



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
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Legislation Text

File #: SO2017-155, Version: 1

FINAL FOR PUBLICATION

SUBSTITUTE ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO: SECTION 1. Title 17 <jiVihe*-

jMunicipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B1-2

Neighborhood Shopping District and RM5 Multi-Unit District symbols and indications as shown on Map No. 14-E in the area bounded by

East Garfield Boulevard, South Michigan Avenue, a line 265.59 feet south of the south line of East Garfield Boulevard, the public alley next west of South Michigan Avenue,

to those of a 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. 14-E in the area bounded by

East Garfield Boulevard, South Michigan Avenue, a line 265.59 feet south of the south line of East Garfield Boulevard, the public alley next west of South Michigan Avenue,

to those of 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 shall be in force and effect from and after its passage and due publication.

Common Street Address: 63-77 East Garfield Boulevard; 5500-5522 South Michigan Avenue

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Planned Development

Plan of Development Statements

1. The area delineated herein as Planned Development Number _____, ("Planned Development") consists of approximately 42,786 square feet of Net Site Area which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Applicant, Brin Life Center, 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 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, assignees 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.

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

Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by the Department of Transportation.

4. This Plan of Development consists of sixteen (16) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land Use Map; a Planned Development Boundary and

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Property Line Map; a Site Plan; a Landscape Plan; North and East Elevations; South and West Elevations; prepared by Juan Gabriel Moreno Architects submitted herein. Full-sized copies of the Plans 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 Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Planned Development: Multi-Family Dwelling Units; Artist Live/Work Space located above the ground floor; Cultural Exhibits and Libraries; Day Care; Community Centers, Recreation Buildings and Similar Assembly Use; Postal Service; Public Safety Services; Artist Work or Sales Space; Business Support Services; Restaurants (Limited and General); Tavern; Outdoor patio (if located at grade level); Bank, Savings Bank, Savings and Loan Association, and Credit Union; Automated Teller Machine Facility; Food and Beverage Retail Sales; Medical Service; Office; Personal Service; Repair or Laundry Service, Consumer; Retail Sales, General; Manufacturing, Production and Industrial Services (Artisan); 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 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 42,786 square feet.
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

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Development. Any interim reviews associated with site plan review or Part 11 reviews, are conditional until final Part 11 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 and agrees that the rezoning of the Property from B1-2 and RM5 to B2-3, and then to this Planned Development, and the receipt of financial assistance from the City in the form of TIF and other funding trigger the requirements of Section 2-45-115 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 20% of the housing units in the residential housing project (the "Required Units") as affordable units; (ii) pay a fee in lieu of the development of the Required Units; 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 Required Units on-site, and that projects that receive financial assistance from TIF funds must provide one-half of the "Required Units" to be affordable to households earning up to sixty percent (60%) of the area median income and one-half of the Required Units to be affordable to households earning up to fifty percent (50%) of the area median income. The Property is located in a "low-moderate income area" within the meaning of the ARO; the project has a total of 58 units; and the project will receive TIF funds from the City. As a result, the Applicant's affordable housing obligation is 12 affordable units (20% of 58 units rounded up), 3 of which are Required Units (25% of 12). Applicant has agreed to satisfy its affordable housing obligation by providing 12 affordable units in the rental building to be constructed in the Planned Development. The Applicant agrees that the 6 of the affordable rental 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; and 6 of the affordable rental units must be affordable to households earning no more than 50% 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, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval, and DPD may adjust the number of required Affordable Units 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 make the required Cash Payment and/or execute and record an affordable housing agreement in accordance with Section 2-45-115(L). The terms of the

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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 DPD may enforce remedies for any breach of this Statement 13, 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.

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 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. This Planned Development shall be governed by Section 17-13-0612. 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 B2-3 Neighborhood Mixed-Use District.

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PLANNED DEVELOPMENT NUMBER BULK REGULATIONS AND DATA TABLE

Gross Site Area:

Area Remaining in Public Right of Way Net Site Area:

Maximum Number of Dwelling Units:

Maximum Floor Area Ratio:

Minimum Number of Off-Street Parking Spaces:

Off-Street Loading Spaces:

Minimum Required Setbacks:

Maximum Building Height:

67,253 square feet 24,467 square feet 42,786 square feet 58 Units 2.0

32 Spaces 1 (10' x25') As Per Site Plan 55'-0"

Minimum Number of Bicycle Spaces:

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To:

Alderman DanieLS. Solis Chairman, GityX^ouncil Committee on Zoning

From
David L. Reifman Chicago Plan Commission

Date: June 15,2017

Re: Proposed Planned Development for the property generally located at 63-77 E. Garfield Blvd. / 5500-5522 S.
Michigan Avenue

On June 15, 2017, the Chicago Plan Commission recommended approval of the proposed planned development submitted by Brin Life Center, 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 me at 744-9476.

Cc: Steve Valenziano

PD Master File (Original PD, copy of memo)

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

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