

PD 1231

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DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

June 12, 2023

Marcus J. Nunes
Chico & Nunes, P.C.
333 W. Wacker Dr., Suite 1420
Chicago, Illinois 60606

Re: PD 1231, 1165 N. State Street

Dear Mr. Nunes:

In response to your recent request, please be advised the subject property is zoned Residential-Business Planned Development Number 1231 ("PD 1231"). You represent Studs, a prospective new tenant at 1165 N. State St. Studs sells earrings, accessories such as earring organizers, charms, gift cards, and ear and body piercing services. You are seeking confirmation that body piercing is allowed as an accessory use to Studs retail sales use.

Pursuant to Statement 5 of PD 1231, the following uses are permitted: multi-unit residential; financial services; food and beverage retail sale; office; personal service uses; retail sales; accessory parking; eating and drinking establishments except taverns are prohibited; and accessory uses.

Per your request letter, Studs will occupy 1,690 SF of floor area at the subject site and approximately 10% or 173 SF of space will be used for body piercing services. The bulk of the space will be used for display, sales, storage, and back office. In a typical Studs store, retail sales make up 80% of its revenue with the remaining 20% from piercing services.

Pursuant to Section 17-17-0206 of the Zoning Ordinance, an accessory use is defined as a use that is subordinate in area, extent and purpose to the principal use on the zoning lot and that is customarily found in conjunction with a permitted principal use. It is our opinion that Studs proposed body piercing is an accessory use to the permitted retail sales use.

Sincerely,


Patrick Murphy
Zoning Administrator

PM:tm

Reclassification Of Area Shown On Map No. 3-E.
 (As Amended)
 (Application No. 17792)
 (Common Address: 1149 -- 1167 N. State St.)

RBPD 1231

[SO2013-5522]

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 DX-7 Downtown Mixed-Use District symbols as shown on Map Number 3-E in the area generally bounded by:

East Division Street; the public alley east of and parallel with North State Street; a line 5 feet in length and 102.40 feet south of and parallel with East Division Street; a line 100 feet east of and parallel with North State Street; East Elm Street; and North State 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:

Planned Development Number 1231.

Plan Of Development Statements.

1. The area delineated herein as Planned Development Number 1231 ("Planned Development") consists of approximately 19,577 square feet (0.45 acre) of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is under the single designated control of the applicant, Elm State Property LLC.
2. 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 titleholders 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, the legal titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for an amendment, modification or change (administrative, legislative or otherwise) to this Planned Development is made, shall be under single ownership or single designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.

3. 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 grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the plans.

Ingress or egress shall be pursuant to the plans and may be subject to the review and approval of the Departments of Planning and Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II Approval, the submitted plans must be approved by the Department of Transportation.

4. This plan of development consists of sixteen (16) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Surrounding Land-Use Plan; a Planned Development Boundary and Property Line Map; Site Plan; a Landscape Plan; a Green Roof Plan; a Plant List; Building Section Plan; and Building Elevations prepared by Solomon Cordwell Buenz, dated January 16, 2014.
5. The following uses are permitted in the area delineated herein as a Planned Development: multi-unit residential; financial services; food and beverage retail sales; office; personal service uses; retail sales; accessory parking; eating and drinking establishments except that taverns are prohibited; and accessory uses.
6. On-Premises 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-premises signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 19,577.27 square feet.
9. Upon review and determination ("Part II Review"), and pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by the Department of Planning and Development. The fee, as determined by staff at the time, is final and binding on the applicant and must be paid to the Department of Revenue prior to the issuance of any Part II Approval.

10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by the Department of Planning and Development. Any interim review associated with the site plan review or Part II Reviews are conditional until final Part II Approval.
11. The applicant shall comply with the Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation and Fleet and Facility Management and Buildings, pursuant to Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively by the Zoning Administrator, pursuant to Section 17-13-0611-A of the Zoning Ordinance, upon written application by the applicant, its successors and assigns and, if different than the applicant, the legal title-holders and any ground lessors.
13. 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 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. The applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. At the time of a hearing before the Chicago Plan Commission, all developments must be in substantial compliance with the current City of Chicago Sustainable Development Policy set forth by the Department of Planning and Development. Applicant shall achieve basic LEED Certification under the Leadership in Energy and Environmental Design ("LEED") Green Building Rating System for the proposed high-rise building and provide a minimum of 50 percent green roof over the net roof area of approximately 4,807 square feet.
15. Pursuant to Section 17-4-1004-B of the Zoning Ordinance, the applicant has requested an increase in the Floor Area Ratio for the Property, as set forth in the bonus worksheet required under Section 17-4-1003-D and attached hereto as Exhibit ____ ("Bonus Worksheet"). Any developer of a building receiving an affordable housing floor area bonus ("Eligible Building") must either provide on-site affordable housing units or make a cash payment to the City's Affordable Housing Opportunity Fund. The applicant has elected to make a cash payment in lieu of providing on-site affordable housing units. In accordance with the formulas set forth in Section 17-4-1004-C and the Bonus Worksheet, the applicant acknowledges and agrees that it must make a cash payment in the amount of \$1,178,544.00 ("Cash Payment"). The applicant must make the required Cash Payment before the issuance of the building permits for the Eligible Building, including, without limitation, excavation or foundation permits, and must comply with all applicable affordable housing standards and requirements in Section 17-4-1004, the terms of which are incorporated herein by this reference.

16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a zoning map amendment to rezone the Property to a DX-7 Downtown Mixed-Use District.

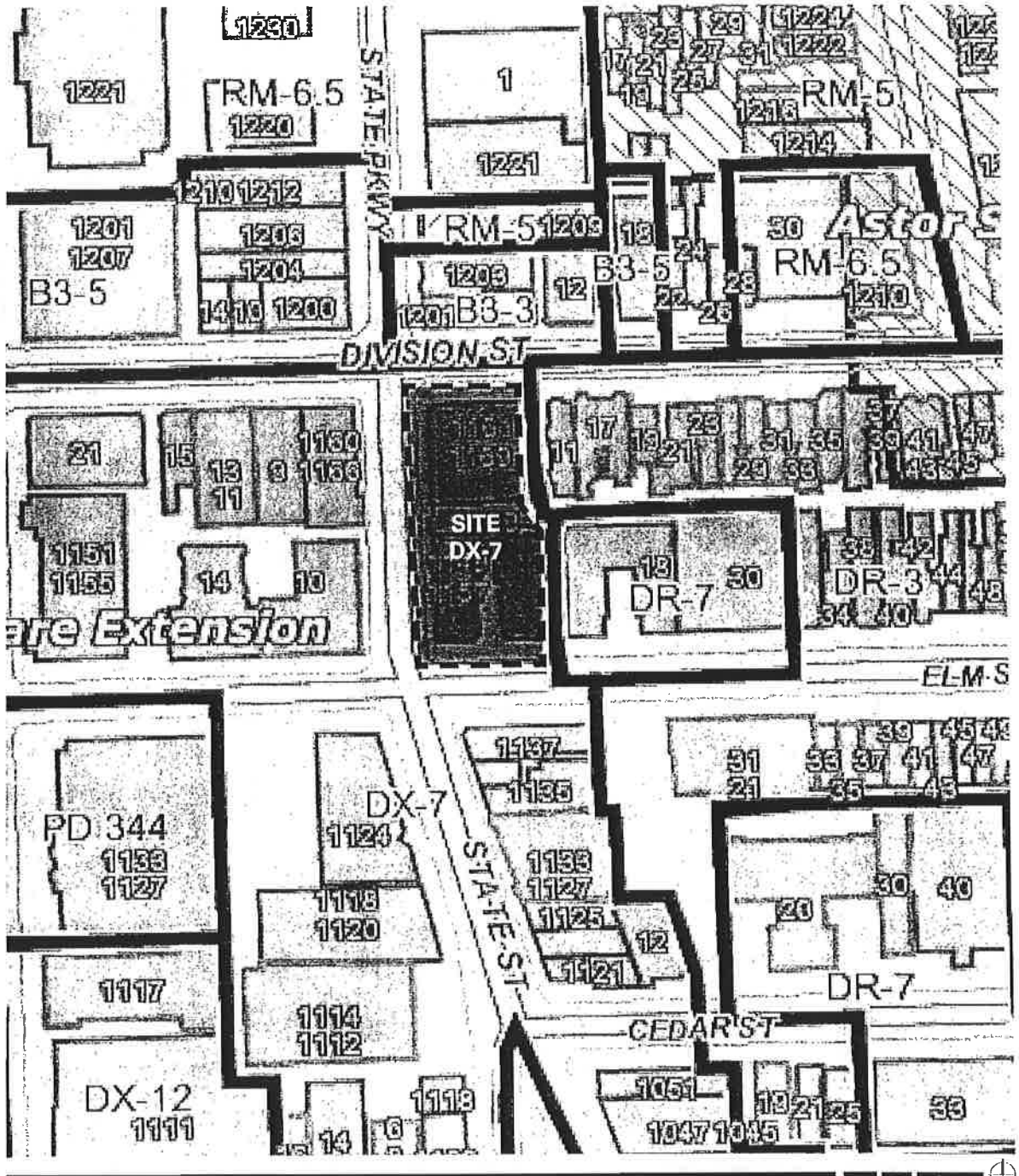
[Existing Zoning Map; Surrounding Land-Use Plan; Planned Development Boundary and Property Line Map; Site Plan; Landscape Plan; Green Roof Landscape Plan; Plant List; Overall Building Section; and North, South, East and West Building Elevations referred to in these Plan of Development Statements printed on pages 74839 through 74850 of this *Journal*.]

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

Residential-Business Planned Development No. 1231.

Bulk Regulations And Data Table.

Gross Site Area:	36,044 square feet (0.82 Acre)
Area to Remain in the Public Right-of-Way:	16,467 square feet (0.38 Acre)
Net Site Area:	19,577 square feet (0.44 Acre)
Maximum Floor Area Ratio (FAR):	8.75
Base FAR:	7.00
FAR Bonuses (Affordable Housing):	1.75
Maximum Percentage of Land Coverage:	Per Site Plan
Maximum Number of Dwelling Units:	40 dwelling units
Maximum Number of Off-Street Parking Spaces:	74
Minimum Periphery Setbacks:	Per Site Plan
Maximum Building Height:	335 feet
Minimum Number of Off-Street Loading Berths:	1 (10 feet by 25 feet) berth
Maximum Number of Floors:	24

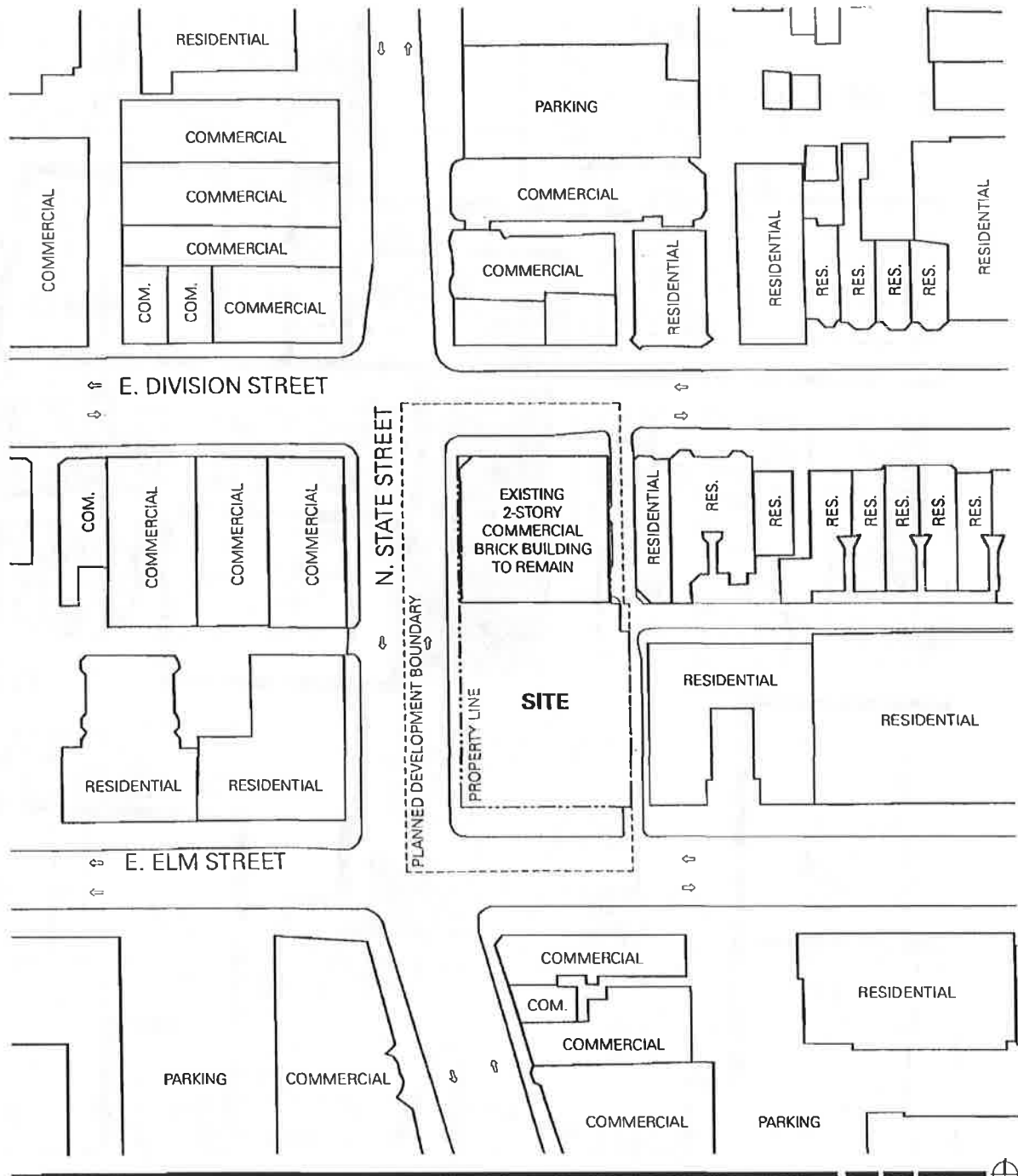


EXISTING ZONING MAP

NTS

Applicant: Elm State Property LLC
 Address: 1149-1167 N. State Street
 Date Introduced: July 24, 2013
 Plan Commission: January 16, 2014

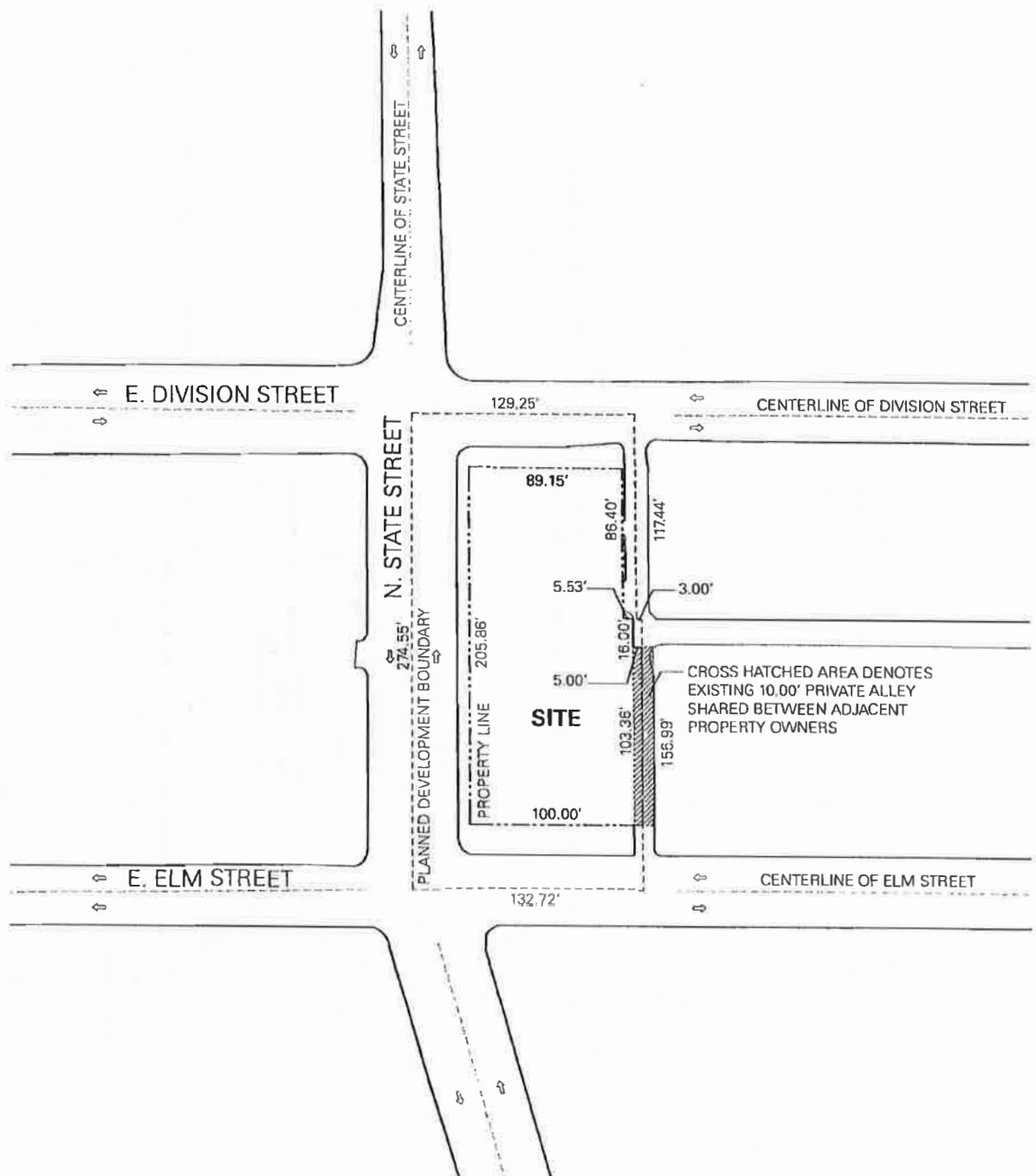




SURROUNDING LAND USE PLAN

Applicant: Elm State Property LLC
Address: 1149-1167 N. State Street
Date Introduced: July 24, 2013
Plan Commission: January 16, 2014





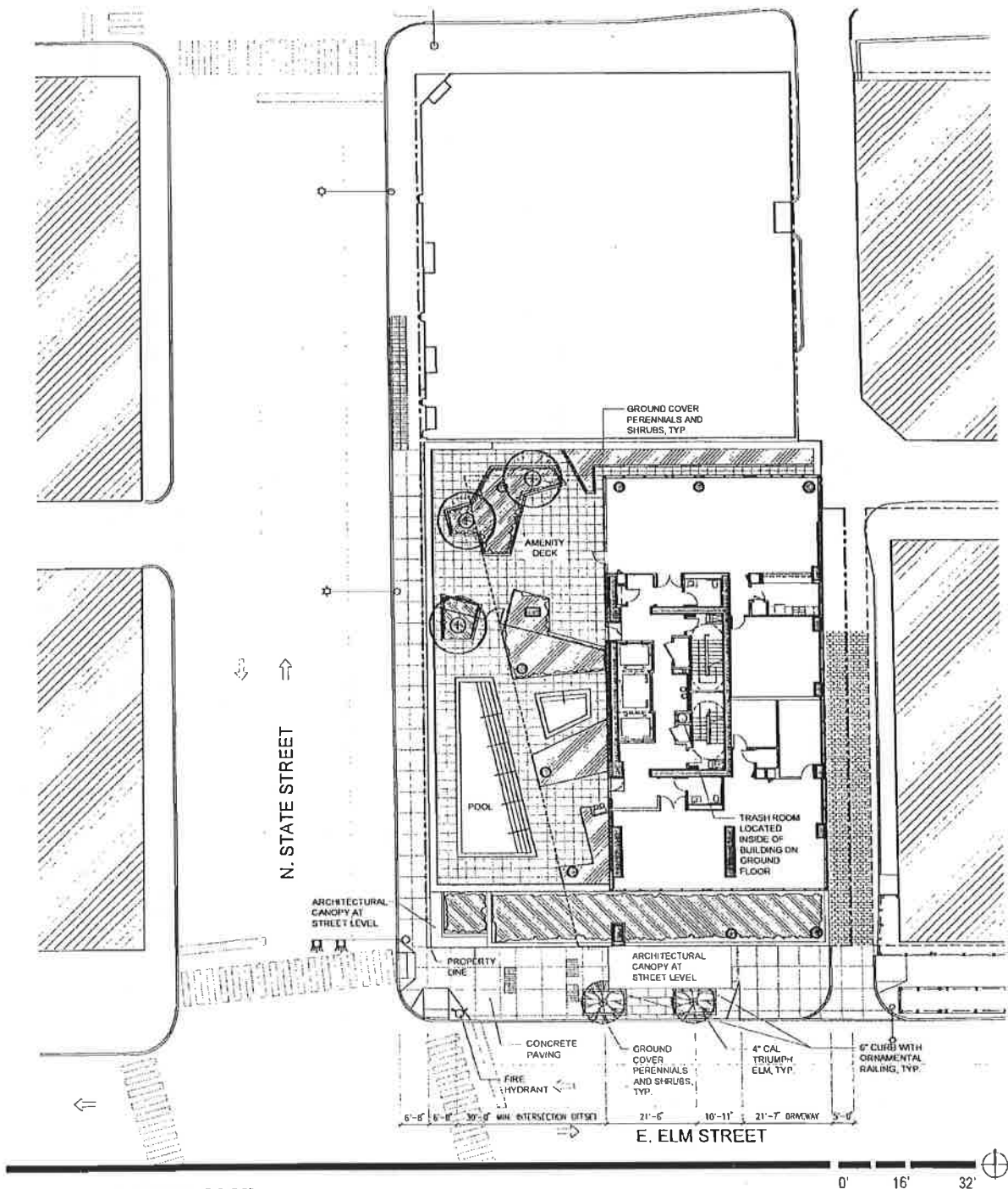
**PLANNED DEVELOPMENT
BOUNDARY AND
PROPERTY LINE**



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Address: 1149-1167 N. State Street
Date Introduced: July 24, 2013
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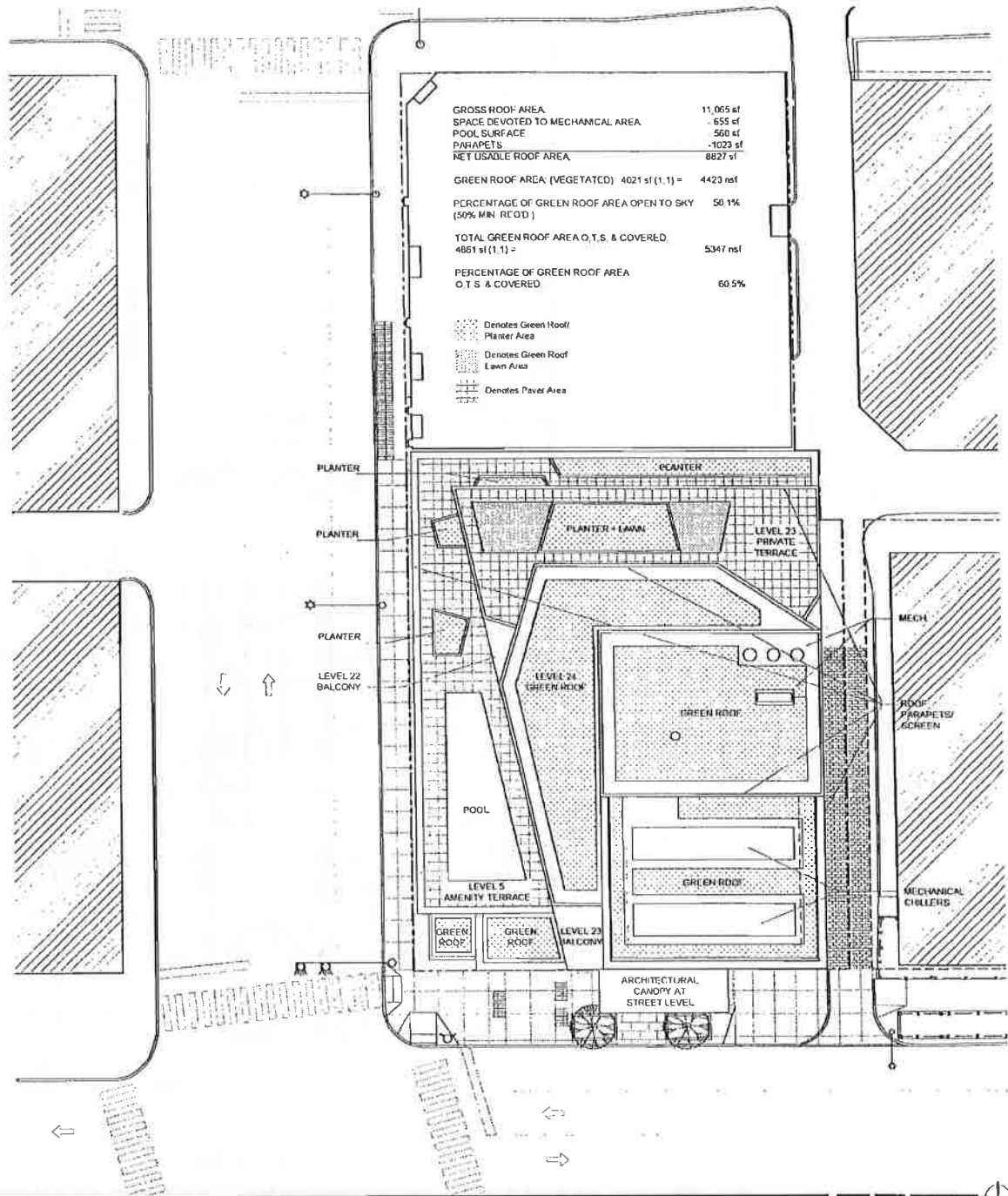


LANDSCAPE PLAN



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Date Introduced: July 24, 2013
Plan Commission: January 16, 2014

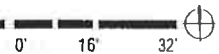


**GREEN ROOF
LANDSCAPE PLAN**



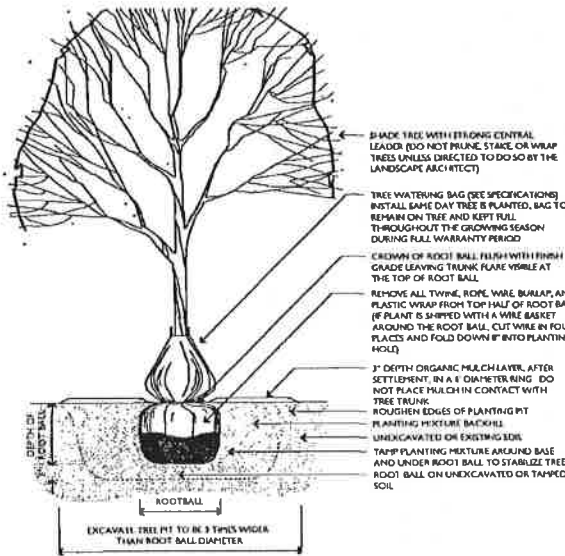
© 2014 Solomon Cordwell Buenz

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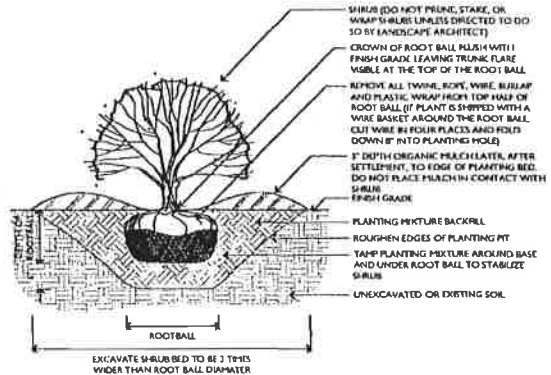


	CODE	BOTANICAL NAME	COMMON NAME	QTY	CAL	HT	SPRD	ROOT	REMARKS
TREES	UCMG	ULMUS CARPINIFOLIA 'MORTON GLOSSY'	TRULY-99M ELM	2	4"	-	-	B&B	SINGLE STRAIGHT TRUNK, SPECIMEN
SHRUBS	JCSG	JUNIPERUS CHINENSIS SEA GREEN	SEA GREEN JUNIPER	-	-	-	24"	#5	4'-0" ON CENTER
	POS	PHYSOCARPUS OPULIFOLIUS 'SEWARD'	SUMMER WINE NINEBARK	-	-	36"	-	#5	4'-0" ON CENTER
	RAGL	RHUS AROMATICA 'GRO-LOW'	GRO-LOW SUMAC	-	-	-	24"	#3	3'-0" ON CENTER
	SBG	SPIREA X BUMALDA 'GOLDFLAME'	GOLDFLAME SPIREA	-	-	-	24"	#3	3'-0" ON CENTER
	TMW	TAXUS X MEDIA 'WARDII'	WARDS YEW	-	-	-	30"	B&B	3'-0" ON CENTER
GRASSES / PERENNIALS / GROUNDCOVER	CAKF	CALAMAGROSTIS ACUTIFLORA 'KARL FORESTER'	KARL FORESTER FEATHER REED GRASS	-	-	-	-	#3	2'-0" ON CENTER
	IVS	PANICUM VIRGATUM 'SHENANDOAH'	SHENANDOAH RED SWITCH GRASS	-	-	-	-	#1	2'-0" ON CENTER
	PAH	PENNISETUM ALOPECUROIDES 'HAMELN'	HAMELN DWARF FOUNTAIN GRASS	-	-	-	-	#1	2'-0" ON CENTER
	EFC	EUONYMUS FORTUNEI 'COLORATUS'	PURPLE LEAF WINTERCREEPER	-	-	-	-	QT	1'-0" ON CENTER
	EPM	ECHINACEA PURPUREA 'MAGNUS'	MAGNUS PURPLE CONEFLOWER	-	-	-	-	#1	1'-6" ON CENTER
	HSM	HEMEROCALLIS SPECIES MIX	DAYLILY	-	-	-	-	#1	1'-6" ON CENTER
	NF	NEPETA X FAASSENII	CATMINT	-	-	-	-	#1	1'-6" ON CENTER

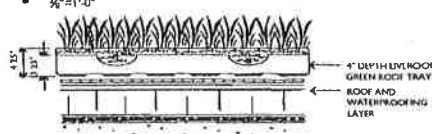
PLANT PALETTE



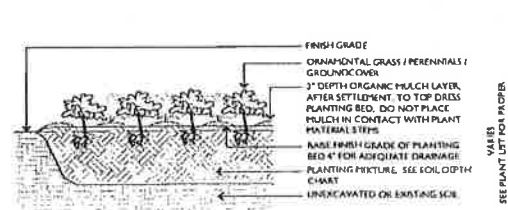
2 TREE INSTALLATION DETAIL
3/4" = 1'-0"



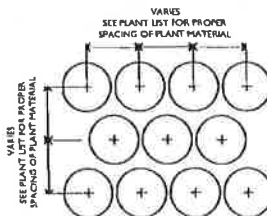
4 SHRUB INSTALLATION DETAIL
3/4" = 1'-0"



5 4" DEPTH LIVEROOF GREEN ROOF TRAY
3/4" = 1'-0"



3 GROUNDCOVER/PERENNIAL INSTALLATION DETAIL
3/4" = 1'-0"



LANDSCAPE AREAS	DEPTH IN INCHES
LAWN AREAS (SOD)	12
PLANTING BEDS - PERENNIALS	18 PLANTING MIX
PLANTING BEDS - MEDIUM AND SMALL SHRUBS	18 PLANTING MIX
RAISED PLANTERS	48 PLANTING MIX
SHADE AND ORNAMENTAL TREES	PER TREE INSTALLATION DETAIL

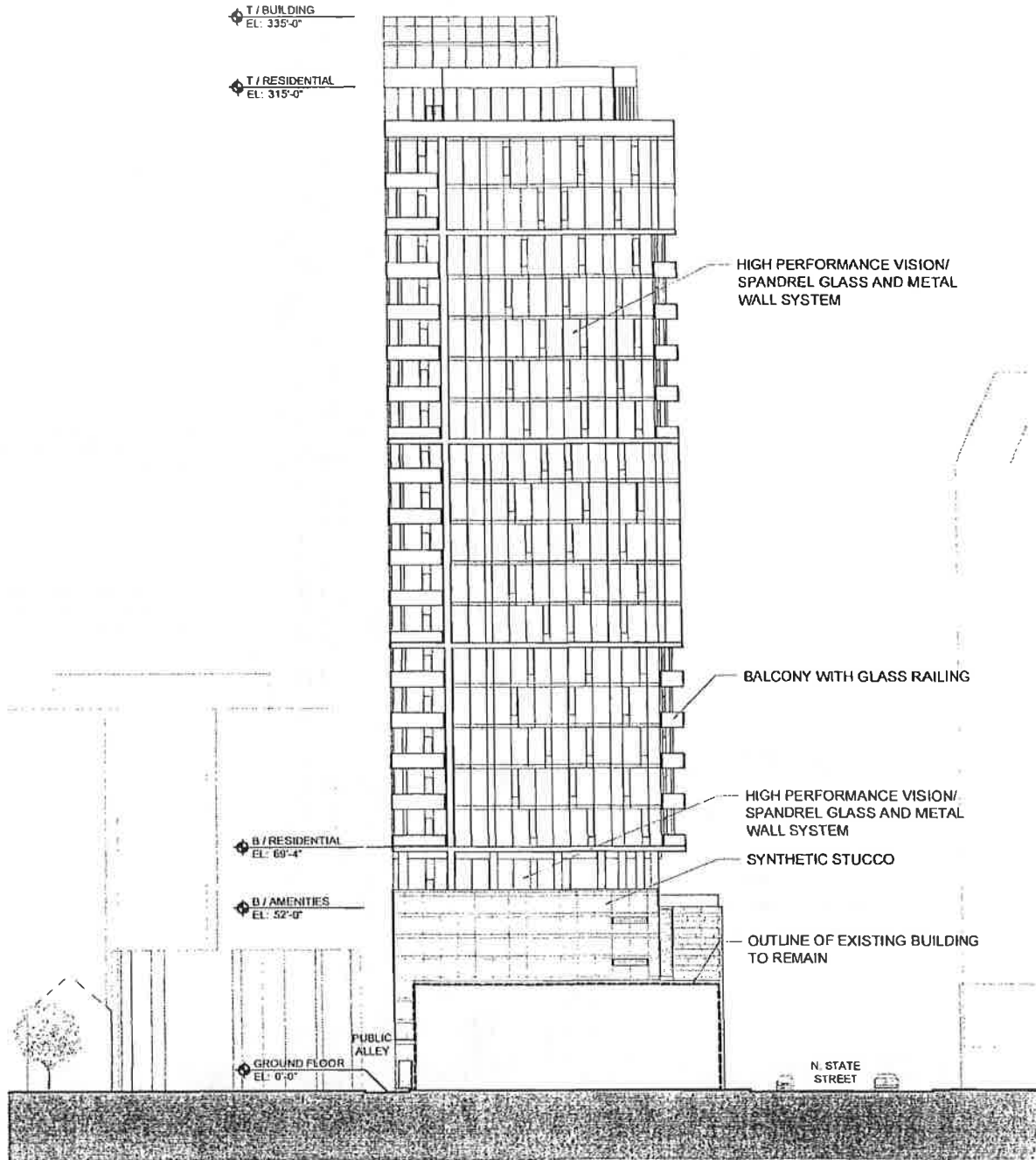
SOIL DEPTH CHART

NOTE: THE CONTRACTOR IS TO SUPPLY SOIL FILL MATERIAL TO THE DEPTHS INDICATED ON THE CHART ABOVE.

PLANT LIST

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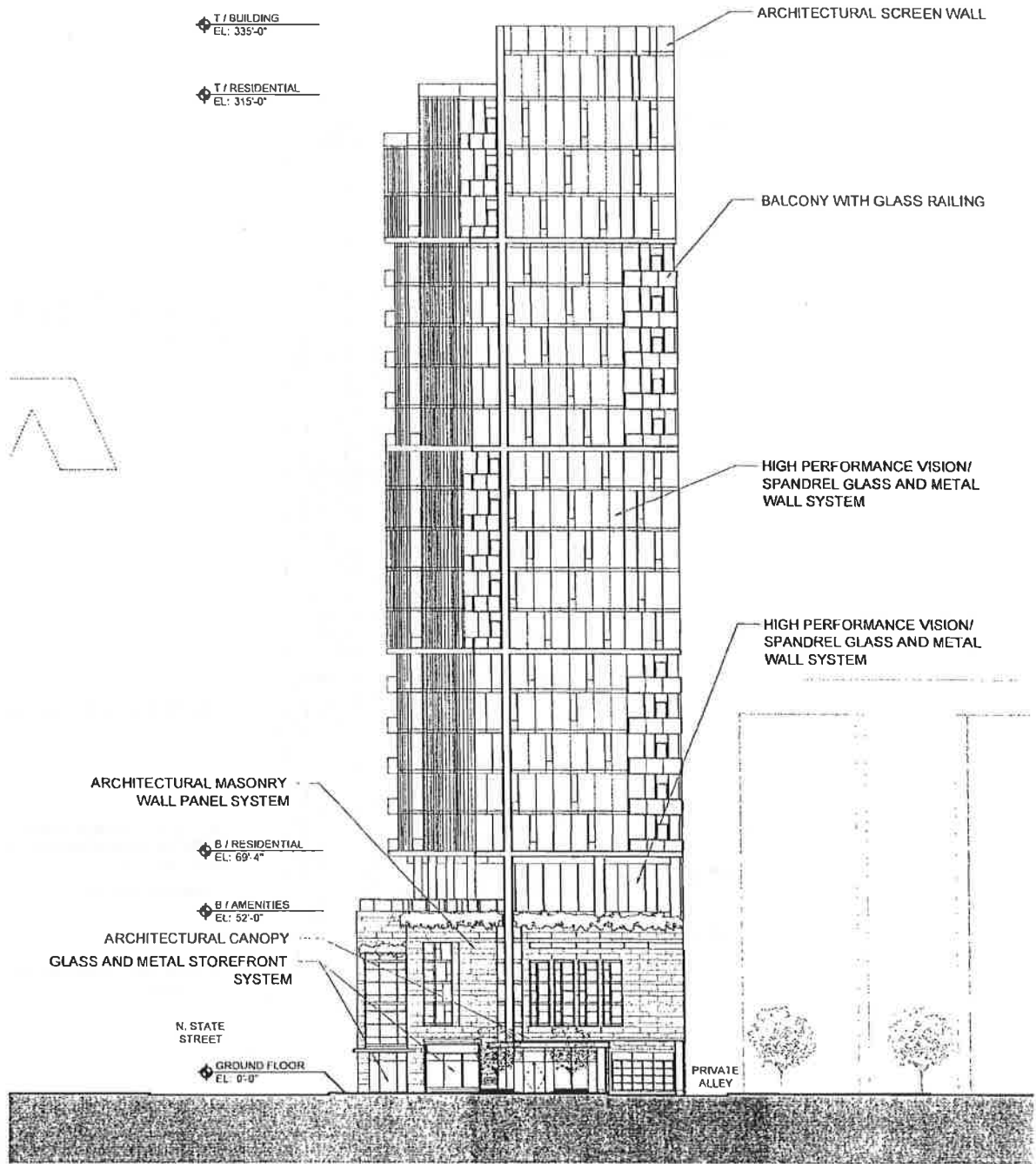




NORTH ELEVATION



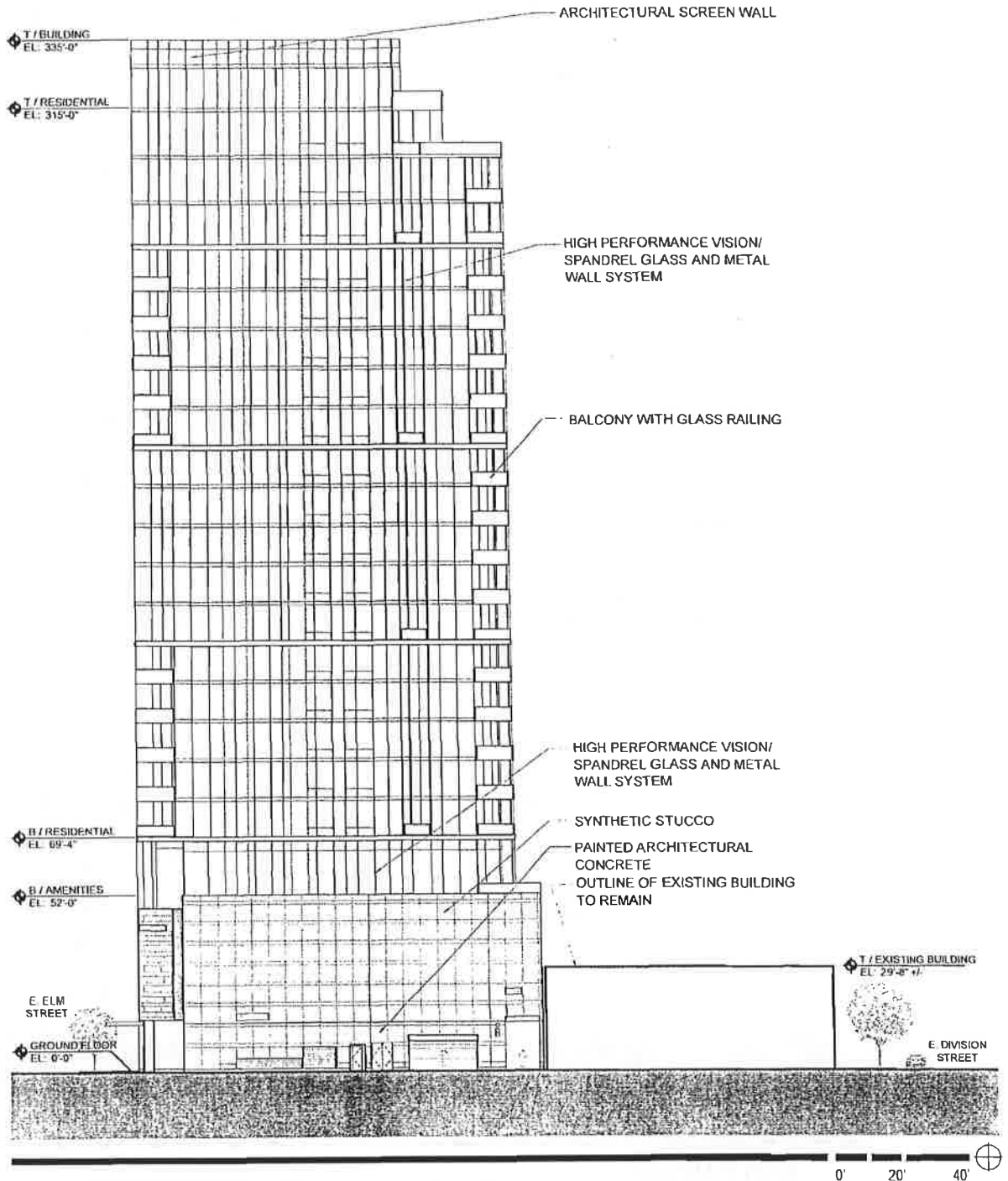
Applicant: Elm State Property LLC
Address: 1149-1167 N. State Street
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SOUTH ELEVATION

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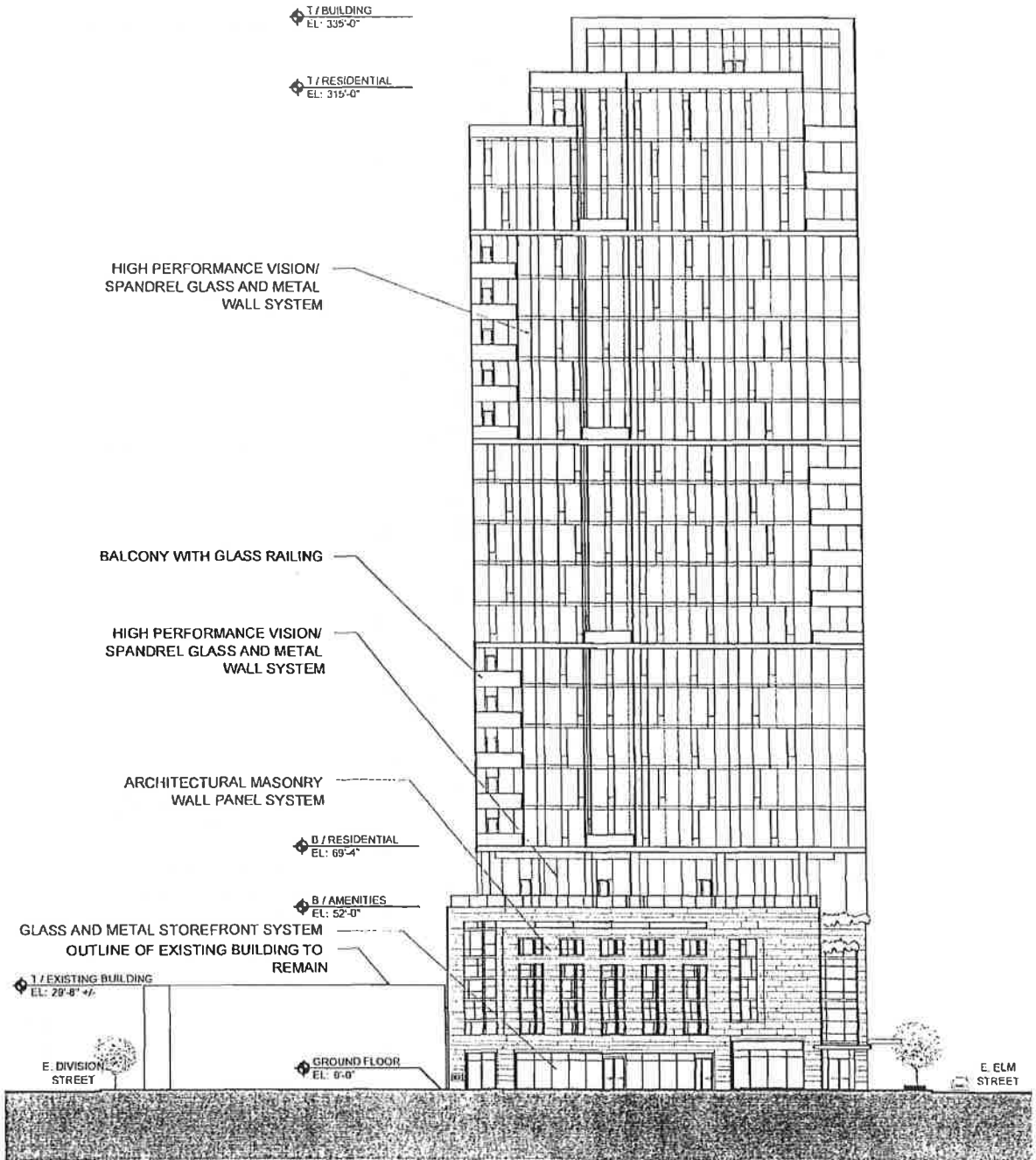




EAST ELEVATION

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WEST ELEVATION



Applicant: Elm State Property LLC
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