking and related uses save and except hotel/motel, light equipment sales, vehicle repair and industrial uses.
6. On-premise business identification signs shall be permitted within the planned development subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted, subject to the review and approval of the Department of Planning and Development. Off-premise signs are prohibited.
7. Ingress and egress shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. 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 part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation. The applicant shall participate in the Illinois/Grand Corridor Transportation Management Association ("Association") and shall share in the funding of the Association in a manner as determined by its Board of Directors.

Participation shall begin within ninety (90) days of receiving the first Part II Approval for the construction of the improvements contemplated in this planned development. The Association shall provide services that enhance traffic flow in the corridor including but not limited to a trolley to convey residents and shoppers between developments, information to provide shoppers with alternate routes to corridor developments, and shall commit to a shared parking arrangement among Association members to minimize short vehicular trips between proximate developments.

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 Ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply.
 10. The City of Chicago established a Part II Review Fee in the amount of twenty-five cents (\$0.25) per square foot for the total buildable square feet (floor area). The Part II Review Fee will be assessed by the Department of Planning and Development during the actual Part II Review. The fee as determined by the Department of Planning and Development staff at that time is final and binding on the applicant and must be paid to the Department of Planning and Development prior to the issuance of any Part II approval.
- ■ The improvements on the Property shall be designed, installed and maintained in substantial conformance with the Site Plan, Landscape Plan and Building Elevations and in accordance with the parkway tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. Notwithstanding any statement to the contrary, this planned development shall be subject to the provisions of Chapter 17-11 of the Chicago Zoning Ordinance governing landscaping and screening. In any 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. In recognition of the occurrence of the Kennedy-Nixon Presidential debate on September 26, 1960 at the property, the applicant agrees to install at its sole cost and expense within the outdoor plaza identified on the Ground Floor Plan, an appropriate commemoration of the event. Further, the applicant agrees to install within the outdoor plaza, a display acknowledging the significant historical features of the Chicago Riding Club. The applicant agrees that in the event that construction has not commenced upon the improvements within the Phase 2 property within one (1) year from the time of the issuance of the final Certificate of Occupancy for the residential building upon

the Phase I property, the applicant shall construct the pocket-park and shall grade, seed and fence the remaining portion of the Phase 2 property until the commencement of construction upon the Phase 2 property. The pocket-park and remaining portion of the Phase 2 property shall be open and available to the public until the commencement of the construction of the improvements upon the Phase 2 property at which time the pocket-park and remaining portion of the Phase 2 property can be closed to the public until the completion of the Phase 2 building at which time the pocket-park shall be re-established and again opened to the public. The pocket-park shall not be gated. The applicant shall place temporary public artwork, subject to the prior review and approval of the Commissioner of the Department of Planning and Development, upon the panel system to be installed at the tower base of the Phase 1 east elevation as depicted on the Temporary Phase I Ground Perspective Looking Northwest exhibit.

12. The permitted F.A.R. identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of sixty-three thousand nine hundred sixty (63,960) square feet (one and forty-seven hundredths (1.47) acres), a base F.A.R. of 12.00 and additional Floor Area Ratio for a series of proposed amenities, as follows:

Description	F.A.R.
Base F.A.R.	12.00
Affordable Housing	3.60
*Arcade (along McClurg Court)	0.23
"Parking Concealed by Occupiable Space (Ontario Street, Erie Street and McClurg Court)	<u>3.00</u>
TOTAL F.A.R.	18.83

The calculation of the additional Floor Area Ratio obtained through the series of proposed amenities is as follows:

* Arcade (along McClurg Court) and Parking Concealed by Occupiable Space (along McClurg Court) bonuses shall only be available for Phase 2 development.

Affordable Housing

$$\text{Bonus F.A.R.} = 12 \times 0.30 = 3.60 \text{ F.A.R.}$$

$$3.60 \times 63,960 = 230,256.0 \text{ square feet}$$

$$230,256.0 \text{ square feet} \times \$43.00 \text{ per square feet} \times 0.80 = \$7,920,806.40 \text{ contribution}$$

*Arcade (along McClurg Court)

$$\text{Bonus F.A.R.} = 0.23 \text{ F.A.R.}$$

$$25 \text{ feet} \times 110 \text{ feet} = 2,750 \text{ square feet}$$

$$2,750 \text{ square feet} \div 63,960 \times 1.25 \times 12 = 0.64 \text{ F.A.R. available/0.23 utilized}$$

Parking Concealed by Occupiable Space

Ontario Street: $\text{Bonus F.A.R.} = 1.61 \text{ F.A.R.}$

$$226 \text{ feet} \times 95 \text{ feet} = 21,470 \text{ square feet}$$

$$21,470 \text{ square feet} \div 63,960 \times 0.40 \times 12 = 1.61 \text{ F.A.R.}$$

Erie Street: $\text{Bonus F.A.R.} = 1.61 \text{ F.A.R.}$

$$226 \text{ feet} \times 95 \text{ feet} = 21,470 \text{ square feet}$$

$$21,470 \text{ square feet} \div 63,960 \times 0.40 \times 12 = 1.61 \text{ F.A.R.}$$

*McClurg Court: $\text{Bonus F.A.R.} = 0.83 \text{ F.A.R.}$

$$117 \text{ feet} \times 95 \text{ feet} = 11,115 \text{ square feet}$$

$$11,115 \text{ square feet} \div 63,960 \times 0.40 \times 12 = 0.83 \text{ F.A.R.}$$

The applicant, its successors or assigns, shall contribute the amount of Seven Million Nine Hundred Twenty Thousand Eight Hundred Sixty-six and 401100 Dollars (\$7,920,866.40) to The City of Chicago's Affordable Housing Opportunity Fund prior to the issuance of the "Part II Approval" for the construction of the first high-rise building contemplated in this planned development.

* Arcade (along McClurg Court) and Parking Concealed by Occupiable Space (along McClurg Court) bonuses shall only be available for Phase 2 development.

13. The terms, conditions and exhibits of this planned development ordinance may be modified administratively by the Commissioner of the Department of Planning and Development upon the application for such a modification by the applicant and after a determination by the Commissioner of the Department of Planning and Development that such a modification is minor, 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 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 of the Chicago Zoning Ordinance.
14. The applicant acknowledges that it is in the public interest to design, construct and maintain 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 buildings contained within this planned development as L.E.E.D. certified. The applicant agrees to provide a fifty percent (50%) vegetated green roof equaling approximately twenty-three thousand three hundred seventeen (23,317) square feet of net useable roof area. The applicant agrees to provide a dog run of approximately four hundred (400) square feet.
15. The applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the property. Plans for all buildings and improvements on the property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("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. No building permit shall be granted by the Department of Buildings until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement proposed to be constructed pursuant to the permit.
16. Unless substantial construction of the improvements contemplated in this planned development has commenced within six (6) years following adoption of this planned development, and unless completion is thereafter diligently pursued, then this planned development shall expire and the zoning of the property shall automatically revert to the pre-existing DX-12, Downtown Mixed-Use District designation.

[Existing Zoning Map; Surrounding Land-Use Plan; Planned Development Boundary, Property Line and Right-of-way Adjustment Map; Site Plan; Temporary Phase I Site Plan; Temporary Phase I Ground Perspective Looking Northwest; Landscape Plan; Roof Plan; and Elevations referred to in these Plan of Development Statements printed on pages 28669 through 28683 of this *Journal*.]

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

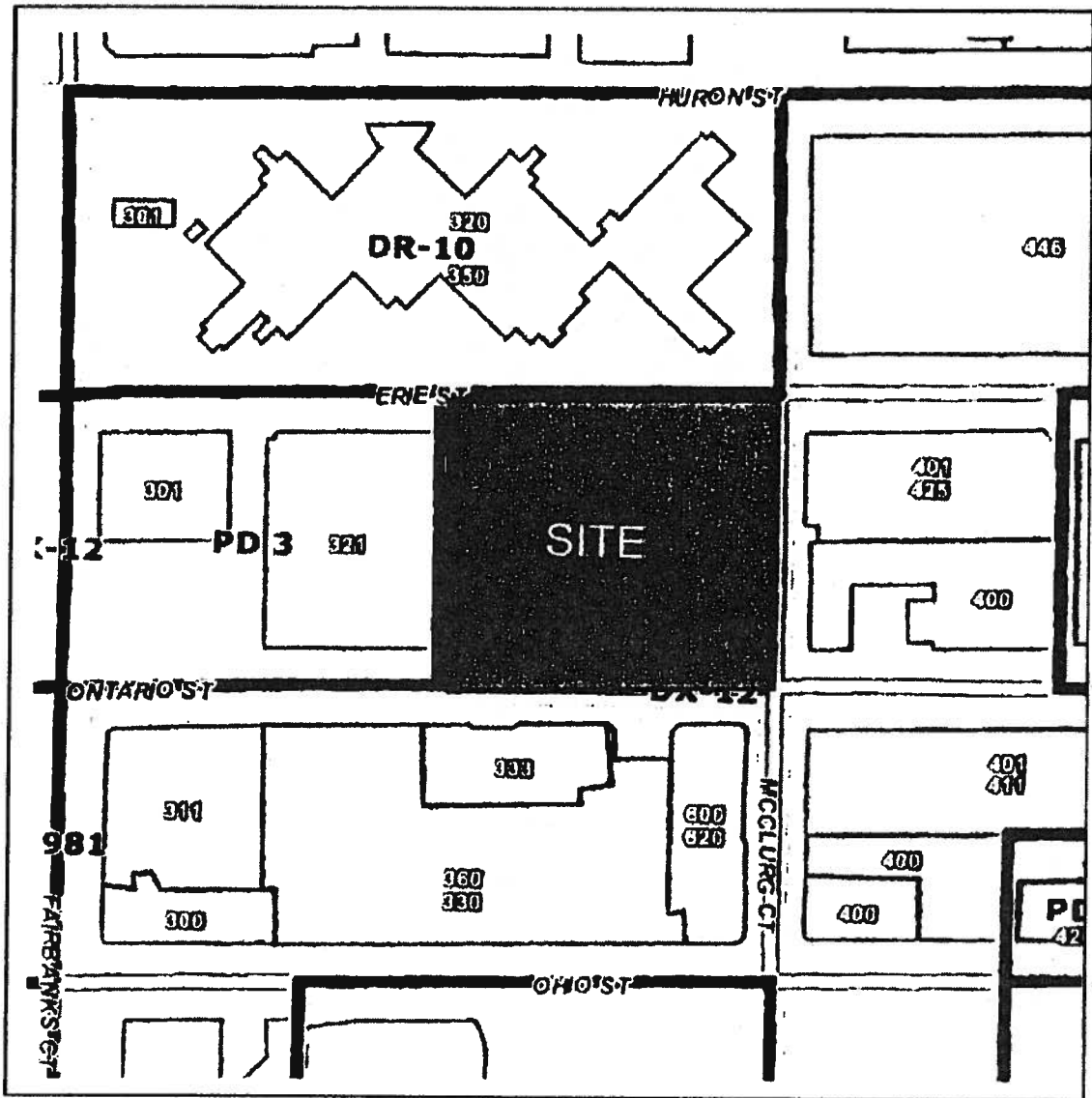
Residential-Business Planned Development Number 1109

Bulk Regulations And Data Table.

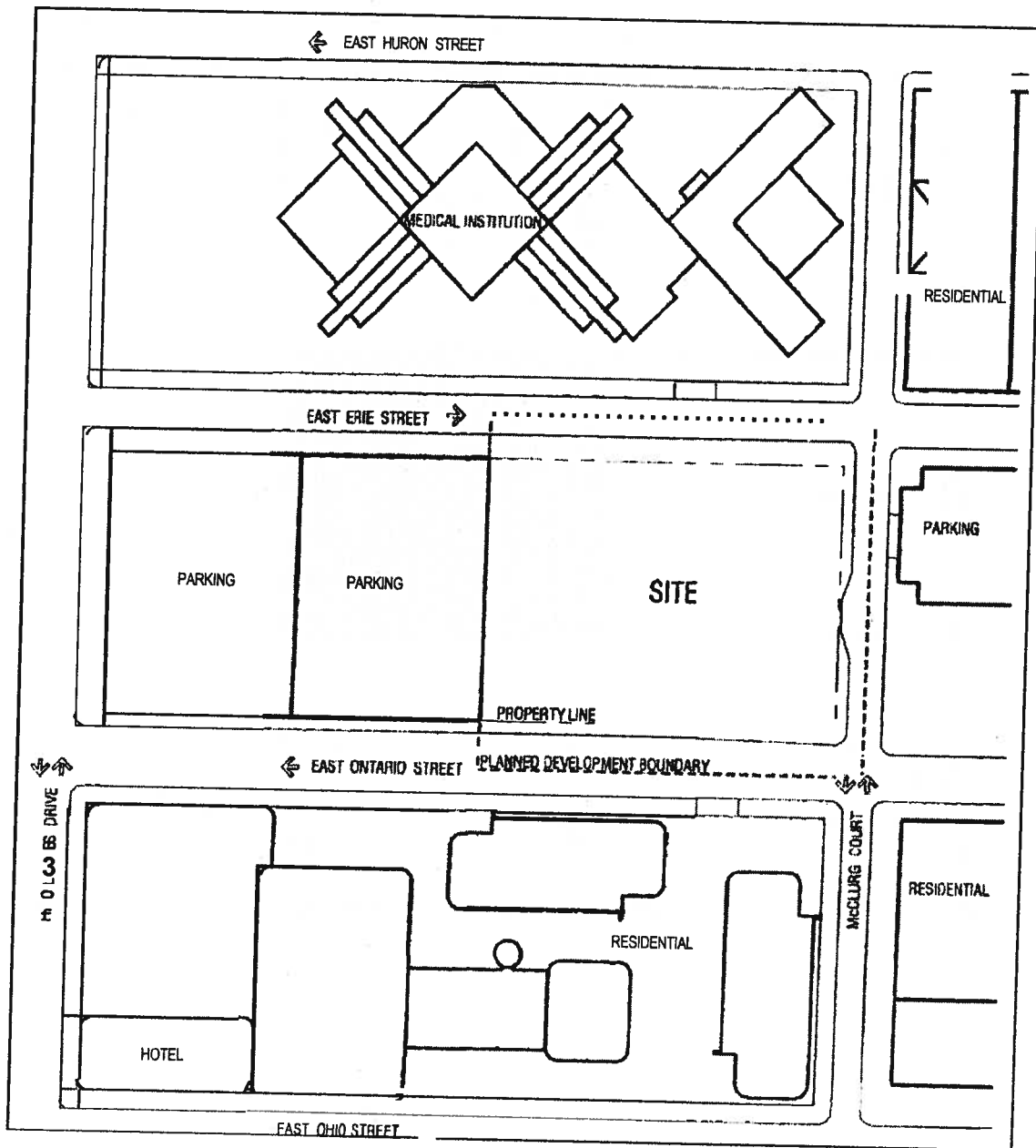
Gross Site Area: 95,830 square feet (2.2 acres) = Net Site Area (63,960 square feet) plus Area to be Dedicated (2,620 square feet) plus Area of Adjoining Right-of-way (29,250 square feet)

Net Site Area:	63,960 square feet (1.47 acres)
Maximum Floor Area:	18.83
Base Floor Area Ratio:	12.00
Floor Area Bonuses:	
Affordable Housing	3.60
Arcade (along North McClurg Court)	0.23
Parking Concealed by Occupied Space	3.00
Maximum Percentage of Land Coverage:	Per Site Plan
Maximum Number of Dwelling Units:	757 dwelling units
Minimum Number of Off-Street Parking Spaces, Residential:	0.55 per dwelling unit
Minimum Number of Off-Street Parking Spaces, Commercial/Retail:	None
Maximum Number of Non-Accessory Parking Spaces:	301 spaces
Minimum Number of Bike Parking Spaces:	50 spaces
Minimum Periphery Setbacks:	Per Site Plan
Maximum Building Height: (based on average sidewalk elevations)	638 feet (plus 57 feet for mechanical penthouse, roof mechanical units, roof access stairs and similar appurtenances)
Minimum Number of Off-Street Loading Berths:	6 (10 feet by 25 feet) space

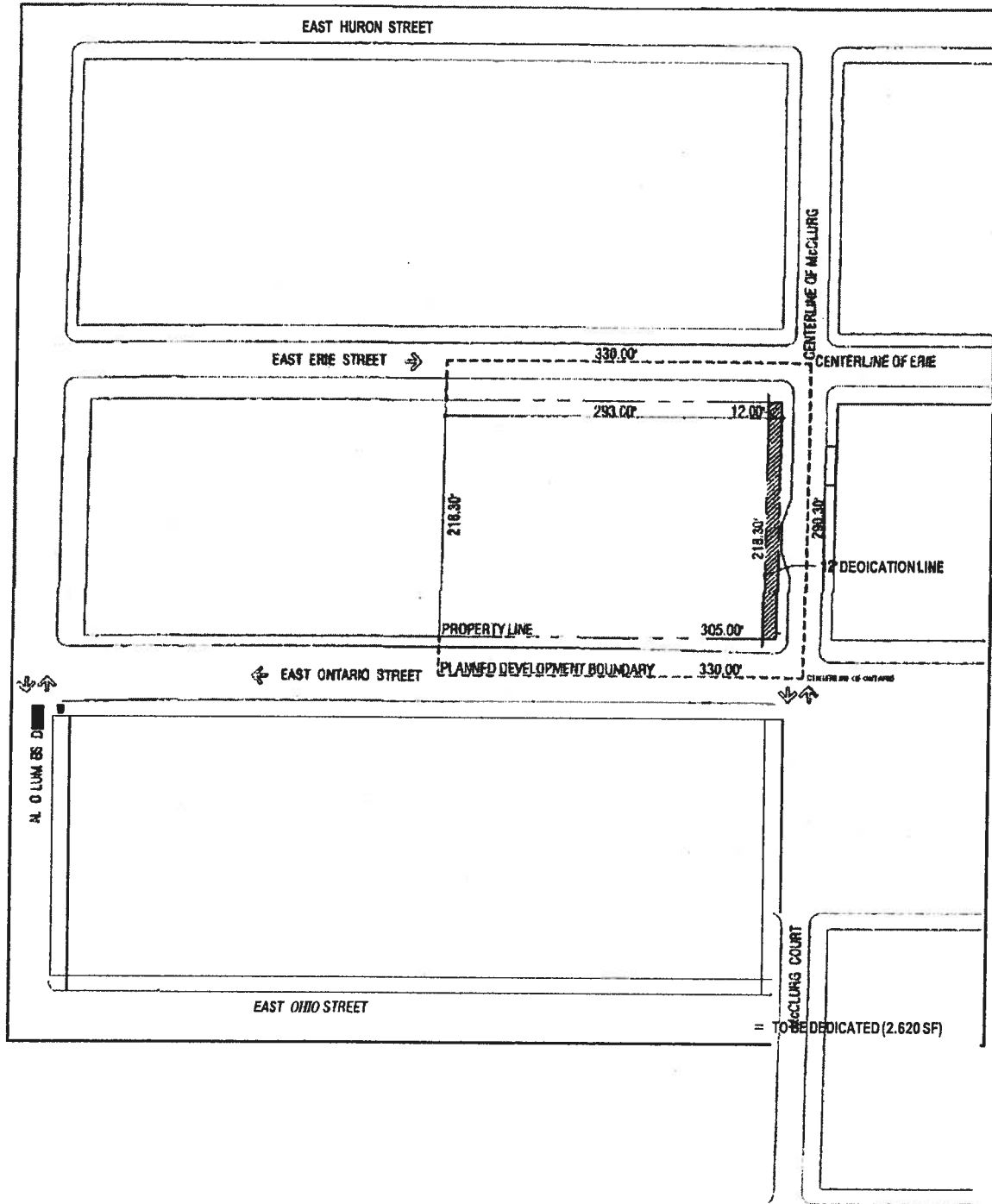
Existing Zoning Map.



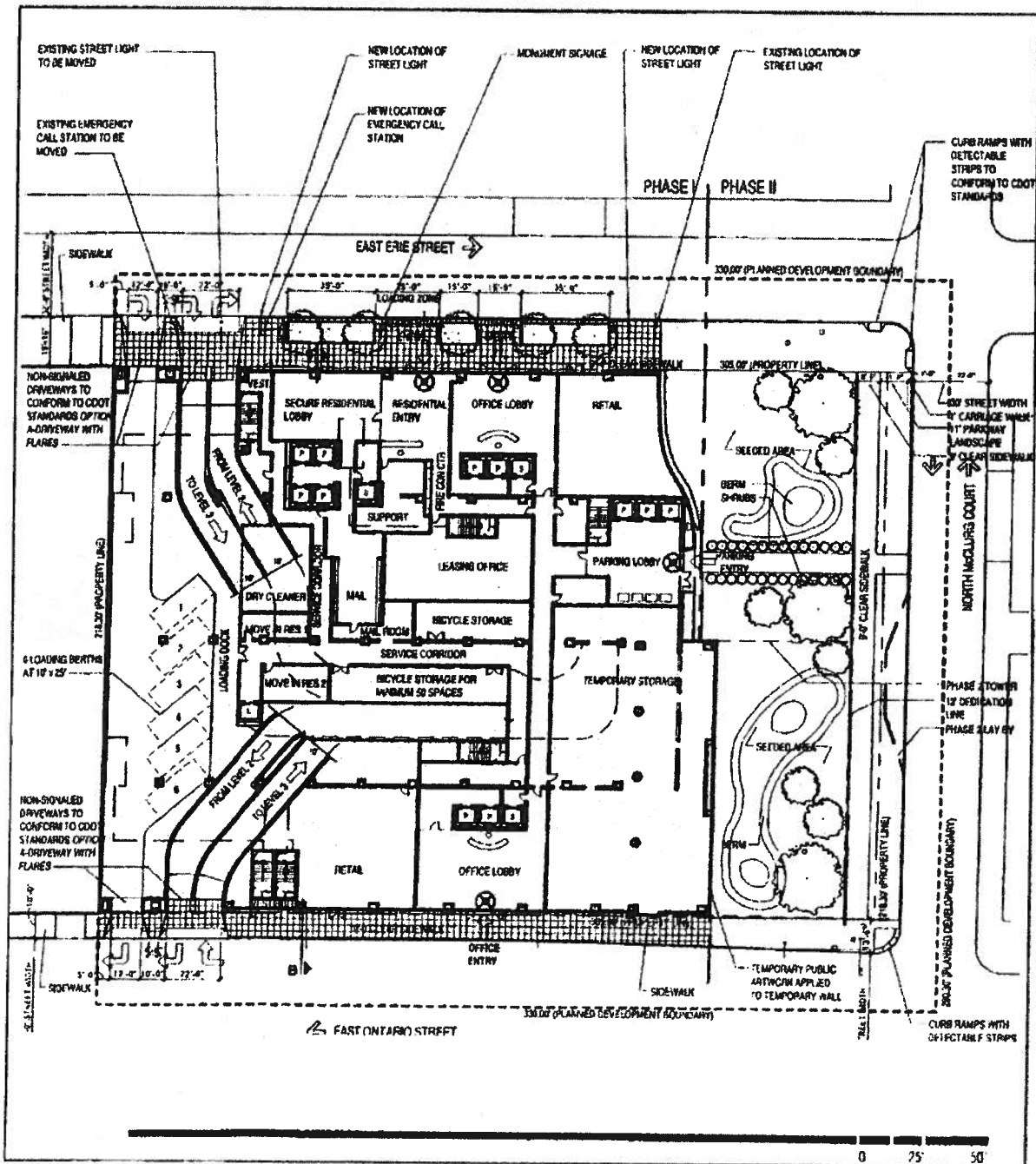
Surrounding Land-Use Plan.



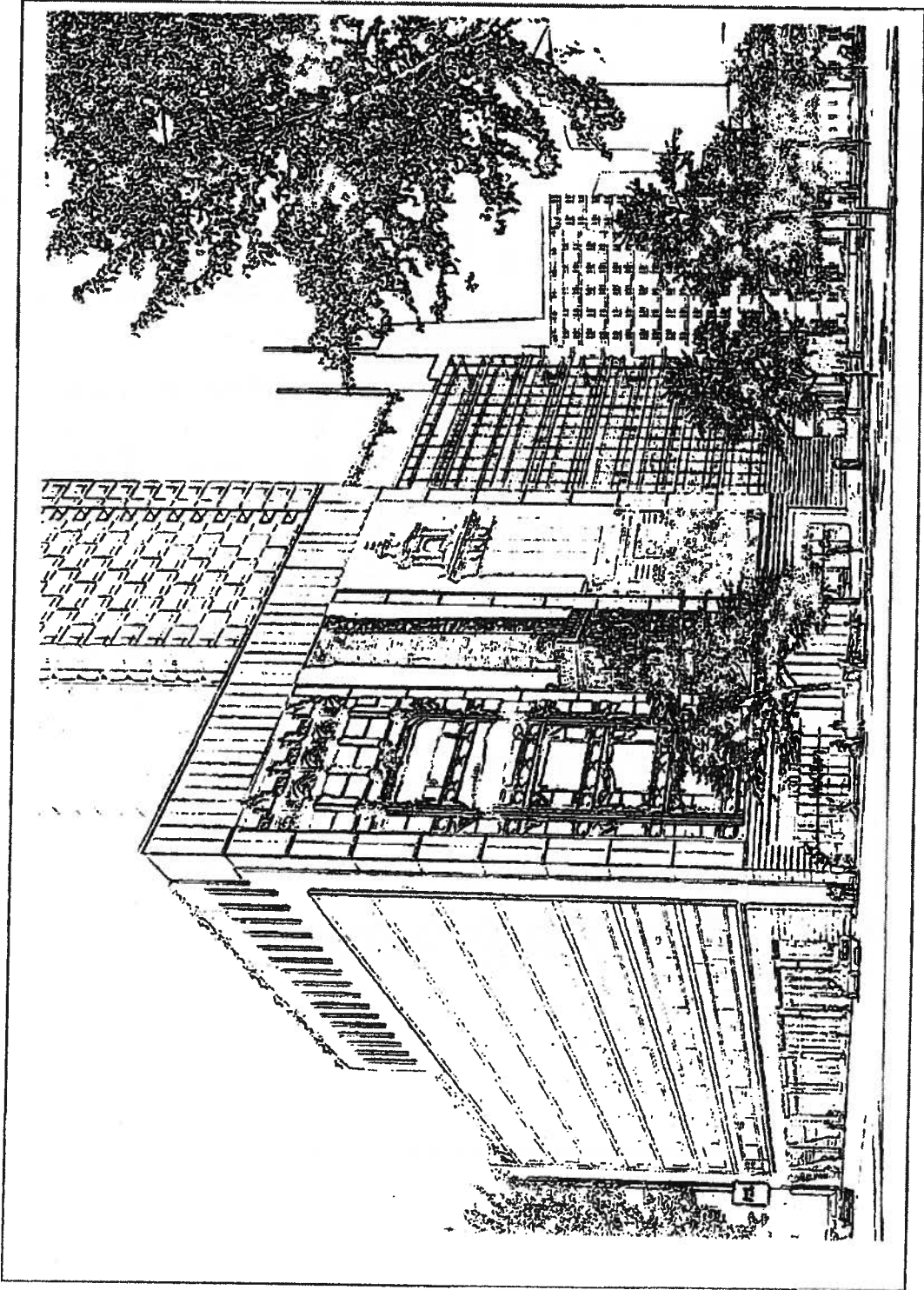
Planned Development Boundary, Property Line
And Right-Of-Way Adjustment Map.



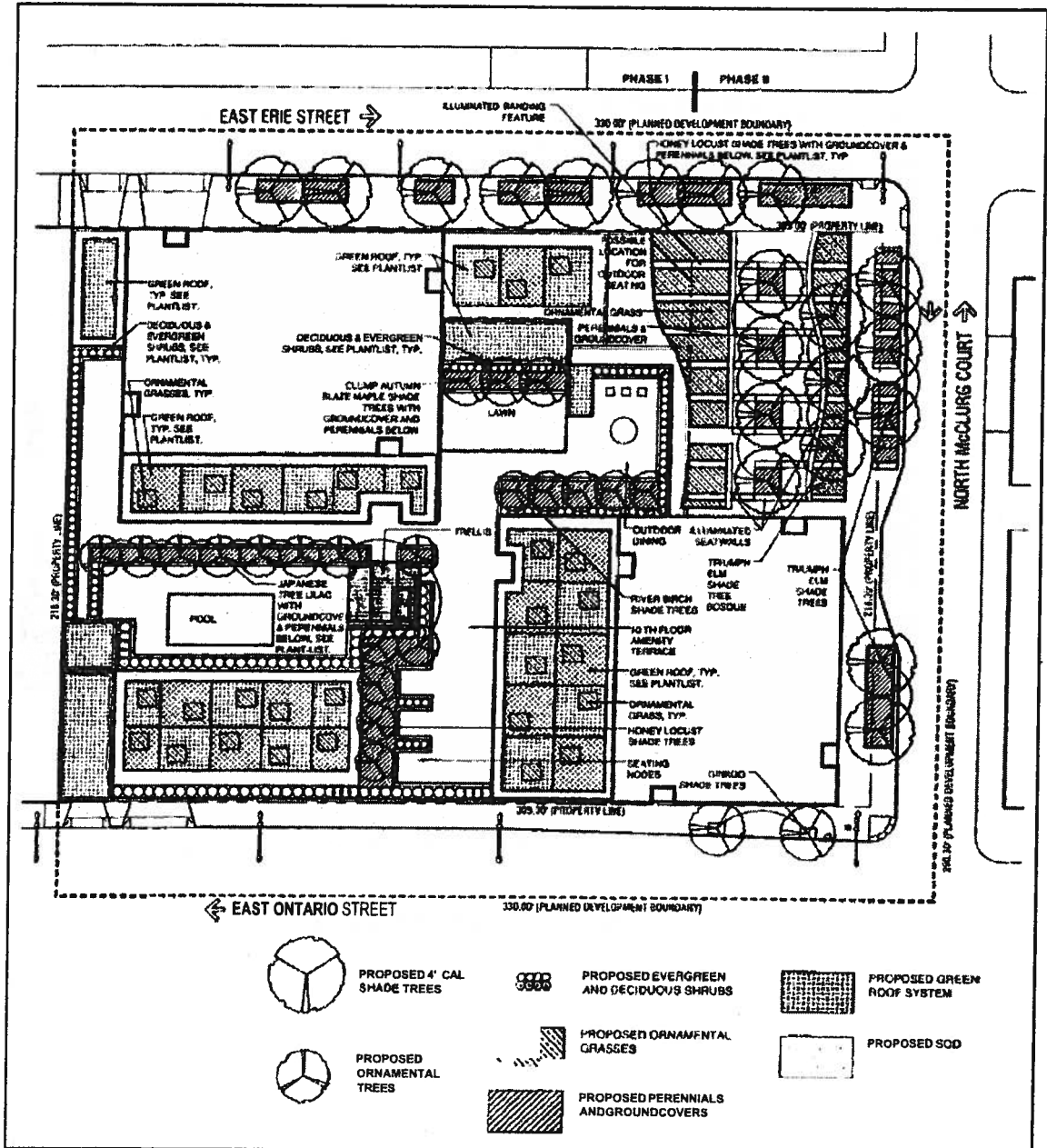
Temporary Phase I Site Plan.



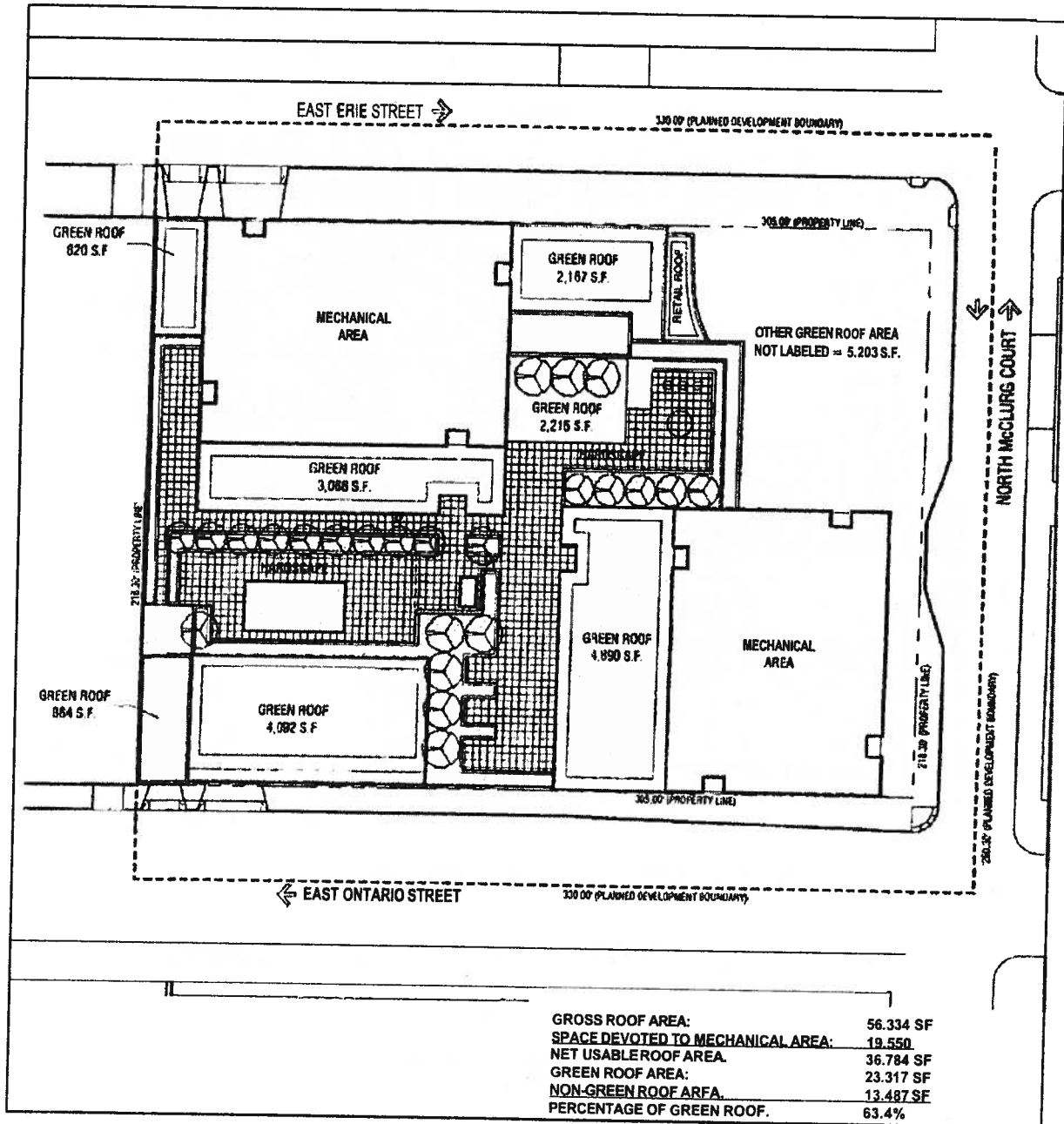
Temporary Phase I Ground Perspective
Looking Northwest.



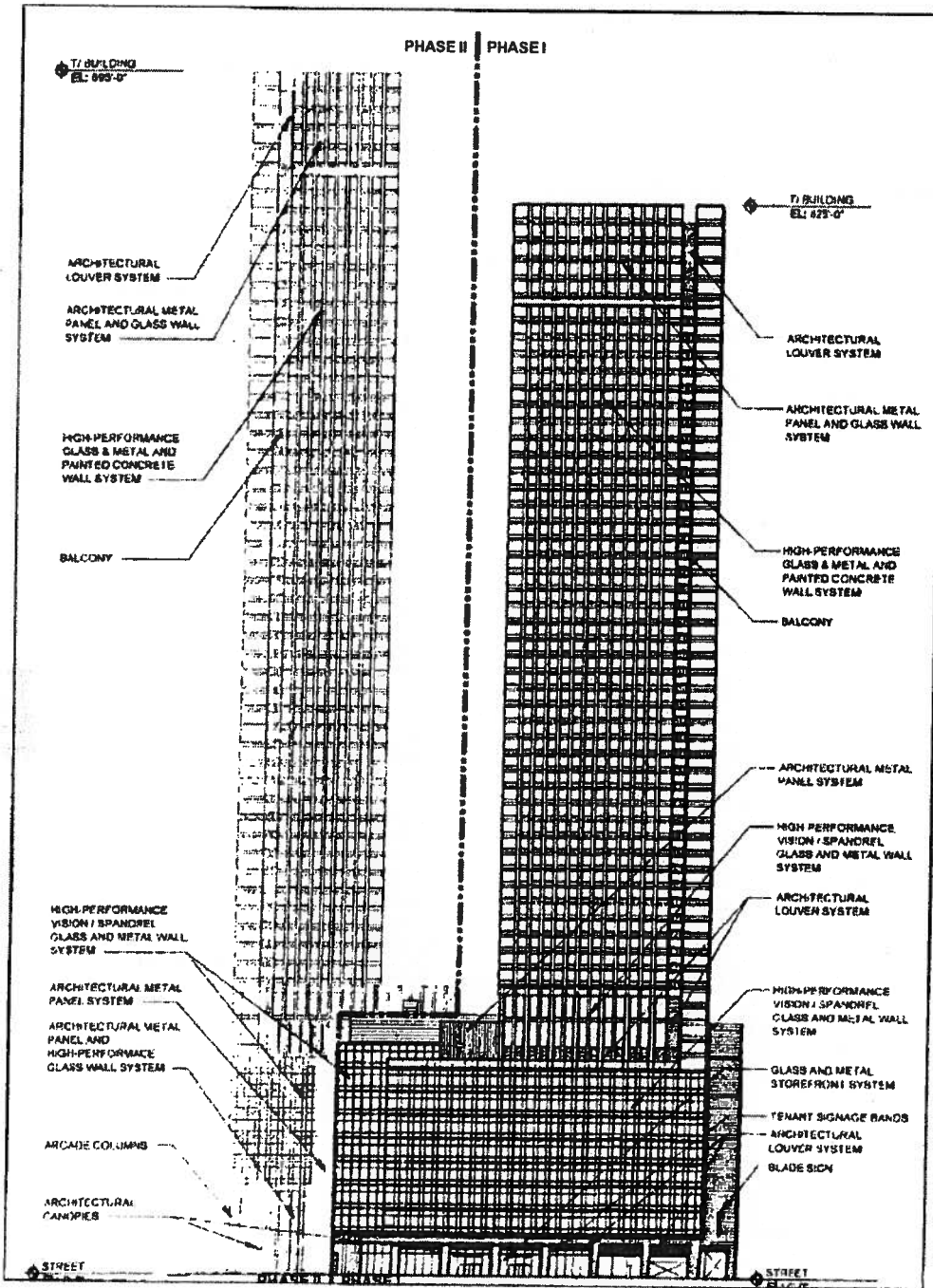
Landscape Plan.



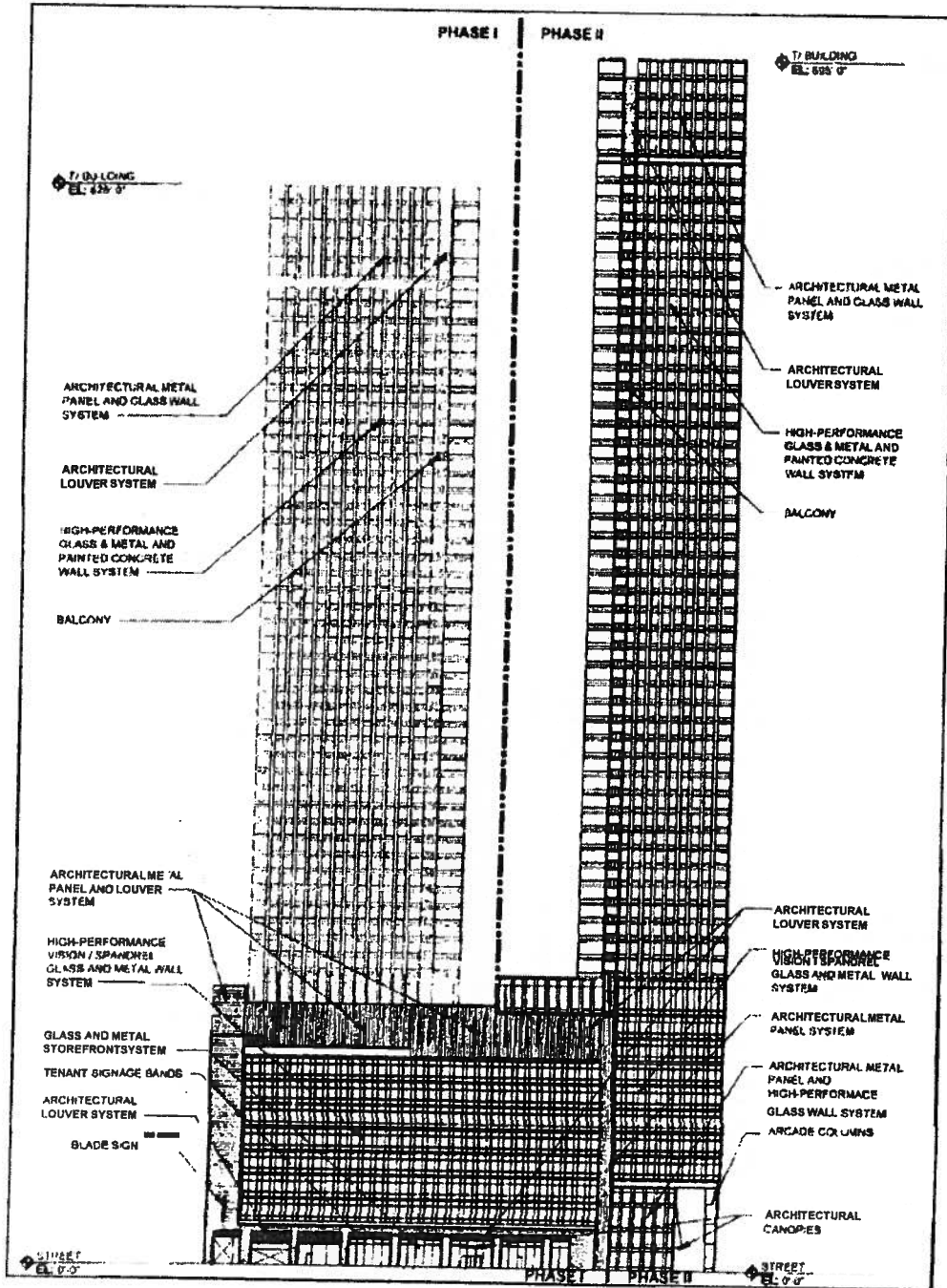
Roof Plan.



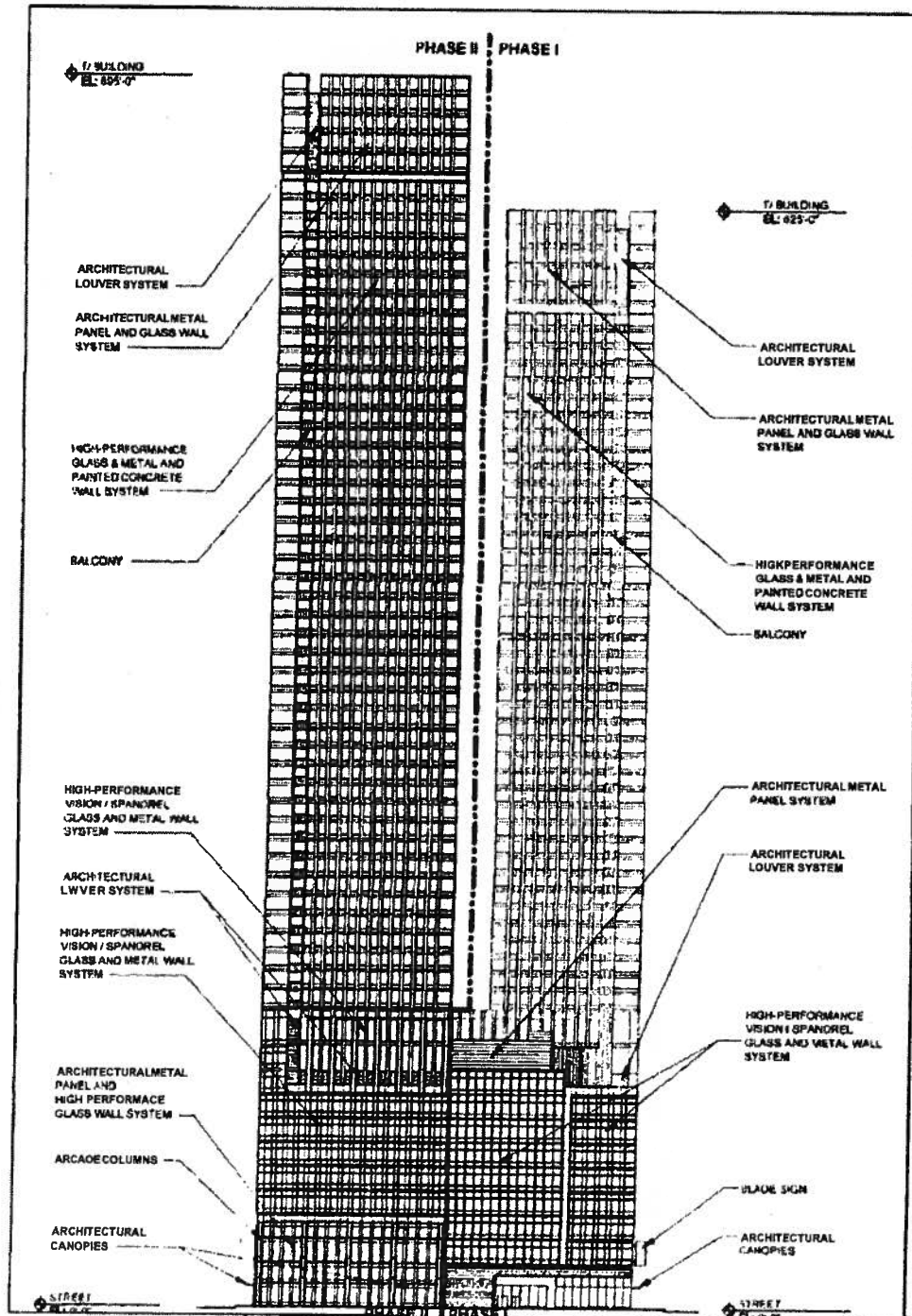
North Elevation.



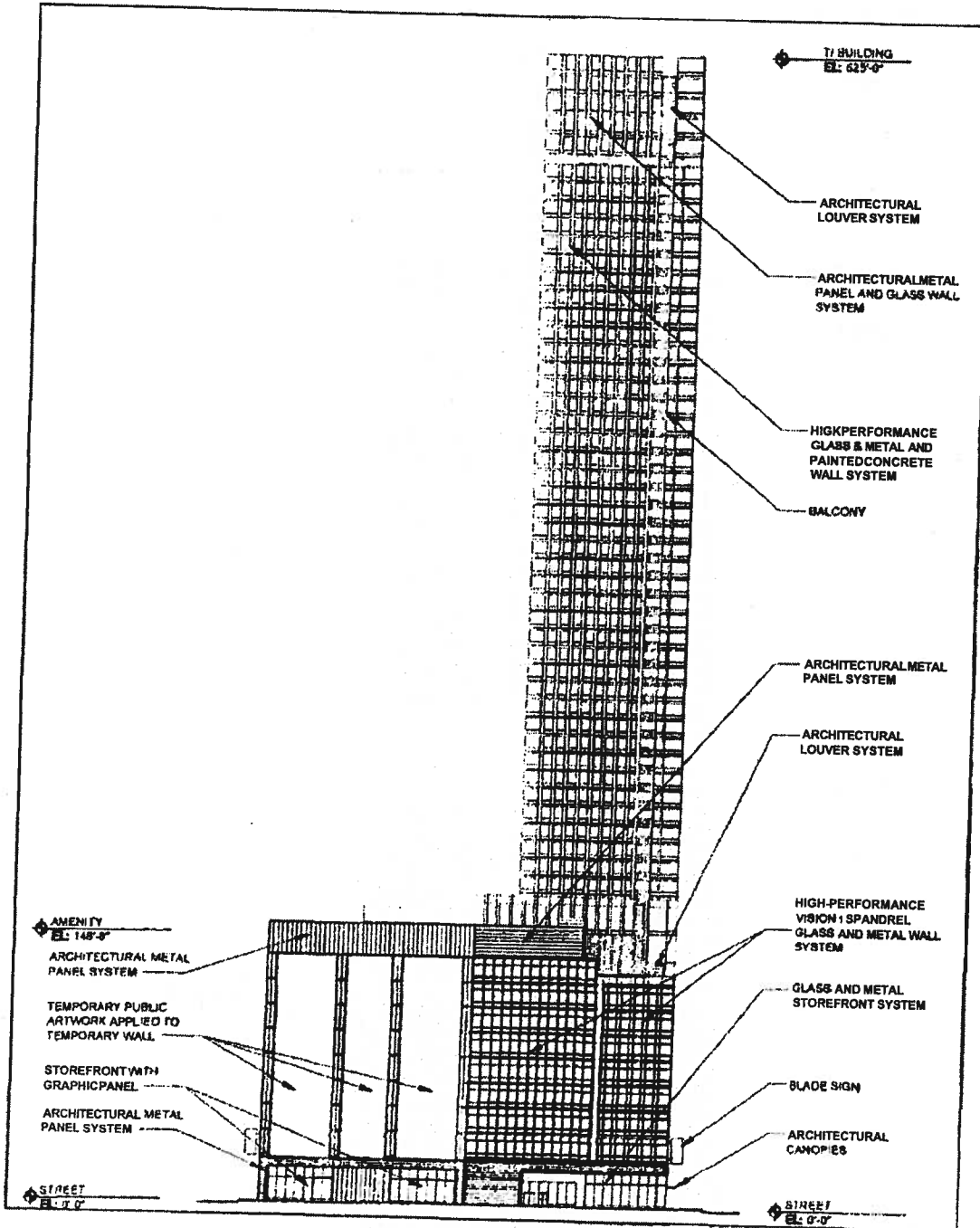
South Elevation.



East Elevation.



Temporary Phase I East Elevation.



West Elevation.

