



Office of the City Clerk

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

Legislation Text

File #: SO2013-796, Version: 1

FINAL FOR PUBLICATION

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 B1-2, Neighborhood Shopping District symbols and B3-2, Community Shopping District symbols as shown on Map No.12-D in the area generally bounded by:

the alley next north of and parallel to East 53rd Street; a line extending south beginning at a point 53 feet west of south Kenwood Avenue and ending at a point 101.8 feet west of south Kenwood Avenue; East 53rd Street; and a line beginning at a point 422.72 feet west of south Kenwood Avenue extending north to the alley next north of and parallel to East 53rd Street

to those of a B3-5, Community Shopping District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B3-5, Community Shopping District symbols as shown on Map 12-D in the area described in Section 1 of this Ordinance, to the designation of a Planned Development, subject to the use and bulk regulations set forth in the Plan of Development attached hereto and made a part hereof.

SECTION 3. This ordinance takes effect after its passage and due publication.

Common Address: 1330 East 53rd Street

FINAL FOR PUBLICATION

PLANNED DEVELOPMENT NO.

Plan of Development Statements

1. The area delineated herein as Planned Development No. _____ ("Planned Development") consists of approximately 48,308 square feet (approximately 1.10 acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is under the single designated control of the Applicant, Mesa Development, 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 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 an amendment, modification or change (administrative, legislative or otherwise) to this Planned Development is made, shall be under single ownership or single 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, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans.

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Departments of Housing and Economic 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 the City 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 Statements; a Bulk Regulations Table; an aerial site map; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; Site Plan; A Green Roof Plan/Landscape Plan; and a Ground Floor Plan; Floor Plans for Levels 2 and 3; and

Applicant: Mesa Development, LLC

Address: 1330 East 53rd Street

Date Introduced: February 13, 2013

Plan Commission: May 16, 2013

FINAL FOR PUBLICATION

Building Elevations prepared by Valerio Dewalt Train Associates dated May 16, 2013. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Housing and Economic 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 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: residential dwelling units; ground floor residential dwelling units, retail sales; financial services; accessory parking; including, two parking spaces reserved for car sharing purposes, 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 Housing and Economic 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 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 48,308 square feet.
9. Upon review and determination ("Part II Review"), and pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by the Department of Housing and Economic 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. Final landscape plan review and approval will be

by the Department of Housing and Economic Development. Any interim review associated with the site plan review or Part II reviews are conditional until final Part II approval.

11. The Applicant shall comply with the Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation and Fleet and Facility Management and Buildings, pursuant to Section 13-32-125 of the Municipal Code, or any other provision of that Code.

Applicant: Mesa Development, LLC
Address: 1330 East 53rd Street
Date Introduced: February 13, 2013
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FINAL FOR PUBLICATION

12. The terms and conditions of development under this Planned Development Ordinance may be modified administratively by the Zoning Administrator, pursuant to Section 17-13-0611-A of the Zoning Ordinance, upon written application 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 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.
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. All new buildings shall be Certified under the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System and shall include a green roof which covers a minimum of 50% of each building's net roof area. The building will have a green roof of approximately 16,700 square feet. All buildings constructed in this Planned Development shall conform to the City of Chicago Sustainable Development Policy Matrix in effect on the date of approval of this Planned Development.
15. The Applicant acknowledges and agrees that the rezoning of the Property from B1-2 and B3-2 to B3-5 for construction of this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). In accordance with these requirements and the Affordable Housing Profile Form attached hereto as an Exhibit, the Applicant has agreed to provide 27 affordable housing units in the Residential Project for households earning up to 60% of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units"), or make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$100,000 per unit ("Cash Payment"). At the time of each Part II review for the Residential Project, Applicant may update and resubmit the Affordable Housing profile Form to the Department of

Housing and Economic Development ("HED") for review and approval. If the Applicant subsequently reduces the number of dwelling units in the Residential Project, HED may adjust the requirements of this Statement 15 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending the Planned Development. Prior to the issuance of any building permits for the Residential Project, including, without limitation, excavation or foundation permits, the Applicant must either make the required Cash Payment, or execute an Affordable Housing Agreement in accordance with Section 2-45-110(i)(2). The terms of the Affordable Housing Agreement and any amendments

Applicant: Mesa Development, LLC

Address: 1330 East 53rd Street

Date Introduced: February 13, 2013

Plan Commission: May 16, 2013

FINAL FOR PUBLICATION

thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the Affordable Housing Agreement will be recorded against the Residential Project. The Commissioner of HED may enforce remedies for breach of the 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.

16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development Ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to a B3-2, Community Shopping District.

Applicant: Mesa Development, LLC
Address: 1330 East 53rd Street
Date Introduced: February 13, 2013
Plan Commission: May 16, 2013

FINAL FOR PUBLICATION

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BULK REGULATIONS TABLE

Gross Site Area:
Area in Public Right-of-Way:

Net Site Area:

Maximum Floor Area Ratio: Maximum Building Height: Maximum Number of Dwelling Units: Minimum

Number of Parking Spaces: Minimum Number of Loading Berths:

64,354 Square Feet 16.046 Square Feet

48,308 Square Feet 5.0

155 feet 0 inches

267

200

3 (10 feet x 25 feet) 1 (10 feet x 50 feet)

Applicant: Mesa Development, LLC
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CITY COUNCIL
City of Chicago

COMMITTEE on ZONING.
LANDMARKS AND BUILDING STANDARDS

City Hall, Room 304 121 North LaSalle Street Chicago, Illinois 60602

JUNE 5, 2013

**REPORT OF THE COMMITTEE ON ZONING, LANDMARKS, AND
BUILDING STANDARDS**

PRESENTING A SERIES OF REPORTS FOR YOUR COMMITTEE ON ZONING, LANDMARKS AND BUILDING STANDARDS WHICH HELD A MEETING ON JUNE 3, 2013.

THE FOLLOWING ORDINANCE'S WERE PASSED BY A MAJORITY OF THE MEMBERS PRESENT. PAGE ONE CONTAINS TWO ZONING MAP AMENDMENTS. PAGE TWO CONTAINS ONE ZONING MAP AMENDMENT.

PAGE TWO CONTAINS ONE ORDINANCE FOR AN OFF PREMISE ADVERTISING SIGN WHICH FAILED TO MEET THE COMMITTEE'S APPROVAL, AND WAS VOTED ON WITH A "DO NOT PASS" RECOMMENDATION
PAGE TWO ALSO CONTAINS AN ORDINANCE FOR A BUSINESS ID SIGN.

I HEREBY MOVE PASSAGE OF THIS ITEM BY THE LAST MOST FAVORABLE VOTE OF THE FINANCE COMMITTEE REPORT AND THE ASSOCIATED MOTION TO RECONSIDER.

Oahiel S. So/is Alderman, 25th Ward