



# City of Chicago



SO2023-915

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	2/1/2023
<b>Sponsor(s):</b>	Misc. Transmittal
<b>Type:</b>	Ordinance
<b>Title:</b>	Zoning Reclassification Map No. 22-B at 8840-8856 S Commercial Ave and 2954-2964 E 89th St - App No. 22089
<b>Committee(s) Assignment:</b>	Committee on Zoning, Landmarks and Building Standards

**ORDINANCE**

**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 B3-2 Community Shopping District symbols and indications as shown on Map Number 22-B in the area bounded by:

a line 180 feet north of and parallel to West 89<sup>th</sup> Street; South Commercial Avenue; West 89<sup>th</sup> Street; and the alley next west of and parallel to South Commercial Avenue.

to those of B3-3 Community Shopping District.

**SECTION 2:** That the Chicago Zoning Ordinance be amended by changing all of the B3-3, Community Shopping District symbols and indications as shown on Map Number 22-B in the area bounded by:

a line 180 feet north of and parallel to West 89<sup>th</sup> Street; South Commercial Avenue; West 89<sup>th</sup> Street; and the alley next west of and parallel to South Commercial Avenue.

to those of Residential Business Planned Development [ ], which is hereby established in the area above described, subject to such use and bulk regulation as set forth in the Plan of Development herewith attached and made a part hereof and to no others.

**SECTION 3:** This Ordinance shall be in full force and effect from and after its passage and due publication.

Common Address: 8840 - 8856 South Commercial Avenue and 2954 - 2964 East 89th Street

RESIDENTIAL BUSINESS PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential Business Planned Development No. (the “Planned Development”) consists of a net site area of approximately 24,930 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (the “Property”). The applicant for this Planned Development is 548 Development, LLC (the “Applicant”). The Property is owned in part by the City of Chicago and in part by 548 Development, 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 title holders 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 title holder 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 amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or 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 any owner of the Property, as applicable, or its successors, assigns or grantees, which require such reviews, approvals or permits. 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 (“CDOT”) on behalf of the applicable Property owner, its successors, assigns or grantees, seeking such action.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans (as defined below).

Ingress or egress shall be pursuant to the Planned Development and may be subject to the review and approval of the Department of Planning and Development (“DPD”) and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

All work proposed in the public way must be designed and constructed in accordance with CDOT Construction Standards for Work in the Public Way and in compliance with the Municipal Code of Chicago. The Applicant shall cooperate with CDOT to ensure the design of any adjacent public way is acceptable and consistent with surrounding public way and CDOT plans. The site plan shall detail the specific improvements and necessary infrastructure upgrades, which shall be incorporated into the site plan approval.

Pursuant to a negotiated and executed Perimeter Restoration Agreement (“Agreement”) by and between CDOT’s Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the Property, which may

include, but not be limited to, the following as shall be reviewed and determined by the CDOT's Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

The Perimeter Restoration Agreement must be executed prior to any CDOT and DPD Part II review permitting. The Perimeter Restoration Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with CDOT's Construction Standards for Work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow CDOT's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by CDOT.

4. This Planned Development consists of 17 Statements: a Bulk Regulations and Data Table and the following Exhibits:

- Exhibit 1 Existing Zoning Map
- Exhibit 2 Land Use Map
- Exhibit 3 Planned Development Boundary and Property Line Map
- Exhibit 4 Planned Development Site Plan
- Exhibit 5 Elevations
- Exhibit 6 Landscape Plans

prepared by FARR Associates (collectively, the "Plans"). In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Chicago Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted within the Planned Development: Multi-unit residential located on the ground floor and above the ground floor; Community Center; Food and Beverage Retail Sales With Liquor Sales as Accessory Use Only; Repair Or Laundry Service, Consumer; Retail Sales, General; Accessory Parking and Accessory Uses.

6. 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 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 a net site area of 24,930 square feet and a base FAR of 3.0.

9. Upon review and determination, “Part II Review”, 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 and must be paid to the Department of Revenue prior to the issuance of any Part II approval.

10. The Site and Landscape Plan 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 reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.

11. The Plans are hereby approved in their entirety and no further approvals shall be required under this Planned Development or the Zoning Ordinance for any use contemplated herein which is located or established in, on, over or above the improvements, facilities and spaces undertaken in accordance with the Plans other than Part II Approval (per Section 17-13-0610 of the Zoning Ordinance).

12. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

13. Subject to the provisions of Statement No. 2 of this Planned Development, the terms and conditions of development under this Planned Development ordinance may be modified administratively pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessors.

14. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes and enables universal access throughout the Property as required by law. Plans for all new buildings and improvements on the Property constructed after the date hereof 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.

15. 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. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

16. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises (“M/WBEs”) and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant’s goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant’s proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant’s submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant’s preliminary outreach plan, (b) a description of the Applicant’s outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant’s outreach efforts, and (d) updates (if any) to the applicant’s M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the forgoing, DPD may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

17. The Applicant acknowledges and agrees that the rezoning of the Property from B3-2, Community Shopping District to B3-3, Community Shopping District and then to this Planned Development (“PD”) is an “entitlement” that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the “ARO”). The Applicant has applied for Low-Income Housing Tax Credits, tax increment financing, or other forms of financial assistance from the City. Such financial assistance imposes affordability requirements (the “Financing Requirements”) that

exceed the ARO requirements. As a result, if the Applicant receives such financial assistance, the Financial Requirements shall govern the Applicant's obligation to provide affordable housing in the PD. If the Applicant does not receive such financial assistance, the Applicant shall comply with the ARO.

17. 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 B3-2, Community Shopping District.

**RESIDENTIAL BUSINESS PLANNED DEVELOPMENT  
BULK REGULATIONS AND DATA TABLE**

Site Area

**FINAL FOR PUBLICATION**

Gross Site Area	41,633 sq. ft
Public Right-of-Way:	16,703 sq. ft
Net Site Area:	24,930 sq. ft
Maximum Floor Area Ratio:	3.0
Residential Dwelling Units	58
Off-Street Parking Spaces:	12
Off-Street Loading Spaces:	1
Bike Spaces:	90
Maximum Building Height:	70 ft.
Front Setback	0.00'
Side Setbacks	0.00'
Rear Setback	3 ft

Applicant: 548 Development, LLC  
Address: 8840 - 8856 South Commercial Avenue and 2954 - 2964 East 89th Street  
Introduction Date: February 1, 2023  
Plan Commission: April 20, 2023

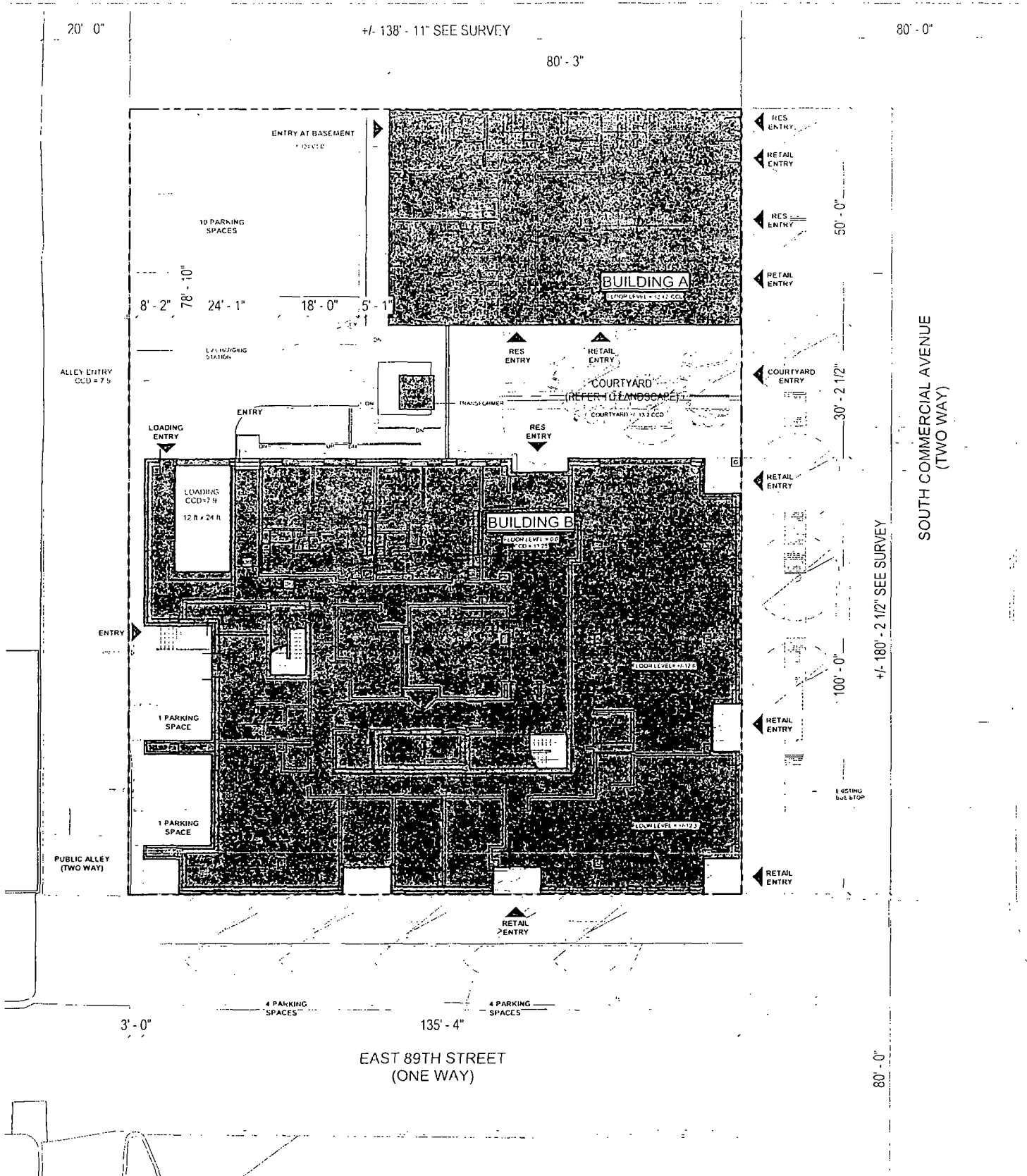






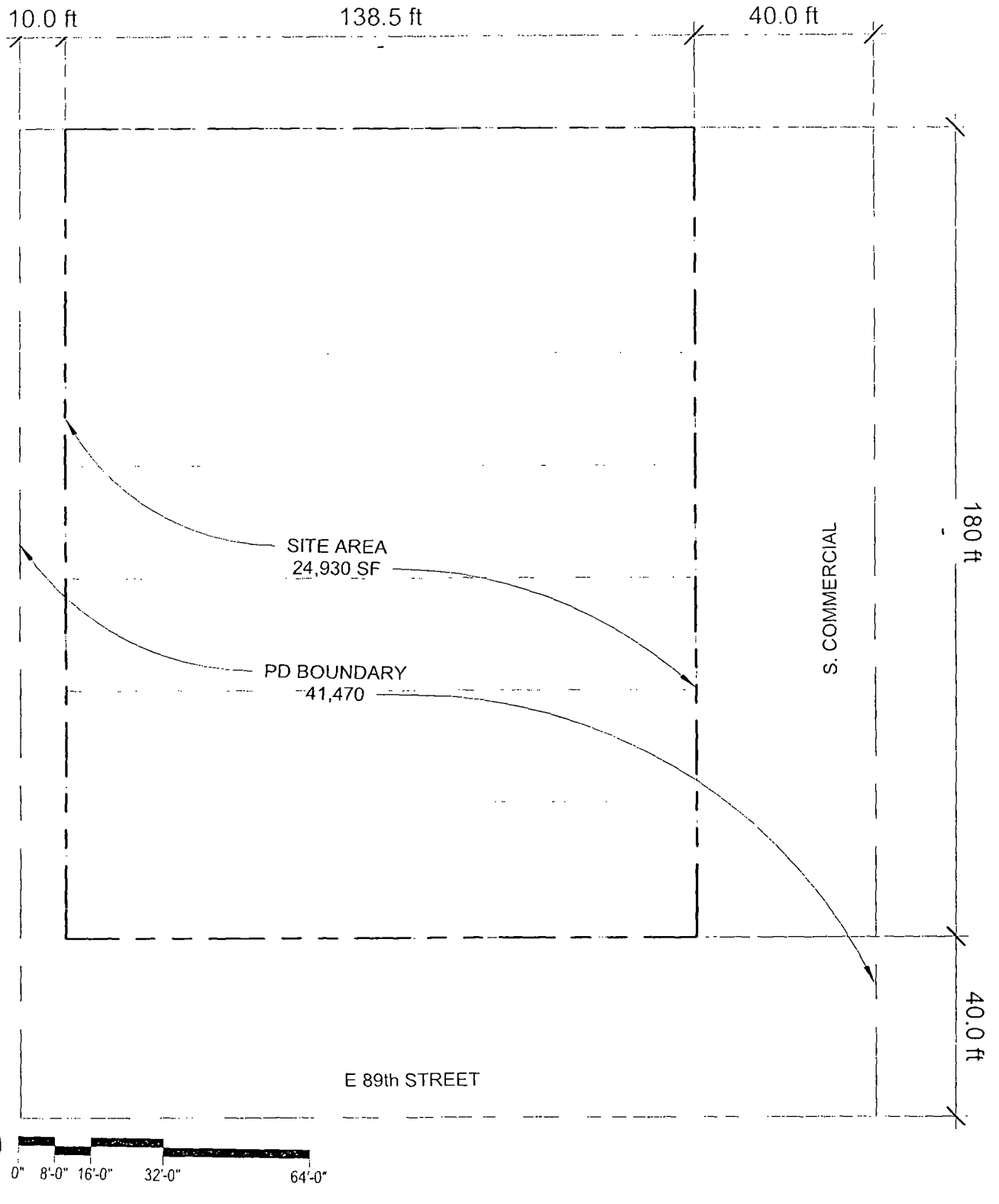
# SITE PLAN

FINAL FOR PUBLICATION



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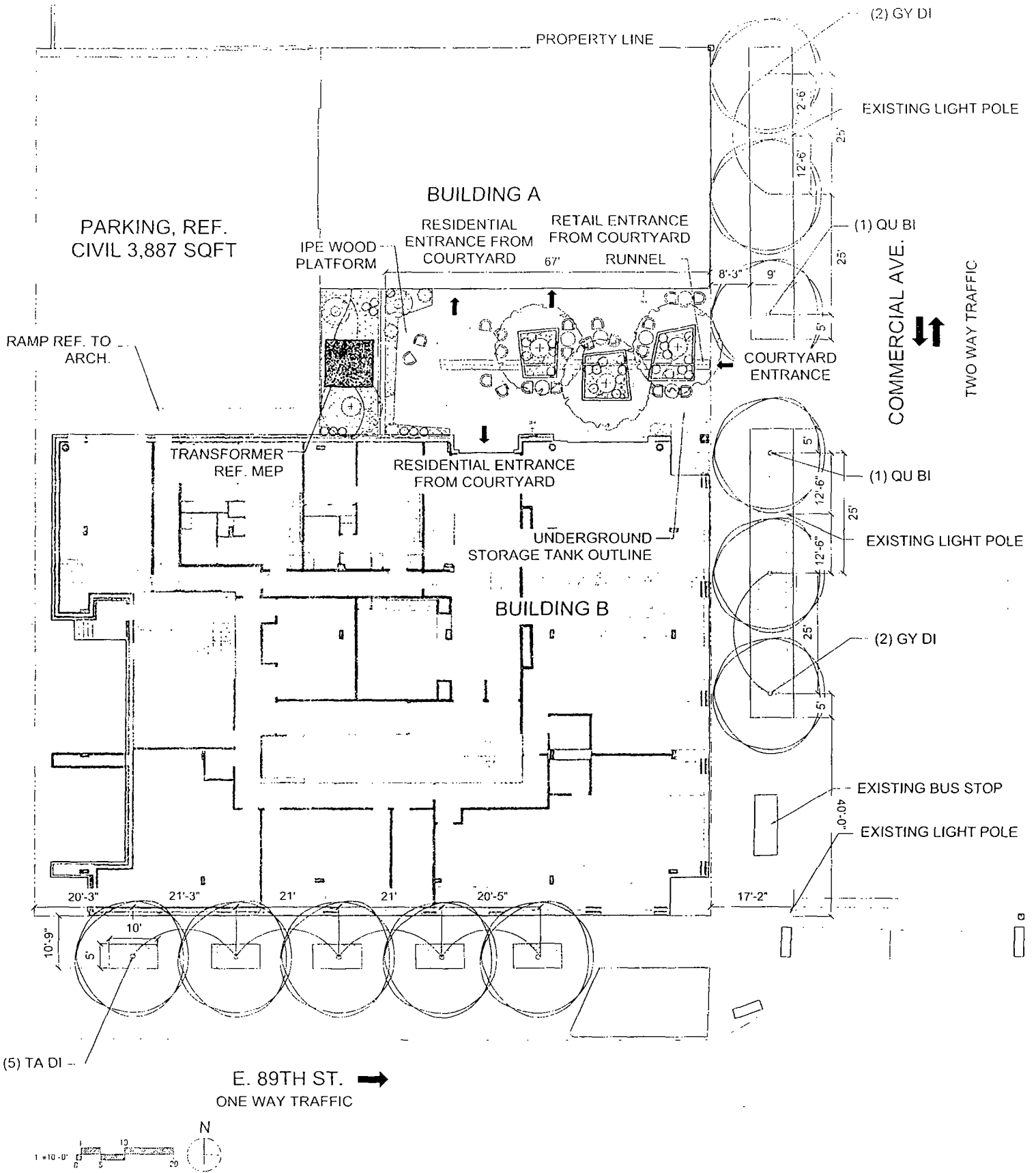
PROPERTY LINE MAP AND PD BOUNDARY MAP FINAL FOR PUBLICATION



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# LANDSCAPE PLAN

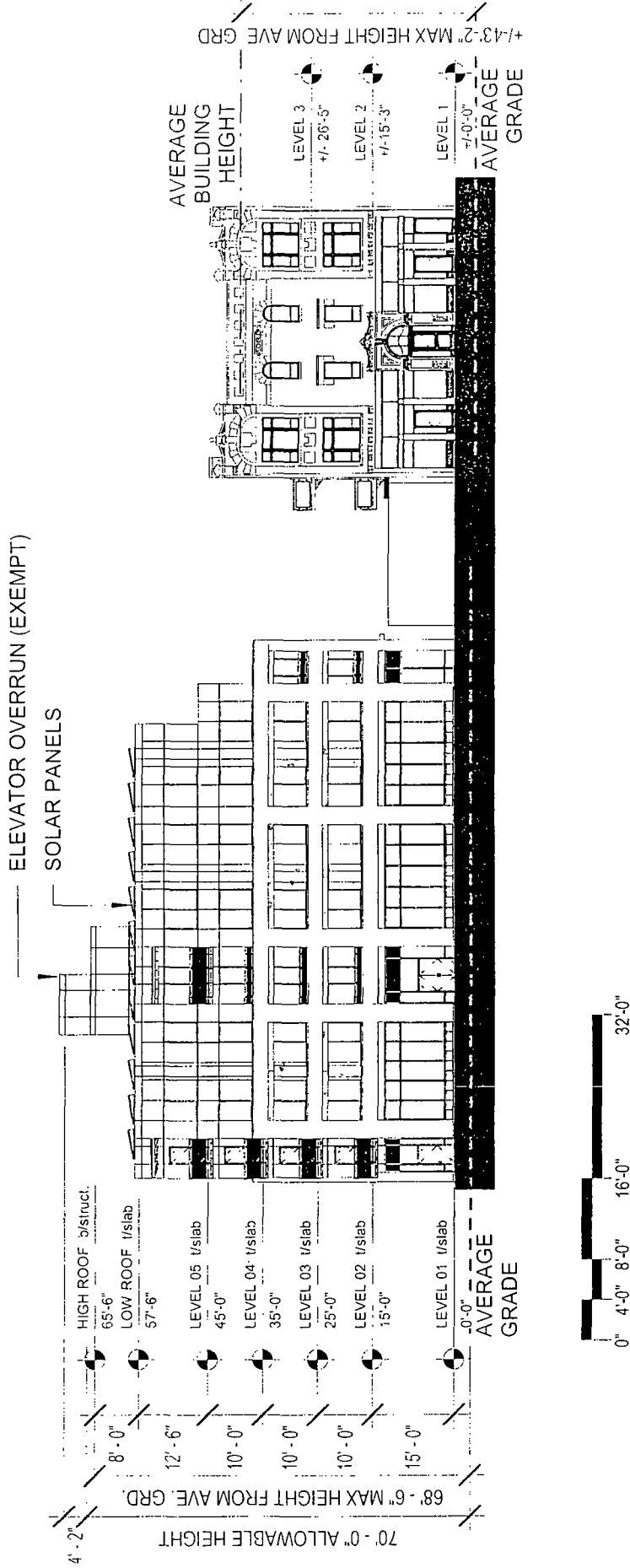
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# EAST ELEVATION

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# BUILDING A SOUTH ELEVATION

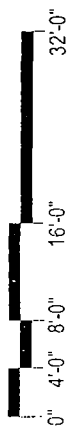
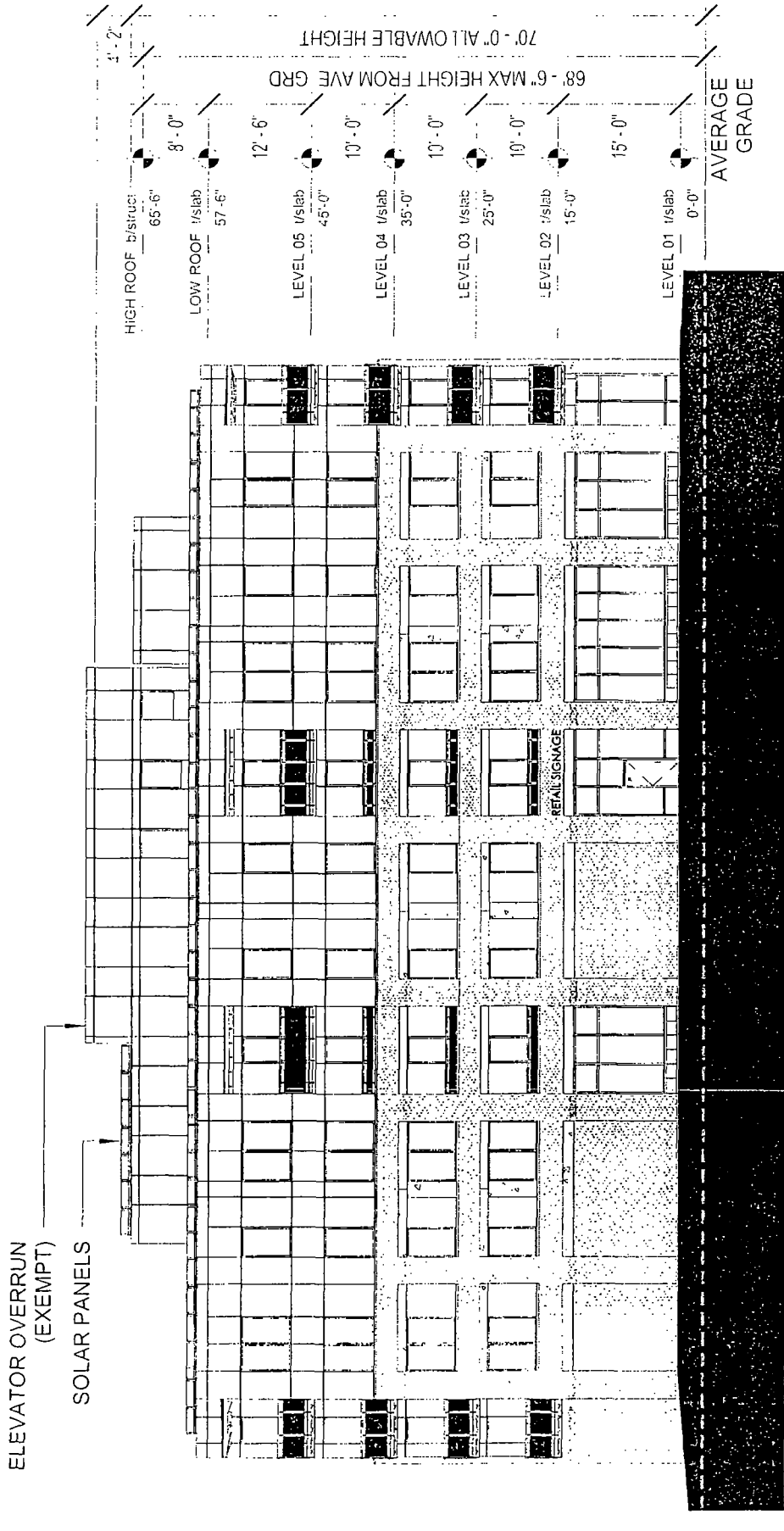
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# BUILDING B SOUTH ELEVATION

FINAL FOR PUBLICATION

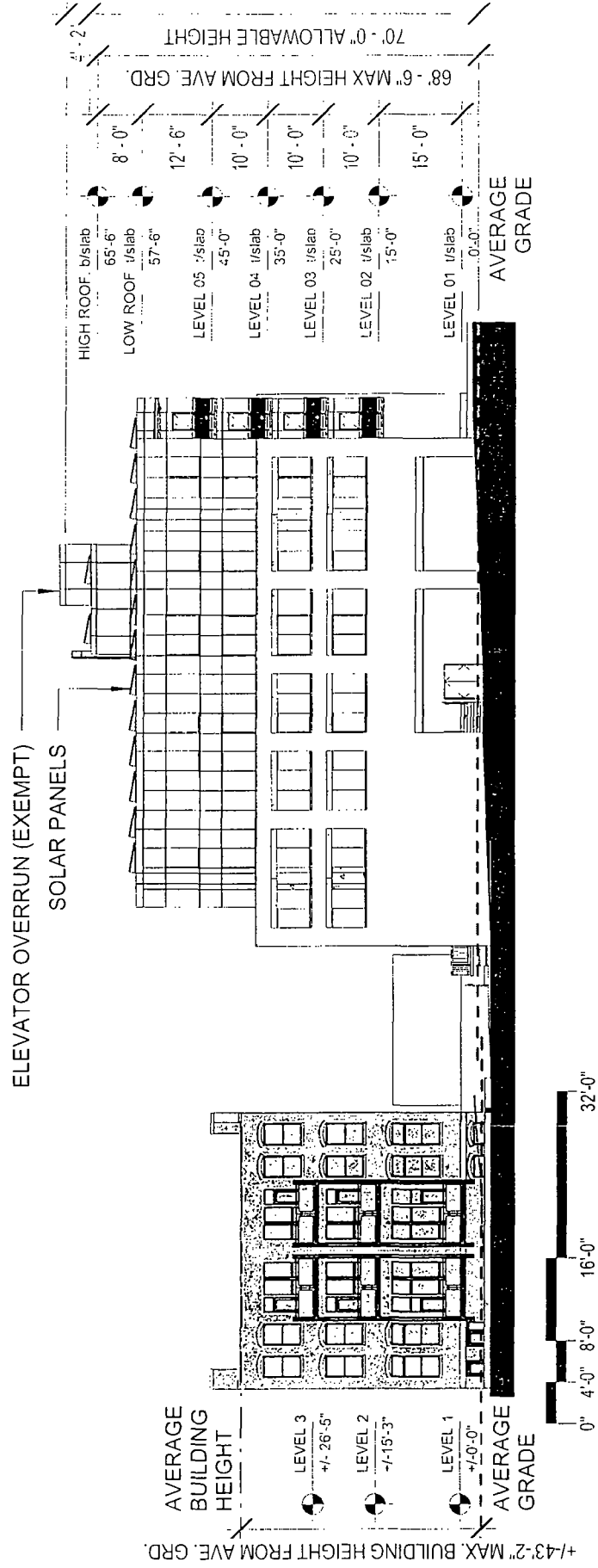


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# WEST ELEVATION

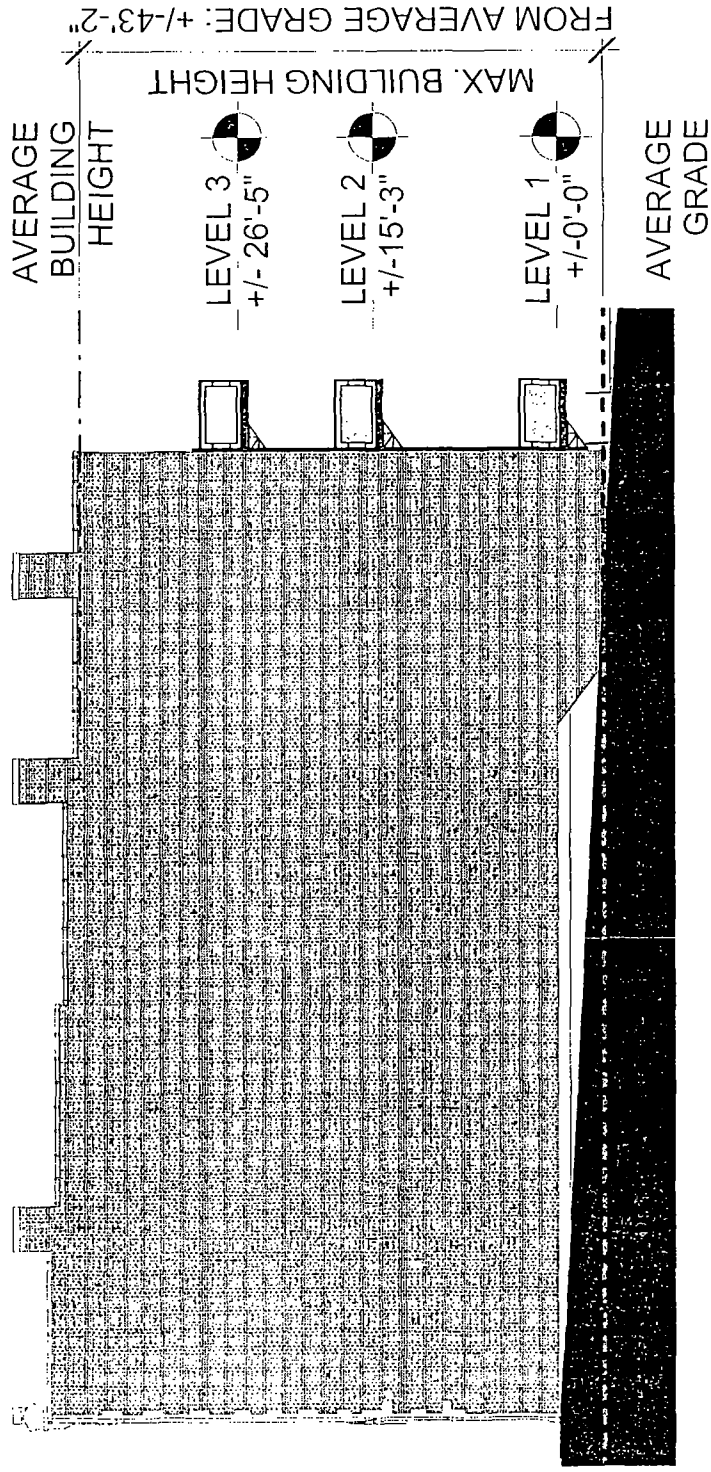
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# BUILDING A NORTH ELEVATION

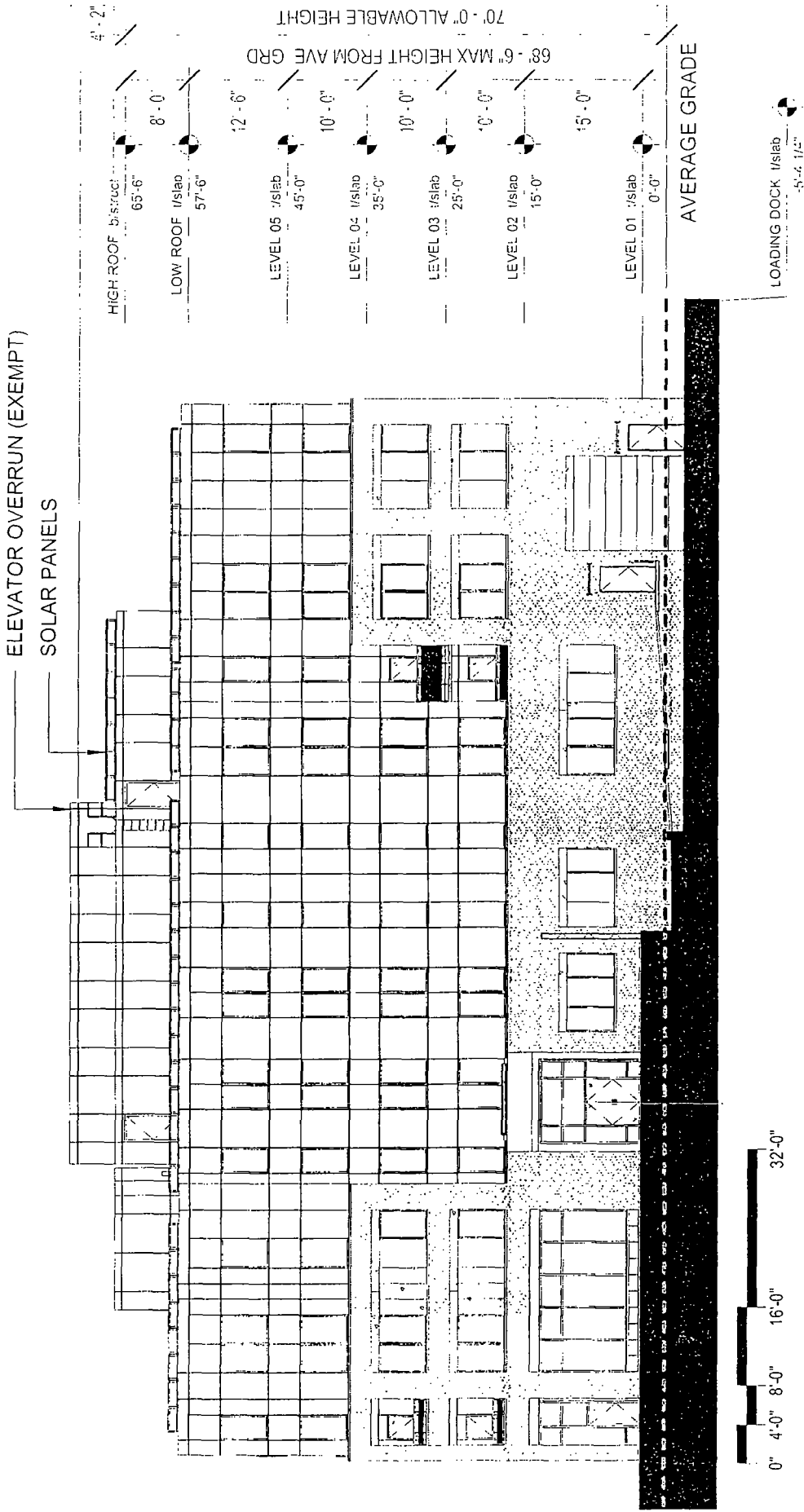
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INTRODUCTION: February 1, 2023  
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# BUILDING B NORTH ELEVATION

FOR FINAL PUBLICATION



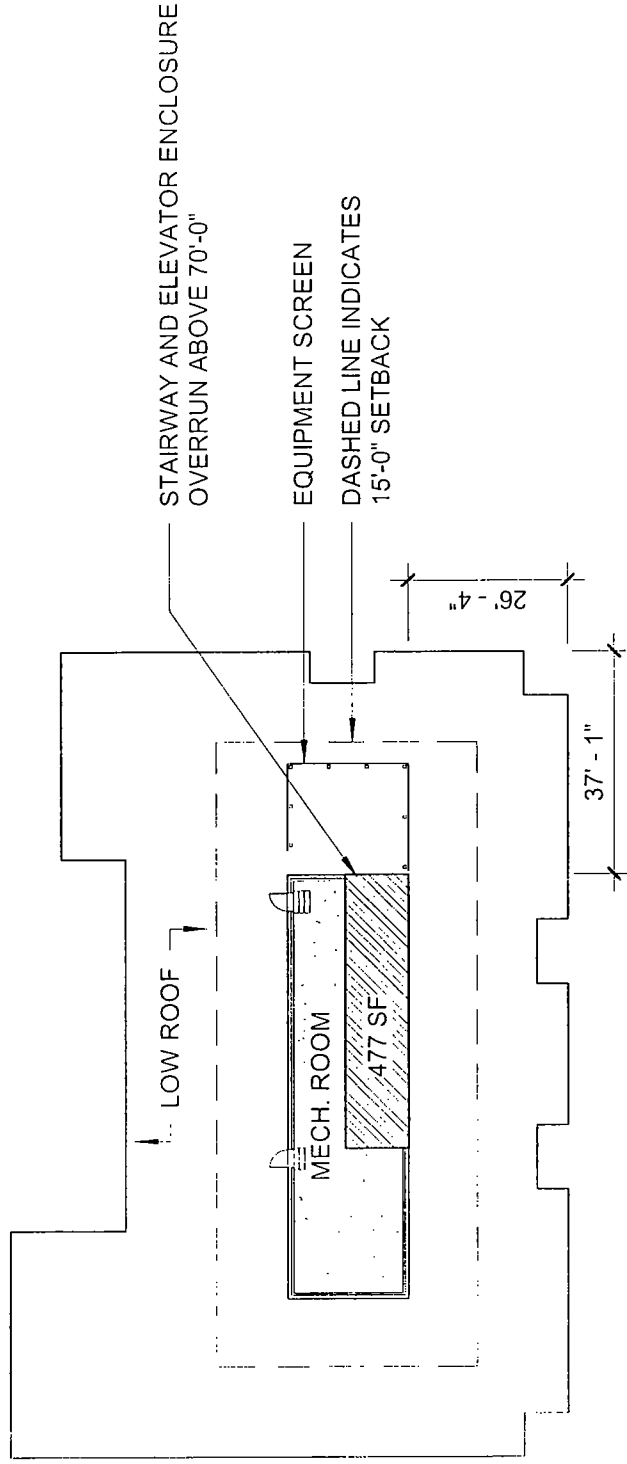
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# STAIRWAY AND ELEVATOR ENCLOSURES: AREA AND SETBACK COMPLIANCE

17-17-0311-C Stairway and Elevator Enclosures and Elevator Equipment Penthouses.

1. Stairway and elevator enclosures providing access to occupiable rooftops and elevator equipment penthouses in R, B, C and D districts are allowed to exceed the maximum building height or mandatory planned development height threshold and will not be counted as floor area for the purpose of calculating floor area ratio to the extent indicated in the following table:

	DISTRICT	ENCLOSURE CONTAINS SETBACK	MAX. FL. AREA PER ENCLOSURE 575 SF + 175 SF PER ELEVATOR CAR EXCEEDING (1)	ALLOWABLE HEIGHT ABOVE MAX. BUILDING HEIGHT
PERMITTED	B, C or D	15'-0"	750 SF (MAX)	22'-6" (MAX)
PROVIDED	B	COMPLIES	477 SF	4'-2"



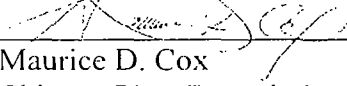
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DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF CHICAGO

**MEMORANDUM**

To: Alderman Tom Tunney  
Chairman, City Council Committee on Zoning

From:   
Maurice D. Cox  
Chicago Plan Commission

Date: April 20, 2023

Re: Proposed Residential-Business Planned Development – 8840-8856 S. Commercial Ave.  
and 2954-2964 E. 89th St.

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On April 20, 2023, the Chicago Plan Commission recommended approval of the proposed Residential-Business Planned Development, submitted by 548 Development, LLC. The Applicant proposes to rezone the property from B3-2 (Community Shopping District) and the Applicant proposed to rezone the site to B3-3 (Community Shopping District) prior to establishing a planned development to renovate an existing, three-story, mixed-use building to contain 12 residential units and two ground-floor commercial units with commercial and retail uses including residential above and below the second floor. Additionally, the applicant plans to construct a building containing 46-affordable residential units and two ground-floor commercial units with commercial and retail uses, and to construct 12 accessory parking spaces. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Michael Penicnak at 312-742-1337.

Cc: PD Master File (Original PD, copy of memo)