



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: SO2017-5232, Version: 1

FINAL FOR PUBLICATION

ORDINANCE

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, be amended to amend all the Residential-Institutional Planned Development District Number 37 symbols and indications as shown on Map Number 11-F in the area bounded by:

North Clarendon Avenue; West Lakeside Place; North Marine Drive; West Wilson Avenue; a line from a point 254.65 feet west of North Clarendon Avenue to a point 253.53 feet west of North Clarendon Avenue; the alley next north of West Wilson Avenue; North Clarendon Avenue; West Eastwood Avenue; a line from a point 249.4 feet west of North Clarendon Avenue to a point 247.51 feet west of North Clarendon Avenue; and West Leland Avenue,

To those of Residential-Institutional Planned Development Number 37, as amended, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in this Plan of Development herewith attached and made a part hereof and to no others.

SECTION 2. This ordinance shall be in force and effect upon passage.

James Cappleman
Alderman, 46th Ward

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RESIDENTIAL-INSTITUTIONAL PLANNED DEVELOPMENT No. 37,
As AMENDED PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number 37, As Amended, (Planned Development) consists of approximately 298,251 square feet of property which is depicted on the attached Planned

Development Boundary and Property Line Map (Property) and is owned or controlled by multiple owners.

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. The person or entity as may then own or control a subarea delineated herein shall be authorized to obtain all required reviews, approvals, licenses as permits which are necessary to implement this Planned Development.
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.

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.

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4. This Plan of Development consists of 19 Statements: a Bulk Regulations Table, Existing Zoning Map, Existing Land Use Map, Planned Development Boundary and Property Line Map and Sub-Area Map, prepared by the Applicant and dated July 20, 2017; The Design Exhibits set forth in the January 25, 2017

City Council Journal of Proceedings pages 42303 to 42307 (inclusive), prepared by Horizon Group XX, LLC and dated December 15, 2016; The Design Exhibits set forth in the approved Administrative Relief granted November 28, 2016; The Design Exhibits set forth in the approved Administrative Relief granted May 1, 2006; and The Design Exhibits set forth in the February 11, 2004 City Council Journal of Proceedings pages 18696 to 18917 (inclusive), prepared by F.G.A. Fitch Gellick Association Architects, G.A. Gellick Associates, Inc., and dated December 11, 2003. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations 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 Chicago Zoning Ordinance, this Planned Development shall control.

5. The following uses are permitted in the area delineated herein as Planned Development 37, As Amended:

Subarea A-1: Hospital, research, medical, professional offices, commercial, retail, restaurant, accessory parking and related or accessory uses;

Subarea A-2: Hospital, research, medical, professional offices, commercial, retail, restaurant, elderly housing, assisted housing, accessory parking and related or accessory uses.

Subarea B: Accessory and non-accessory off-street parking and accessory uses; and

Subarea C: Multi-family dwellings, professional office, storage, 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.

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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 298,251 square feet.

9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, a Part U 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. Any future amendments to 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. Prior to the Part II Approval (Section 17-13-0610 of the Chicago Zoning Ordinance) in Sub-Area A-2, the Applicant shall submit, if applicable, a site plan, floor plans, landscape plan and building elevations for Sub-Area A-2 for review and approval by the Department of Planning and Development (DPD). Review and approval by DPD is intended to assure that specific development components substantially conform with the Planned Development (PD) and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals (Section 17-13-0800) need only include that portion of the Property for which approval is being sought by the Applicant. If the Applicant is seeking approval for a portion of the Property that represents less than an entire Sub-Area, the Applicant shall also include, if applicable, a site plan for that area of the Property which is bounded on all sides by either public Rights-of-Way or the boundary of the nearest Sub-Area. The site plan provided shall include all dimensioned and planned street Rights-of-Way.

No Part II Approval for Sub-Area A-2 shall be granted until Site Plan approval has been granted. Following approval by DPD, the approved Sub-Area Site Plan Approval Submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the PD.

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After approval of the Sub-Area Site Plan for Subarea A-2, changes or modifications may be made pursuant to the provisions of Statement 12. In the event of any inconsistency between approved plans and the terms of the PD, the terms of the PD shall govern. Any Sub-Area Site Plan Approval Submittals shall provide the following information, if applicable:

fully-dimensioned site plan (including a footprint of the proposed improvements);
fully-dimensioned floor plans;
fully-dimensioned building elevations (if changes are made to the building exterior);
fully-dimensioned landscape plan(s); and,
statistical information applicable to Sub-Area A-2, including floor area, the applicable floor area ratio, uses to be established, building heights and setbacks.

Sub Area Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the PD.

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 Applicant acknowledges and agrees that the proposed amendment to PD 37 may trigger the requirements of Section 2-45-115 of the Municipal Code (the "Affordable Requirements Ordinance" or "ARO") for Subarea A-2. Any developer of a "residential housing project" within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project (the "Required Units") as affordable units, or with the Commissioner's approval, provide the Required Units in an approved off-site location; (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 or off-site. If the developer elects to provide affordable units off-site, the off-site affordable 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 "higher income area" within the meaning of the ARO, and the project to be located in Subarea A-2 may have up to 150 units. The Applicant agrees that 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. The Applicant's affordable housing obligation, as determined when the number of proposed units is finalized, will need to be documented in the Affordable Housing Profile Form attached hereto as Exhibit A. If the Applicant subsequently reduces (or

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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 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 (i.e. Subarea A-2), and will constitute a lien against such property. The Commissioner of DPD may enforce remedies for any breach of this Statement 14, 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.

14. 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.
15. 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. Future 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.
16. 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.
17. The Applicant acknowledges the city's ongoing and evolving initiatives to enhance awareness of, and support and encourage participation by, Minority and Women's Business Enterprise certified contractors and local city residents. To assist the city in

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promoting such MBE, WBE and local city resident involvement, the Applicant has already provided

the Department of Planning and Development with any preliminary outreach plans designed to elicit MBE, WBE and local city resident participation, such submission may include copies of certified letters, and receipts of such, sent to MBE/WBE contractor associations and the ward office of the alderman in which this project is proposed to be located. In conjunction with the Applicant's submission for Part II permit reviews, the Applicant will provide DPD, and upon request, the full Plan Commission, with all responses to any preliminary outreach plans and certified letters, updates on any associated communications or meetings and anticipated percentages of MBE, WBE and local city resident participation. Prior to issuance of their Certificate of Occupancy, the Applicant will provide DPD with their actual level of MBE and WBE certified contractor and local city resident participation. All such details will be provided in a form acceptable to the Zoning Administrator or Commissioner of the Department of Planning and Development.

18. In the event of a change in the boundaries of Subarea A-1 or Subarea A-2 resulting from the need to transfer property to comply with Section 3(b) of the Amended and Restated Reciprocal Easement Agreement dated September 23, 2005 governing the Property, the owner of either Subarea A-1 or Subareas A-2 may file a written request with the Department of Planning and Development forwarding a copy of the recorded quitclaim deed contemplated by said Section 3(b) containing the revised legal descriptions and asking that the boundaries of Subarea A-1 and A-2 be modified to reflect same without amending the Planned Development.
19. 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 B3-5 Community Shopping District and with regulations thereby made applicable thereto.

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Bulk Regulations and Data Tabic

Gross Site Area: Public Rights-of-Way: Net Site Area for Entire PD:

352,684 square feet (8.11 acres) 54,433 square feet (1.24 acres) 298,251 square feet (6.87 acres)

Net Site Area by Subareas: Subarea A-1: Subarea A-2: Subarea B: Subarea C:

155,708 square feet 43,663 square feet 65,722 square feet (1.51 acres) 33,158 square feet (0.76 acres)

Maximum Floor Area Ratio for Entire PD:

Maximum Floor Area by Subareas: Subarea A-1: Subarea A-2: Subarea B: Subarea C:

3.0 (Hosp.) 5.0 (MOB) 0.0 6.0

See Statement 5

Maximum Number of Dwelling Units:

150 units permitted in Subarea A-2 165 units permitted in Subarea C^A

Maximum Number of Hospital Beds:

Setbacks from Property Line:

373 beds permitted in Subarea A-1

In substantial conformance with the Site Plan for Subareas A, B, and C and Building Elevations for Subareas A and C.

Minimum Number of Off-Street Parking Spaces: Subarea A-1: Subarea A-2: Subarea B:

Subarea C:

92 spaces 17 spaces

779 (Hospital - Subarea A-1) spaces' 193 (MOB - Subarea A-2) spaces 9 (Subarea C) spaces 29 spaces

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Minimum Number of Off-Street Loading Spaces: Subarea A-1: Subarea A-2: Subarea B: Subarea C:

2 (Hosp.) spaces 2 (MOB) spaces 0 spaces 2 spaces

Maximum Building Height: In substantial conformance with the attached
Building Elevations

^AIncludes nine (9) dwelling below the second floor and accessory uses

^{AA}Ten (10) parking spaces were eliminated from the original P.D. and the existing P.D.
will contain ten (10) non-accessory parking spaces for the 46th Ward residents with
City issued permits.

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

File #: SO2017-5232, **Version:** 1

To: Alderman Daniel S^Sfjl IS L-". ~->yt J
Chairman, Qj_y^Council Committee on Zoning

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From:
David L. Rcifman Chicago Plan Commission

Date: July 20, 2017

Re: 4700 North Marine Drive

On July 20, 2017, the Chicago Plan Commission recommended approval of the proposed amendment submitted by Alderman James Cappleman, 46th Ward. A copy of the proposed amendment 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