



City of Chicago



O2023-1583

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 4/19/2023

Sponsor(s): Curtis (18)

Type: Ordinance

Title: Zoning Reclassification Map No. 20-K at 7901 -- 8071 S.
Cicero Avenue/4744 -- 4760 W. 81st St./4649 -- 4711 W.
79th St.

Committee(s) Assignment:

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 current Business Planned Development Number 965 District symbols and indications as shown on Map Number 20-K in the area bounded by:

Lot A in Scottsdale Fourth Addition, being Raymond I. Lutger's resubdivision of the northwest quarter of the northwest quarter of Section 34, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, and the land adjacent to said Lot A to the center lines of the public right-of-way in West 79th Street, South Cicero Avenue and West 81st Street,

to those of Business Planned Development Number 965, as amended.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.



DERRICK G. CURTIS
Alderman, 18th Ward

Address: 7901-8071 S. Cicero Avenue / 4744-4760 W. 81st Street / 4649-4711 W. 79th Street
Chicago, Illinois

**BUSINESS PLANNED DEVELOPMENT
NO. 965, as amended**

PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Business Planned Development (the "Planned Development") consists of approximately 895,376 net square feet (20.555 acres) of real property located in the area generally located in the Southeast quadrant of the intersection of West 79th Street and South Cicero Avenue and described as follows:

Lot A in Scottsdale Fourth Addition, being Raymond I. Lutgert's resubdivision of the northwest quarter of the northwest quarter of Section 34, Township 38 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, and the land adjacent to said Lot A to the center lines of the public right-of-way in West 79th Street, South Cicero Avenue and West 81st Street (the "Property").

The Property is currently owned by Scottsdale Limited Partnership, an Illinois limited partnership (the "Applicant").

2. The Applicant or its successors, assignees or grantees shall obtain all applicable official reviews, approvals or permits which 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 or its successors, assignees or grantees, and approval by the City Council; provided, the Applicant will dedicate land for a public sidewalk along a portion of the Property boundary adjacent to South Cicero Avenue, as depicted on the Right of Way Adjustment Map, subject to the approval of the Illinois Department of Transportation, as a condition to the issuance of a certificate of occupancy for improvements located on the Property and to the south of Scottsdale Avenue. The Applicant may seek, and the Department of Planning and Development shall grant, "Part II" approval for the construction of improvements in the Planned Development pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance prior to completion of the proposed right-of-way dedication depicted on the Right-of-Way Adjustment Map, provided the Applicant has otherwise complied with the requirements of said Section 17-13-0610. The Applicant or its successors, assignees or grantees may construct the proposed new improvements in the Planned Development in phases and shall be permitted to seek and obtain permits required for such construction separately for different structures located in the Planned Development.
3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant, its successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessors except as provided herein. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessors and their respective successors and assignees. Furthermore, pursuant to the requirements of Section 17-8-0400 of 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 Statement 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 of the Property subject, however, to the following exceptions and conditions: (a) any changes or modifications to this Planned Development applicable to or in a given subarea existing or designated pursuant to Statement No. 10 below need only be made or authorized by the owners and/or ground lessors of such subarea; provided, however, that for so long as the Applicant or any affiliate thereof owns or controls any part of the Property, any application to the City for any such changes or modifications (administrative, legislative or otherwise) must in all cases be authorized by the Applicant; and (b) 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. 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 "the 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; provided, however, that the Applicant's right to authorize changes or modifications to this Planned Development for so long as it owns or controls all or any portion of the Property as set forth in clause (a) of this Statement No. 3 above shall not be deemed amended or transferred to apply to a transferee (or its beneficiaries as aforesaid) unless expressly assigned in a written instrument executed by the original Applicant hereunder.

4. This Plan of Development consists of these fifteen (15) Statements, a Bulk Regulations and Data Table, and the following plan documents dated April 14, 2005 (collectively, the "Plans"), which are set forth in that certain ordinance approving the establishment of Business Planned Development Number 965, adopted by the Chicago City Council on May 11, 2005, and published in the City Council Journal of Proceedings on pages 48688 through 48707: an Existing Zoning Map, an Existing Land Use Map, Planned Development Property Line and Boundary Map, Subarea Map, Planned Development Site Plan, Building Elevations for Subarea 2; and Right-of-Way Adjustment Map prepared by Ronald P. Sorce Architects P.C.; Building Elevations for Subarea 1 prepared by Boice-Raidl-Rhea Architects, Inc.; a Site Plan and Right-of-Way Adjustment Map prepared by Marchris Engineering Ltd; a Landscape Plan and Landscape Details Plan prepared by Countryside Industries, Inc.; and a Roof Plan prepared by Lowe's. Full-sized copies of the Plans are on file with the Department of Planning and Development. These and no other zoning controls shall apply to the Property. This 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.

5. The area within the Planned Development Boundary is divided into two (2) subareas as indicated on the Subarea Map. The following uses of the Property shall be permitted in both subareas of the Planned Development: retail sales; food and beverage sales; eating and drinking establishments; financial services; medical service; personal service; office; accessory and non-accessory parking; accessory uses; temporary buildings for construction purposes; Cannabis Business Establishment; and all other uses permitted in the C2-2 Motor Vehicle-Related Neighborhood Commercial District.
6. Business identification 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. No approvals shall be required for any signage located in and designed to be viewed solely from the interior of any improvements on the Property. Any home improvement store located in Subarea A may, in the ordinary course of business, maintain displays of certain seasonal and other merchandise in areas outside the access doors to such store.
7. The improvements of the Property shall be designed, constructed and maintained in substantial conformance with the Plans described in Statement 4 above, and in accordance with the parkway tree and parking lot landscaping provisions of the Chicago Zoning Ordinance.
8. In addition to the maximum heights of the buildings and any appurtenances 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. For purposes of Floor Area, Floor Area Ratio ("FAR") and Building Height calculations, the definitions of the Chicago Zoning Ordinance in effect as of the date hereof shall apply; provided, however, that in addition to the other exclusions from Floor Area for purposes of determining FAR permitted by the Chicago Zoning Ordinance, such Floor Area shall not include (a) all Floor Area devoted to mechanical equipment which exceeds 1,000 square feet, and (b) all Floor Area associated with parking and loading areas. The calculation of FAR shall be made based on the net site area of the Planned Development. In addition, the calculation of any Building Height shall not include elevator shafts, ingress/egress towers, mechanical penthouses and enclosures, telecommunications facilities or architectural design elements such as spires.
10. The Applicant shall have the right to redesignate subareas within the Planned Development from time to time in order to promote orderly development, to facilitate financing, acquisition, leasing or disposition of the Property or relevant portions thereof, to designate zoning control or to otherwise administer this Planned Development. The designation and redesignation of subareas shall not require an amendment or minor change to this Planned Development; provided, however, Applicant shall provide notice thereof to the Department of Planning and Development for said Department's administrative purposes to facilitate Part II review for any such designated subarea. In furtherance of the foregoing, the Applicant may allocate or assign the development rights under this Planned Development to and among the designated subareas, including, but not limited to, Floor

Area and FAR, signage, building height, and parking; provided, however, that the limitations set forth in the Bulk Regulations and Data Table applicable to the entirety of the Planned Development shall not be exceeded or increased as a result of any such designation(s).

11. 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.
12. The requirements of the Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development (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. Notwithstanding the provisions of Section 17-13-0611 of the Chicago Zoning Ordinance, such minor changes may include a reduction of the minimum required distance between structures, a reduction of periphery setbacks, an increase of the maximum percent of land covered and changes to the location, size or display of signage. It is acknowledged that the demising walls for the interior spaces are illustrative only and that the location and relocation of demising walls or division of interior spaces shall not be deemed to require any further approvals pursuant hereto.
13. 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, construct and maintain all buildings located on the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("LEED") Green Building Rating System; provided, however, nothing set forth in this Planned Development shall be construed to require Applicant to obtain LEED certification for any of the improvements on the Property. The Applicant agrees that (a) if the Applicant receives tax increment financing ("TIF") assistance from the City of Chicago, then the new improvements constructed in the Planned development will have either a 50% net green roof and LEED certification or a 75% net green roof; and (b) if the Applicant receives no TIF assistance from the City of Chicago, then the new improvements constructed in the Planned Development will have a 50% net green roof. The green roof requirement for the Planned Development may be satisfied through the provision of a green roof on the principal building to be located in Subarea A of the Planned Development, as depicted on the Roof Plan.

14. 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 universal access 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 ("MOPD") 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 permits shall be issued pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the Director of MOPD has approved detailed construction drawings for each new building or improvement.
15. This Planned Development shall not be subject to lapse under Section 17-13-0612 of the Zoning Ordinance.

**BUSINESS PLANNED DEVELOPMENT
PLAN OF DEVELOPMENT NO. 965, as amended
BULK REGULATIONS AND DATA TABLE**

Gross Site Area (1,026,491 square feet) = Net Site Area (895,376 square feet) + Area Remaining in Public Right-Of-Way (131,115 square feet)

Net Site Area:	Subarea A:	462,346 sq. ft. (10.614 acres)
	Subarea B:	433,030 sq. ft. (9.941 acres)
Maximum Floor Area Ratio:	Total Area	2.2
	Subarea A:	2.2
	Subarea B:	2.2
Maximum Site Coverage:	In accordance with the Site Plan	
Minimum Number of Off-Street Parking Spaces:	Total Area:	1,000
	Subarea A:	478
	Subarea B:	522
Minimum Number of Off-Street Loading Berths:	Total Area:	6 (10' x 25')
Maximum Building Height:	Subarea A:	51 feet
	Subarea B:	42 feet
Minimum Setbacks from Property Lines:	In accordance with the Site Plan	