



# City of Chicago



**SO2014-835**

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	2/5/2014
<b>Sponsor(s):</b>	City Clerk (transmitted by)
<b>Type:</b>	Ordinance
<b>Title:</b>	Zoning Reclassification App No. 17943 at 2138 S Indiana Ave
<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 Residential-Business Planned Development Number 681, as amended, symbols and designations as show on Map Number 4-E in the area bounded by:

a line 125.08 feet north of and parallel to East Cermak Road; a line 161.02 feet west of and parallel to South Indiana Avenue; a line 180.10 feet north of and parallel to East Cermak Road; South Indiana Avenue; East Cermak Road; and South Michigan Avenue,

to the designation of a Residential-Business Planned Development Number 681, as amended, which is hereby established in the area above described, subject to such use and bulk regulations as set forth in the Plan of Development herewith attached and made a part thereof and to no others.

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

Applicant: 2138 S. Indiana, LLC  
Address: 2138 S. Indiana Ave.  
Intro. Date: Feb. 5, 2014  
CPC Date: March 20, 2014

Residential Business Planned Development No. 681, as Amended  
Bulk Regulations and Data Table.

Gross site area:	75,096 sq. ft.
Public Right-of-Way	26,330 sq. ft.
Net site area:	48,766 sq. ft.
Allowable uses:	Per Planned Development Statement No. 5
Maximum floor area ratio:	8.75
Setbacks:	In substantial conformance with the Site Plan
Maximum number of residential units:	336
Maximum number of Retail / Commercial Space:	27,180 sq. ft.
<b><u>Accessory Off-Street parking spaces:</u></b>	
Min. number of accessory parking spaces:	352
Maximum number of spaces:	399
Number of bicycle parking spaces:	8
Minimum Number of Loading Spaces:	3 (existing)
Maximum Percent of Site Coverage:	As per Site Plan
Maximum Building Height:	365 feet (existing)
Twenty –five percent (25%) Of total Net Roof Area to Green/Landscaped	9,052 square feet

Applicant: 2138 S. Indiana, LLC  
Address: 2138 S. Indiana Ave.  
Intro. Date: Feb. 5, 2014  
CPC Date: March 20, 2014

Residential Business Planned Development Number 681,  
As Amended 2014

Plan of Development Statements.

1. The area delineated herein as a Residential Business Planned Development consists of property commonly known as 2131-2141 South Michigan Avenue 100-132 East Cermak Road; and 2124-2138 South Indiana Avenue ("the Property.") The Property consists of approximately forty-eight thousand seven hundred sixty-six (48,766) square feet one and one hundred nineteen thousandths 1 (1.119) acres of area. The Property is owned or controlled by the applicant, 2138 S. Indiana, LLC.
2. 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 alley, or easements, or adjustments of rights-of-way, or consolidation or resubdivision of parcels, shall require a separate submittal on behalf of the applicant or its successors, assignee or grantees and approval by the City Council.
3. 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, then to the owners of record title to all of the Property and to any ground lessors. 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 paragraph 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. An agreement among property owners or a covenant binding property owners may designate the authorized party for any future amendment, modification or change. Also incorporated herein by reference are all site plan review and minor change approvals granted prior to the date of this amendment, and the exhibits attached thereto (collectively, the "Administrative Approvals"). To the extent there is a conflict between the Original Exhibits and the Administrative Approvals, the Administrative Approvals shall control. Similarly, to the extent there is a conflict between either the Original Exhibits or the Administrative Approvals and the PD Amendment Exhibits, the PD Amendment Exhibits shall control. Full size copies of the Original Exhibits and the Administrative Relief Exhibits are on file with the Department.

Applicant: 2138 S. Indiana, LLC  
Address: 2138 S. Indiana Ave.  
Intro. Date: Feb. 5, 2014  
CPC Date: March 20, 2014

4. This Plan of Development consists of fifteen (15) Statements and Bulk Regulations and Data Table dated March 20, 2014. The Planned Development is applicable to the area delineated hereto and these and no other zoning controls shall apply.
5. Within the area herein delineated as Residential-Business Planned Development 681, as Amended 2014, the following uses shall be permitted: residential, including three hundred thirty-six (336) dwelling units, business, commercial, retail parking, related uses and services, all uses permitted in the DX-7 Downtown Mixed-Use District, and 25% (68 spaces) of the number of parking spaces required for residential uses may be leased out on a daily, weekly or monthly basis to persons who are not residents, tenants, patrons, employees or guests of the principal use.
6. Identification signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted, 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. Ingress and egress shall be subject to the review and approval of the Department of Transportation Bureau of Traffic, and the Department of Planning and Development. 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. Closure of all or part of any public streets or alleys during the demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation.
8. In addition to the maximum height of the building and any appurtenance thereto prescribed in this Planned Development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. For the purposes of Floor Area Ratio (F.A.R.) calculations, the definitions in the Chicago Zoning Ordinance shall apply.

Applicant: 2138 S. Indiana, LLC  
Address: 2138 S. Indiana Ave.  
Intro. Date: Feb. 5, 2014  
CPC Date: March 20, 2014

10. The improvements in the Property shall be designed, installed and maintained in substantial conformance with the Site Plan, Landscape Plan and Building Elevations and in accordance with the parkway tree provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines.
11. The terms, conditions and exhibits of this Planned Development Ordinance may be modified administratively by the Commissioner of the Department of Planning and Development, upon the application for such a modification by the applicant and after a determination by the Commissioner of the Department of Planning and Development that such a modification is minor, appropriate and consistent with the nature of the improvements contemplated in this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of this Statement by the Commissioner of the Department of Planning and Development shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
12. The applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner that promotes and maximizes the conservation of natural resources. The applicant shall use best and reasonable efforts to design, construct and maintain all buildings located within the Property in a manner generally consistent with the Leadership in Energy and Environmental Design Green Building Rating System ("L.E.E.D."). As of the date of this Plan Commission Public Hearing the building has achieved L.E.E.D Silver Certification by the U.S.G.B.C and constructed a 9,052 square foot green roof.
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 ("M.O.P.D.") 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 approvals shall be granted pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement.
14. Pursuant to the Affordable Housing provision of the City of Chicago Zoning Ordinance, Title 17 Chapter 17-4-1004, et seq. ("Zoning Ordinance") the applicant has asked for an increase in the Floor Area Ratio of the Property when the Planned Development was passed on November 30, 2005. The applicant hereby acknowledges that according to Section 17-4-1004D of the Zoning Ordinance, the total floor area devoted to affordable housing units must equal at least twenty-five percent (25%) of the total increase in the floor area allowed under the Affordable Housing Bonus or a cash payment must be made to the City of Chicago Affordable Housing Opportunity Fund based on the increase in allowable floor area x eight

Applicant: 2138 S. Indiana, LLC

Address: 2138 S. Indiana Ave.

Intro. Date: Feb. 5, 2014

CPC Date: March 20, 2014

percent (80%) of the median cost of land per buildable square foot. Based on Section 17-41004D the applicant has agreed to provide a cash payment to the City of Affordable Housing Opportunity Fund in the amount of Six Hundred Fourteen Thousand Four Hundred Fifty-One and 60/100 Dollars (\$614,451.60). Prior to the issuance of permits, the applicant will enter into an Affordable Housing Agreement with the Chicago Department of Housing or provide a letter of credit or other security device in an amount equal to the cash contribution. The applicant must comply with all of the applicable sections of the Affordable Housing Provision of the Zoning Ordinance which sections are hereby incorporated into this Planned Development. The Affordable Housing Agreement required by Section 174-1004-E9 is also incorporated into this Planned Development. As of the date of this Plan Commission Public Hearing this section of the Planned Development has been satisfied by the payment of \$614,451.60 paid on January 5, 2007.

15. Unless substantial construction has commenced within six (6) years following adoption of this Planned Development, and unless completion is thereafter diligently pursued, then this Planned Development shall expire. If this Planned Development expires under the provisions of this section, then the zoning of the property shall automatically revert to the previous Planned Development No. 681 prior to this amendment.

Applicant: 2138 S. Indiana, LLC  
Address: 2138 S. Indiana Ave.  
Intro. Date: Feb. 5, 2014  
CPC Date: March 20, 2014