

City of Chicago



SO2022-3669

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 11/16/2022

Sponsor(s): Misc. Transmittal

Type: Ordinance

Title: Zoning Reclassification Map No. 10-F at 328 W 40th PI -

App No. 22023

Committee(s) Assignment: Committee on Zoning, Landmarks and Building Standards

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 PMD 8A Planned Manufacturing District symbols and indications as shown on Map No. 10-F in the area bounded by:

A line 693.00 feet south of and parallel to West Pershing Road; South Princeton Avenue; a line 1,221.00 feet south of and parallel to West Pershing Road; a line 51.23 feet west of and parallel to South Princeton Avenue and South Princeton Avenue; a line 1,536.92 south of and parallel to West Pershing Road; a line 104.39 feet west of and parallel to South Princeton Avenue; a line 1,221.00 feet south of and parallel to West Pershing Road; a line 159.31 feet west of and parallel to South Princeton Avenue; a line 1,029.40 feet south of and parallel to West Pershing Road; a line 273.16 feet west of and parallel to South Princeton Avenue; a line 1,474.48 feet south of and parallel to West Pershing Road; a line 563.66 west of and parallel to South Princeton Avenue; West Root Street; a line 737.14 feet west of and parallel to South Princeton Avenue

to those of a Planned Development which is established in the area described above.

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

Common Address of Property: 328 W. 40th Place, Chicago, Illinois

PLANNED DEVELOPMENT STATEMENTS

- 1. The area delineated herein as Planned Development Number 22023, (Planned Development) consists of approximately [543,226 square feet] of property which is depicted on the attached Planned Development Boundary and Property Line Map (Property) and is owned or controlled by the Applicant, TMG Acquisitions Dispositions I, LLC, an Illinois limited liability company.
- 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, assigns 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 Planned Development 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
- 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 [16] Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; an Aerial Map with Planned Development Boundary, Site Plan; Floor Plans (typical); Landscape Plan; [a Green Roof Plan]; and, Building Elevations (North, South, East and West) prepared by Ware Malcomb and dated (date of Plan Commission presentation), submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. 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 Chicago 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 Chicago Zoning Ordinance, this Planned Development shall control.
- 5. The following uses are permitted in the area delineated herein as a Planned Development: [those uses permitted under PMD 8A].
- 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 Chicago 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 Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a net site area of [543,226 square feet] and a base FAR of [0.33].
- 9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, 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, Fleet and Facility Management 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, 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.
- 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 (i) 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. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to (underlying zoning that formed the basis of this Planned Development).

Planned Development.

Bulk Regulations And Data Table.

Gross Site Area: [+ 543,226 square feet]

 $[(\pm 12.5 \text{ acres})]$

± 543,226 square feet Net Site Area:

(± 12.5 acres)

Maximum Floor Area Ratio: [0.33]

Minimum Number of Required

Loading Spaces:

In accordance with the Site Plan

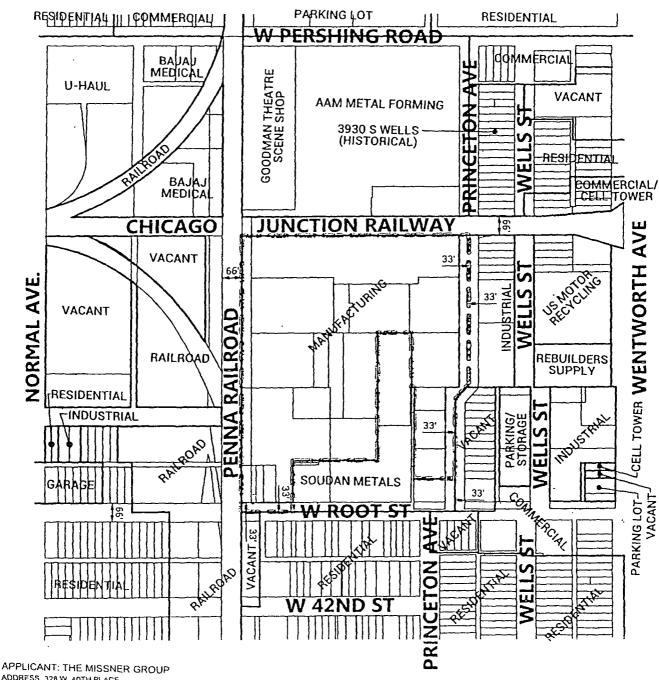
Minimum Number of Off-

Street Parking Spaces:

In accordance with the Site Plan



SCALE: 1" = 300"



APPLICANT: THE MISSNER GROUP ADDRESS 328 W 40TH PLACE INTRODUCTION DATE: [INSERT] CHICAGO PLAN COMMISSION DATE [INSERT]

EXISITING LAND USE MAP

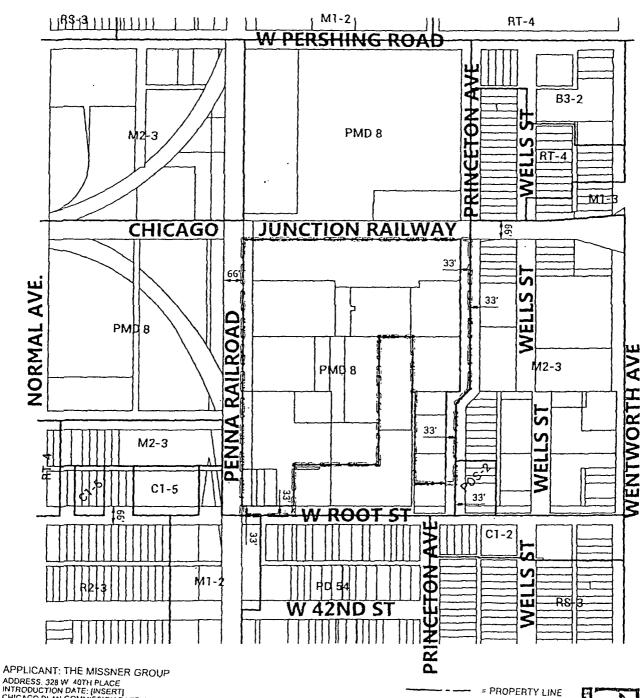
= PROPERTY LINE

⇒ = PLANNED DEVELOPMENT BOUNDARY





SCALE: 1" = 300"



ADDRESS. 328 W 40TH PLACE INTRODUCTION DATE: [INSERT] CHICAGO PLAN COMMISSION DATE [INSERT]

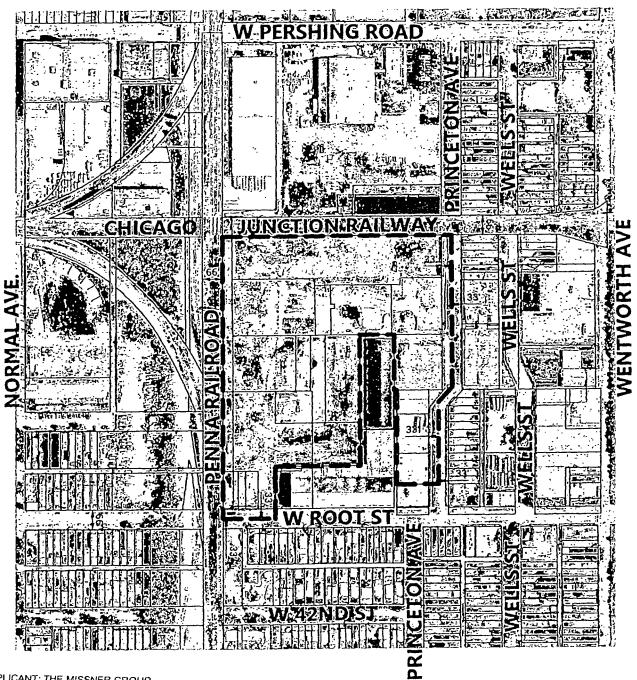
EXISTING ZONING MAP

= PLANNED DEVELOPMENT BOUNDARY





SCALE: 1" = 300'

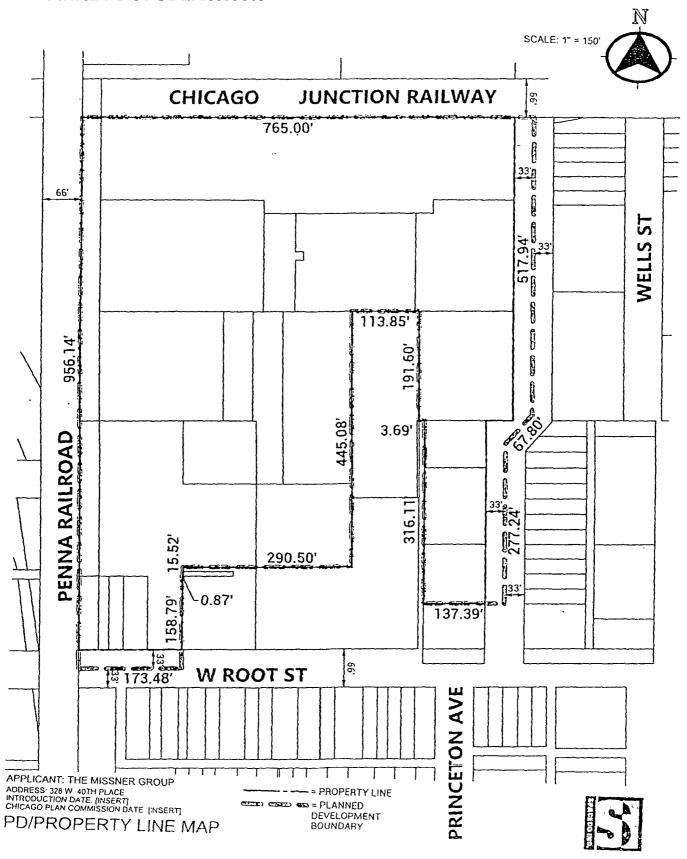


APPLICANT: THE MISSNER GROUP ADDRESS: 328 W. 40TH PLACE INTRODUCTION DATE: [INSERT] CHICAGO PLAN COMMISSION DATE [INSERT]

AERIAL EXHIBIT

= PLANNED DEVELOPMENT BOUNDARY







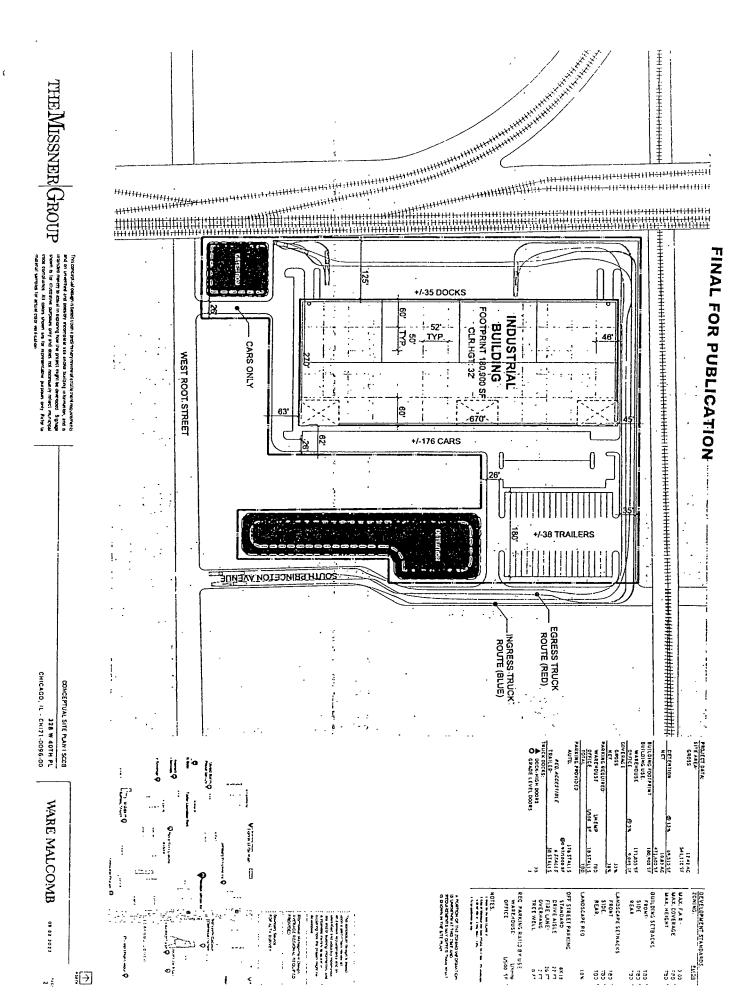
328 W 40TH PLACE

CHICAGO, IL

CONCEPT DESIGN CH/21-0096-00 09.02.2022

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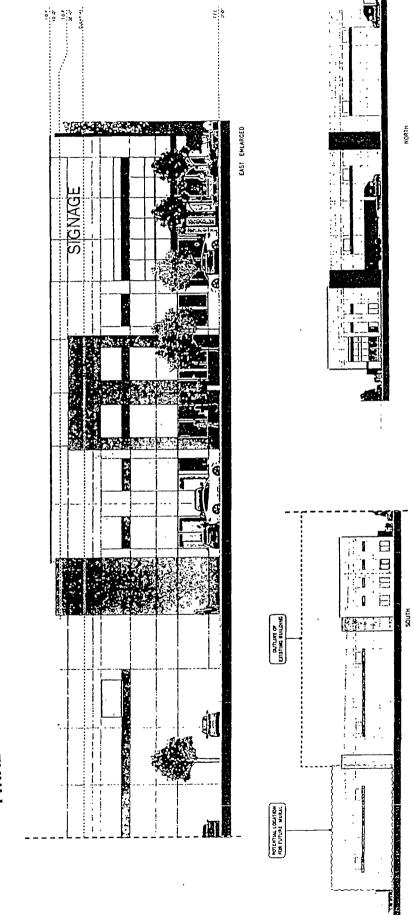
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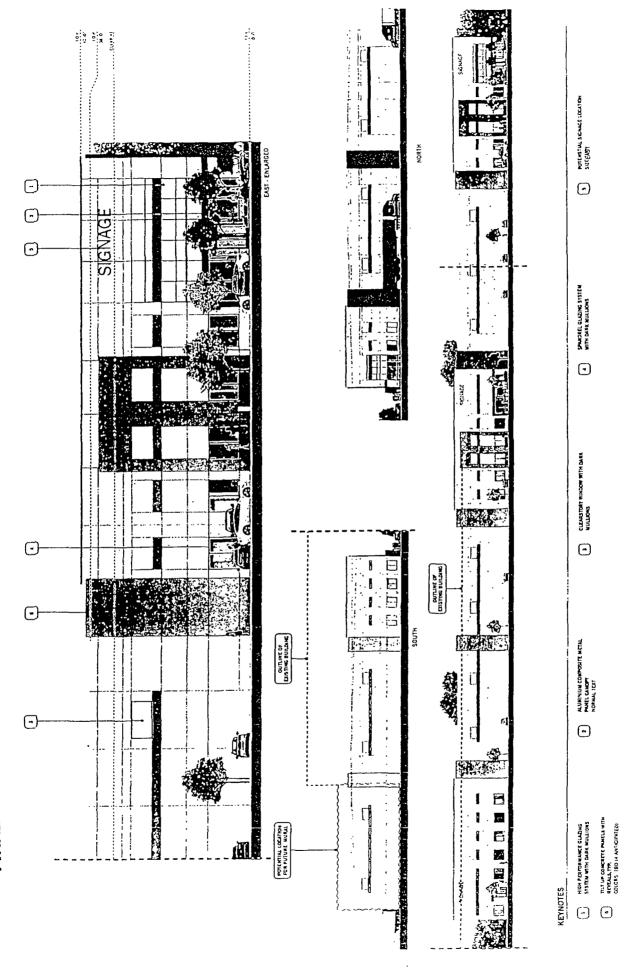
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FINAL FOR PUBLICATION



THE MISSNER GROUP CONTROL OF CONT

CONCEPTUAL EXTERIOR ELEVATIONS 328 W 40TH PL CHICAGO, IL - CHI21-0096-00



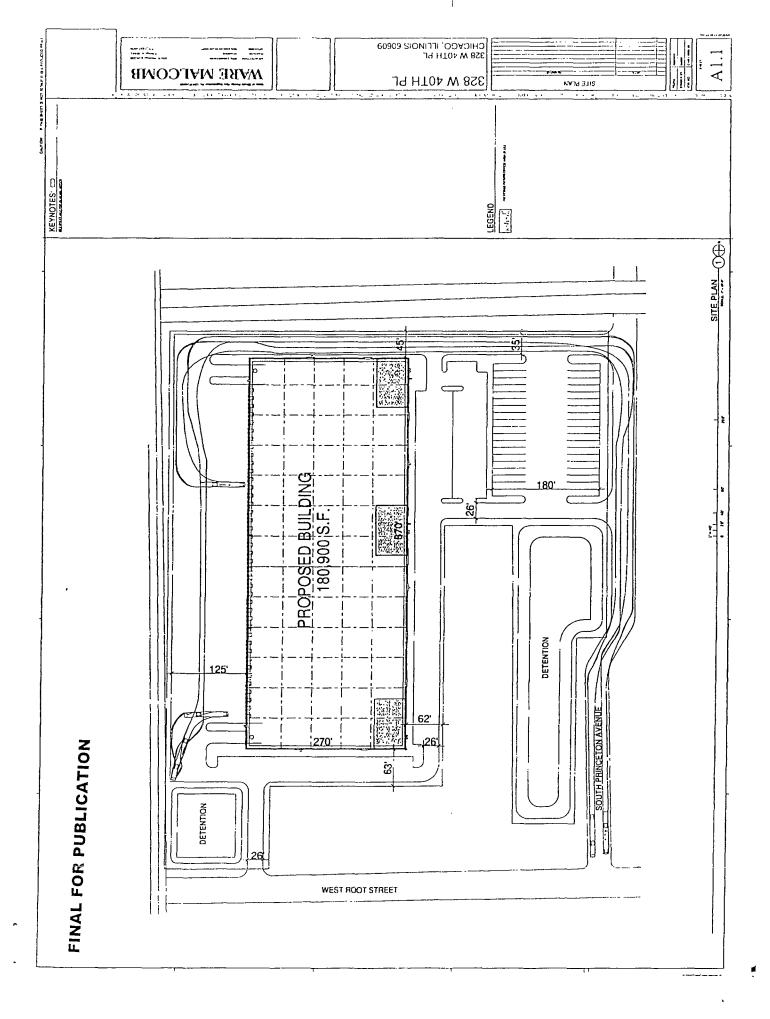
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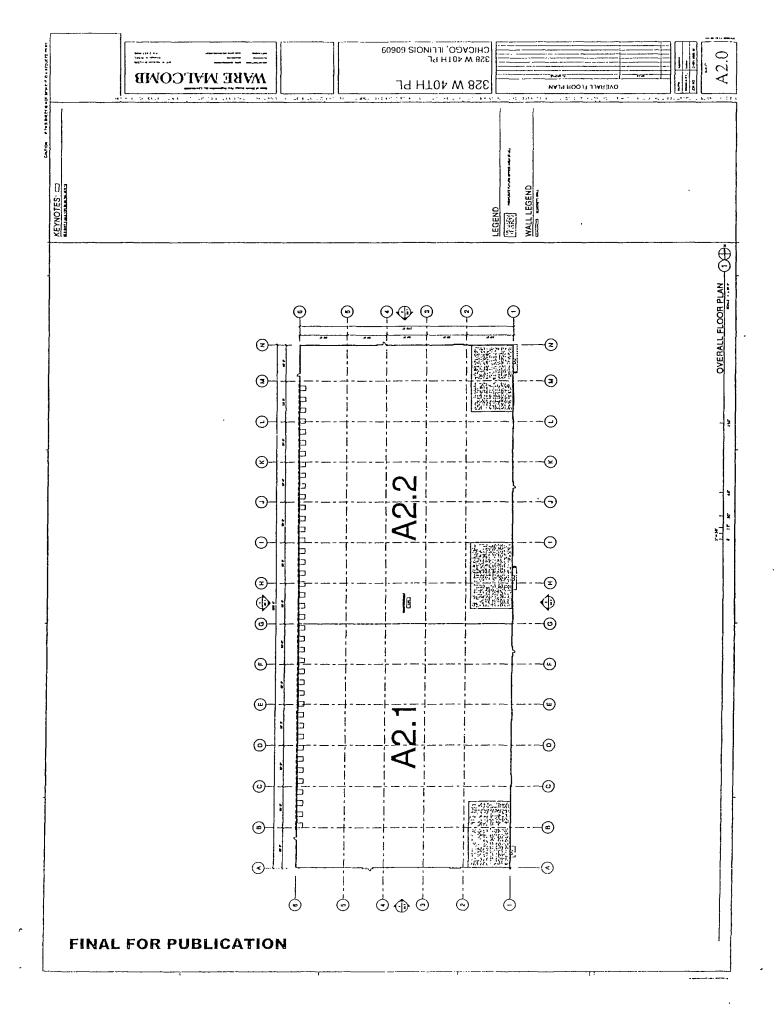
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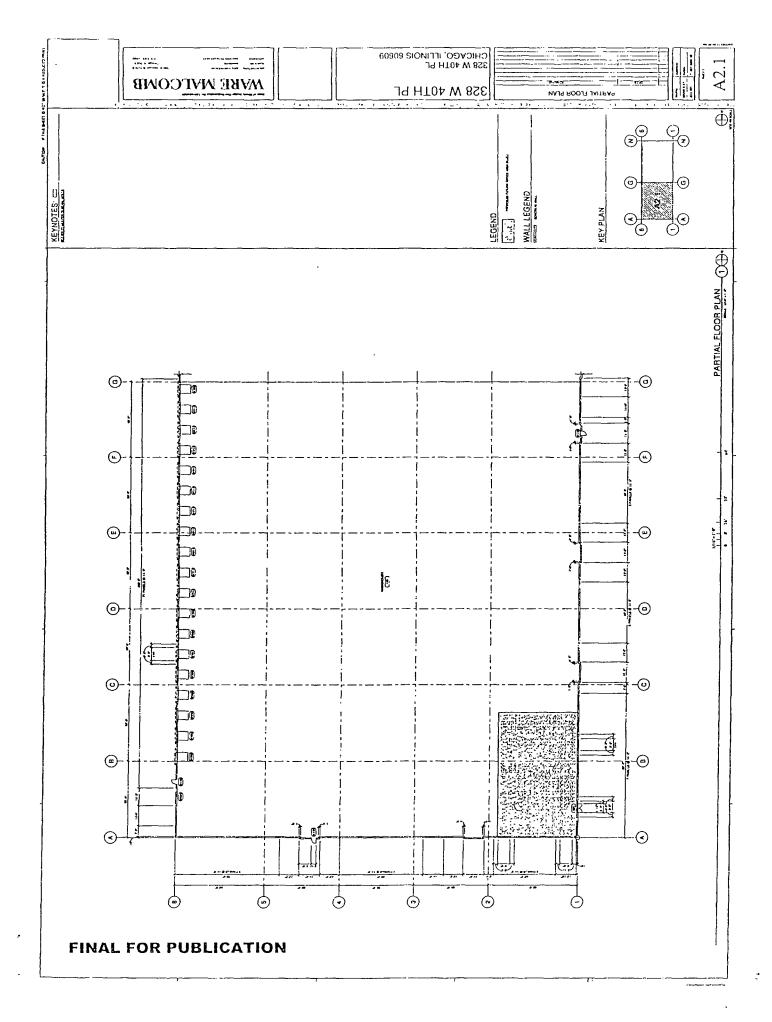
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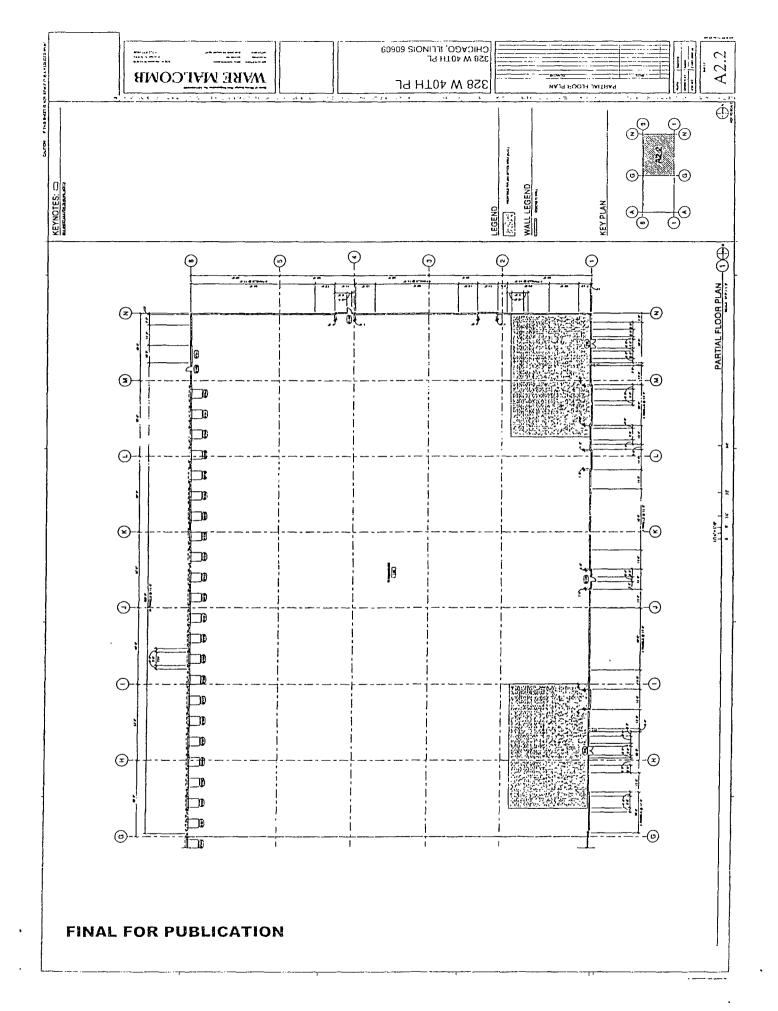
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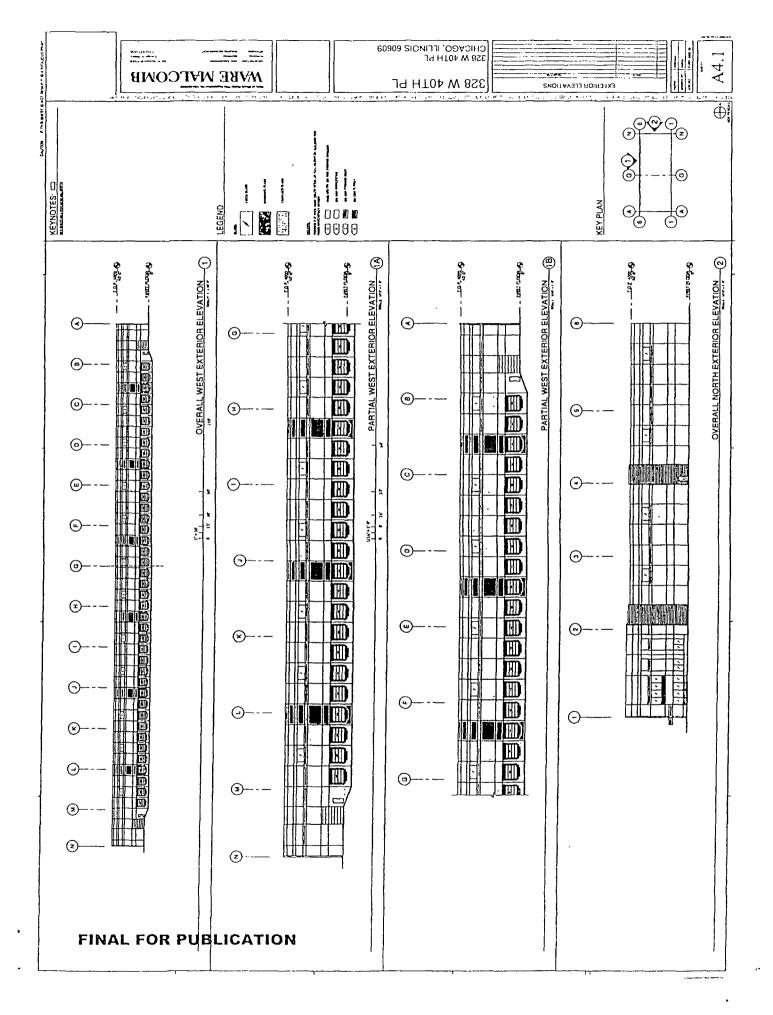
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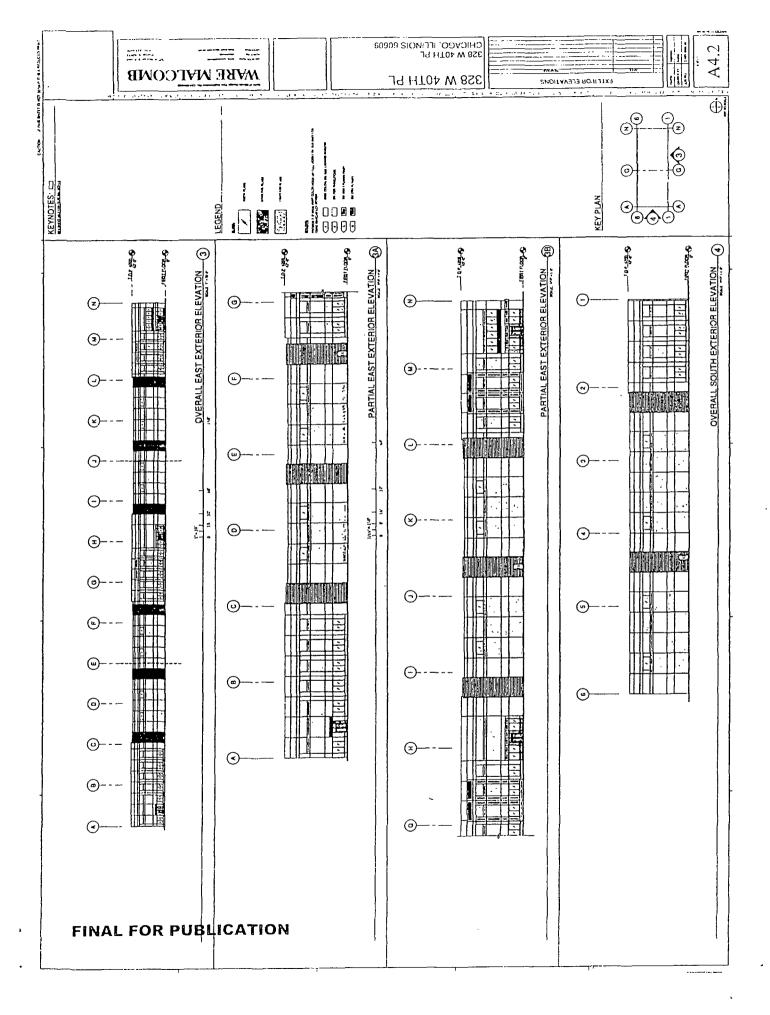


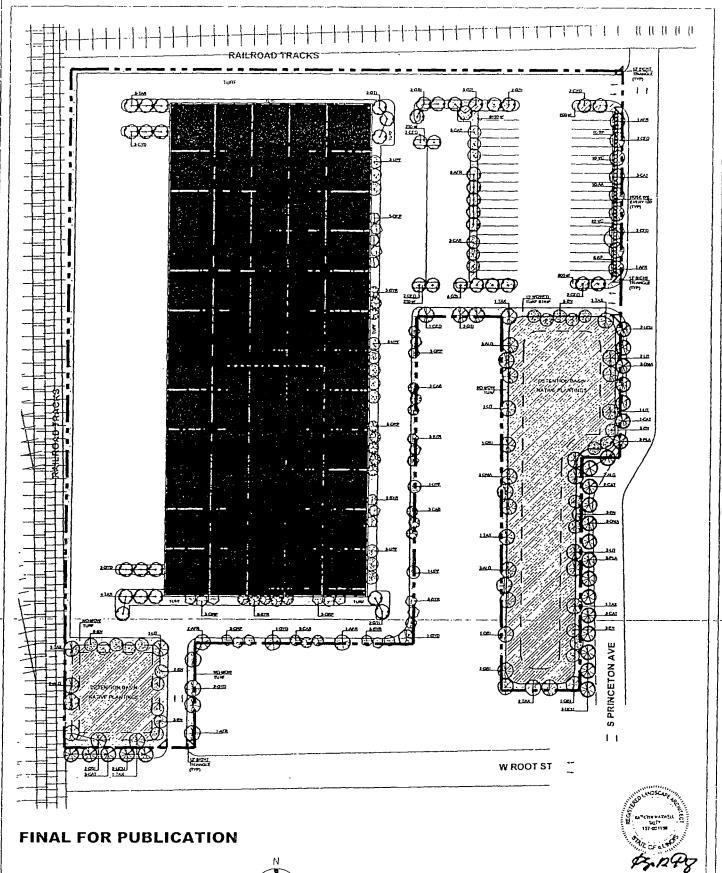












LANDSCAPE PLAN

APPLICANT. APPLICANT NAME





Kathryn Talty

Tandscape architecture

LANDSCAPE REQUIREMENT SUMMARY

		_
	VEHICULAR USE AREA	226 923 SF
	REQUIRED GREEN SPACE (10%)	22,692 SF
	PROPOSED GREEN SPACE	63,757 SF
	POND AREA	69,510 SF
	2.0000000000000000000000000000000000000	800
ı	PARKWAY PLANTING (LF)	880
ľ	REQUIRED TREES (1.25')	26
	EXISTING TREES TO REMAIN	0
í	PROPOSED TREES	26
ı	TOTAL PARKWAY TREES	26
ĺ	PERIMETER PLANTING	237 LF
	REQUIRED TREES (1.25')	9
1	EXISTING TREES TO REMAIN	n
i	PROPOSED TREES	9
Ì	TOTAL PERIMETER TREES	9
i		20 500 05
I	INTERIOR PLANTING	22,692 SF
١	REQUIRED TREES (1:125SF)	182
ı	EXISTING TREES TO REMAIN	0
Ì	PROPOSED TREES	.182
ı	TOTAL INTERIOR TREES	182

OWNER'S STATEMENT

THE UNDERSIGNED ACKNOWLEDGES THAT THE LANDSCAPE PLANTING PLAN SHOWN ON THE ATTACHED LANDSCAPE PLANS FOR THE PROPERTY AT 328 W 40TH PL, CHICAGO, ILLINOIS GEOS, HAS, TO THE BEST OF THE UNDERSIGNED APPLICANTS KNOWLEDGE, BEEN DESIGNED AND WILL BE INSTALLED, MAINTAINED AND REPLACED AS REQUIRED BY CURRENT AND SUBSEQUENT OWNERS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 10, CHAPTER 32 OF THE CHICAGO MUNICIPAL CODE, THE LANDSCAPING STANDARDS OF THE CHICAGO ZONING ORDINANCE AND THE CHICAGO LANDSCAPE ORDINANCE.

PLANTING TO COMMENCE TBD

OWNER			

LANDSCAPE ARCHITECT'S STATEMENT

THE UNDERSIGNED LANDSCAPE ARCHITECT. REGISTERED IN THE STATE OF ILLINDIS, ACKNOWLEDGES THAT THE LANDSCAPE PLANTING PLAN AND CONSTRUCTION DETAILS SHOWN ON THE ATTACHED LANDSCAPE PLANS FOR THE PROPERTY AT 328 W 40TH PL. CHICAGO, ILLINDIS 50509, HAS BEEN DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 10, CHAPTER 32 OF THE CHICAGO MUNICIPIAL CODE, THE LANDSCAPING STANDARDS OF THE CHICAGO ZONING ORDINANCE AND THE "GUIDE TO THE CHICAGO LANDSCAPE ORDINANCE

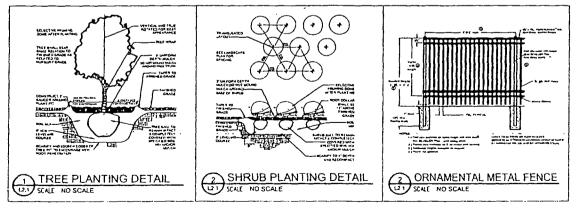
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GENERAL CONSTRUCTION NOTES

- REQUIRED LANDSCAPE MATERIAL SHALL SATISFY AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS AND BE STAKED WRAPPED, WATERED AND MULCHED PER ORDINANCE
- 2 BEFORE ANY EXCAVATION ON THE SITE, CALL TO LOCATE ANY EXISTING UTILITIES ON THE SITE. THE CONTRACTOR SHALL FAMILIZE HIMMERISELF WITH THE LOCATIONS OF ALL BURIED LITLITIES IN THE ARCAS OF WORK BEFORE STARTING OPERATIONS. THE CONTRACTOR SHALL BE LIABLE FOR THE COST OF REPARING OR REPLACING ANY BURIED CONDUITS, CABLES OR PIPING DAMAGED DURING THE INSTALLATION OF THIS WOPK.
- 3 CAREFULLY MAINTAIN PRESENT GRADE AT BASE OF ALL EXISTING TREES TO REMAIN PREVENT ANY DISTURBANCE OF EXISTING TREES INCLUDING ROOT ZONES USE TREE PROTECTION BARRICADES WHERE INDICATED PROTECT EXISTING TREES TO REMAIN AGAINST UNINECESSARY CUTTING, BREAKING OR SKINNING OF ROOTS, BRUISING OF BARK OR SMOTHERING OF TREES DRIVING, PARKING DUMPING, STOCKPILING ANDORS STORAGE OF VEHICLES, EDUIMENT, SUPPLIES MATERIALS OR DEBRIS ON TOP THE ROOT ZONES AND/OR WITHIN THE DRIPLINE OF EXISTING TREES OR OTHER PLANT MATERIAL TO REMAIN IS STRUCTLY PROHIBITED.
- 4 PLANT QUANTITIES ON PLANT LIST INTENDED TO BE A GUIDE. ALL QUANTITIES SHALL BE CHECKED AND VERIFIED ON PLANTING PLAN ANY DISCREPANCIES SHALL BE DISCUSSED WITH THE LANDSCAPE ARCHITECT.
- 5 ANY DEVIATIONS FROM OR MODIFICATIONS TO THIS PLAN SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION
- 6 CONTRACTOR TO NOTIFY LANDSCAPE ARCHITECT UPON DELIVERY OF PLANT MATERIAL TO THE SITE. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL THAT DOESN'T MEET STANDARDS OR SPECIFICATIONS OF THE PROJECT.
- 7. ALL PLANT MATERIAL TO BE INSTALLED PER THE PLANTING DETAILS PROVIDED ON THIS PLAN SET.
- 8. ALL BED EDGES TO BE WELL SHAPED, SPACE CUT, WITH LINES AND CURVES AS SHOWN ON THIS PLAN SET
- ALL PLANTING BEDS TO BE PREPARED WITH PLANTING MIX 30% TOPSOIL, 50% SOIL AMENDMENTS (3 PARTS PEATMOSS, 1 PART COMPOST, 1 PART SAND)
- 10 ALL SPECIFIED LANDSCAPE MATERIAL INDICATED ON THE CONSTRUCTION DOCUMENTS WILL BE REQUIRED TO BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT AND MUST BE REPLACED SHOULD IT DIE OR BECOME DAMAGED.
- ALL PLANT MATERIAL SHALL HAVE A ONE YEAR GUARANTEE FROM SUBSTANTIAL COMPLETION AS DETERMINED BY THE LANDSCAPE ARCHITECT, AND SHALL BE REPLACED SHOULD IT DIE WITHIN THAT PERIOD
- 12 PROTECT STRUCTURES, SIDEWALKS, PAVEMENTS AND UTILITIES TO REMAIN FROM DAMAGE CAUSED BY SETTLEMENT. LATERAL MOVEMENT, UNDERMINING, WASHOUTS AND OTHER HAZARDS CAUSED BY SITE IMPROVEMENT OPERATIONS
- 13 ALL LAWN AREAS TO BE SEEDED WITH STANDARD TURF GRASS SEED AND COVERED WITH EROSION CONTROL BLANKET
- 14 THE CONTRACTOR AT ALL TIMES SHALL KEEP THE PREMISES ON WHICH WORK IS BEING DONE, CLEAR OF RUBBISH AND DEBRIS, ALL PAVEMENT AND DEBRIS REMOVED FROM THE SITE SHALL BE DISPOSED OF LEGALLY
- 15 ALL WORK AND OPERATIONS SHALL COMPLY WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL CODES AND ORDINANCES

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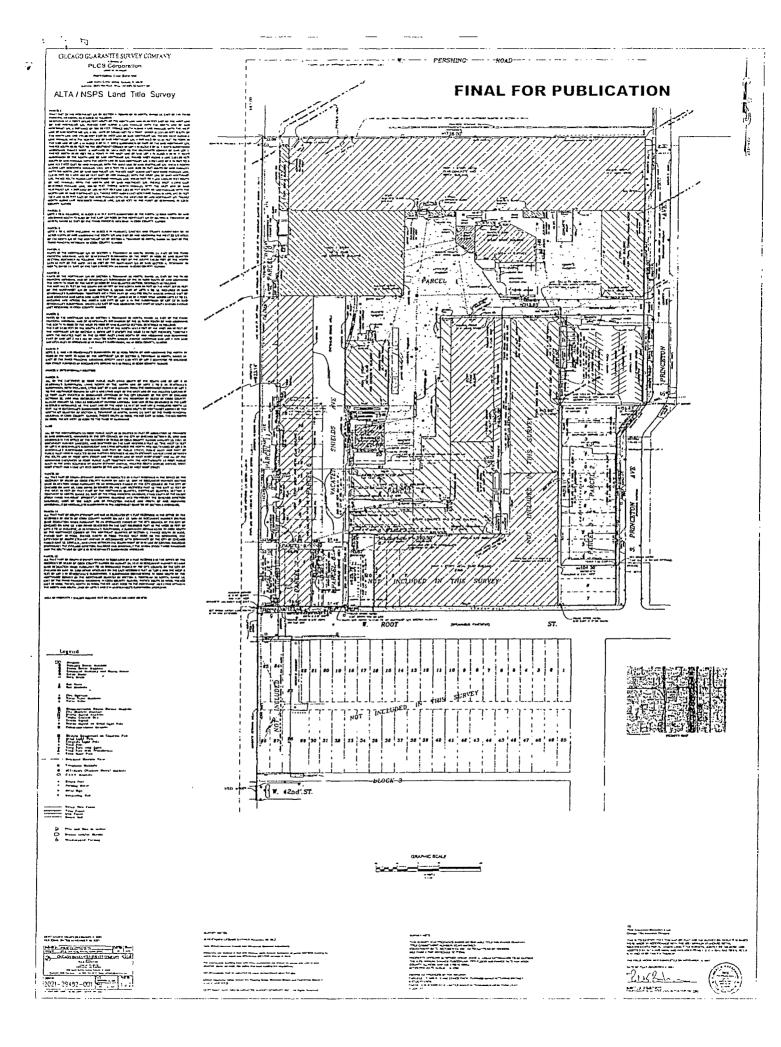


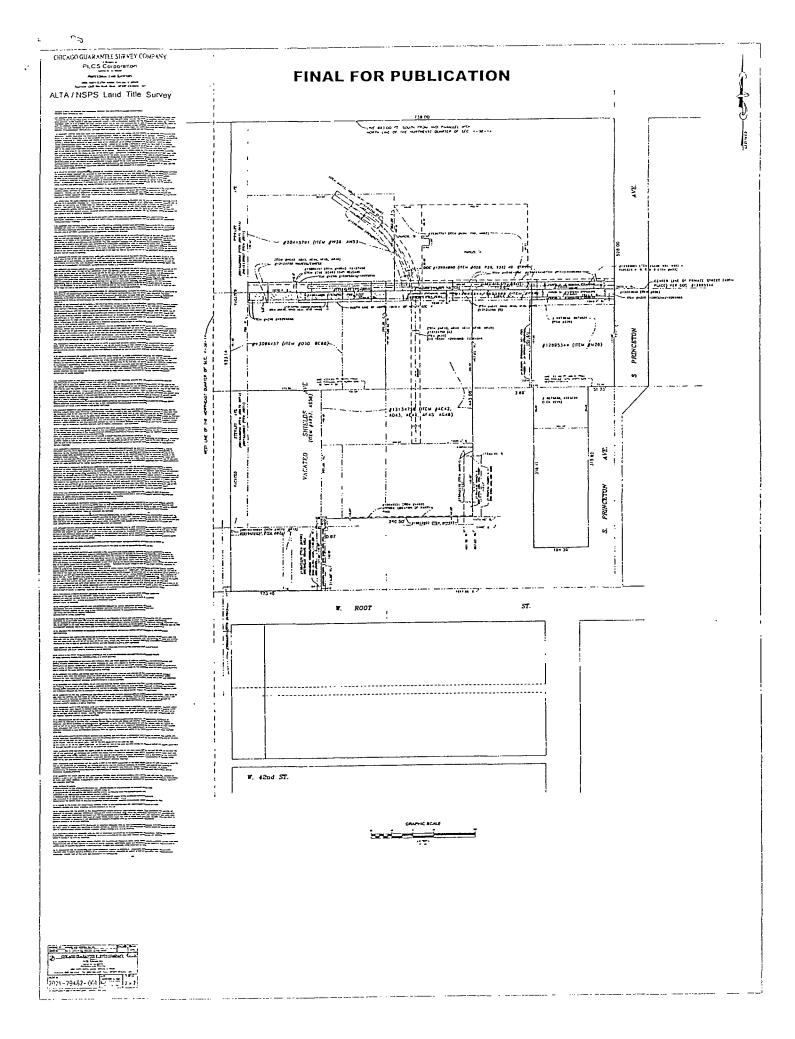


LANDSCAPE PLAN

APPLICANT NAME









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: March 16, 2023

Re: Proposed Industrial Planned Development for the property located at 328 W. 40th Place

On March 16th, 2023, the Chicago Plan Commission recommended approval of the proposed Planned Development submitted by TMG Acquisition Disposition I LLC. 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)