



Office of the City Clerk

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

Legislation Text

File #: SO2018-8010, Version: 1

Final for Publication

SUBSTITUTE ORDINANCE

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the B3-3 Community Shopping District symbols and indications as shown on Map 13-G in the area bounded by:

North Magnolia Avenue, a line 213.46 feet north of and parallel to West Lawrence Avenue, the east line of the 16-foot public alley next east of and parallel to North Magnolia Avenue, a line 188.41 feet north of and parallel to West Lawrence Avenue, North Broadway, a line 123.41 feet north of and parallel to West Lawrence Avenue, a line 110 feet west of and parallel to North Broadway, West Lawrence Avenue,

to those of a B3-5 Community Shopping District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of B3-5 Community Shopping District symbols and indications as shown on Map 13-G in the area bounded by:

North Magnolia Avenue, a line 213.46 feet north of and parallel to West Lawrence Avenue, the east line of the 16-foot public alley next east of and parallel to North Magnolia Avenue, a line 188.41 feet north of and parallel to West Lawrence Avenue, North Broadway, a line 123.41 feet north of and parallel to West Lawrence Avenue, a line 110 feet west of and parallel to North Broadway, West Lawrence Avenue,

to those of an Entertainment Planned Development which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part thereof and to no others.

SECTION 3. This Ordinance shall be in force and effect from and after its passage and due publication.

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ENTERTAINMENT PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Entertainment Planned Development Number _____ (the "Planned Development"), consists of approximately 44,324 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property"). A portion of the Property is owned by UTA II, LLC, and the remaining portion, consisting of the right of way to be vacated, is owned by the City of Chicago. The Applicants for this Planned Development are Farpoint Acquisitions, LLC and Uptown HM Investments, LLC, with the authorization of the owners of the Property.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicants, their successors and assigns and, if different than the Applicants, the legal title holders and any ground lessors. All rights granted hereunder to the Applicants shall inure to the benefit of the Applicants' successors and assigns and, if different than the Applicants, 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 approval by the City Council; provided, however, the right-of-way adjustments shown on the Right-of-Way Adjustment Map shall be approved by the Department of Planning and Development, the Department of Transportation and any other City agency with review authority, subject to these statements and approval of the City Council, if required.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Planned Development; provided, however, that the loading zones on Broadway, Lawrence Avenue, and Magnolia and associated depressed/sloped curbs, fire escapes, theatre marquees, and sidewalk vaults, as depicted on the Site/Landscape Plan, which are necessary for event loading and venue operations, shall be approved by the Department of Planning and Development, the Department of Transportation and any other City agency with review authority, subject to these statements and approval of the City Council, if required. Sidewalks adjacent to the loading zone on Magnolia may be used, with proper permits, during event set-up and tear-down, for temporary storage of equipment, road cases, and shipping materials; provided, however,

that the boundaries of such areas must be designated using bollards, chains, or other fence or barricade to signify the location and extent of such areas, and such areas allow for at least six (6) feet of pedestrian passage on the sidewalk or otherwise accommodated through permitting; and provided further that such areas shall be subject to approval by CDOT (Grant of Privilege) and the Fire Department. During loading activities and for the duration of show runs, the Applicant may run cables across the sidewalk to feed power, data, and other utilities to event trucks and buses during show runs; provided, however, such

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cables must include cable protection systems to reduce, tripping hazards. Permits for any temporary partial occupation of space and/or special events may be required, subject to approval from CDOT Permitting. The Applicant shall provide traffic management personnel to assist truck drivers backing out of Magnolia onto Lawrence Avenue. The Applicant shall stripe the bike lane on the west side of Lawrence Avenue adjacent to the Property in accordance with the Plans.

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; provided, however, that the Department of Transportation shall approve the temporary and partial closure of Lawrence Avenue and Magnolia to allow facade restoration work, and shall waive any fees for such closure. The Department of Planning and Development and the Department of Transportation shall approve such street and alley closures as may be reasonably necessary, and for such periods of time as may be reasonably necessary, to accommodate loading activities, and shall waive any fees for such closures.

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:

- Partial width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings.

- Sidewalks
- ADA crosswalk ramps

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 17 Statements and a Bulk Regulations and Data Table; and the following plans and exhibits (the "Plans"): an Existing Zoning Map; an Existing Land Use Map; a PD Boundary, Property Line Map, a Right of Way Adjustment Map; a Site & Landscape Plan; Floorplans (8 sheets); East Elevation; South Elevation; West Elevation; North Elevation; Marquee Elevations (2 Sheets); Canopy Elevations; Signage Elevations (2 Sheets); and Signage Area Summary all prepared by Lamar Johnson Collaborative, and dated October 31, 2018, and revised December 20, 2018,

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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 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 within the Planned Development: All uses allowed in the B3-5 Community Shopping District, including without limitation, and in addition, as applicable: entertainment and spectator sports establishments of any capacity, other than inter-track wagering facilities; general retail sales; food and beverage sales, including liquor sales; eating and drinking establishments, including tavern and rooftop outdoor patio; sports and recreation, participant; temporary outdoor storage of equipment during set-up and tear-down of events, and for the duration of show runs, of equipment, including road cases and shipping

materials; and accessory uses.

The following uses are prohibited: Uses in the Residential Use Group; Payday/Title Secured Loan Store; Pawn Shop; Funeral and Interment Service; Gas Stations; Construction Sales and Service; and Shooting range facility

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 and, if applicable, the Commission on Chicago Landmarks. Off-Premise signs are prohibited within the boundary of the Planned Development.

For purposes of this Planned Development, any sign which identifies the name of a sponsor of any product, service, structure, feature, area, space or event within the Property shall be deemed an on-premises sign.

The following signs may be re-established, as shown on the Plans, subject to the approval of the Commission on Chicago Landmarks, and the area of such signs shall be excluded for purposes of calculating the total sign area permitted on the Property:

- a. The vertical projecting blade sign comprised of individual letters mounted to a steel frame structure, reading "UPTOWN," may be re-established.
- b. The single-face rooftop sign comprised of individual letters mounted to a steel frame structure, reading "UPTOWN THEATRE," may be re-established with sponsorship name/logo.
- c. The rooftop sign facing west, formerly painted letters mounted to a water tank, may be re-established in the form of individual letters or a sign panel mounted to a steel frame structure, which may be externally illuminated, reading "UPTOWN" or "UPTOWN THEATRE," and including sponsorship name/logo.

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- d. The projecting marquee, including sponsorship name/logo "sunburst," at the Broadway entrance may be re-established.
- e. The projecting marquee, including sponsorship name/logo "sunburst," at the Lawrence entrance may be re-established.

- f. The framed signs and transom window signs at the Broadway entrance may be reestablished.
 - g. The transom window signs and framed signs at the Lawrence entrance may be reestablished.
 - h. The Magnolia entry canopy, which may include illuminated static signage atop the canopy, and transom window signs.
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 44,324 square feet and a base FAR of 5.0.
 9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, the Department of Planning and Development shall waive any Part II Review fee.
 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. In the event of any conflict between the Plans, on the one hand, and the Landscape Ordinance, on the other, the Plans shall control over the Landscape Ordinance. 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 13-32-085, 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.

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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 applicable 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. 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.

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16. Pursuant to the Chicago Zoning Ordinance (Section 17-8-0911), a Planned Development (PD) gives priority to the preservation and adaptive reuse of Chicago- Landmark buildings. The PD includes Uptown Theatre, which is designated as a Chicago Landmark and has been identified as contributing to the historic or architectural significance of the Uptown Square District, which is a district designated as a Chicago Landmark. Work to designated Chicago Landmarks is subject to the review and approval of the Commission on Chicago Landmarks pursuant to the Chicago Landmarks Ordinance, Section 2-120-740.
17. 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 a B3-5 Community Shopping District.

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ENTERTAINMENT PLANNED DEVELOPMENT NO. BULK REGULATIONS AND DATA TABLE

Gross Site Area (sf):	60,341
Area of Public Rights-of-Way (sf):	16,017
Net Site Area	44,324 (includes the area of right of way to be vacated)
Permitted Floor Area Ratio	3.1
Minimum number of off-street parking spaces:	0
Minimum Off-Street Loading Spaces:	0
Setbacks from Property Line:	0
Maximum Building Height	103'-11"

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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:
David L. Reifman Chicago
Plan Commission

Date: December 20, 2018

Re: Proposed Planned Development for the property generally located at 4812 North
Broadway Avenue

On December 20, 2018, the Chicago Plan Commission recommended approval of the proposed planned development submitted by, Farpoint Acquisitions 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)

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