



City of Chicago



SO2022-1121

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	4/27/2022
Sponsor(s):	Misc. Transmittal
Type:	Ordinance
Title:	Zoning Reclassification Map No. 10-E at 301-313 E 43rd St and 4301-4313 S Prairie Ave - App No. 20995
Committee(s) Assignment:	Committee on Zoning, Landmarks and Building Standards

Final for Publication

ORDINANCE

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 B2-3 Neighborhood Mixed-Use District and RM5 Multi-Unit District symbols and indications as shown on Map No. 10-E in the area bounded by

East 43rd Street; a line 130.68 feet east of and parallel to the east line of South Prairie Avenue (said line being the west line of the CTA elevated Green Line); a line 94.13 feet south of and parallel to the south line of East 43rd Street; a line 128.67 feet east of and parallel to the east line of South Prairie Avenue (said line being the west line of the CTA elevated Green Line); a line 148.16 feet south of and parallel to the south line of East 43rd Street; South Prairie Avenue,

to those of a B3-5 Community Shopping District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B3-5 Community Shopping District symbols and indications as shown on Map No. 10-E in the area bounded by

East 43rd Street; a line 130.68 feet east of and parallel to the east line of South Prairie Avenue (said line being the west line of the CTA elevated Green Line); a line 94.13 feet south of and parallel to the south line of East 43rd Street; a line 128.67 feet east of and parallel to the east line of South Prairie Avenue (said line being the west line of the CTA elevated Green Line); a line 148.16 feet south of and parallel to the south line of East 43rd Street; South Prairie Avenue,

to those of a Planned Development, which is hereby established in the area described above and subject to such use and bulk regulations set forth in the Plan of Development attached hereto and to no others.

SECTION 3. This ordinance takes effect after its passage and due publication.

Common Street Address: 301-313 East 43rd Street and 4301-4313 South Prairie Avenue

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RESIDENTIAL PLANNED DEVELOPMENT NUMBER _____ BULK REGULATIONS AND DATA TABLE

Gross Site Area:	32,621 square feet (.75 acres)
Area Remaining in Public Right of Way	13,370 square feet (.30 acres)
Net Site Area:	19,251 square feet (.442 acres)
Maximum Number of Dwelling Units:	80 Dwelling Units
Maximum Floor Area Ratio for all Sub-Areas:	4.2
Minimum Number of Off-Street Total Parking Spaces:	13 Parking Spaces
Minimum Number of Bike Parking Spaces	40 interior 16 exterior
Off-Street Loading Spaces:	1 (10x25)
Minimum Required Setbacks:	As per the Site Plan
Maximum Building Height of the top Residential Floor per Section 17-17-0311 of the Zoning Ordinance:	Not to exceed 105'6"

966474.5

Planned Development _____

Plan of Development Statements

1. The area delineated herein as Planned Development Number _____, (“Planned Development”) consists of approximately 19,251 square feet (.442 acres) of Net Site Area which is depicted on the attached Planned Development Boundary and Property Line Map (“Property”) and is owned or controlled by 43rd and Prairie Phase II LP, a Delaware limited partnership.
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.
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, assign or grantees.

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

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.

Pursuant to a negotiated and executed Perimeter Restoration Agreement (“Agreement”) by and between the Department of Transportation’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 Department of Transportation’s Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings

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- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation'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 the Department of Transportation'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 the Department of Transportation.

4. This Plan of Development consists of seventeen (17) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land Use Map; a PD Boundary & Property Line Map; a Site Plan; a Landscape Plan; a Landscape Materials List; a North Elevation; a South Elevation; an East Elevation; and a West Elevation prepared by Landon Bone Baker, Moody Nolan and Beehive submitted herein. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the 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 shall be permitted in this Planned Development: Household living (all, including live/work space located on and above the ground floor, elderly housing, multi-unit residential and townhouses); office (all); medical service; retail sales, general; Postal Service; colleges and universities; cultural exhibits and libraries; daycare; animal services (all except stables); artist worker sales space; building maintenance; business equipment sales and service; business support services (all); body art services; communication service establishments; eating and drinking establishments (all); banks, savings banks, savings and loan association, currency exchange and credit union; automated teller machine facility; food and beverage retail sales with liquor sales as accessory use only; personal service (all); repair or laundry service, consumer (all); valuable objects dealer; and accessory parking and related 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.

Applicant: 43rd and Prairie Phase II LP

Address: 301-313 East 43rd Street and 4301-4313 South Prairie Avenue

Introduced: April 27, 2022

Plan Commission: September 15, 2022

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8. The maximum permitted Floor Area Ratio (“FAR”) for the site shall be in accordance with the attached Bulk Regulations Table. For the 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 19,251 square feet and a base FAR of 4.2.
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 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, including Section 17-13-0800. 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 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 13-32-085, or any other provision of the Municipal Code of Chicago.
12. 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 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. 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.

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15. 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.
16. The Applicant acknowledges and agrees that the rezoning of the Property from B2-3 Neighborhood Mixed-Use District and RM5 Residential Multi-Unit District to B3-5 Community Shopping District and then to this Residential Planned Development (“PD”) No. ___ 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 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 Commissioner of the Department of

Applicant: 43rd and Prairie Phase II LP

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Introduced: April 27, 2022

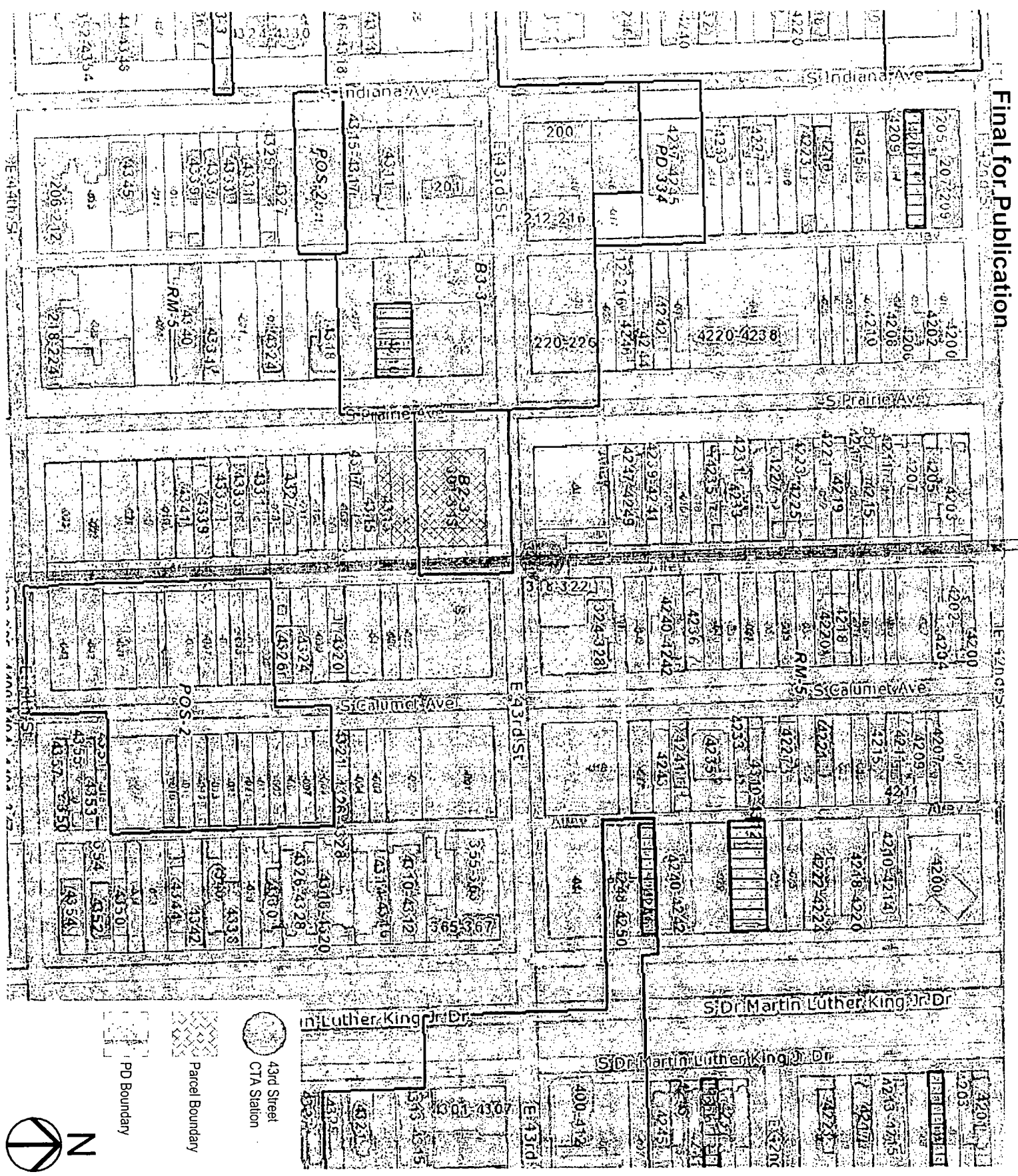
Plan Commission. September 15, 2022

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Planning and Development shall initiate a Zoning Map Amendment to rezone the property to B3-5 Community Shopping District.

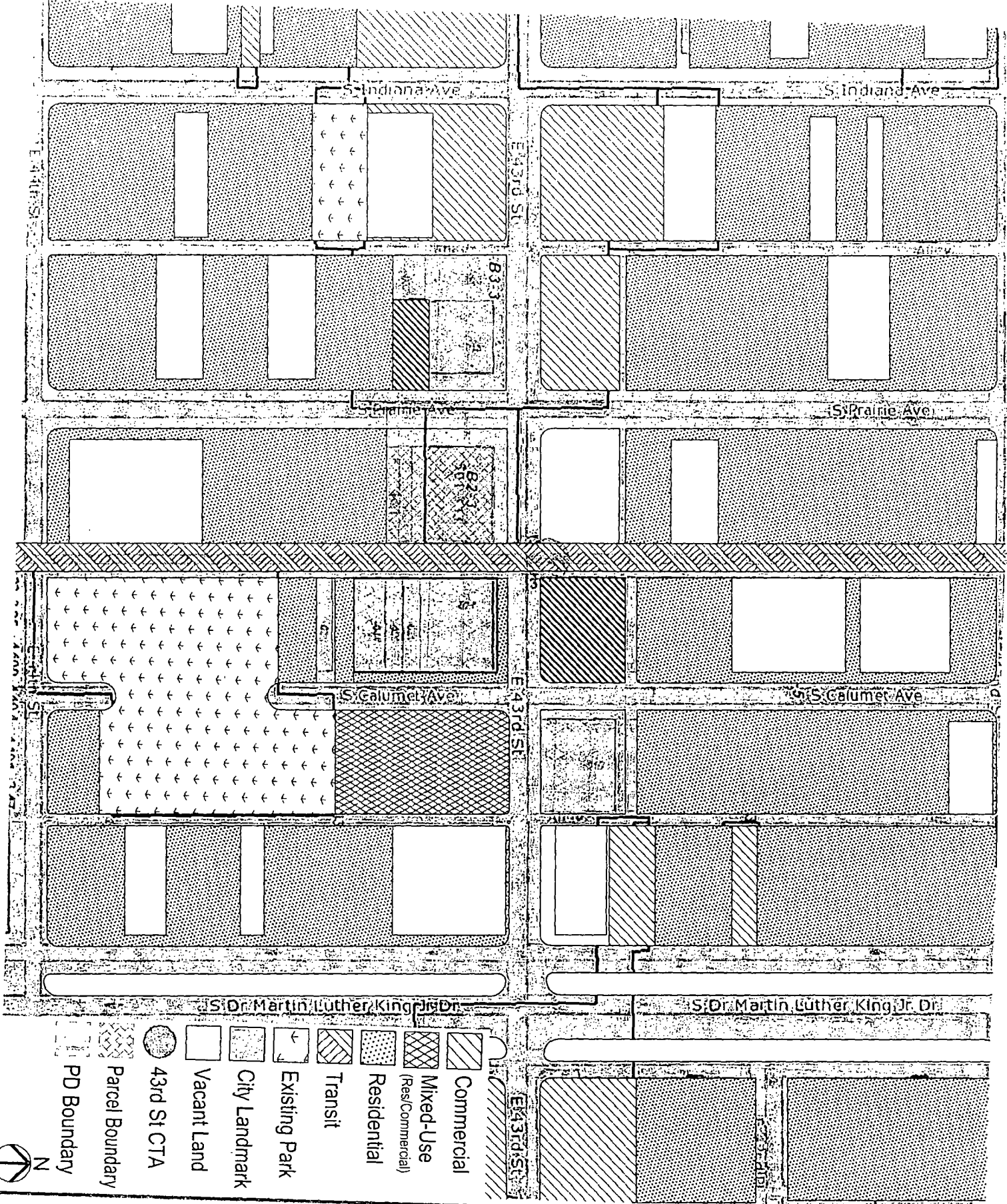
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Applicant: 43rd and Prairie Phase II LP
Address: 301-313 East 43rd Street and 4301-4313 South Prairie Avenue
Introduced April 27, 2022
Plan Commission. September 15, 2022



Existing Zoning Map (Drawing Scale: NTS)
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 MOODY NOLAN
 BEEHYVE
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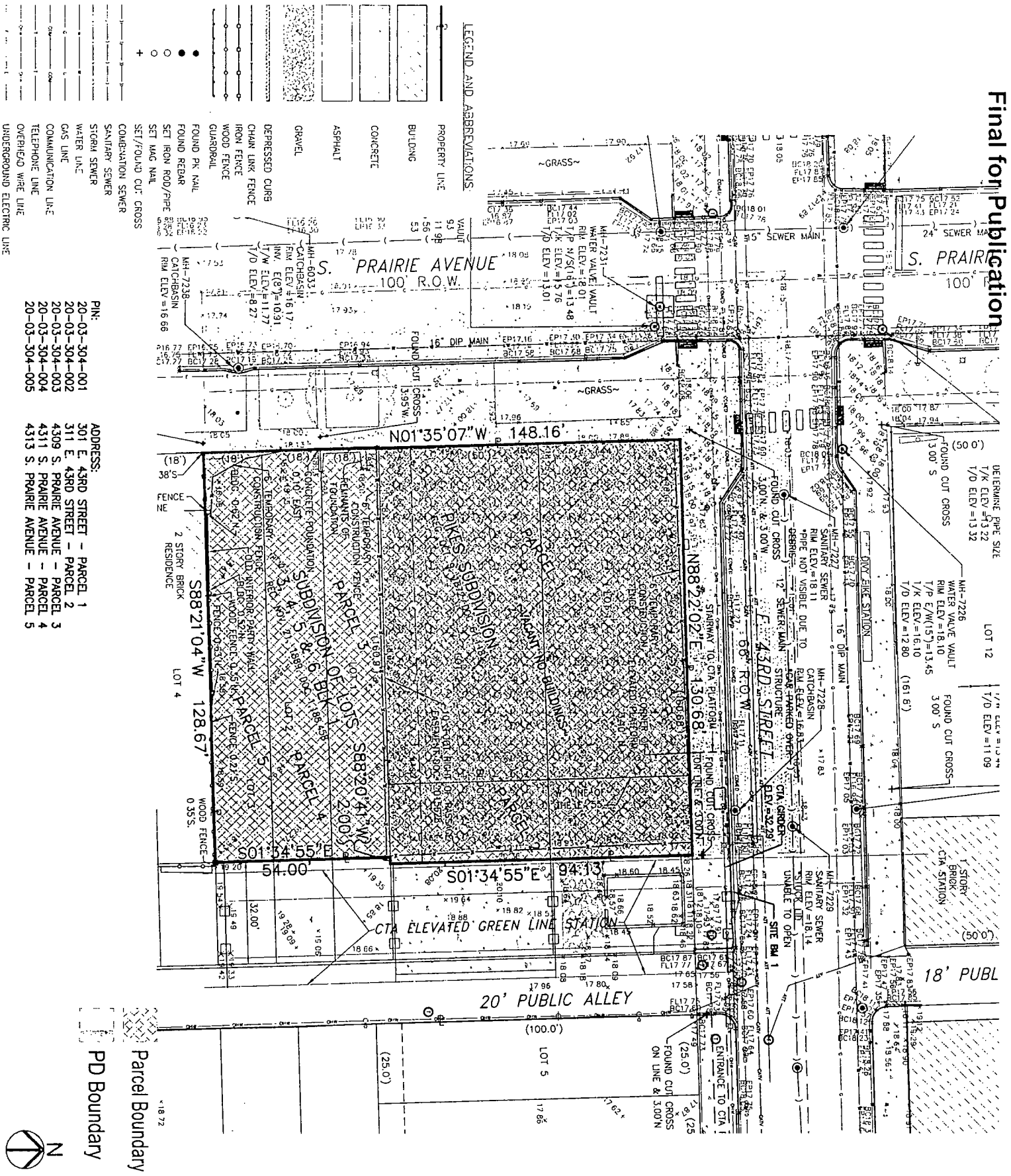
Applicant: 43 GREEN JV LLC
 Project Address: 301-313 E. 43 Street &
 4301-4313 S. Prairie Avenue
 Introduction: April 27, 2022
 Plan Commission: September 15, 2022

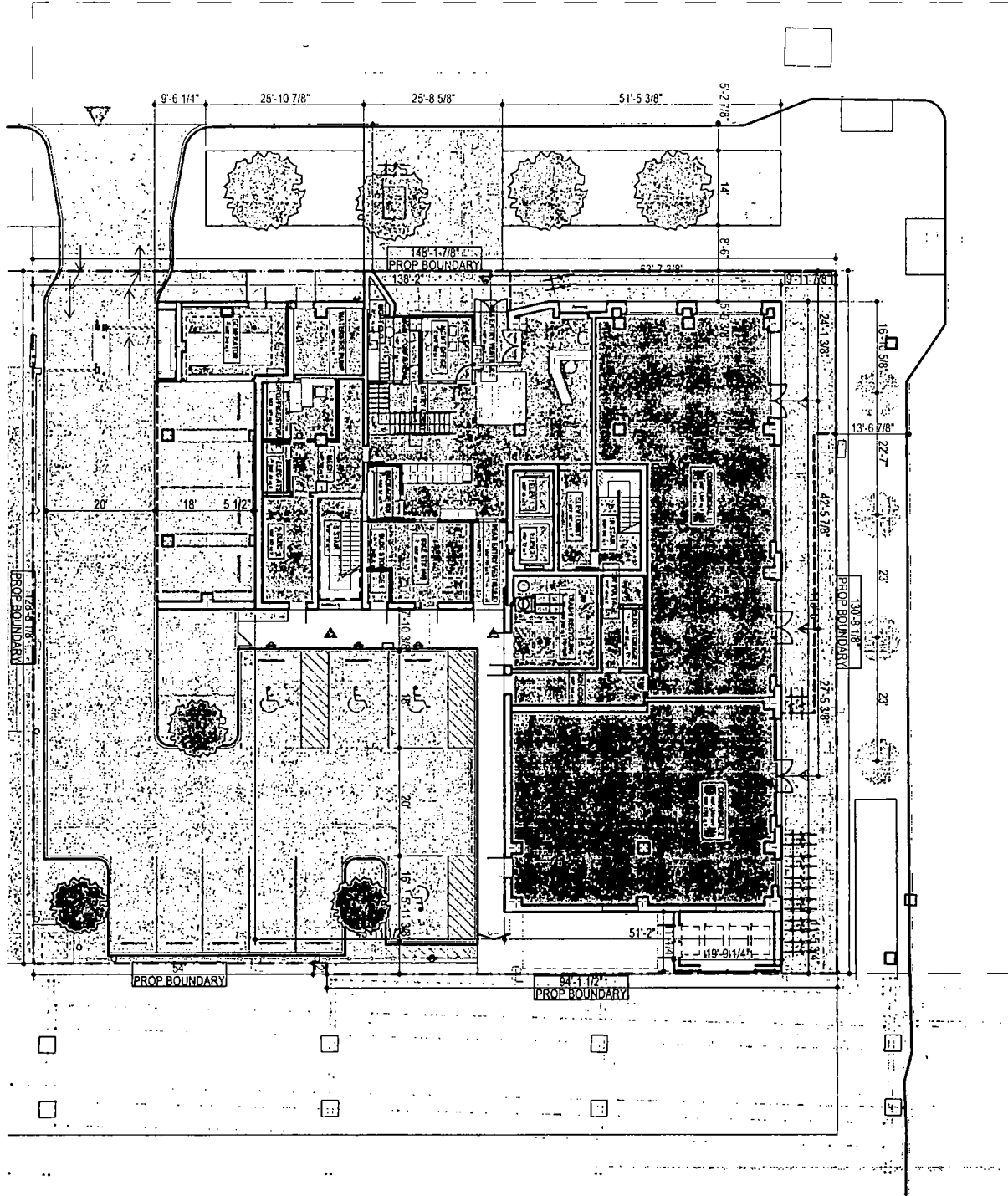


Existing Land Use Map Drawing Scale: NTS
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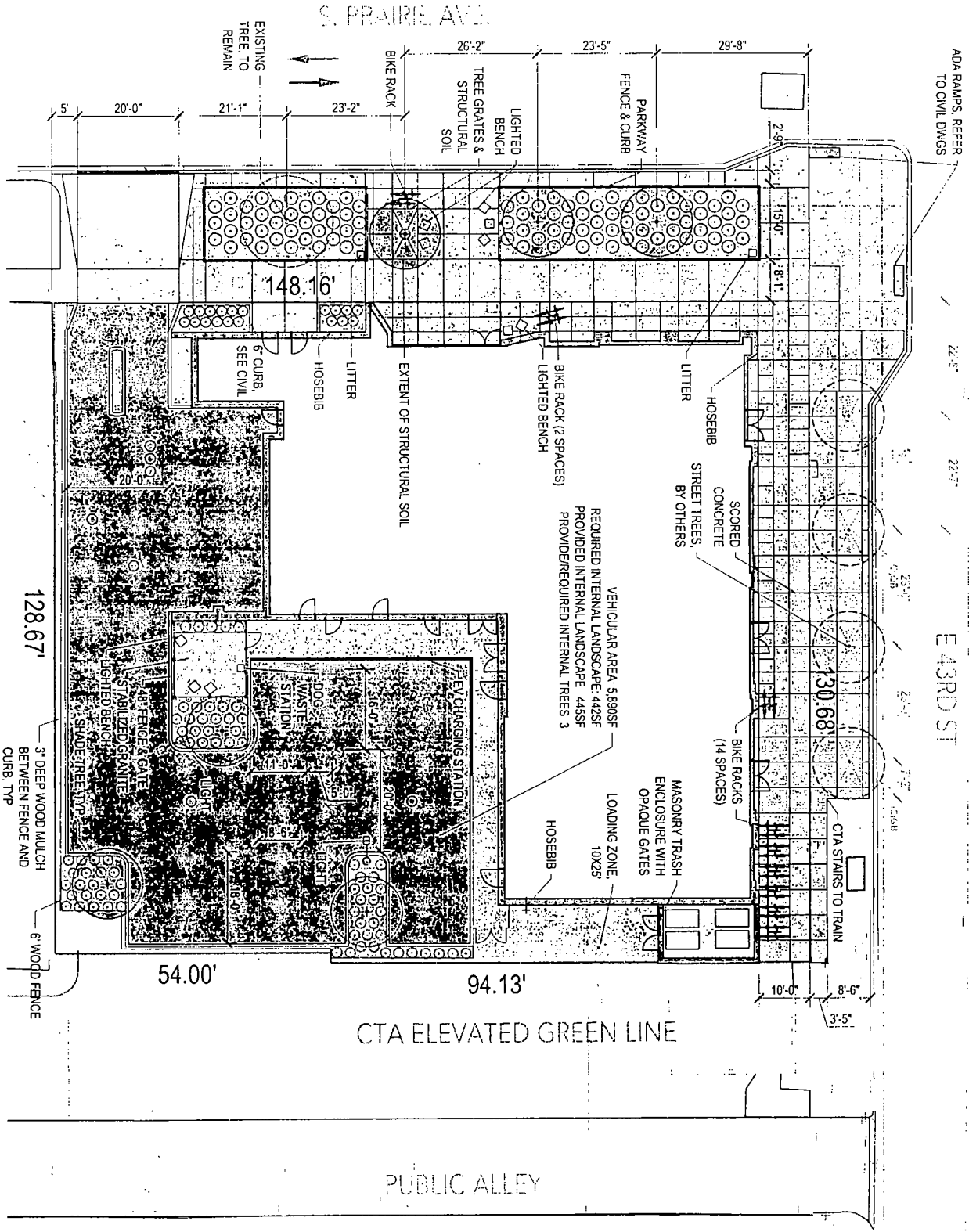


Site Plan Drawing Scale: 1" = 30'
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Landscape Plan Drawing Scale: 1:116.41
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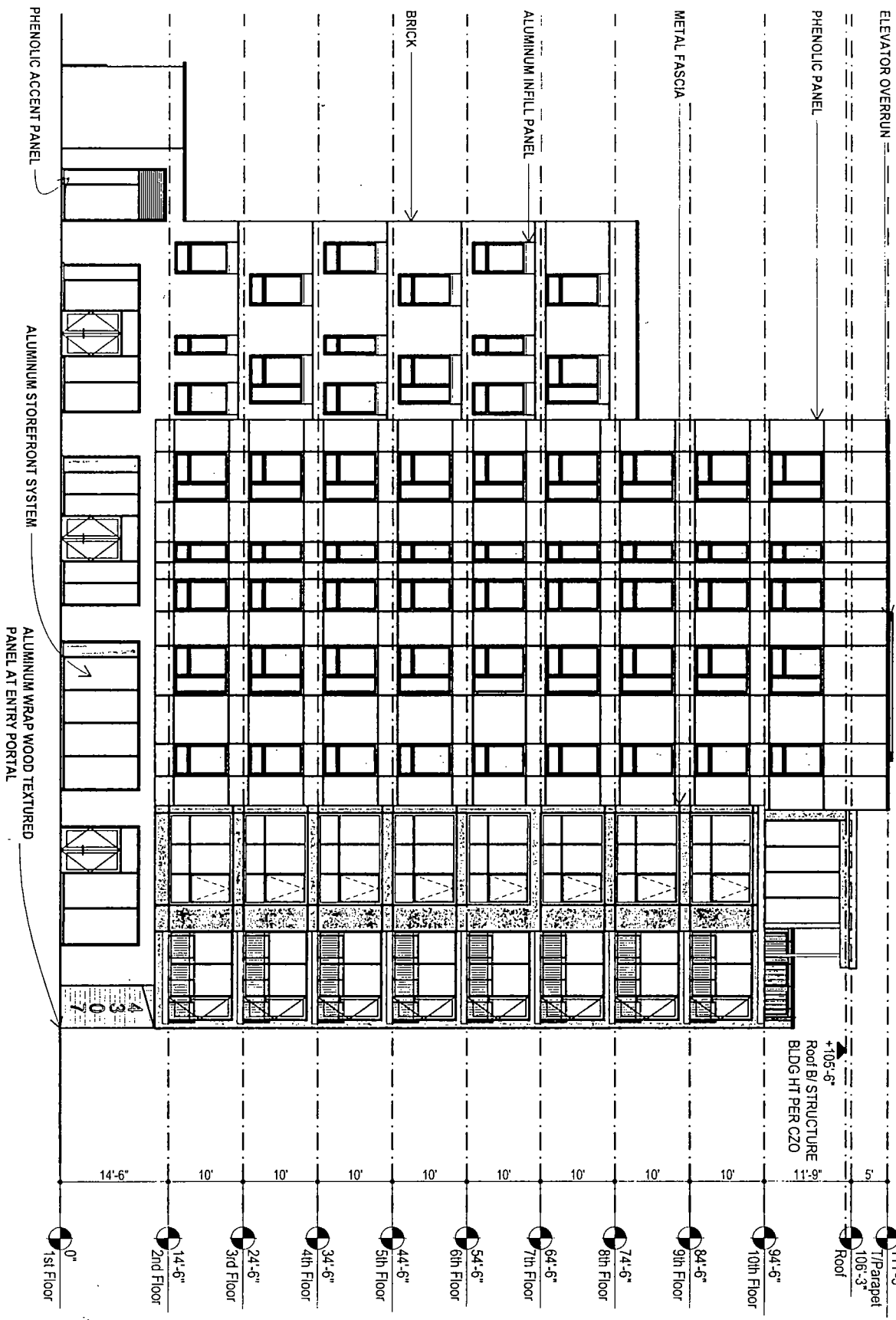
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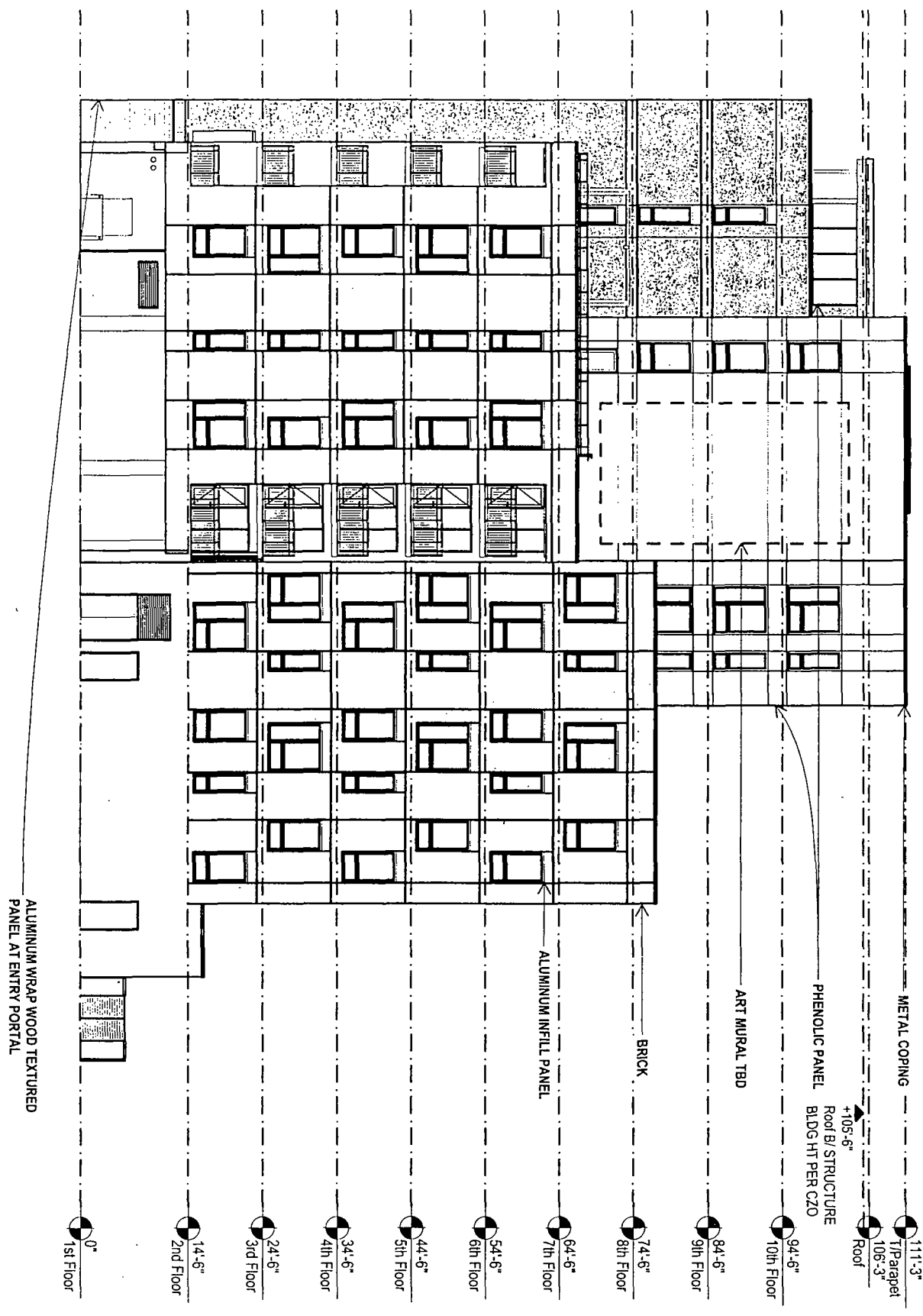
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43 Green Phase II Plant Materials Palette

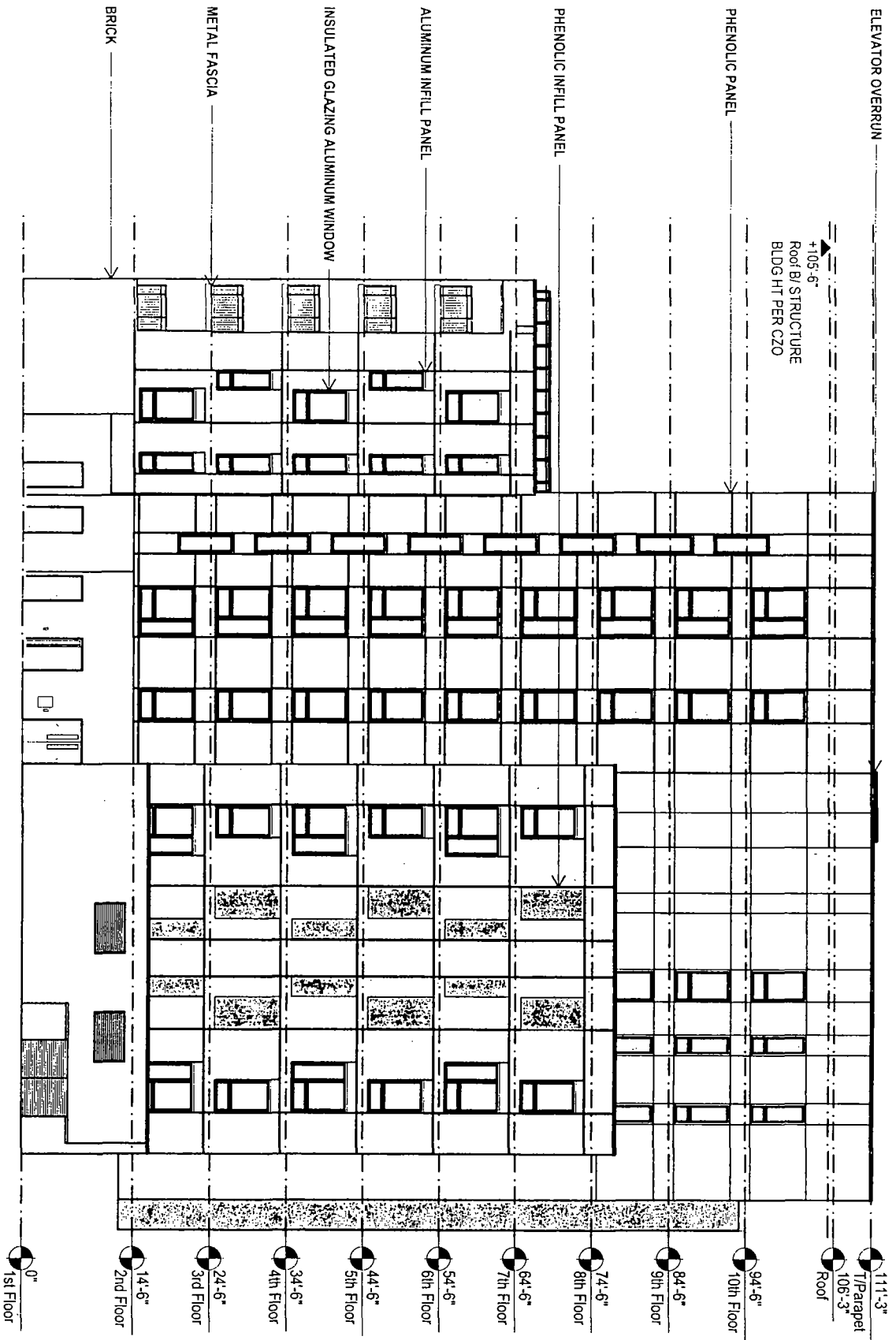
BOTANICAL NAME	COMMON NAME	SIZE
<i>GRASS PAKIYA 15 AND TREE PITS</i>		
GINGKO BILOBA 'PRINCETON SENTRY'	PRINCETON SENTRY GINGKO	4" CAL
GYMNOCYCLUS DIOLICUS*	KENTUCKY COFFEE TREE	4" CAL
QUERCUS BICOLOR*	SWAMP WHITE OAK	4" CAL
TAXODIUM DISTICHUM SHAWNEE BRAVE	SHAWNEE BRAVE BALD CYPRESS	4" CAL
<i>LAMOSCARPEO ISLANDS AND TERRACE</i>		
AESCULUS FLAVA*	YELLOW BUCKEYE	4" CAL
CELTIS OCCIDENTALIS*	HACKBERRY	4" CAL
QUERCUS PUEBLENSIS*	CHINKAPIN OAK	4" CAL
<i>ADDITIONAL PLANT MATERIALS</i>		
<i>OPMAKENTVAL TREE</i>		
COTINUS COBOVATUS*	AMERICAN SMOKETREE	3" CAL
CRATAEGUS CRUSGALLI VAR INERMIS*	THORNLESS COCKSPUR HAWTHORN	3" CAL
<i>DECIDUOUS AND EVERGREEN SHRUBS</i>		
CEANOTHUS AMERICANUS*	NEW JERSEY TEA	#5
DIERVILLA 'KODIAK RED'*	KODIAK RED DIERVILLA	#5
PINUS MUGO SLOWGROWING*	SLOWGROWING MUGO PINE	#5
ROSA CAROLINA*	PASTURE ROSE	#5
RHUS COPALLINA 'NORTON'*	PRAIRIE FLAME SHINING SUMAC	#5
TAXUS MEDIA EVERLOW*	EVERLOW YEW	#5
<i>PERENNIALS AND GRASSES</i>		
ALLIUM CERNUM*	NODDING WILD ONION	#1
AMSONIA HUBBICHTII*	NARROW LEAF AMSONIA	#1
BAPTISIA LEUCOPHYEA*	CREAM WILD INDIGO	#1
GERANIUM TRICHLOMUM*	PRAIRIE SMOKE	#1
PTYCHANTHEMUM MULTICM*	BILUNT MOUTAINMINT	#1
SESTERIA ALUTIKYALIS	AUTUMN INDOOR GRASS	#1
SPOROBOLUS HETEROLEPIS*	PRAIRIE DROSEED	#1
SYMPHYOTRICHUM OBLONGIFOLIUM*	ARONATIC ASTER	#1





South Elevation (Drawing Scale: 1" = 20')
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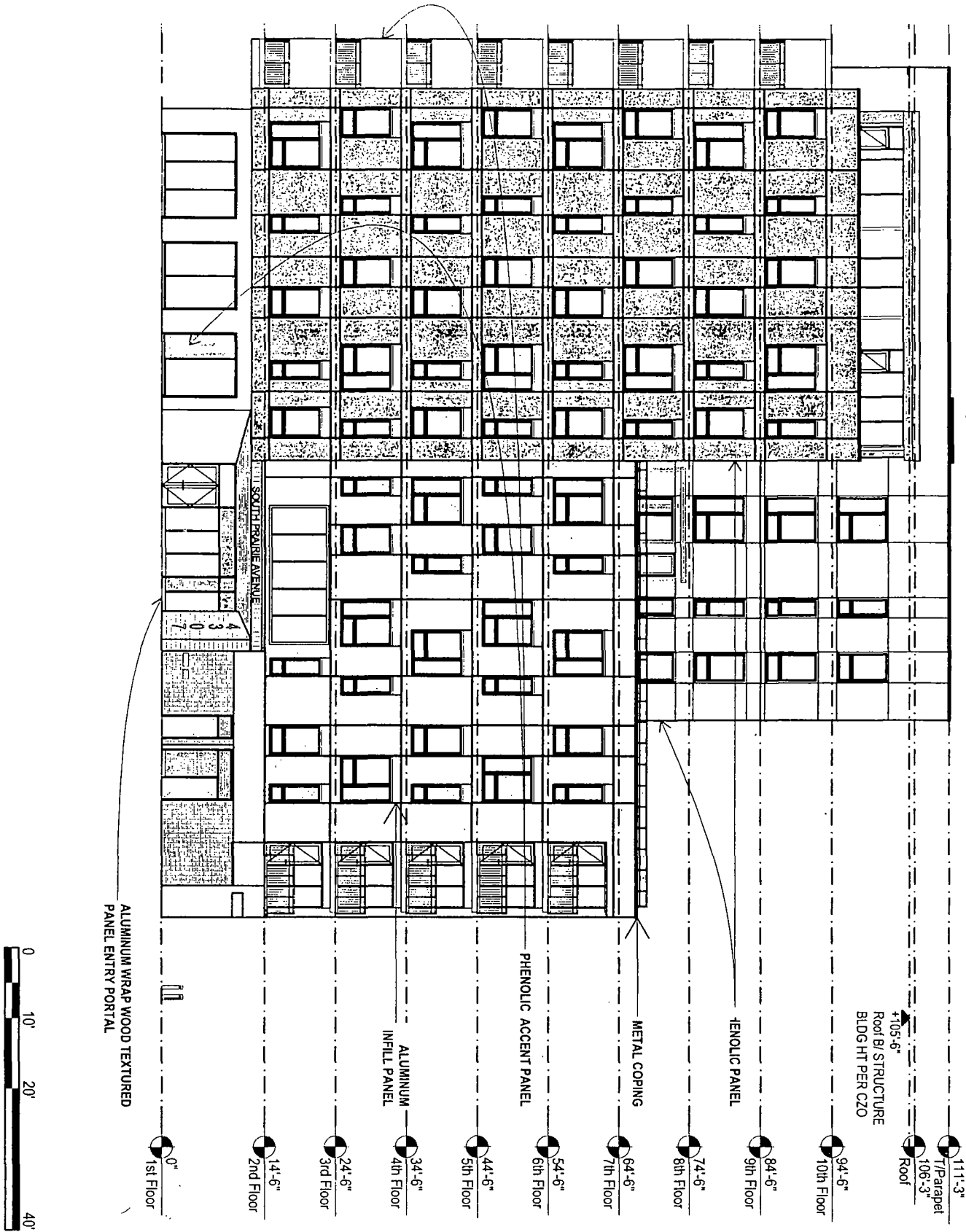


East Elevation Drawing Scale: 1" = 25'
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West Elevation Drawing Scale: 1" = 25'
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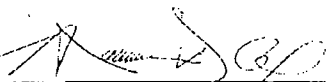
Introduction: April 27, 2022
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DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

MEMORANDUM

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

From: 
Maurice D. Cox
Chicago Plan Commission

Date: September 16, 2022

Re: Proposed Zoning Change from B2-3 and RM-5 to B3-5 and then to a Residential-Business Planned Development for the property located at 311 E. 43rd Street

On September 15th, 2022, the Chicago Plan Commission recommended approval of the proposed zoning change to B3-5, Community Shopping District, then to Residential-Business Planned Development submitted by 43rd and Prairie Phase II LP. A copy of the proposed planned development is 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 and Land Use recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Justin Petersen at 312-742-9232.

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