



# Office of the City Clerk

City Hall  
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## Legislation Details (With Text)

**File #:** SO2014-31  
**Type:** Ordinance  
**File created:** 1/15/2014  
**Status:** Passed  
**In control:** City Council  
**Final action:** 6/25/2014  
**Title:** Zoning Reclassification Map No. 8-I at 2601-2645 W 38th St, 3802-3852 S Rockwell St and 2614-2644 W Pershing Rd - App No. 17907  
**Sponsors:** Misc. Transmittal  
**Indexes:** Map No. 8-I  
**Attachments:** 1. O2014-31.pdf, 2. SO2014-31.pdf

Date	Ver.	Action By	Action	Result
6/25/2014		City Council	Passed as Substitute	Pass
6/23/2014	1	Committee on Zoning, Landmarks and Building Standards	Amended in Committee	Pass
4/24/2014	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
2/27/2014	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
1/15/2014	1	City Council	Referred	

**FINAL FOR  
PUBLICATION**

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 Cl -2, Neighborhood Commercial District symbols and indications as shown on Map No. 8-I in the area bounded by: K-X*

West Pershing Road; a public alley next west of and parallel to South Rockwell Street;  
West 38<sup>th</sup> Street; South Rockwell Street; and South Archer Avenue

To those of a Business Planned Development, and a corresponding use district is hereby established in the area above described.

SECTION 1. This ordinance shall in force and effect from and after its passage and due publication.

Commonly known as: 2601-2645 West 38<sup>th</sup> Street; 3802-3852 South Rockwell Avenue; 2614-2644 West Pershing Road, Chicago, Illinois

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### BUSINESS PLANNED DEVELOPMENT NO. \_ BULK REGULATIONS AND DATA TABLE

Gross Site Area:

Public Rights of Way:

Net Site Area: Total:

Sub-Area A: Sub-Area B:

Allowable Uses:

332,770 square feet 58,011 square feet

274,759 square feet 143,246 square feet 131,513 square feet

Retail sales, physical fitness center, bank, savings bank, savings and loan association, automated teller machine facility, restaurants, drive-thru restaurant/bank

Maximum Floor Area Ratio: Total:

Sub Area A: Sub Area B:

.35 .35 .35

Minimum Number of Accessory Off Street Parking Spaces:

Sub Area A:

Sub Area B:

376 provided

212  
164

1 per 5 automobile spaces; 50 maximum

Minimum Number of Off-Street Loading Spaces:

Sub Area A: Zero for physical fitness center; per Section 17-10-1101 of the Zoning Ordinance for other uses Sub Area B: 2

Minimum Building Setbacks: In accordance with the Site Plan.

Maximum Building Height: 46 feet

Applicant.	39th and Archer LLC c/o First American Properties	
Address	2601-2645 West 38 <sup>th</sup> Street, 3802-3852 South Rockwell	Avenue; 2614-2645 West Pershing Road
Introduced:	January 15, 2014	
Plan Commission.	TBD	

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### **PLANNED DEVELOPMENT STATEMENT**

#### **Business Planned Development No.**

1. The area delineated herein as Planned Development Number , ("Planned Development") consists of approximately 274,759 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned and controlled by the Applicant, 39<sup>th</sup> and Archer 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 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, assign 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 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. A countdown pedestrian signal shall be installed by the Applicant at the intersection of South Archer Avenue, West Pershing Road and South Rockwell Street.

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 16 Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Sub-Area Map; Site Plan; Landscape Plan; Water Management Plan; Building Elevations (North, South, East and West) and dated (June 19, 2014), submitted

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herein. 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 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. In both Sub-Area A and B and in accordance with the Site Plan, the following uses shall be permitted in this Planned Development: Retail sales, physical fitness center, bank, savings bank, savings and loan association, automated teller machine facility, restaurants, drive-thru bank and drive-thru restaurant.

6. Prior to the Part II Approval (per Section 17-13-0610 of the Zoning Ordinance) in

Sub-Area(s) B, the Applicant shall submit a site plan, landscape plan and building elevations for the specific Sub-Area(s) for review and approval by the Department of Planning and Development. Review and approval by the Department of Planning and Development is intended to assure that specific development components substantially conform with the Planned Development and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals 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 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 B shall be granted until Site Plan approval has been granted for Sub Area B. Following approval by the Department of Planning and Development, 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 Planned Development.

After approval of the Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement 2. In the event of any inconsistency between approved plans and the terms of the Planned Development, the terms of the Planned Development shall govern. Any Sub Area Site Plan Approval Submittals shall, at a minimum, provide the following information:

- fully-dimensioned site plan (including a footprint of the proposed improvements);
- fully-dimensioned building elevations;
- fully-dimensioned landscape plan(s); and,
- statistical information applicable to the subject Sub-Area, including floor area, the applicable FAR, 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 Planned Development.

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 the Department of Planning and Development. Off-Premise signs are prohibited within the boundary of the Planned Development.

8. 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.

9. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the 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 274,759 Square Feet.

10. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, 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.

11. 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 Planning and Development. 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, Environment 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 Zoning Ordinance 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.

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.

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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 Developer shall construct a system of permeable pavers within the vehicular use areas that equals to no less than 100% of the stormwater volume storage capacity that would otherwise be performed by the required vegetative green roofs, per the City of Chicago's Sustainable Development Policy for all buildings across the entire Property, including both Sub Area A and Sub Area B. In addition, the fitness center, and any future buildings in Sub Area A or Sub Area B shall be built to exceed the ASHRAE 90.1-2004 standards by at least 14%.

16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. 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 C1-2.

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