



City of Chicago



SO2015-3701

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	5/6/2015
Sponsor(s):	City Clerk (transmitted by)
Type:	Ordinance
Title:	Zoning Reclassification Map No. 12-J at 4910-4960 S Kedzie Ave (commonly known as 4938 S Kedzie Ave) - App No. 18376
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, Chicago Zoning Ordinance, is amended by changing all the Business Planned Development No. 411 symbols and indications as shown on Map No. 12-J in the area bounded by:

A line from a point 994 feet north of the north line of West 51st Street and 646 feet west of the west line of South Kedzie Avenue; to a point 1,156 feet north of the north line of West 51st Street on the west line of South Kedzie Avenue; South Kedzie Avenue; a line 639 feet north of and parallel to the north line of West 51st Street; and a line 646 feet west of and parallel to the west line of South Kedzie Avenue,

to those of Business Planned Development No. 411, *as amended*, which is hereby established in the area described.

SECTION 2: This ordinance shall take effect upon its passage and due publication.

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Business Planned Development Number 411, As Amended.

Bulk Regulations And Data Table.

Gross Site Area = Net Site Area + Area of Public Rights-of-Way: 300,852 square feet (6.91 acres) = 283,800 square feet (6.52 acres) + 17,052 square feet (0.39 acres).

Maximum Permitted Floor Area Ratio:	0.40
Minimum Number of Off-Street Parking Spaces:	279
Minimum Number of Off-Street Loading Berths:	3
Setbacks from Property Line:	In substantial conformance with the Site Plan
Maximum Percentage of Site Coverage:	In substantial conformance with the Site Plan
Maximum Building Height:	In substantial conformance with the Building Elevations

Applicant: 49th & Kedzie, LLC
Address: 4910-4960 S. Kedzie Ave. (commonly known as 4938 S. Kedzie Ave.)
Introduced: May 6, 2015
Plan Commission: June 18, 2015

Business Planned Development No. 411, as amended

PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Business Planned Development No. 411, ("Planned Development") consists of approximately 283,800 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, 49th & Kedzie, 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 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 Plans.

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.

All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by the Department of Transportation.

Applicant:	49th & Kedzie, LLC
Address:	4910-4960 S. Kedzie Ave. (commonly known as 4938 S. Kedzie Ave)
Introduced	May 6, 2015
Plan Commission.	June 18, 2015

4. This Plan of Development consists of 15 Statements: a Bulk Regulations Table; an Existing Zoning Map (3-11-2004); an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; Site Plan (3-11-2004); Landscape Plan (3-11-2004); a Green Roof Plan (3-11-2004); Building Elevations (3-11-2004) (North, South, East and West), 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 are permitted in the area delineated herein as a Business Planned Development:

All uses and related facilities permitted in the B3-1 District;
Payday/title secured loan stores;
Off-street parking and loading and related or accessory uses;

The following uses shall be prohibited:

Auto service station and auto repair facilities.

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 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 283,800 square feet.
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. 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 13-32-125 of the Municipal Code, or any other provision of that Code.
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. Also, consistent with the City's policy of promoting "Green Roofs" as a means of reducing the urban heat island effect and water run-off, the applicant for Part II Approval under this Planned Development agrees to:
 - A. Install a green roof system, reasonably approved by the Department of Planning and Development at the time of Part II Approval, said green roof shall be three thousand (3,000) square feet of vegetative roof.
 - B. The surface interior parking area will exceed the minimum requirements of the Chicago Landscape Ordinance by eleven (11) trees to be installed as reflected in the attached Landscape Plan.
15. 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 Planning and Development shall initiate a Zoning Map Amendment to rezone the property to the pre-existing Business Planned Development No. 411 as approved by ordinance enacted on March 31, 2004.

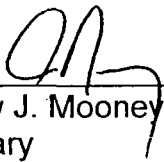


18376
FINAL
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DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

MEMORANDUM

TO: Alderman Daniel S. Solis
Chairman, City Council Committee on Zoning

FROM: 
Andrew J. Mooney
Secretary
Chicago Plan Commission

DATE: June 19, 2015

RE: Proposed Technical Planned Development for property generally located at
4910-4960 South Kedzie Avenue.

On June 18, 2015, the Chicago Plan Commission recommended approval of the proposed planned development submitted by 49th & Kedzie, 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 hearing.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, bureau of Planning and Zoning recommendation and a copy of the Resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-5777.

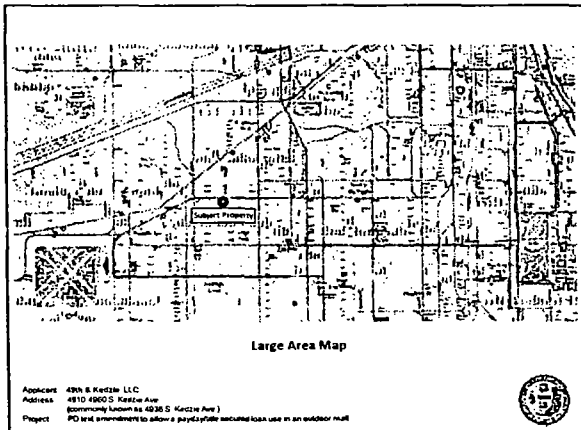
cc: Steve Valenziano
PD Master File (Original PD, copy of memo)

City of Chicago
Plan Commission



June 18, 2015

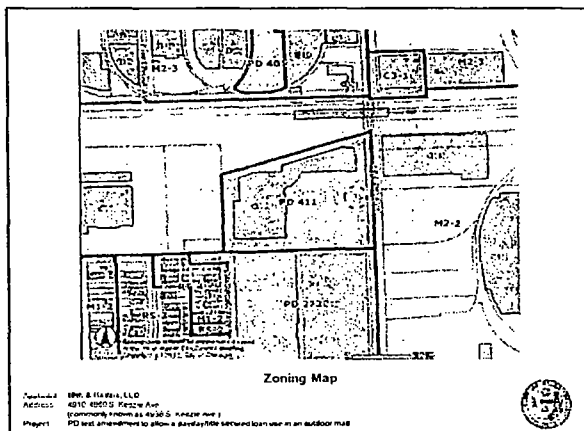
4910-4960 S. Kedzie Ave
(commonly known as 4938 S. Kedzie Ave.)



Large Area Map

Applicant: 49th & Kedzie LLC
Address: 4910-4960 S. Kedzie Ave
(commonly known as 4938 S. Kedzie Ave.)
Project: PD land amendment to allow a payday/fee secured loan use in an outdoor mall

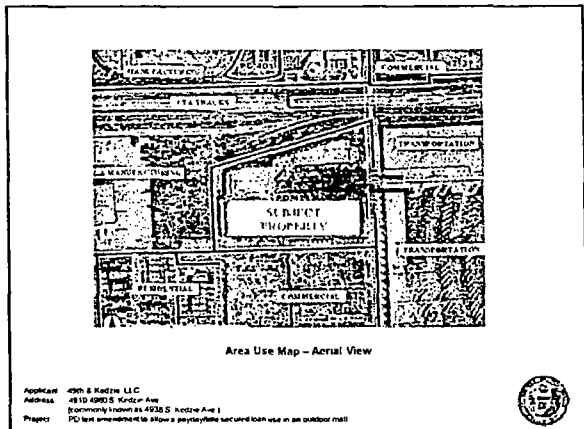


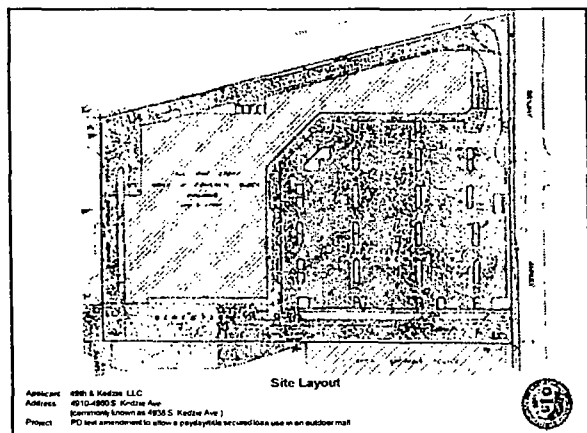


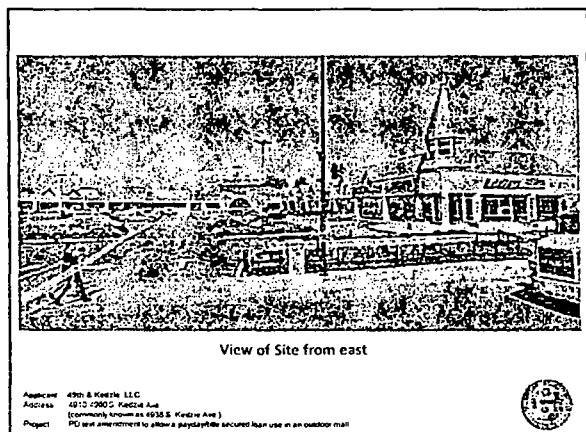
Zoning Map

Applicant: 49th & Kedzie LLC
Address: 4910-4960 S. Kedzie Ave
(commonly known as 4938 S. Kedzie Ave.)
Project: PD land amendment to allow a payday/fee secured loan use in an outdoor mall









**REPORT
to the
CHICAGO PLAN COMMISSION
from the
DEPARTMENT OF PLANNING AND DEVELOPMENT**

June 18, 2015

FOR APPROVAL: **PROPOSED TECHNICAL AMENDMENT TO BUSINESS
PLANNED DEVELOPMENT #411**

APPLICANT: **49th & KEDZIE, LLC**

LOCATION: **4910 – 4960 SOUTH KEDZIE AVENUE**

Pursuant to the provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, the Department of Planning and Development hereby submits this report and recommendation on a proposed Technical Amendment to Business Planned Development #411 for your review and recommendation to the Chicago City Council. The application was introduced to the Chicago City Council on May 6, 2015. Notice of this public hearing was published in the Chicago Sun-Times on June 3, 2015. The Applicant was separately notified of this public hearing.

The subject property is located at approximately 4910-60 S. Kedzie Avenue. The applicant, 49th & Kedzie, LLC, proposes to amend Business Planned Development #411 to allow payday / vehicle title loan sales as a permitted use in the existing shopping center located on the site. There is no expansion of the existing shopping center planned with the exception of any interior tenant buildout as part of this Technical Amendment to Business Planned Development #411.

This request is being submitted as a Technical Amendment to Planned Development #859, pursuant to Section 17-13-0611-A, due to the proposed addition of payday / vehicle title loan sales as a permitted use within the planned development which would result in a change in the character of the development.

PROJECT BACKGROUND AND DESCRIPTION

The Applicant, 49th & Kedzie, LLC, has filed this Technical Amendment to Planned Development #411 pursuant to Section 17-13-0611-A of the Chicago Zoning Ordinance. PD #411 was originally established in 2004 as a Business Planned Development that allowed for a variety of business uses but did not specifically identify payday / vehicle title loan sales as a permitted use within the shopping center. The proposed Amendment would allow payday / vehicle title loan sales as a permitted use to the existing planned development. No expansion of the existing shopping center or construction is planned as part of this project with the exception of any possible interior tenant improvements to existing storefront space.

SITE AND AREA DESCRIPTION

The subject property is located at approximately 4938 S. Kedzie Avenue directly across from West 49th Place, which at this location is a private street. The site is zoned PD #411. PD #411 consists of approximately 284,000 square feet of net site area. It is improved with a single-story retail building consisting of a commercial shopping center containing general retail sales, a grocery, a fitness center as well as accessory parking.

PD #411 as well as PD #272, directly adjacent and to the south, are commercial shopping centers that are located along the west side of South Kedzie Avenue at this location in an area that is otherwise generally industrial in nature. PD #272 is similar to PD #411 as it is improved with a single-story commercial shopping center with general retail sales. The two shopping centers are physically connected via their parking areas.

The properties across the street from PD #411 to the east are zoned M2-2 (Light Industry District). The properties consist of large-scale warehouse type buildings that house various industrial businesses. To the west, the properties are zoned M1-2 (Limited Manufacturing/Business Park District) which consists of other industrial buildings as well as vacant land. These M-zoned properties are part of the much larger Brighton Park Industrial Corridor.

To the southwest of the subject are a few blocks containing a mix of residential and manufacturing zoning districts and improved with small scale industrial and residential uses. To the north of the subject is an active freight rail line that also includes the CTA's Orange Line tracks and Kedzie Station.

The subject property is not a City of Chicago landmark nor is the subject property located in a City of Chicago landmark district or the Lake Michigan and Chicago Lakefront Protection District. The property is located within the 51st/Archer Tax Increment Financing District and officially lies within the Gage Park Community Area.

The CTA's Kedzie bus (#52A) as well as the Kedzie/California bus (#52) runs northbound and southbound on South Kedzie Avenue at the subject property. The CTA's Kedzie Station on the Orange Line is less than 200 feet from PD #411.

DESIGN/LANDSCAPING/ACCESS/BULK

The retail building located within PD #411 was constructed in approximately 2004. The existing building is built generally of masonry materials. The site includes approximately 279 parking spaces, landscaping and ingress/egress from South Kedzie Avenue. There is approximately 86,000 square feet of built space on the site and the planned development limits the total FAR of the site to .4.

No expansion of the existing shopping center nor changes to the site's landscaping, access or bulk are planned as part of this Technical Amendment.

USE

Planned Development #411 as approved by City Council in 2004 specified that business uses were permitted but did not specifically identify payday / vehicle title loan sales as a permitted use. The proposed Amendment would add payday / vehicle title loan sales as a permitted use within the planned development.

RECOMMENDATION

The Department of Planning and Development has reviewed the project materials submitted by the Applicant and has concluded that the proposed Technical Amendment to Planned Development #411 would be appropriate for the site for the following reasons:

1. The proposal is compatible with the character of the surrounding area in terms of uses, density and building scale (17-13-308-C). No changes to the existing shopping center are proposed and the retail center itself fits in with the surrounding neighborhood; and,
2. The proposal is compatible with surrounding zoning (17-13-308-D). The existing shopping center as well as the surrounding arterial streets include a mix of business and commercial zoning districts as well as land uses; and,
3. Public infrastructure facilities and city services will be adequate to serve the proposal at the time of occupancy (17-13-0308-E). CTA bus service is immediately adjacent to the shopping center site on South Kedzie Avenue; and,
4. The proposal provides substantial landscaping on the site (17-8-0909-A). The existing shopping center includes landscaping on all of the setback areas of the site and within the vehicular use area.

Based on the foregoing, it is the recommendation of the Department of Planning and Development that the revised application for a Technical Amendment to Business Planned Development #411 be approved and the recommendation to the City Council Committee on Zoning, Landmarks and Building Standards be "As-Revised, Passage Recommended."

Department of Planning and Development
Bureau of Zoning and Land Use



DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

**4910-60 SOUTH KEDZIE AVENUE
PROPOSED TECHNICAL AMENDMENT TO
BUSINESS PLANNED DEVELOPMENT #411**

RESOLUTION

- WHEREAS,** 49th & Kedzie, LLC (the "Applicant") has submitted an application for a technical amendment to Business Planned Development #411; and,
- WHEREAS,** the Applicant is proposing to add payday/vehicle title loan sales as a permitted use to the existing shopping center located within Business Planned Development #411; and,
- WHEREAS** the applicant's request to amend Business Planned Development #411 was introduced to the City Council on May 6, 2015; and,
- WHEREAS,** proper legal notice of the hearing for this application before the Plan Commission was published in the Chicago Sun-Times on June 3, 2015 and the applicant was separately notified of this hearing; and,
- WHEREAS,** this proposed application was considered at a public hearing by this Plan Commission on June 18, 2015; and
- WHEREAS,** the Department of Planning and Development recommended approval of the application, with the recommendation and explanation contained in the written report dated June 18, 2015, a copy of which is attached hereto and made a part hereof; and,
- WHEREAS,** the Plan Commission has fully reviewed the application and all associated informational submissions, the report and recommendation of the Department of Planning and Development and all other testimony presented at the public hearing held on June 18, 2015, giving consideration to the applicable provisions of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CHICAGO PLAN COMMISSION:

1. THAT the above-stated recitals to this resolution together with the report of the Department of Planning and Development dated June 18, 2015, be adopted as the

findings of fact of the Plan Commission regarding this zoning map amendment application; and,

2. THAT this Plan Commission recommends approval, to the City Council Committee on Zoning, Landmarks and Building Standards, of the final zoning map amendment application dated May 6, 2015, as being in conformance with the applicable provisions, terms and conditions of the Zoning Ordinance.

A handwritten signature in black ink, appearing to read 'Martin Cabrera, Jr.', written over a horizontal line.

Martin Cabrera, Jr.
Chairman
Chicago Plan Commission

PD No: 411, as amended
Approved: June 18, 2015

MAY 07 2015

#18376

INTRO DMR:

MAY 06, 2015

Initial: Preliminary (W)

RECEIVED

JUN 18 2015

1. ADDRESS of the property Applicant is seeking to rezone:

Initial: Fred. W.

4910-4960 S. Kedzie Ave. (commonly known as 4938 S. Kedzie Ave.)

2. Ward Number that property is located in: 14th Ward

3. APPLICANT 49th & Kedzie, LLC

c/o Constantine Danos

ADDRESS 15660 Midwest Road, Suite 300 CITY Oakbrook Terrace

STATE IL ZIP CODE 60181 PHONE (630) 889-9600

EMAIL gdanos@iaigroup.com CONTACT PERSON Constantine "Gus" Danos
also attorneys listed below

4. Is the applicant the owner of the property? YES x NO

If the applicant is not the owner of the property, please provide the following information regarding the owner and attach written authorization from the owner allowing the application to proceed.

OWNER _____

ADDRESS _____ CITY _____

STATE _____ ZIP CODE _____ PHONE _____

EMAIL _____ CONTACT PERSON _____

5. If the Applicant/Owner of the property has obtained a lawyer as their representative for the rezoning, please provide the following information:

ATTORNEY Mara Georges, Daley and Georges, Ltd.

Richard Toth, Daley and Georges, Ltd.

ADDRESS 20 S. Clark St., Suite 400

CITY Chicago STATE IL ZIP CODE 60603

PHONE (312) 726-8797 FAX (312) 726-8819 EMAIL mgeorges@daleygeorges.com
rtoth@daleygeorges.com

6. If the applicant is a legal entity (Corporation, LLC, Partnership, etc.) please provide the names of all owners as disclosed on the Economic Disclosure Statements.

Constantine Danos 50% owner (Member)

Maria Danos 50% owner (Member)

7. On what date did the owner acquire legal title to the subject property? 2008

8. Has the present owner previously rezoned this property? If yes, when?

No.

9. Present Zoning District PD 411 Proposed Zoning District PD 411, as amended

10. Lot size in square feet (or dimensions) Approximately 284,490 s.f. (6.531 acres)

11. Current Use of the property A one story, multi-store commercial building.

12. Reason for rezoning the property To allow a title loan store as a permitted use.

13. Describe the proposed use of the property after the rezoning. Indicate the number of dwelling units; number of parking spaces; approximate square footage of any commercial space; and height of the proposed building. (BE SPECIFIC)
A one story, multi-store commercial building (existing/not changing).
Approximately 86,000 sf of commercial space (existing/not changing).
The building height is approximately 24 feet (existing/not changing).
The property has 279 parking spaces (existing/not changing).

14. On May 14th, 2007, the Chicago City Council passed the Affordable Requirements Ordinance (ARO) that requires on-site affordable housing units or a financial contribution if residential housing projects receive a zoning change under certain circumstances. Based on the lot size of the project in question and the proposed zoning classification, is this project subject to the Affordable Requirements Ordinance? (See Fact Sheet for more information)

YES _____ NO x
(No dwelling units.)