



Office of the City Clerk

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

Legislation Text

File #: SO2020-3081, Version: 1

Final for Publication

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 the Residential-Business Planned Development Number 138, symbols and indications as shown on Map Number 11-F and 11 -G in the area bounded by to include:

West Sunnyside Avenue; North Clarendon Avenue; a line approximately 176.96 feet north of and parallel to West Montrose Avenue; a line approximately 85.01 feet east of and parallel to North Clarendon Avenue; a line approximately 162.96 feet north of and parallel to West Montrose Avenue; a line approximately 136.61 feet east of and parallel to North Clarendon Avenue; West Montrose Avenue; the public alley next west of and parallel to North Clarendon Avenue; a line approximately 154.33 feet south of and parallel to West Agatite Avenue; a line approximately 472.54 feet west of and parallel to North Clarendon Avenue; West Agatite Avenue; the public alley next west of and parallel to North Clarendon Avenue,

to those of a Residential-Business Planned Development Number 138, as amended.

SECTION 2: This ordinance shall be in force and effect from and after its passage and due publication.

ADDRESS: 4400-24 and 4401-15 North Clarendon Avenue

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 138 BULK REGULATIONS AND DATA TABLE

Gross Site Area, 195,591 square feet = Net Site Area, 131,186 square feet + Area Remaining in Public Way, 64,405 square feet

Net Site Area (si) Sub-Area 'A' Sub-Area 'B' Sub-Area 'C'	131,186	85,160	31,608	14,419
Maximum Floor Area Ratio (FAR) Sub-Area 'A' Sub-Area 'B' Sub-Area «C	5.0	5.08	6.87	0.43
Maximum Floor Area (sf) Sub-Area 'A' Sub-Area 'B' Sub-Area «C	655,930	432,448	217,282	6,200
Maximum Number of Dwelling Units Sub-Area 'A' Sub-Area 'B' Sub-Area 'C'	631 ¹	381	250	0
Maximum Commercial Floor Area (net rentable si) Sub-Area 'A' Sub-Area 'B' Sub-Area 'C'	36,200	30,000	0	6,200
Maximum Site Coverage	Per Site Plans			

¹ Up to 37% of the total number of dwelling units may be efficiency units. Minimum Lot Area (MLA) per dwelling unit shall be calculated based on the overall net site area.

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Minimum Building Setbacks

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Minimum Number of Off-Street Parking Spaces Sub-Area 'A' Sub-Area 'IT Sub-Area 'C' 446 275 160 11
Minimum Number of Off-Street Loading Berths Sub-Area 'A' Sub-Area 'B' Sub-Area 'C' M0'x50'; 1 -10'x30'; and 4-10'x25' 1-10'x50'; 1 - 10'x30'; and 2-10'x25' 1-10'x25' 1-10'x25'
Maximum Building Height (feet) Sub-Area 'A' Sub-Area 'B' Sub-Area 'C' 284' 157' 20'

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NUMBER 138, AS AMENDED PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development Number 138, as amended ("Planned Development") consists of approximately 195,591 gross square feet (approximately 131,186 net square feet) of property which is depicted on the Planned Development Boundary/Sub-Area Map referenced below (the "Property"). For purposes of this Planned Development, the Property consists of three subareas, delineated on the Planned Development Boundary/Sub-Area Map. Montrose and Clarendon LLC is the applicant ("Applicant") for this amended Planned Development, and is the owner of subareas A and C, which are the subject of this amended Planned Development.

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 titleholders 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 titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Municipal Code

("Municipal Code"), 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 Municipal Code.

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 ("CDOT") 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 Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT. All work proposed in the public way must be designed and constructed in accordance with the CDOT Construction Standards for Work in the Public Way and in compliance with the Municipal Code. Prior to the issuance of any Part II Approval, the submitted plans must be approved by CDOT.

4. This plan of development consists of these seventeen (17) Statements, a Bulk Regulations and Data Table, a Subarea A Affordable Housing Profile Form, a Subarea B Affordable Housing Profile Form, the Administrative Approvals (defined below) and the following exhibits prepared by Hartshome Plunkard Architecture (collectively, the "Plans"), all of which are incorporated herein and made a part hereof by this reference:

Existing Aerial Map Existing Land-Use Map Existing Zoning Map

Applicant:
Address:
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- d. Planned Development Boundary/Sub-Area Map
- c. Overall Site/Landscape Plan
- f. Subarea A Site Plan
- g. Subarea A Landscape Plan
- h. Subarea B Site Plan
- i. Subarea B Landscape Plan
- j. Subarea B Interim Site/Landscape Plan
- k. Subarea C Site Plan
- l. Subarea C Landscape Plan
- m. Subarea A Green Roof Plan
- n. Subarea B Green Roof Plan
- o. Subarea C Green Roof Plan
- p. Subarea A 4th Floor Plan
- q. Subarea A Typical Floor Plan
- r. Subarea B Typical Floor Plan
- s. Subarea A East Elevation
- t. Subarea A North Elevation
- u. Subarea A South Elevation

- v. Subarea A West Elevation
- w. Subarea B East and West Elevations
- x. Subarea B North and South Elevations
- y. Subarea C Elevations

Full-sized copies of the Site/Landscape Plans and Building Elevations are on file with the Department of Planning and Development. The Subarea A Affordable Housing Profile Form, Subarea B Affordable Housing Profile Form, and the Plans are not attached hereto, but are on file with the Department of Planning and Development.

The following minor change and site plan approval letters are hereby incorporated by reference and made part of this Planned Development (collectively, the "Administrative Approvals"):

- aa. Minor Change Approval to Mariah DiGrino dated July 3, 2019
- bb. Administrative Relief to Daniel Retzner dated October 27, 2017
- cc. Administrative Relief to Mariah DiGrino dated October 21, 2016

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 Municipal Code, and all requirements thereof, 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 Municipal Code, this Planned Development Ordinance shall control.

5. The following uses are permitted within the Planned Development:

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. Subarea A: dwelling units located at or above the ground floor (multi-unit residential and lownhouse); cultural exhibits and libraries; day care; lodge or private club; community centers; recreation buildings and similar assembly use; postal service; religious assembly; school; animal services (sales and grooming and veterinary clinic); artist work or sales space; business equipment sales and service; business support services; communication service establishments; eating and drinking establishments; entertainment and spectator sports (indoor special event including incidental liquor sales and small venues (1-149 occupancy)); banks; food and beverage retail sales (liquor sales as package goods and accessory use); medical service; office; personal service; dry cleaning (drop-off or pick-up); coin-operated laundromat; retail sales (general); sports and recreation (participant, indoor, physical fitness center, children's play center); valuable objects dealer; catering & shared kitchen; laundry/dry cleaning plant (maximum 2 employees); wireless communication facilities (co-located); accessory parking; non-accessory parking; and, accessory and related uses.

Subarea B: dwelling units located at or above the ground floor (multi-unit residential); accessory parking; construction staging directly related to the provision of the improvements proposed for Subareas A and C; and, accessory and related uses.

Subarea C: colleges and universities; cultural exhibits and libraries; day care; lodge or private club; community centers, recreation buildings, and similar assembly use; postal service; religious assembly; school; animal services (sales and grooming and veterinary clinic); artist work or sales space; business equipment sales and service; business support services; communication service establishments; eating and drinking establishments; entertainment and spectator sports (indoor special event including incidental liquor sales and small venues (1-149 occupancy)); banks; food and beverage retail sales (liquor sales as package goods and accessory use); medical service; office; personal service; dry cleaning (drop-off or pick-up); coin-operated laundromat; retail sales

(general); sports and recreation (participant, outdoor, indoor, physical fitness center, children's play center); valuable objects dealer; catering & shared kitchen; laundry/dry cleaning plant (maximum 2 employees); wireless communication facilities (co-located); accessory parking; and, accessory and related uses.

6. Subsequent to the completion of construction or the provision of the improvements proposed for Subareas A and C and prior to the issuance of the final Certificate of Occupancy for the improvements proposed in Subarea A, either of the following conditions must be fulfilled: (i) Part 11 Review, pursuant to Section 17-13-0610 of the Municipal Code, for the improvements proposed for Subarea B, as described in Planned Development Statement 5 and the exhibits associated with this Planned Development, must have commenced; or, (ii) the improvements depicted in the Subarea B Interim Site/Landscape Plan, as described in the exhibits associated with this Planned Development, must be completely installed or otherwise provided by the following June 1 st, if such Certificate of Occupancy for Subarea A is requested at such a time when seasonal weather conditions would not allow completion of the Subarea B Interim Site/Landscape Plan.

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7. 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 DPD. Off-Premise signs are prohibited within the boundary of the Planned Development.

8. For purposes of height measurement, the definitions in the Municipal Code shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.

9. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes of FAR calculations and measurements, the definitions in the Municipal Code shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 131,186 square feet.

10. Upon review and determination, Part II Review, pursuant to Section 17-13-0610 of the Municipal Code, a Part II Review fee shall be assessed by DPD. The fee, as determined by staff at the time in accordance with the Municipal Code, 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.

11. 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 of the Municipal Code. Final landscape plan review and approval will be by DPD. Any interim reviews associated with site plan review or Part II Reviews, are conditional until final Part II Approval.

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, Information and Assets, and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

13. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Municipal Code by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and the legal titleholders and any ground lessors.

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 Planned Development will be

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LEED certified (Leadership in Energy and Environmental Design) and include a green roof over at least 50 percent of the Net Roof Area; provided, however, that if any portion of this Planned Development receives tax increment financing, such portion shall be LEED certified and include a green roof over 100 percent of the Net Roof Area of that portion.

16. The Applicant acknowledges and agrees that the rezoning the Property from Institutional Planned Development 138 and RM5 (Residential Multi-Unit District) to, first, the B3-5 (Community Shopping District), then back to Planned Development 138, for construction of this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the 2007 Affordable Requirements Ordinance or "ARO"). Any developer of a "residential housing project" within the meaning of the ARO must: (i) set aside 10 percent of the housing units in the residential housing project as affordable units ("Affordable Units") if the developer receives city land or zoning assistance, or 20 percent if the developer receives financial assistance, such as tax increment financing ("TIF"); (ii) pay a fee in lieu of the development of the Affordable Units; or (iii) any combination of (i) and (ii). The foregoing compliance options are referred to herein as Option (i), Option (ii), and Option (iii).

In Subarea A, the Applicant intends to construct a total of 381 dwelling units and has filed an application for TIF for the project. If the Applicant receives TIF funds, the Subarea A project will require 77 Affordable Units (20 percent x 381 = 76.2, rounded up = 77) under Option (i), or an in lieu fee ("Cash Payment") in the amount of \$7,700,000 (77 x \$100,000) under Option (ii), or a combination under Option (iii). If the Applicant does not receive TIF funds, the Subarea A project will require 39 Affordable Units (10 percent x 381 = 38.1, rounded up = 39) under Option (i), or a Cash Payment in the amount of \$3,900,000 (39 x \$100,000) under Option (ii), or a combination under Option (iii). The Applicant has elected to comply with the ARO in Subarea A through a combination under Option (iii), as described below and in the Affordable Housing Profile Form for Subarea A, referenced in Statement 4 above. First, the Applicant will provide 20 Affordable Units in Subarea A, regardless of whether the project receives TIF funds. If the Applicant receives TIF funds, 10 of the 20 Affordable Units will be affordable to households earning no more than 50 percent of the Chicago Primary Metropolitan Statistical Area Median Income ("AMI") and the other 10 will be affordable to households earning no more than 60 percent of AMI. If the project does not receive TIF funds, all 20 Affordable Units will be affordable to households earning no more than 60 percent of AMI. Second, the Applicant will satisfy its remaining ARO obligation by making a Cash Payment in the amount of \$5,700,000 (77 required Affordable Units - 20 provided Affordable Units = 57 x \$100,000) if the Applicant receives TIF funds, or \$1,900,000 (39 required Affordable Units - 20 provided Affordable Units = 19 x \$100,000) if it does not.

In Subarea B, the Applicant intends to construct a total of 250 dwelling units without any TIF or other financial assistance from the city, and has elected to comply with the ARO by making a Cash Payment in the amount of \$2,500,000 (250 dwelling units x 10 percent - 25 required Affordable Units x \$100,000 per unit), as set forth in the Affordable Housing Profile Form for Subarea B referenced in Statement 4 above.

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At the time of each Part II Review for Subarea A or Subarea B, Applicant may update and resubmit the applicable Affordable Housing Profile Form to DPD for review and approval. If the Applicant subsequently reduces or increases the number of dwelling units in either subarea, DPD may adjust the requirements of this Statement 16 (i.e., number of required Affordable Units and/or amount of Cash Payment) accordingly without amending the Planned Development. Prior to the issuance of any building permits within Subarea A or Subarea B, including, without limitation, excavation or foundation permits, the Applicant must make the required Cash Payment. The Applicant intends to develop Subarea A and Subarea 13 as separate projects in phases, and the Cash Payment for each subarea shall be calculated separately and paid at the time building permits are sought for the applicable subarea. In the case of Subarea A, where the Applicant is providing Affordable Units, the Applicant must also execute and record an affordable housing agreement in accordance with Section 2-45-110(i)(2) of the Municipal Code prior to the issuance of any building permits for Subarea A. 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 Subarea A, or the applicable portions thereof, and will constitute a lien against such property. The commissioner of DPD 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.

17. This Planned Development shall be governed by Section 17-13-0612 of the Municipal Code. Should this Planned Development ordinance lapse, the commissioner of DPD shall initiate a zoning map amendment to rezone the Property to the B3-5 (Community Shopping District).

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

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

F,om: -[^]fC.
Maurice D. Cox Chicago Plan Commission

Date: October 15, 2020

Re: Amendment to PD 138
4400-4424 and 4401-4415 North Clarendon Avenue File//20429

On October 15,2020, the Chicago Plan Commission recommended approval to amend PD 138 to allow additional non-residential uses. A copy of the amended 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