



Office of the City Clerk

City Hall
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Legislation Details (With Text)

File #: SO2020-6237

Type: Ordinance **Status:** Passed

File created: 12/16/2020 **In control:** City Council

Final action: 9/14/2021

Title: Zoning Reclassification Map No. 2-E at 523-545 S Wabash Ave/63-69 Ida B. Wells Dr/50-66 E Harrison St - App No. 20572

Sponsors: Misc. Transmittal

Indexes: Map No. 2-E

Attachments: 1. O2020-6237.pdf, 2. SO2020-6237.pdf

Date	Ver.	Action By	Action	Result
9/14/2021	1	City Council	Passed as Substitute	Pass
9/8/2021	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
12/16/2020	1	City Council	Referred	

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ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CI TY OF CHICAGO:

SECTION I. Title 17 ofthe Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the current DX-12 Downtown Mixed-Use District symbols and indications as shown on Map No. 2-E in the area bounded by:

East Ida B. Wells Drive; the alley next east of South Wabash Avenue; East Harrison Street; South Wabash Avenue; a line 240 feet north of and parallel to East Harrison Street; and a line 101.02 feet east of and parallel to South Wabash Avenue

to those of a Residential Business Planned Development, which i.s hereby established in the area described above.

SECTION 2. This Ordinance shall be in force and effect from and after its passage and due publication. Property Address: 523-45 S. Wabash Ave. /63-69 E. Ida B. Wells Dr. /50-66 E. Harrison St.

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RESIDENTIAL BUSINESS PLANNED DEVELOPMENT # PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number ("Planned Development") consists of approximately 51,841.50 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, Eterra Plus, 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 Applicani shall inure to the benefit ofthe Applicant's successors and assigns and. if different than lthe Applicant, ihe legal lilleholder and any ground lessors. Furthermore, pursuant lo the requirement of Section 17-8-0400 of the Chicago Zoning Ordinance, lthe 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 oflthe 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, 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

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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 Planned Development Boundary and Property Line Map; a Site Plan; a Ground Floor Plan; a Parking Garage Plan; and Building Elevations. 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 Residential Business Planned Development: Dwelling Units located above the ground floor; Hotel, Animal Sales and Grooming (no kennels or stables); Artist Work or Sales Space; Business Equipment Sales and Service; Business Support Services (except as more specifically regulated); Eating and Drinking Establishments (all, including at-grade and above-grade outdoor patio and incidental liquor sales); Financial Services (excluding payday loan stores, pawn shops and drive-thru facilities); Food and Beverage Retail Sales (including incidental liquor sales); Medical Service; Office; Personal Service; Repair or Laundry Service, Consumer (including dry-cleaning drop-off/pick-up, no plant on premises); Retail Sales; Co-located Wireless Communications Facilities; accessory parking and 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.

8. The Applicant acknowledges that the project has received a bonus FAR of 4.0, pursuant to Sec. 17-4-1000 of the Zoning Ordinance. With this bonus FAR, the total FAR for the Planned Development is 16.0. In exchange for the bonus FAR, the Applicant is required to make a corresponding payment, pursuant to Sections 17-4-1003-B & C, prior to the issuance of the first building permit for any building in the Planned Development; provided, however, if the Planned Development is constructed in phases, the bonus payment may be paid on a pro rata basis as the first building permit for each subsequent new building or phase of construction is issued. The bonus payment will be recalculated at the time of payment (including partial payments for phased

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developments) and may be adjusted based on changes in median land values in accordance with Section 17-4-1003-C.3

The bonus payment will be split between three separate funds, as follows. 80% to the Neighborhoods Opportunity Fund, 10% to the Citywide Adopl-a-Lanclmark Fund and 10% to the Local Impact Fund. In lieu of paying (he City directly, the Department may. (a) direct developers to deposit a portion of the funds with a sister agency to finance specific local improvement projects; (b) direct developers to deposit a portion of the funds with a landmark property owner to finance specific landmark restoration projects; or, (c) approve proposals for in-kind improvements to satisfy the Local Impact portion of the payment.

In this case, the Applicant will contribute the Local Impact portion of the bonus payment for construction of a project to be identified by the Alderman of the 42nd Ward (the "Project"). The Project will be located within one mile of the Planned Development site, as required by Sec. 17-4-1005-C. The Applicant must make such payment, or the applicable portion thereof in the case of a phased development, prior to the issuance of the first building permit for the Planned Development or applicable phase thereof. The City must enter into an intergovernmental agreement regarding the manner in which the funds will be used.

9. The Applicant acknowledges and agrees that the rezoning of the Property from DX-12 to this Planned Development ("PD"), triggers the requirements of Section 2-44-080 of the Municipal Code (the "Affordable Requirements Ordinance" or "ARO"). Any developer of a "residential housing project" within the meaning of the ARO must: (i) set aside 10% of the housing units in (he residential housing project (ARO Units) as affordable units, or with the approval of the Commissioner of the Department of Housing ("DOH") (subject to the transition provisions of Section 2-44-040(c)), in consultation with the Commissioner of the Department of Planning and Development ("DPD") as appropriate; (ii) pay a fee in lieu of the development of the ARO Units (Cash Payment); or (iii) any combination of (i) and (ii); provided, however, that residential housing projects with 20 or more units must provide at least 25% of the ARO Units on-site or off-site (Required Units). If the developer elects to provide ARO Units off-site, the off-site ARO Units must be located within a two-mile radius from the residential housing project and in the same or a different higher income area or downtown district.

The Property is located in a downtown district within the meaning of the ARO, and the project has a total of 777 units. As a result, the Applicant's affordable housing obligation is 78 ARO units (10% of 777, rounded up), 20 of which are Required Units (25% of 78, rounded up). Applicant has agreed to satisfy its affordable housing obligation by providing 78 ARO Units in the rental building to be constructed in the Planned Development to be approved by the Department of Housing in consultation with DPD as appropriate, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit A. The Applicant agrees that the ARO Units must be affordable to households earning no more than 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City of Chicago. If the Applicant subsequently reduces (or increases) the number of housing units in the Planned Development, or elects to build a for-sale project instead, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Housing for review and approval, and DOH may adjust the requirements and number

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of required ARO L'uils without amending the Planned Development. Prior to the issuance of any building permits for any residential building in the Planned Development, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in accordance with Section 2-44-080(1.). The terms of the affordable housing agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the affordable housing agreement will be recorded against the Planned Development, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 9, including any breach of any affordable housing agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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

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time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.

16. 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 foregoing, 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.

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 Planning and Development shall initiate a Zoning Map Amendment to rezone the property to DX-12.

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RESIDENTIAL BUSINESS PLANNED DEVELOPMENT, NUMBER PLAN OF DEVELOPMENT BULK REGULATIONS AND DATA TABLE

GROSS SITE AREA	75,725.00 square feet
NET SITE AREA:	51,841.00 square feet
AREA REMAINING IN THE PUBLIC WAY:	21,884.00 square feet
MAXIMUM FAR:	16.0
SETBACKS FROM PROPERTY LINE:	Per the attached site plan
MAXIMUM NUMBER OF DWELLING UNITS:	777
MAXIMUM HOTEL KEY COUNT:	405
MINIMUM NUMBER OF ACCESSORY OFF-STREET PARKING:	151
MINIMUM NUMBER OF OFF-STREET LOADING:	7
MAXIMUM BUILDING HEIGHT:	420 feet
BICYCLE PARKING:	770

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' ' ARO Afifordabje Housing Pr^ (AHP)

*Submit this; f^; -fw; -pfojects ..that are .subject; tp/; the .2015 ARO, Near, North/Near.\West <file:///West> Pilot; ;,
.Milwauke.eiBiiBj.or Pilsen/LiU (all projects submitted.to.CjtX'Gpunciaafter:
■October 13;2015); More information is online at www.cityofchlcago.gov/AR6 <http://www.cityofchlcago.gov/AR6>. Sub.mit'the cpmpleted . to the Departamento^^
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Date:

DEVELOPMENT INFORMATION

Development Name. 525 s ""abash Development Address- siss.wabasn
Zoning Application Number, if applicable: 20572 Ward: 42
If you are working with a Planner at the City, what is his/her name' Hani, sperry

Type of City Involvement City Land Planned Development (PD)
check all that apply Financial Assistance Transit Served Location (TSL) project
 Zoning increase

REQUIRED ATTACHMENTS, the AHP will not be reviewed until all required docs are received [x] ARO Web Form completed and attached - or submitted
online on

[x] ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) fx] If ARO units proposed. Dimensioned Floor Plans with
affordable units highlighted are attached (pdf) Q If ARO units proposed are off-site, required attachments are included (see next page) fJ If ARO units are
CHA'Authorized Agency units, signed acceptance letter is attached (pdf)

DEVELOPER INFORMATION

Developer Name ore™ Plus, llc
Developer Contact Knsioper picncher
Developer Address ^"wa^ s^jio wet il 53093
Email kris@ete.-rapius.com <mailto:kris@ete.-rapius.com> Developer Phone (sw^ssm
Attorney Name nami a^r.imuew lu- Attorney Phone ,;>.nrau

TIMING

Estimated date marketing will begin Estimated date of building permit* Estimated date ARO units
will be complete

*the in-lieu fee. recorded covenant and \$5,000 per unit administration fee (for off-site units) are required prior to Ire issuance of any building permits, including the
foundation permit

PROPOSED UNITS MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)

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Develop sr or their/agent .-. y- .■■ Date

/ 08/05/2021

ARO Project Manager, DOH Date

MO

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ARO Web Form

Applicant Contact Information

Name: Michael Ezgur
Email. michael@acostaezgur.com

Development Information

Are you rezoning to downtown?. No
Is your project subject to the ARO Pilots?- 2015 ARO REQUIREMENTS APPLY

Address **Submitted Date: 01/06/2021**

Number From .523 Number To 545 Direction- S
Street Number:Wabash Postal Code. 60605

Development Name

525 S Wabash

Information

Ward :42 ARO Zone: Downtown

Details

ARO trigger :Downtown Planned Development
Total units: 777
Development type: Rent
TSL Project: TSL-or FAR doesn't exceed 3.5
Submitted date: 01/06/2021

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Requirements

Affordable units :78 'On-site aff. Units. 19

How do you intend to meet your required obligation

On-Site: 78 Off-Site 0

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units- 78 In-Lieu Fee Owed: 0

This is a preliminary approved AHP, which will be revised when further project details are determined, including the floor plans.

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EXISTING ZONE MAP

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GROUP

APPLICANT ADDRESS

INTRODUCTION PLAN COMMISSION

Eterra Plus, LLC
523-45 S Wabash Ave./63-69
E Ida B. Wells Dr./50-66 E Harrison St
December 16, 2020
August 26, 2021

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SCALE
r = 160'-0"^M

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EXISTING LAND USE MAP

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CONGRESS PKWY
HARRISON ST. ■ TWO WAY TRAFFIC

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SCALE
r = 50'-0"

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APPLICANT: ADDRESS:

INTRODUCTION. PLAN COMMISSION
SUBAREA MAP - PLANNED DEVELOPMENT BOUNDARY

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LEGEND

- 1 Parking Entry
- 2 Loading Entry
- 3 Retail Entry
- 4. Restaurant Entry
- 5. Residential Entry
- 6. Hotel Entry

SCALE

r = so'-cr

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OVERALL SITE PLAN

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LEGEND Residential Amenities

- 1 RESIDENTIAL APAHTMNT LoDBY
- 2 Mail room
- 3 Package Room
- 4 Leasing Orricr
- 5 Blke Cat e Retail
- 6 Retail
- 7 Restaurant
- 8 Kitchen
- Hotel Amenities
- 9 Monumental Staircase
- 10 Ho l el Lodby
- 11 Oi trices
- 12 Hotel loading
- Services
- 13 Trash Room
- 14 Loading Dock
- 15 MDF
- 16 Main Electrical Room
- 17 Fire Pump Room
- 18 Generator Room
- 19 Boiler
- 20 Meter Room
- 21 Indoor Resident Bike Parking
- 22 Service Drive 23. Vehicular [Wor-orrV pick-up Retail Services
- 24 Grocery Loading Docks
- 25 Grocery Trash Room

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SCALE

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GROUND FLOOR PLAN

Eterra Plus, LLC

523-45 S. Wabash Ave./63-69

E. Ida B Wells Dr./50-66 E. Harrison St.

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LEGEND

Residential

- 1 Residential Units

Hotel Amenities

- 2 HOTEL FITNESS
- 3 STORAGE
- 4 RESTROOMS
- 5 Breakfast Cafe
- 6 Kitchen

Services

- 7 Electrical Room
- 8 Trash room
- 9 Storage

Garage

- 10 Parking Garage
- 11 Ramp

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L3 - PARKING GARAGE PLAN

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APPLICANT-ADDRESS

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SCALE

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EAST ELEVATION

ADDRESS 523-45 S Wabash Ave./63-69
APPLICANT. Eterra Plus, LLC

GROUP

E. Ida B. Wells Dr /50-66 E. Harrison St.
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WEST ELEVATION
APPLICANT: ADDRESS

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SCALE
1" = 60'-0"



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SOUTH ELEVATION

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NORTH ELEVATION

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PLAN COMMISSION August 26, 2021