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Legislation Details (With Text)

File #: SO2014-9700
Type: Ordinance
File created: 12/10/2014
Status: Passed
In control: City Council
Final action: 4/15/2015
Title: Zoning Reclassification Map No. 16-H at 6900-7058 S Ashland Ave - App No. 18231
Sponsors: Misc. Transmittal
Indexes: Map No. 16-H
Attachments: 1. O2014-9700.pdf, 2. SO2014-9700.pdf

Date	Ver.	Action By	Action	Result
4/15/2015	1	City Council	Passed as Substitute	Pass
4/13/2015	1	Committee on Zoning, Landmarks and Building Standards	Amended in Committee	Pass
1/13/2015	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
12/10/2014	1	City Council	Referred	

**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 be amended by changing all the Business Planned Development No. 859 District symbols and indications as shown on Map No. 16-H in the area bounded by

West 69th Street; South Ashland Avenue; West 71st Street; and South Marshfield Avenue,

to those of the designation of Business Planned Development No. 859, as Amended which is hereby established in the area described above 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 2. This ordinance shall be in force and effect from and after its passage and due publication.

Common address of Property: 6900-7058 South Ashland Avenue

mi. **FOR**
PUBLICATION

**BUSINESS PLANNED DEVELOPMENT No. 859, As
AMENDED**

PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Business Planned Development Number 859, as Amended, (the "Planned Development") consists of approximately three hundred thirty-one thousand six hundred twelve (331,612) square feet (plus or minus seven and six hundredths (7.6 acres) of net property (the "property") as shown on the drawings attached hereto entitled "Planned Development and Property Line Boundary Map" and the plan of the development is to be amended by the ("Applicant") Owner of Subarea B, DCR Management Inc.
2. The Applicant or the owners and legal titleholders of the Property (singly, the "Owner" and collectively, the "Owners") or their respective successors, assignees or grantees, as applicable, shall obtain all necessary federal, state and local approvals and permits, and all other official reviews, approvals and permits required in connection with this Planned Development. Any dedication and/or vacation of streets or alleys or easements or any adjustment of City rights-of-way shall require a separate submittal on behalf of the Applicant or any Owner, as applicable and their respective successors, assignees or grantees, and approval by the City Council.
3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Owners of the Property, including the Applicant and their respective successors and assigns, grantees and lessees, and if different from the Applicant or the owners, the legal title holders and any ground lessors. All rights granted hereunder shall inure to the benefit of the Owners and their successors, assignees or grantees and if different from the Applicant or Owners, the legal title holders and ground lessors. Furthermore, pursuant to the requirements of Section 17-8-040 of the Chicago Zoning Ordinance, the Property, or any portion thereof designated herein as a subarea, shall be under single ownership or unified control at the time any Applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made. Unified control for purposes of this paragraph shall mean that any application to the City for any

amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all of the Owners of the property, or any portion thereof designated herein as a subarea, and any ground lessors.

Applicant: DCR Management Inc.
Addresses: 6900-7058 South Ashland Avenue
Date: November 5, 2014
Revised: March 19, 2015

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This Plan of Development consists of these sixteen (16) Statements and the following exhibits: a Bulk Regulations and Data Table, a Planned Development and Property Line Boundary Map, an Existing Land-Use Map, a Subarea Plan, a Site Plan, A Landscape Plan, a Public Right-of-Way Adjustment Map and Building Elevations, all prepared by the Nadel Architects and dated November 14, 2002.

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 shall control.

The following uses are allowed with the boundaries of the Planned Development as follows:

Subarea A: The following uses shall be permitted uses in Subarea A: food stores, grocery stores, meat markets, bakeries and delicatessens, including the the sale of packaged liquor in conjunctions therewith; gas stations; accessory parking; all uses permitted in the B3-2 Community Shopping District; and Chicago Transit Authority Communication Towers.

Subarea B: The following uses shall be permitted uses in Subarea B: all uses allowed in the B3-2 Community Shopping District; including establishments of the "drive-in" or "drive-through" type offering goods and services directly to customers waiting in parked motor vehicles shall be permitted for the out parcel at the northeast corner of Subarea B; municipal or privately-owned recreation buildings or community centers; liquor stores, package goods only and liquor sales as an accessory use in conjunction with food store stores and grocery stores are also allowed; and accessory parking.

The following uses are not allowed within the Planned Development: currency exchanges, pawn shops; payday loans stores; tattoo parlors; bingo halls; video game arcades; pool halls; and any form of astrology or fortune-telling.

Applicant: Addresses; Date: Revised:

DCR Management Inc. 6900-7058 South Ashland Avenue November 5, 2014 March 19, 2015

final for publication

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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 sign are prohibited within the boundary of this Planned Development.
- 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 site(s) shall be in accordance with the attached Bulk Regulations table. For the purposes of FAR calculations and measurements, the definition in Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 331,612 square feet or 6.7 acres.
- 9.. Prior to any Part II Approval (per Section 17-13-0610 of the Zoning Ordinance) in Subarea(s) A and/or B, the owner(s) or 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 (per Section 17-13-0800) need only include that portion of the property for which approval is being sought by the Owners(s) or Applicant. If the Owner(s) or Applicant is seeking approval for a portion of the property that represents less than an entire Sub-Area, the Owner(s) or Applicant shall also include a site plan for that area of the property which is bounded on all sides by either Rights-of-Way or the boundary of the nearest Sub-Area. The site plan shall include all dimensioned and any planned street Rights-of-Way.

No Part II Approval for any portion of the Property shall be granted until Site Plan Approval has been granted. Following approval by the Department of Planning and Development, the approved Sub-Area Site Plan Submittal, 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.

Applicant: DCR Management Inc.
Addresses: 6900-7058 South Ashland Avenue
Date: November 5, 2014

Revised: March 15, 2015

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After approval of the Sub-Area Plan, changes or modifications may be made pursuant to provisions of Statement No. 13. In the event of any inconsistency between approved plans and the terms of this 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.

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 Owner(s) and 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 review associated with site plan review or Part II review, are conditional until Final Part II Approval.
12. The Applicant and Owner(s) shall comply with Rules and Regulations for the maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitations, Fleet and Facility management 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 OA of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Owner(s), its successors and assigns and, if different than the Applicant, the legal titleholder(s) and any ground lessors.

Applicant: DCR Management Inc. Addresses: 6900-7058
South Ashland Avenue
Date: November 5, 2014

Revised: March 19,2015

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 building and improvement 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 high 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, conserves energy and maximizes the preservation of natural resources. All development in any Subarea shall conform to the "City of Chicago's Sustainable Development Policy Matrix" in effect at the time of the Site Plan pursuant to this Planned Development.
- 16... This Planned Development shall be governed by Section 17-13-0612 of the Chicago Zoning Ordinance. Should this Planned Development ordinance, the Commissioner of ofthe Department of Planning and Development shall initiate a Zoning Map Amendment to rezone the property to prior zoning that formed the basis of this amended Planned Development.

Applicant: DCR Management Inc.
Address: 6900-7058 South Ashland Avenue
Date: November 5, 2014
Revised: March 19,2015

Department of Planning and Development
CITY OF CHICAGO

MEMORANDUM

Alderman Daniel S. Solis
Chairman, City Council Committee on Zoning

Andrew J. Mooney /: Secretary '[Chicago Plan Commission

DATE: March 20, 2015

RE: Proposed Amendment to Business Planned Development 859 for property
generally located at 6900-7058 South Ashland Avenue.

On March 19, 2015, the Chicago Plan Commission recommended approval of the proposed planned development Amendment submitted by DCR Management, LLC. A copy of the proposed amendment development is attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning hearing.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, bureau of Planning and Zoning recommendation and a copy of the Resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-5777.

cc: Steve Valenziano
PD Master File (Original PD, copy of memo)

121 NORTH LASALLE STREET, ROOM 1 000. CHICAGO, ILLINOIS 60602

6900 S. Ashland Proposed PD #859 Amendment DCR Management, LLC

Chicago Plan Commission March 19, 2015

6900 S. Ashland Proposed PD H859 Amendment DCR Management, LLC

6900 S. Ashland proposed PD 8859 Amendment DCR Management, LLC

3/19/2015

6900 S. Ashland Proposed PDH859 Amendment DCR
Management, LLC

6900 S. Ashland Proposed PD #859 Amendment DCR
Management, LLC

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**REPORT to the
CHICAGO PLAN COMMISSION from the
DEPARTMENT OF PLANNING AND DEVELOPMENT**

MARCH 19, 2015

PROPOSED TECHNICAL AMENDMENT TO BUSINESS PLANNED DEVELOPMENT #859

DCR MANAGEMENT, LLC

6900-7058 SOUTH ASHLAND AVENUE

Pursuant to the provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, the

Department of Planning and Development hereby submits this report and recommendation on a proposed Technical Amendment to Business Planned Development #859 for your review and recommendation to the Chicago City Council. The application was introduced to the Chicago City Council on December 10, 2014. Notice of this public hearing was published in the Chicago Sun-Times on March 4, 2015. The Applicant was separately notified of this public hearing.

The subject property is located on the southwest corner of South Ashland Avenue and West 69th Street and has an address of 6900-7058 S. Ashland. The applicant, DCR Management, LLC, proposes to amend Business Planned Development #859 to allow packaged liquor sales as a permitted use in the existing shopping center located on the site in Subarea B of the planned development. There is no expansion of the existing shopping center planned with the exception of interior tenant buildout as part of this Technical Amendment to Business Planned Development #859.

This request is being submitted as a Technical Amendment to Planned Development #859, pursuant to Section 17-13-0611-A, due to the proposed addition of packaged liquor sales as a permitted use within Subarea B which would result in a change in the character of the development.

PROJECT BACKGROUND AND DESCRIPTION

ThVApplicant, DCR Management, LLC, has filed this Technical Amendment to Planned Development #859 pursuant to Section 17-13-0611-A of the Chicago Zoning Ordinance. PD #156 was originally established on December 4, 2002 as a Business Planned Development that allowed for the construction of a grocery store with accessory liquor sales and parking within Subarea A and a general retail shopping center with parking that prohibited packaged liquor sales within Subarea B. The proposed Amendment would allow packaged liquor sales as a permitted use to the existing planned development within Subarea B (and continue to allow packaged liquor sales within Subarea A). No expansion of the existing shopping center or construction is planned as part of this project with the exception of any possible interior tenant improvements to existing storefront space..

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SITE AND AREA DESCRIPTION

The subject property is located at the southwest corner of South Ashland Avenue and West 69th Street and is zoned PD #859. PD #859 is divided into Subareas A and B. Subarea A consists of approximately 213,164 square feet and is improved with a grocery store, fueling station and accessory parking. Subarea B is approximately 112,699 square feet and consists of three single-story commercial/retail buildings, a fueling station and accessory parking. Land uses within the current planned development include financial services, retail, fueling stations and personal services.

PD #859 is located along the commercial arteries of South Ashland Avenue and West 69th Street. The zoning districts along these two streets include a mix of business/commercial zoning districts (B3-1, B3-2, B3-3, C1-1, C2-1) as well as some residential zoning districts (RS-3). Off of the commercial corridors, the area is generally zoned RS-2. Nearby land uses in the area include retail, personal service and commercial uses in a variety of single and multi-story mixed use buildings. Residential uses include single family homes and multi-unit residential buildings on the blocks to the west of the shopping center.

The subject property is not a City of Chicago landmark nor is the subject property located in a City of Chicago landmark district, tax-increment financing district or the Lake Michigan and Chicago Lakefront

Protection District.

The CTA's Ashland bus (#9) runs northbound and southbound on South Ashland Avenue at the subject property. The CTA's bus (#67) runs nearby along West 69th Street.

DESIGN/LANDSCAPING/ACCESS/BULK

The retail buildings located within PD #859 were constructed in 2003 and later. The existing buildings are built of masonry materials. The site includes approximately 335 parking spaces, landscaping and ingress/egress from both South Ashland Avenue and West 69th Street. There is approximately 120,000 square feet of built space on the site and the planned development limits the total FAR of the site to .5.

No expansion of the existing shopping center nor changes to the site's landscaping, access or bulk are planned as part of this Technical Amendment.

USE

Planned Development #859 as approved by City Council in 2002 specified that packaged liquor sales be restricted as accessory to the grocery store located within Subarea A only. As stated, the proposed Amendment would allow packaged liquor sales as an allowed use with Subarea B as well, which includes the general retail buildings within the broader shopping center.

RECOMMENDATION

The Department of Planning and Development has reviewed the project materials submitted by the Applicant and has concluded that the proposed Technical Amendment to Planned Development #859 would be appropriate for the site for the following reasons;*

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1. The proposal is compatible with the character of the surrounding area in terms of uses, density and building scale (17-13-308-C). No changes to the existing shopping center are proposed and the retail center itself fits in with the surrounding neighborhood; and,
2. The proposal is compatible with surrounding zoning (17-13-308-D). The existing shopping center as well as the surrounding arterial streets include a mix of business and commercial zoning districts as well as land uses; and,
3. Public infrastructure facilities and city services will be adequate to serve the proposal at the time of occupancy (17-13-0308-E). CTA bus service is immediately adjacent to the shopping center site on South Ashland Avenue as well as West 69th Street; and,
4. The proposal provides substantial landscaping on the site (17-8-0909-A). The existing shopping center includes landscaping on all of the setback areas of the site and within the vehicular use area.

Based on the foregoing, it is the recommendation of the Department of Planning and Development that the revised application for a Technical Amendment to Business Planned Development #859 be approved and the recommendation to the City Council Committee on Zoning, Landmarks and Building Standards be "As-Revised, Passage Recommended"

Department of Planning and Development Bureau of Zoning
and Land Use

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Department of Planning and Development city of chicago

**6900-7058 SOUTH ASHLAND AVENUE PROPOSED
AMENDMENT TO BUSINESS PLANNED
DEVELOPMENT #859**

RESOLUTION

WHEREAS, DCR Management, LLC (the "Applicant") has submitted an application for a technical amendment to Business Planned Development #859; and,

WHEREAS, the Applicant is proposing to add packaged liquor sales as a permitted use to the existing shopping center located within Subarea B of the existing Business Planned Development #859; and,

WHEREAS the applicant's request to amend Business Planned Development #859 was introduced to the City Council on December 10, 2014; and,

WHEREAS, proper legal notice of the hearing for this application before the Plan Commission was published in the Chicago Sun-Times on March 4, 2015 and the applicant was separately notified of this hearing; and,

WHEREAS, this proposed application was considered at a public hearing by this Plan Commission on March 19, 2015; and

WHEREAS, the Department of Planning and Development recommended approval of the application, with the recommendation and explanation contained in the written report dated March 19, 2015, a copy of which is attached hereto and made a part hereof; and,

WHEREAS, the Plan Commission has fully reviewed the application and all associated informational submissions, the report and recommendation of the Department of Planning and Development and all other testimony presented at the public hearing held on March 19, 2015, giving consideration to the applicable provisions of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CHICAGO PLAN COMMISSION:

1. THAT the above-stated recitals to this resolution together with the report of the Department of Planning and Development dated March 19,2015, be adopted as the

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findings of fact of the Plan Commission regarding this zoning map amendment application;
and,

2. THAT this Plan Commission recommends approval, to the City Council Committee on Zoning, Landmarks and Building Standards, ofthe final zoning map amendment application dated December 10,2014, as being in conformance with the applicable provisions, terms and conditions ofthe Zoning Ordinance.

Martin Cabrera, Jr. Chairman
Chicago Plan Commission

PD No: 859, as amended Approved:
March 19, 2015

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

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APPLICATION FOR AN AMENDMENT TO '

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THE CHICAGO ZONING ORDINANCE

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1. ADDRESS: of the property Applicant is seeking to rezone: MAf}'': 1 9 2015:
69Q0-705~8;South Ashland Avenue; Chicaa0 JL ~

2.: Ward Number that property is located in: 17

3.. APPLICANT: DCR Management, LLC

ADDRESS: 609 Rosedale Avenue

CITY: Roselle

STATE: IL

ZIP CODE: 60172

PHONE: (312)782-1983 CONTACT PERSON: Nicholas Ftikas. Esq.

Attorney for Applicant

4.. Is the Applicant the owner of the property YES X . NO

If the Applicant is not the owner of the property, please provide the following information regarding the owner and attach written authorization from the owner allowing the application to proceed.

OWNER

...

ADDRESS.

→

:

CITY , . : " STATE ZIP CODE

PHONE

CONTACT PERSON,^

5'.-.. If the Applicant/Owner of the property has obtained a lawyer as their representative for the rezoning, please provide the following information:

ATTORNEY Law Offices of Samuel VP Banks

ADDRESS 221 N. LaSalle St.. 38th Floor

CITY Chicago

STATE: IL

ZIP CODE 60601

PHONE: (312) 782-1983 FAX: (312) 782-2433

6.- If the applicant is a legal entity (Corporation, LLC, Partnership, etc.), please provide the names of all owners as disclosed on the Economic Disclosure Statements Suhail Fakliouri:

7. On what date did the owner acquire legal title to the subject property?
December of 2007

8. Has the present owner previously rezoned this property? If Yes, when?

9. Present Zoning: Business Planned Development No. 859

Proposed Zoning: Business Planned Development No. 859 as Amended

10. Lot size in square feet (or dimensions?): 331.612 sq. ft.

11. Current Use of the Property : Retail shopping center.

12. Reason for rezoning the property: To permit packaged goods liquor sales

13. Describe the proposed use of the property after the rezoning. Indicate the number of dwelling units; number of parking spaces; approximate square footage of any commercial space; and height of the proposed building. (BE SPECIFIC)

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14. On May 14,2007, the Chicago City Council passed the Affordable Requirements Ordinance (ARO) that requires on-site affordable housing units or a financial contribution if residential housing projects receive a zoning change under certain circumstances. Based on the lot size of the project in question and the proposed zoning classification, is this project subject to the Affordable Requirements Ordinance? (See Fact Sheet for more information)

YES

NO X