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Legislation Details (With Text)

File #: SO2019-2659
Type: Ordinance **Status:** Passed
File created: 4/10/2019 **In control:** City Council
Final action: 11/20/2019
Title: Zoning Reclassification Map No. 7-J at 2602-2638 N Emmett St - App No. 19993
Sponsors: Misc. Transmittal
Indexes: Map No. 7-J
Attachments: 1. O2019-2659.pdf, 2. SO2019-2659.pdf

Date	Ver.	Action By	Action	Result
11/20/2019		City Council	Passed as Substitute	Pass
11/19/2019	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
4/10/2019	1	City Council	Referred	

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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 B1-1 Neighborhood Shopping District symbols and indications as shown on Map No. 7-J in the area bounded by

A line perpendicular to North Emmett Street 397.71 feet northwesterly of the west line of North Kedzie Avenue as measured along the west line of North Emmett Street; North Emmett Street; a line perpendicular to North Emmett Street 22.71 feet northwesterly of the west line of North Kedzie Avenue as measured along the west line of North Emmett Street, the public alley next west of and parallel to North Emmett Street,

to those of an B2-3 Neighborhood Mixed-Use District.

SECTION 2. 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 symbols and indications as shown on Map No. 7-I in the area bounded by

A line perpendicular to North Emmett Street 397.71 feet northwesterly of the west line of North Kedzie

Avenue as measured along the west line of North Emmett Street; North Emmett Street; a line perpendicular to North Emmett Street 22.71 feet northwesterly of the west line of North Kedzie Avenue as measured along the west line of North Emmett Street, the public alley next west of and parallel to North Emmett Street,

to those of a Planned Development Number _____, 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: 2602-2638 North Emmett Street

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Planned Development

Plan of Development Statements

1. The area delineated herein as Planned Development Number _____, ("Planned Development") consists of approximately 41,169 square feet (.95 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 Bickerdike Redevelopment Corporation, an Illinois corporation.
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

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- 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 seventeen (17) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a PD Boundary and Property Line Map; a Right-of

Way Adjustment Plan; a Site Plan; a Landscape Plan; a Roof Plan; Street Elevations (Kedzie and Emmett), Street Elevations (Sawyer and Milwaukee) prepared by Landon Bone Baker Architects dated October 17, 2019 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 ^N 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: Multi-unit residential; Dwelling Units located above the ground floor; Cultural Exhibits and Libraries; Community Centers; Postal Service; Animal Services (Sales and Grooming excluding kenneling); Artist Work or Sales Space; Business Support Services; Restaurant, Limited; Outdoor patio (if located at grade level); Indoor Special Event including incidental liquor sales; Bank, Savings Bank, Savings and Loan Association, Currency Exchange, and Credit Union (excluding drive-throughs, Payday/title secured loan stores and pawn shops); Automated Teller Machine Facility (walk up only); Food and Beverage Retail Sales; Liquor Sales (as accessory use); Medical Service; Office; Personal Service (Hair Salon, Nail Salon, or Barbershop); Repair or Laundry Service, Consumer; Dry cleaning drop-off or pick-up (no on-premise plant); Retail Sales, General; Sports and Recreation, Participant (Children's Play Center), Wireless Communication Facilities (Co-located); 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

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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 41,169 square feet and a base FAR of 3.3.
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 Mayors 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.

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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 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 B1-1 Neighborhood Shopping District to B2-3 Neighborhood Mixed-Use District, and then to this Residential-Business Planned Development, for construction of the Planned Development triggers the requirements of Section 2-44-080 of the Municipal Code (the "Affordable

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Requirements Ordinance" or the "ARO"). The Applicant further acknowledges and agrees that the Property is located in the Milwaukee Corridor Pilot Area, pursuant to Section 2-44-100 of the Municipal Code (the "Milwaukee Corridor ARO Pilot Area Ordinance" or the "Pilot") and as a result, the percentage of units in a residential housing project required to be affordable for a period of 30 years, whether rental or for-sale, is increased from 10% to 15% if units are located, on-site 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, from 10% to 20% if the units are located in an off-site location within the Pilot. The Planned Development has a total of 100 housing units, and the Applicant has agreed to satisfy its affordable housing obligation by providing all required affordable units on-site (15% of 100 = 15), to be approved by the DOH in consultation with DPD as appropriate. In accordance with the Pilot, the Applicant is required to lease the affordable units to households earning up to 80% of the Chicago Primary Metropolitan Statistical Area median income ("AMI") at prices affordable to households earning up to 60% AMI. 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 of a rental project, or (with the Commissioner's approval) elects to construct off-site units instead of on-site units, the Applicant shall update and resubmit the Affordable Housing Profile Form to DOH for review and approval. DOH may adjust the requirements to reflect any such change 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(L). 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 may enforce remedies for any breach of this Statement 16, 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.

Notwithstanding the foregoing, if the Applicant receives Low-Income Housing Tax Credits, tax increment financing or other financial assistance whose affordability requirements exceed those of the Affordable Housing Ordinance from the City to develop affordable housing in any portion of the Planned Development, the regulatory, redevelopment, loan or other agreement(s) to be executed by the City and the Applicant in connection with such tax credits or other financial assistance shall govern and control the Applicant's obligation to provide affordable housing for such subsidized portion of the Planned Development.

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

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Department of Planning and Development shall initiate a Zoning Map Amendment to rezone the property to B2-3 Neighborhood Mixed-Use District.

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RESIDENTIAL PLANNED DEVELOPMENT NUMBER BULK REGULATIONS AND DATA TABLE

Gross Site Area:	62,305 square feet (1.43 acres)
Area Remaining in Public Right of Way:	15,375 square feet (.35 acres)
Area to be Dedicated as Right of Way:	5,761 square feet (.13 acres)
Net Site Area:	41,169 square feet (.95 acres)
Maximum Number of Dwelling Units:	100 Dwelling Units
Maximum Floor Area Ratio:	3.3
Minimum Number of Off-Street Total Parking Spaces:	20 Parking Spaces
Minimum Bicycle Spaces	93 spaces
Off-Street Loading Spaces:	1 10x25
Minimum Required Setbacks:	As Per Site Plan

Maximum Building Height of the top Residential Floor per Section 17-17-0311 of the Zoning Ordinance: Not to exceed 84'6"
Maximum Building Height of the top Structure: Not to exceed 86'

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

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

Date: October 17, 2019

Re: Proposed Planned Development (2602-38 North Emmett Street)

On October 17, 2019, the Chicago Plan Commission recommended approval of a proposed Planned Development submitted by Bickerdike Redevelopment Corporation. The site is currently zoned Bl-1 (Neighborhood Shopping District) and the applicant is proposing to rezone the site to B2-3 (Neighborhood Mixed-Use District) prior to establishing a Planned Development to construct a 86'-tall building with 100 residential units, ground floor commercial and community room space, and 20 accessory, vehicular parking spaces. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are 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 recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-0756.

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

To : Clerks

121 NORTH LASALLE STREET, ROOM 1000, CHICAGO, ILLINOIS 60602