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Legislation Details (With Text)

File #: SO2016-7343
Type: Ordinance **Status:** Passed
File created: 10/5/2016 **In control:** City Council
Final action: 1/25/2017
Title: Zoning Reclassification Map No. 8-E in area bounded by E 31st St, S Dr. Martin Luther King, Jr. Dr, E 35th St and Illinois Central Railroad - App No. 19009
Sponsors: Misc. Transmittal
Indexes: Map No. 8-E
Attachments: 1. SO2016-7343.pdf, 2. O2016-7343.pdf

Date	Ver.	Action By	Action	Result
1/25/2017	1	City Council	Passed as Substitute	Pass
1/23/2017	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
1/23/2017	1	Committee on Zoning, Landmarks and Building Standards	Amended in Committee	Pass
11/29/2016	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
10/5/2016	1	City Council	Referred	

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SUBSTITUTE 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 Residential-Business Planned Development No. 1169, as amended, symbols and indications as shown on Map No. 8-E in the area bounded by:

The southern boundary of East 31st Street; the western boundary of South Rhodes Avenue; a line 164.87 feet north of and approximately parallel to the north boundary of East 32nd Street; the west line of the Illinois Central Railroad right-of-way; a line 257.26 feet south of and approximately parallel to the south boundary line of East 33rd Street; a line 205.44 feet west of the west line of the Illinois Central Railroad right-of-way line (as measured along the south boundary line of East 33rd Street); the north boundary line of East 33rd Street; the west boundary line of South Cottage Grove Avenue; the north boundary line of East 35th Street; the east boundary line of South Dr. Martin Luther King, Jr. Drive; a line 368.79 feet north of and approximately parallel to the north boundary line of East 32nd Street; the north boundary line of East 31st Place; and the east boundary line of South Vernon Avenue,

in Chicago, Illinois

to those of Residential-Business Planned Development No. 1169, as amended.

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

Common Address:

3113 to 3455 South Dr. Martin Luther King, Jr. Drive
443 to 489 East 3rd Street 424 to 490 East 31st Place 427 to 489 East 31st Place
400 to 426 East 32nd Street
401 to 433 East 32nd Street 461 to 489 East 32nd Street
466 to 488 East 32nd Street
500 to 554 East 32nd Street
501 to 549 East 32nd Street
500 to 554 East 32nd Place
501 to 549 East 32nd Place 400 to 558 East 33rd Street
400 to 506 East 33rd Street
401 to 507 East 33rd Street 614 to 654 East 33rd Street
401 to 559 East 33rd Street 400 to 578 East 35th Street 3312 to 3458 South 3101 to 3123 South 3122 to 3158 South 3131 to 3159 South
3308 to 3338 South
3309 to 3337 South
3101 to 3263 South
3102 to 3262 South
3308 to 3338 South
3309 to 3337 South 3346 to 3456 South
3129 to 3147 South
3130 to 3154 South
Place Street
Cottage Grove Avenue Vernon Avenue Vernon Avenue Vernon Avenue Vernon Avenue Vernon Avenue Rhodes Avenue
Rhodes Avenue Rhodes Avenue Rhodes Avenue Rhodes Avenue Eberhart Avenue Eberhart Avenue

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1169, AS AMENDED PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as a Residential-Business Planned Development No. 1169, as amended (the "Planned Development") consists of approximately 3,063,969 square feet of Net Site Area (approximately 70.34 acres) of property (the "Property"), together with certain portions of existing rights of way, as depicted on the Planned Development Boundary and Property Line Map, as referenced in Statement No. 4(a). The Property is owned or controlled by Lake Meadows Associates, an Illinois limited partnership (the "Applicant"). The Planned Development is divided into Subareas (each, a "Subarea," and collectively, the "Subareas"), as indicated on the Subarea Map, as referenced in Statement No. 4(a). The purpose of this amendment to the Planned Development amendment is to secure approval of an 18-space accessory, interim

parking lot in Subarea Bl.

2. All applicable official reviews, approvals or permits are required to be obtained by the Applicant. These Planned Development Statements do not obligate the City of Chicago ("City") to establish any public rights-of-way, accept or maintain any open space, detention or site buffer areas, construct any public improvements, or finance the construction of any improvements. Any dedication, opening or vacation of streets, alleys or easements or adjustments of rights-of-way or consolidation or re-subdivision of parcels shall require a separate submittal on behalf of the Applicant and approval by the Commissioner of the Department of Transportation ("CDOT") and the City Council of the City of Chicago (the "City Council"). Any required City Council approvals must be obtained prior to issuance of any Part II approval. Applicant shall have the right to seek approval in phases for any or all of the foregoing approvals. In connection with planning for any Subarea, adjustments in the location, width and configuration of the rights-of-way illustrated on the Rights-of-Way Adjustment Map, as referenced in Statement No. 4(a), may be approved by the Zoning Administrator of the Department of Planning and Development (the "Department") as a minor change to this Planned Development, TDrovTderl^uch'adjust^

Development in accordance with the requirements of Section 17-13-0611 of the Chicago Zoning Ordinance, (b) are set forth in a plat of subdivision, dedication, opening or vacation, or comparable plat or instrument, as applicable, that has been submitted by Applicant for approval by CDOT. the Department at the time of request for such adjustments (and approved by CDOT and the City Council prior to the issuance of any Part II approval), and (c) shall not be deemed to confer any additional bulk, density or other development.

3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Applicant and its successors, assigns and grantees. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors, assigns and grantees (including any condominium or homeowners' association which may presently exist or hereafter be formed). References in this Planned Development to "Applicant" shall mean and include as, applicable the Applicant's successors, assigns and grantees. The requirements of Section 17-8-0400 of

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the Chicago Zoning Ordinance shall apply to the Property. The Subareas (and, if subsequently designated on any Final Subarea Plan, any subparcels designated thereon), shall be deemed specifically delineated subareas and subparcels for purposes of Section 17-8-0400 of the Chicago Zoning Ordinance, provided, however, that for so long as Lake Meadows Associates ("LMA") owns or controls any part of the Property, any application to the City for any such changes or modifications (administrative, legislative or otherwise) must in all cases be authorized by the LMA or its express designee. Where portions of the improvements located on the Property have been or are hereafter submitted to the Illinois Condominium Property Act or any similar common interest community statute, or made subject to a private declaration governing a homeowners association, the term "owner" shall be deemed to refer solely to the condominium association, common interest community or homeowners association of such owners of such portions of the improvements and not to the individual unit owners therein. Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer (a "Transfer") of all or any portion of the Property or any rights, interests or obligations therein by the Applicant or any owner. Any party making application shall have the burden of establishing to the reasonable satisfaction of the Department that the consent of LMA (or its express designee) has been

obtained, assigned or irrevocably waived. Upon any Transfer of all or any portion of the Property or the rights therein (other than a mortgage lien or security interest) and solely with respect to the portion of the Property so transferred, the term "Applicant" shall be deemed amended to apply solely to the transferee thereof (and its beneficiaries if such transferee is a land trust); provided, however, that the right of LMA (or its express designee) to authorize future amendments, modifications or other changes (administrative, legislative or otherwise) to this Planned Development shall not be deemed to be amended or transferred unless the Applicant assigns such rights to the transferee in writing or otherwise irrevocably waives such rights. Nothing in this Statement 2 shall be construed in derogation of Section 17-1-1003 of the Zoning Ordinance.

4. This Planned Development consists of twenty (20) statements, and the following exhibits (collectively the "Design Exhibits"):

(a) Planned Development Exhibits: Master Bulk Regulations and Data Table, dated January 19, 2017; Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Generalized Land-Use Plan; Site Plan; Landscape Plan; Subarea Plan; Subarea Maximum Height Plan; Subarea Maximum Floor Area Ratio/Dwelling Units Plan; Public Roadway Plan; Vacations/Dedications Plan; Vehicular Access and Circulation Plan; Traffic Improvements Staging Plan; Typical Roadway Cross-Sections; and Open Space Plan, all prepared by the Applicant and dated May 20, 2010, as published in the June 30, 2010 City Council Journal of Proceedings pages 95840 to 95858 (inclusive).

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(b) Subarea Exhibits:

i) Subarea Exhibits (AI, A3, B1, B2, B3, D and E): Subarea Use, Bulk and Data Table; Surrounding Area Context; Existing Conditions/Site Location; Future Development Context; Existing Development Context; Public and Private Roadways: Pedestrian Circulation; Development Parcels and Blocks; Overall Building, Setback and Curb Cut Dimension; Buildings; Illustrative Massing Diagram; Parking and Loading, Open Space and Landscaping; Traffic Improvements; Vacations and Dedications; Maximum Building Envelope and Height; North and South Illustrative Elevations; East and West Illustrative Elevations; Building Materials; Facade Concepts; and Chicago Builds Green Form (Subarea AI only), all prepared by the Applicant and dated May 20, 2010, as published in the June 30, 2010 City Council Journal of Proceedings pages 95859 to 95861 (inclusive), 95865 to 95878 (inclusive), 95881 to 95886 (inclusive), 95887 to 95912 (inclusive), 95931 to 96009 (inclusive) and 96013 to 96051 (inclusive).

ii) Subarea Exhibits (A2): Subarea Use, Bulk and Data Table; Surrounding Area Context; Existing Conditions/Site Location; Future Development Context; Existing Development Context; Public and Private Roadways; Pedestrian Circulation; Development Parcels and Blocks; Overall Building, Setback and Curb Cut Dimension; Buildings; Illustrative Massing Diagram; Parking and Loading; Open Space and Landscaping; Traffic Improvements; Vacations and Dedications; Maximum Building Envelope and Height; North, South, East and West Illustrative Elevations; Building Materials; Facade Concepts; Subarea A2 Site Plan, all prepared by OKW Architects and dated February 18, 2016 (the "2016 Subarea A2 Design Exhibits"), as published in the March 16, 2016 City Council Journal of Proceedings pages 21175 to 21194 (inclusive).

iii) Subarea C Exhibits: Subarea Use, Bulk and Data Table; Surrounding Area Context; Existing Conditions/Site Location; Existing Development Context; and Traffic Improvements[^]all prepared by the Applicant and dated May 20, 2010, as published in the June 30, 2010 City Council Journal of Proceedings pages 95879 to 95880 (inclusive) and 96010 to 96012 (inclusive).

iv) It is acknowledged that certain Subarea Design Exhibits may depict conditions and/or improvements in a separate Subarea and that such depictions of periphery conditions and/or improvements in adjacent Subareas are for illustrative purposes only unless the context clearly provides otherwise. Notwithstanding, where the Applicant makes modifications to one or more Subarea Design Exhibits, Applicant shall not be required to modify Design Exhibits for those Subareas that are not the principal subject of the proposed modifications.

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c) Site Plan Exhibits

i) (Parcel A1-1.4): Site Plan - Interim; Site Plan - Final; Roof Plan/Green Roof; Building Elevations; Building Sections; Vehicular and Service Access; Vehicular and Service Access - Final, all prepared by Camburas and Theodore, Architects, dated May 20, 2010, as published in the June 30, 2010 City Council Journal of Proceedings pages 96052 to 96058 (inclusive).

ii) (Parcel A2-1.1): Subarea A2 Site Plan; Parcel A2-1.1 Vehicular and Service Access Plan; Site Plan; Landscape Plan; Green Roof Plan; Retail A6 Plans and Elevations; A7 West and South Elevations; A7 East and North Elevations; A8 West and South Elevations; and A8 East and North Elevations, all prepared by OKW Architects, dated February 18, 2016, as published in the March 16, 2016 City Council Journal of Proceedings pages 21195 to 21204 (inclusive).

iii) (Interim Site Plan Subarea B1): Site Plan, Tree Removal Plan and Landscape Plan, all prepared by the applicant and dated January 19, 2017.

d) Minor Change Approvals. In addition to the plans and exhibits referenced in Statement 4(a) to 4(c), that certain response to Building Renovation and Signage Plan request, dated September 6, 2013, grant of Signage Approval Request, dated September 18, 2013, grant of Administrative Relief Request, dated September 11, 2013, and grant of Administrative Relief Request, dated December 5, 2014 are all incorporated herein and made a part hereof.

e) The intent of this amendment is to revise the Planned Development Statements to permit interim uses on those portions of the Property where a final subarea plan has not been secured for such portion of the Property and to approve an 18-space, accessory parking lot in Subarea B1. It is the further intent that the use, bulk and regulation provisions, and the Design Exhibits for all Subareas remain in full force and effect as referenced in Statement No. 4(a) through 4(d).

f) Full size copies of the Design Exhibits are on file with the Department. References in these Statements to the "Planned Development" shall be deemed to include the aforementioned Design Exhibits. This Planned Development conforms to the intent and purpose of the Chicago Zoning Ordinance and satisfies the established criteria for approval as a Planned Development. In the case of any express conflict between the terms of this Planned Development, and the Chicago Zoning Ordinance, this Planned Development shall apply. Absent an express conflict, the terms of the Chicago Zoning Ordinance shall apply to reviews, determinations and approvals under these Statements and to improvements to the Property. In any instance where a provision of the Planned Development conflicts with the Chicago Building Code, the Building Code shall control.

5. The maximum floor area ratio ("FAR") and number of dwelling units permitted in each Subarea are set forth in the Master Bulk Regulations and Data Table. The permitted uses, floor area ratio, number of dwelling units, building height, setbacks, parking and bicycle

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parking requirements for each Subarea are set forth in each Subarea's Use, Bulk and Data Table included in the Design Exhibits, and as further explained in the notes to each of such tables. For the purposes of calculations or measurements pertaining to the foregoing, the applicable definitions in the Chicago Zoning Ordinance shall apply. The Property was zoned B3-5 immediately prior to the City Council's adoption of this Planned Development.

6. Changes in the boundaries of Subareas shall require an amendment to these Statements in accordance with the review and approval procedures in Section 17-13-0602 through Section 17-13-0610 of the Chicago Zoning Ordinance.
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. Off-premise signs are prohibited within the boundaries of the Planned Development.
8. For purposes of height measurement, the definitions in the Chicago Zoning Ordinance shall apply. The height of any building or improvement shall also be subject to height limitations established by the Federal Aviation Administration.
9. (a) All ingress and egress shall be subject to the review and approval of the Chicago Department of Transportation ("CDOT") and the Department. Closure of all or any public street or alley during demolition or construction, and the conditions and timing for acceptance of any new public roadways or improvements that are to be constructed and dedicated, 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 of the City of Chicago, and must be designed in accordance with the CDOT Street and Site Plan Design Standards and follow the principles and practices of a Complete Streets design approach where practical and appropriate.

-Any-dedication-or-vacation-of-public-streets,-alleys-or-easements,any_subdivision_or_any_ other adjustments of the public rights-of-way contained within a particular Part II submittal (collectively "Public Way Adjustments") shall be approved by City Council prior to the issuance of any final Part II approval. Subject to the foregoing, the City's election to defer the dedication of any land, or the dedication and acceptance of any new public roadways or improvements until the same have been fully constructed and approved, shall not otherwise delay or prevent the Department's issuance of any Part II approval.

(b) In connection with the Applicant's submittal of any plats, Final Subarea Plans and Site Plans in accordance with Statement 10 below, CDOT shall finally determine what means of ingress and egress are required, what public rights-of-way are required, and what public way improvements must be constructed' as part of any project in any given Subarea (including any improvements required outside of such Subarea, but impacted or integrally related to such Subarea's project and the public improvements associated

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therewith). The term "project" as used in this Planned Development shall mean the subject of an application for Site Plan approval, which may consist of one or more buildings, unless the context indicates otherwise.

c) Applicant, at its own expense, agrees to provide traffic impact studies, pay for the services of professional engineering services, and pay for the cost of third party construction inspection services to assist CDOT in its review and approval of any plats, Final Subarea Plans, and Site Plan submissions (which approvals shall be a condition precedent to the Department's issuance of any applicable Part II approval). CDOT must approve the applicable consultant, which shall report to CDOT. Recommended traffic and engineering measures shall be included in the design review process and implemented.

d) A minimum of two percent (2%) of all parking spaces provided pursuant to this Planned Development shall be designated and designed for parking for the handicapped.

10. This Statement 10 describes the procedures and approvals that shall govern the review and approval by the Department and, when applicable, the review and approval of the Chicago Plan Commission or the City Council, or both the Chicago Plan Commission and the City Council, whenever the Applicant undertakes any development project on the Property.

(a) Final Subarea Plan.

At the time the first material development project in a given Subarea (or one or more Subareas) is undertaken, the Applicant shall file with the Department a final subarea plan which includes the information set forth below (the "Final Subarea Plan") for such Subarea(s) along with an application for Site Plan Review pursuant to Statement 10(b) hereof. Such filing requirements shall not apply to Subarea A1, which was approved as part of this Planned Development on June 30, 2010. Such filing requirements also shall not apply to Subarea A2 which is being approved as part of this amendment to the Planned-Development-T-he-Final-Subarea-4-lan-shall-gover4i-such-first development project and, unless amended pursuant to this Statement 10(a), all subsequent development projects thereafter constructed in such Subarea.

The Final Subarea Plan filing shall include the following:

(i) A dimensioned Subarea Plan including the following with respect to such Subarea (and any

subparcels designated therein, if any):

1. All public rights of way that are proposed to be dedicated or opened, and all private rights of way;
2. Dimensioned setback lines;

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3. All off-street parking and service areas, both accessory and non-accessory;
4. All open space, site buffer, detention and recreational facilities;
5. Sites for any schools, libraries, police stations or other public facilities, if any; and
6. Dimensioned green roof plans, as set forth in Statement 14.

ii) A detailed, dimensioned Subarea site plan including:

1. All sidewalks (including the width of paved surfaces):
2. All roads, streets, alleys (all identified as public or private), including the right of way width, the width of paved surfaces, street intersection details, and all curb cuts;
3. Dimensioned building sites, dimensioned setback lines, the proposed use of each building site, and indication of the maximum building height, F.A.R. and residential unit count for each building site;
4. All off-street parking and service areas, both accessory and non-accessory; and
5. Fully dimensioned parking plans, loading areas, and landscape plans (which landscaping may be planned and constructed in phases).

iii) Preliminary engineering plans including the following:

- h Sanitary and storm sewer lines and systems (identified as public or private);
2. Water lines and water supply systems (identified as public or private); and
3. Street lighting (identified as public or private) and lighting systems.

iv) Illustrative Subarea building elevations and locations for all of the buildings to be constructed in such Subarea including the following:

1. Illustrative elevations for all buildings to be located within the applicable Subarea (including axonometric or 3-D exhibits), which buildings shall be consistent with the floor area ratio, building

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height, dwelling unit, setback and parking space requirements permitted or required in the applicable Subarea.

2. Although final elevations for the buildings to be constructed shall not be required at the Final Subarea Plan approval stage except for the building requesting site plan approval, the massing, the entrances, and maximum building heights and window design should be addressed, and depictions and explanations provided describing how the buildings to be constructed incorporate the pedestrian-orientation, urban design, building design and green design standards and guidelines set forth in Sections 17-8-0905, 17-8-0906, 17-8-0907 and 17-8-0908 of the Chicago Zoning Ordinance, respectively.

(v) For the Final Subarea Plan for Subarea D only, the information required under Statement 17(e).

The Final Subarea Plan shall be submitted and processed as an amendment to the Planned Development pursuant to Section 17-13-0602 through Section 17-13-0610 of the Chicago Zoning Ordinance. As such, the Final Subarea Plan shall be subject to the review and approval of the Department and such other bureaus, departments or agencies as the Commissioner deems appropriate;(which may include, but are not limited to, CDOT, the Department of Water Management ("DWM"), the Fire Department and the Mayor's Office on Persons With Disabilities ("MOPD") (as applicable, the "Affected City Departments"), the Chicago Plan Commission, the Zoning Committee and the City Council, as described in such Section 17-13-0602 through Section 17-13-0610. Each Final Subarea Plan submitted shall propose "sunset" requirements applicable to such Subarea for City Council approval and for the continued effectiveness of this Planned Development as to Subareas where the zoning of this Planned Development remains subject to lapse and voiding. A Final Subarea Plan must be approved prior to, or concurrently with, the approval of any Site Plans submitted and processed pursuant to Statement 10(b) below

(b) Site Plans. Site Plan Review shall be required for all projects undertaken in furtherance of the Planned Development and the Final Subarea Plan in accordance with the provisions hereof, excluding Site Plan review for the Subarea A1-1.4 project described in Statement No. 4 (c)(i) which was approved as part of the Planned Development on June 30, 2010, the Subarea A2-1.1 project described in Statement No. 4(c)(ii) which is being approved as part of this Planned Development on March 16, 2016 and any Interim Site Plan Approval requests, as

defined in Statement No. 10(g). No Site Plan approval shall be required for alterations to existing buildings that do not increase their height or alter their footprint and no Site Plan approval shall be required for demolition or site work. In addition to the data referenced below, the Applicant shall provide an exhibit showing lot sizes and boundaries for such project. The Applicant shall also provide a Site Data Table for such project containing, for each Subarea and subparcel, if any, the following:

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the Gross Site Area;

- ii. the Net Site Area;
- iii. the square feet of floor area of each proposed building;
- iv. the amount of F.A.R. utilized out of the maximum F.A.R. permitted in such Subarea;
- v. the height of each building to be constructed and the maximum allowable height permitted under the Design Exhibits applicable to such Subarea;
- vi. the number of dwelling units to be constructed and the maximum number of dwelling units permitted under Design Exhibits applicable to such Subarea;
- vii. the front, rear and side setbacks for each building and the setbacks required under the Design Exhibits applicable to such Subarea;
- viii. the site area attributable to all residential open space, if applicable; and
- ix. The number of parking spaces to be provided and the minimum and maximum number of parking spaces required under the Subarea Use, Bulk and Data Table, as applicable.

Except to the extent previously depicted in (and unchanged from) the applicable Final Subarea Plan, the Applicant shall also provide site plan documents illustrating: all building location(s); curb cuts; sidewalks; parking and loading areas; landscaping, lighting and signs; fencing and outdoor storage areas; and waste storage and compacting facilities. A map of surrounding land uses and buildings for a distance of one block in all directions also must be provided. Final elevations must be provided for the proposed building(s). Building materials for the proposed building(s) must also be specified.

(c) Under Chapter 2-45-115(b) of the Municipal Code (the "ARO"), the City Council's approval of this Planned Development amendment does not constitute a "Rezoning of Property" as that term is defined in the ARO. Accordingly, the Applicant is subject to the provisions of Section 2-45-110 of the ARO. Pursuant to Section 2-45-110, the Applicant is obligated to either (i) establish at least ten percent (10%) of the residential dwelling units constructed after the date of such approval on the Property as affordable housing within the meaning of, and as governed by, the ARO or; (ii) in lieu of establishing such affordable housing, the Applicant may make payments in accordance with the requirements of Section 2-45-110(d)(1) of the ARO. As part of the Site Plan review and approval process for any application proposing the construction of a building containing residential dwelling units, the Applicant shall also provide, for the review and approval of the Department (or any successor department thereto), such information, documents and agreements as may be required under the ARO to assure that such

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required affordable housing units are provided and maintained or, in lieu thereof, that such payments are provided.

d) The Site Data Table shall also incorporate a Chicago Builds Green Form/Sustainable Features table showing the "green" features to be included in the proposed buildings. The Site Plan shall be subject to review and approval of the Department and such Affected City Departments as the Commissioner deems appropriate before issuance of any Part II approval for the subject project. The Site Plan must be in substantial compliance with both the Planned Development and the applicable Final Subarea Plan.

e) If, after City departmental review, the Commissioner determines that the Site Plan is in substantial compliance with both the Planned Development and the applicable Final Subarea Plan, and if any improvements contemplated by the Site Plan trigger or exceed any of the mandatory Planned Development thresholds set forth in Section 17-8-0500 of the Chicago Zoning Ordinance as applicable to the B3-5 zoning district, then the Site Plan must be reviewed by the Chicago Plan Commission, during a public meeting and shall not require review and approval by the City Council. The threshold for Tall Buildings under Section 17-8-0512-A of the Chicago Zoning Ordinance shall be 80 feet, irrespective of ground floor commercial space.

f) If such mandatory thresholds are not triggered, met or exceeded, then no Chicago Plan Commission review shall be required, and if, after City departmental review and where applicable, Plan Commission review, the Commissioner determines that the Site Plan is otherwise in substantial compliance with both the Planned Development and the applicable Final Subarea Plan, the Site Plan shall then be approved by the Commissioner. If, after City departmental review, the Commissioner determines that the Site Plan is not in substantial compliance with both the Planned Development and the applicable Final Subarea Plan, the Commissioner shall advise the Applicant in writing of how the Site Plan does not substantially comply with the Planned Development and/or the Final Subarea Plan. In such case, the Applicant shall be given an opportunity to submit revised Site Plans. If the Commissioner finally determines that the Site Plans as the same may be revised, are not in substantial compliance with the Planned Development and/or the Final Subarea Plan, the Applicant then shall be required to amend the Final Subarea Plan in accordance with the review and approval procedures in Section 17-13-0602 through Section 17-13-0610 of the Chicago Zoning Ordinance in order to obtain approval of such Site Plans. After approval of a Final Subarea Plan and/or Site Plan, such Final Subarea Plans and Site Plans may be changed or modified pursuant to the requirements of Statement No. 14 hereof, if applicable.

(g) The Applicant acknowledges that the City's approval of a Final Subarea Plan and/or Site Plan shall not be deemed to be an approval of a subdivision of the property. It shall be Applicant's responsibility to comply with the Illinois Plat Act, as and when required, and to obtain separate City Council approval of any required subdivision.

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11. Approved Site Plans

a) On June 30, 2010, the Department approved the site plan for Subarea A1-Parcel 1.1.4, consisting of the

drawings and materials set forth in Statement No. 4(c) hereof, as in substantial compliance with the approved Subarea AI Final Subarea Plan. Additionally, the Subarea AI-Parcel 1.1.4 Site Plan represents the first project to be approved pursuant to the Subarea AI Final Subarea Plan. No further City Council or Department approval of the Subarea AI Final Subarea Plan shall be required for future projects submitted for Site Plan approval in Subarea AI; provided, however, that each such future project shall substantially comply with the approved AI Final Subarea Plan.

b) On March 15, 2016, the Department approved the site plan for Subarea A2-Parcel 1.1, consisting of the drawings and materials set forth in Statement No. 4(c)(ii) hereof, as in substantial compliance with the approved Subarea A2 Final Subarea Plan. Additionally, the Subarea A2-Parcel 1.1 Site Plan represents the first project to be approved pursuant to the Subarea A2 Final Subarea Plan. No further City Council or Department approval of the Subarea A2 Final Subarea Plan shall be required for future projects submitted for Site Plan approval in Subarea A2; provided, however, that each such future project shall substantially comply with the approved A2 Final Subarea Plan.

c) On January 19, 2017, the Department approved an interim use consisting of a Site Plan, Tree Removal Plan and Landscape Plan, all prepared by the applicant and dated January 19, 2017.

12. The improvements on the Property shall be designed, constructed and maintained in substantial compliance with the Design Exhibits attached hereto.

(a) Parkway and parking lot landscaping shall comply with the landscaping provisions of the Chicago Zoning Ordinance and Chicago Landscape Ordinance, unless specified otherwise in an approved Final Subarea Plan.

-- (b) The Property shall be designed and constructed in accordance with the City of Chicago Regulations for Sewer Construction and Stormwater Management and Stormwater Management Ordinance Manual, latest editions. Any amendment to the City's storm water management requirements which the City adopts thereafter shall apply to the Property or the development thereof.

(c) The Applicant, at the time of a project shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioner of the Department of Streets and Sanitation, the Commissioner of the Environment and the Commissioner of Buildings under Section 13-32-125 of the Municipal Code of the City of Chicago or any other provision of that Code.

13. (a) The Part II review fee for permits and licenses to be issued for projects in the Planned Development shall be the greater of \$0.50 per square foot for the total buildable floor area (i.e., the current rate under Section 17-13-0610 of the Chicago Zoning

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Ordinance) or the then applicable per square foot charge (or other then applicable charge) at the time of such Part II review. Such fee shall be determined and assessed by the Department at the time of each and every Part II review, shall be applicable to all projects, whether undertaken by the Applicant or another developer, shall be final and binding and must be paid to the Department prior to issuance of any Part II approval.

b) Following Part II review and approval by the Commissioner, the Department shall keep such approved plans and elevations on permanent file and they shall be deemed to be an integral part of this Planned

Development.

c) The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promote and enable universal access throughout the Property in accordance with all laws.

d) 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 accessibility in accordance with all laws.

e) Any interim reviews associated with Site Plan approvals or Part II reviews, are conditional until final Part II approval.

14. Subject to the other terms and conditions of these Statements, including specifically, but without limitation, Statement 10's filing, review and approval requirements, the terms, conditions and exhibits of this Planned Development may be modified administratively by the Commissioner: (i) upon application and a determination by the Commissioner in accordance with the minor change provisions and standards of Section 17-13-0611 of the Chicago Zoning Ordinance (provided, however, that Section 17-13-0611-A.2 and A.3 shall be separately tested on a Subarea basis, without taking into account the Net Site Area of or dwelling units permitted in other Subareas or the Planned Development as a whole); and (ii) provided such modification, and the improvements contemplated thereby,
- - are-consistent-with-the-Gharacter of the Planned-Development and the applicable. Final, . Subarea Plan. Any such modification shall be reviewed and approved through the minor change provisions of Section 17-13-0611 ofthe Chicago Zoning Ordinance.

15. The Applicant acknowledges that it is in the public interest to design, construct and renovate all buildings in a manner which provides healthier environments, reduces operating costs and conserves energy and resources. All development in any Subarea shall conform to the City of Chicago's "Sustainable Development Policy Matrix" in effect on the date of submittal of Site Plans pursuant to this Planned Development.

16. Open Space B2-2.1, as set forth in the Subarea Plan for Subarea B2, consists of 153,655 square feet (approximately 3.53 acres), and Open Space E-1.1, as set forth in the Subarea Plan for Subarea E, consists of 86,822 square feet (approximately 2.0 acres). Open Space B2-2.1 and Open Space E-1.1 shall be dedicated to the Chicago Park District ("CPD") and the parks and improvements thereon must be designed and constructed to CPD

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standards. Any conveyance of such open space to the CPD shall be subject to the approval of the CPD and a resolution or ordinance issued by the CPD Board of Commissioners must be provided to the Department to evidence such dedication, conveyance and acceptance.

17. (a) The Applicant shall have substantially completed installation, and made publicly available, either Open Space B2-2.1 (located in Subarea B2) or Open Space E-1.1 (located in Subarea E), no later than 12 months after the date that Part II approval has been issued for 2,354 or more new dwelling units (30% of total permitted units) since the date of adoption of this Planned Development. The date of completion as aforesaid shall be subject to a six month extension as necessary to accommodate the growing season.
- b) The Applicant shall have substantially completed installation, and made publicly available, either Open Space B2-2.1 (located in Subarea B2) or Open Space E-1.1 (located in Subarea E), whichever was not installed pursuant to Statement 17(a) above, no later than the date that is 12 months after the date that Part II approval has

been issued for 4,707 or more new dwelling units (60% of total permitted units) since the date of adoption of this Planned Development. The date of completion as aforesaid shall be subject to a six month extension as necessary to accommodate the growing season.

c) The location, configuration and boundaries of Open Space A3-1.2 (consisting of 0.8 acres) and Open Space E-2.3 (consisting of 0.7 acres), as depicted in the applicable Design Exhibits, are preliminary. So long as the minimum amount of site area attributable to each such Open Space remains substantially as required above, the location, configuration and boundaries of each may be modified at the election of the Applicant, with the concurrence of the Department; provided, however, that each such Open Space, as its location, configuration or boundary may have been modified, shall be located wholly within its applicable Subarea or adjacent Subarea. Any such modifications shall be reflected in the applicable Site Plan approvals, when and as submitted for such approval. The Open Spaces described in this Statement 17(c) shall be clearly lit and signage shall be appropriately placed indicating the site is publicly accessible from sunrise to sunset. The Applicant shall be responsible for all development, management, maintenance repair and replacement costs associated with the such Open Spaces.

d) The Applicant shall have substantially completed installation, and made publicly available:

i) Open Space E-2.3 (consisting of 0.7 acres), located in Subarea E, not later than 24 months after issuance of Part II approval for any buildings in Parcel 2.2 having in aggregate not less than 449,962 square feet (i.e., 30% of Parcel 2.2's floor area as specified in Subarea E's Use, Bulk and Data Table).

ii) Open Space A3-1.2 (consisting of 0.8 acres), located in Subarea A3, not later than 24 months after issuance of Part II approval for buildings in Parcels 1.1, 1.3 and 1.4 having in aggregate not less than 421,379 square feet (i.e., 30% of the

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total combined floor area attributable to Parcels 1.1, 1.3 and 1.4, as specified in the Subarea A3's Use, Bulk and Data Table).

(iii) The dates of completion as aforesaid shall be subject to a six month extension as necessary to accommodate the growing season.

e) Nothing in this Planned Development shall preclude the Applicant from seeking and obtaining Open Space Impact Fee Credits for any Qualifying Open Space pursuant to the Open Space Impact Fee Administrative Regulations and Procedures promulgated by the Commissioner pursuant to Section 16-18-110 of the Municipal Code of Chicago and the "Notice to Residential Developers Regarding New Open Space Impact Fees", last revised by the City on April 6, 1998, as either may be amended from time to time.

f) As part of the Final Subarea Plan for Subarea D, the Applicant shall provide preliminary engineering drawings and such other information as the Department may reasonably require to evidence the design, elevations and plans for the construction of the public, pedestrian bridge and footpath (the "33rd Street Improvements") depicted in the Subarea D exhibits, including, without limitation, the CPD's approval of such designs, elevations and plans. The Applicant shall be obligated to substantially complete construction of the 33rd Street Improvements within 24 months of the issuance of Part II approval for the third high-rise building in Subarea D. No Part II approval for a fourth high-rise building in Subarea D shall be issued until construction of the 33rd Street Improvements has substantially commenced. If the Applicant, however, after 12 months of diligent and good faith efforts at the Applicant's own expense, certifies in writing to the Department that the Applicant has been unable to secure the real property interests, governmental approvals, and third party approvals and agreements necessary to

construct the 33rd Street Improvements, then, in lieu of constructing such improvements, the Applicant may instead substantially commence construction of the open space required under Statement 17(a) (if it has not previously been constructed) or Statement 17(b) (if the open space required under Statement 17(a) has been previously constructed) within 24 months of the issuance of Part II approval for the third high-rise building in Subarea

~D~. Upon such substantial commencement of construction (and assuming that the Applicant does not thereafter cease or abandon such construction efforts, but thereafter diligently constructs such open space), the Applicant shall be entitled to obtain Part II approval for the fourth high-rise building in Subarea D.

18. As of the original date of adoption of this Planned Development (i.e., June 30, 2010), the various portions of the Property (now defined as Subareas AI, A2, A3, BI, B2, B3, C, D and E) are improved with existing improvements and operated with existing uses. Subarea C is improved with, among other things, multiple townhouses, single family homes and a condominium building containing dwelling units; and the owners, ground lessees and operators of Subarea C use said improvements and conduct other uses and operations within Subarea C (collectively, the "Subarea C Uses and Improvements"). The remaining portions of the Property are improved with, among other things, multiple residential buildings containing nearly 2,000 residential dwelling units, multiple commercial and retail buildings and surface parking lots; and the owners and operators of

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these portions of the Property use said improvements and conduct other uses and operations within said portions of the Property (collectively, the "Lake Meadows Uses and Improvements"). (The Subarea C Uses and Improvements and the Lake Meadows Uses and Improvements may collectively be referred to herein as the "Existing Uses and Improvements"). Changes to the Existing Uses and Improvements shall be subject to the terms of this Planned Development.

19. The FAR and number of dwelling units attributable to buildings existing on the Property on the original date of this Planned Development (i.e., June 30, 2010) shall, until the demolition of any such buildings, continue to be included in the calculations of maximum FAR and dwelling units. If the FAR or number of dwelling units of an existing building located in a given Subarea is less than allowed in the Subarea, then new FAR and/or dwelling units, as the case may be, shall be allowed in such Subarea up to the applicable maximums. If the FAR or number of dwelling units of any existing building(s) in Subarea BI is equal to or more than such Subarea's applicable maximums under this Planned Development, then no new FAR or dwelling units, as the case may be, may be constructed in such Subarea until sufficient FAR and dwelling units are removed so as to permit the construction of new dwelling within the limitations set forth in this Planned Development applicable to Subarea BI. Notwithstanding the foregoing, a maximum of 50 new dwelling units shall be permitted within that portion of Subarea BI bounded by the northern boundary of Subarea BI (Olivet Baptist Church); the north-south alley east of Martin Luther King Drive; East 33rd Street; and Martin Luther King Drive. A sufficient amount of FAR to accommodate such new dwelling units shall also be permitted.
20. (a) This Planned Development shall lapse and be null and void unless Substantial Construction (as defined below) has occurred in Subarea AI and Subarea A2 within six (6) years of March 15, 2016 (as such date may be extended pursuant to Statement 20(d) below, the "Initial Expiration Date"). "Substantial Construction" shall mean and be evidenced by the (i) issuance of Part II approvals; (ii) commencement of substantial construction; and (iii) the continued proceeding of such construction with reasonable
- ' diligence for not less than 50,000 gross square feet of improvements in Subarea AI and 70,000 gross square feet of improvements in Subarea A2 (it being acknowledged that the Applicant has already completed 60,000 square feet of improvements in Subarea A2 as of the date hereof which improvements are labeled as "existing" on the Subarea A2 Buildings exhibit). The Applicant shall supply the Department with such documents requested as

may be reasonably necessary to evidence compliance with such Substantial Construction requirements (such requirement, the "Substantial Construction Requirements").

(b) If the Substantial Construction Requirements set forth in Statement No. 20(a) are not satisfied by the Initial Expiration Date, then this Planned Development shall thereafter lapse and become void and the zoning classification of the entire Property shall automatically revert to the B3-5 zoning classification in place immediately prior to the passage of this Planned Development.

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c) If the Substantial Construction Requirements set forth in Statement No. 20(a) are satisfied by the Initial Expiration Date, then (1) the zoning established pursuant to this Planned Development for Subarea AI and Subarea A2 shall riot thereafter be subject to expiration, but (2) the zoning established pursuant to this Planned Development as to the remaining Subareas shall thereafter lapse and become void and shall automatically revert to the B3-5 zoning classification in place immediately prior to the passage of this Planned Development unless the Applicant thereafter obtains City Council approval for a Final Subarea Plan for a third Subarea in accordance with Section 10(a) prior to the Initial Expiration Date.

d) The Initial Expiration Date may be extended for up to one additional year if, before expiration, the Applicant makes written request for such an extension explaining the good cause for such an extension, the Commissioner determines that good cause for an extension has been shown, and the Commissioner issues a written extension letter.

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Residential Planned Development Number 1169, as amended

Master Bulk Regulations And Data Table

Subarea	Est. Net Site Area		Max. F.A.R. (see note 1)	Max. Dwelling Units (see note 1, 2 and 4)
	Sq.Ft.	Acres		
A1	314,527	7.22	3.96	741
A2	731,375	16.79	2.38	809
A3	372,932	8.56	3.76	646
B1	311,804	7.16	2.90	479
B2	226,213	5.19	3.53	536
B3	337,069	7.74	12.12	2,291
C	207,921	4.77	1.90	201
D	257,433	5.91	12.12	1,990
E	305,742	7.02	4.91	917
Total Subarea			4.96	8,609
Max. (incl. 10%) (See Note)				
OVERALL MAXIMUM	3,065,016	70.36	4.52	7,845

Note 1. The Subarea aggregate maximum FAR of 4.52 and maximum number of dwelling units of 7,845 is referred to herein as the "Base Amount". To provide flexibility among the Subareas, the maximum amount of FAR and the maximum number of dwelling units allowed in each Subarea set forth in the chart above is 10% higher than the Base Amount. Any individual Subarea may be developed to the maximum FAR or maximum dwelling units allowed in the chart above; provided, however, that in no event and at no time shall the Base Amount FAR or dwelling units be exceeded. Accordingly, where the construction of any amount of FAR or any number of dwelling units would otherwise cause the applicable Base Amount within the total Property to be exceeded, the availability of FAR or number of dwelling units within the total Property must be reduced by the amount necessary to avoid exceeding the Base Amount.

Note 2. Two hotel units shall be equal to one dwelling unit; the maximum number of hotels units shall not exceed 2,000 units.

Note 3. As of the date of adoption of this Planned Development, the actual built floor area in Subarea C is approximately 292,428 square feet (the approximate equivalent of 1.42 FAR) and the actual built number of dwelling units is approximately 185.

Note 4. 1.25 Elderly Housing units shall be equal to one dwelling unit.

Gross Site Area:

Approximate Area to Remain In Public Right-of-Way:

Net Site Area
3,628,902 sf (83.31 acres)

564,933 sf (12.97 acres) 3,065,016 sf (70.36 acres)

January 19, 2017

Site Plan
Parking Lot South of 400 E. 33rd Street

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Tree Removal Plan
Parking Lot South of 400 E. 33rd Street

EXISTING TREE TO BE REMOVED. TTP.

EXISTING PARKWAY TREE TO BE PROTECTED
DURING CONSTRUCTION. SEE DETAIL IN L-2. TTPIC.A1.

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E. 33RD STREET

A ~-iV" -

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Landscape Plan
Parking Lot South of 400 E. 33rd Street

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EXISTING TREE TO BE MAINTAINED

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF
CHICAGO

MEMORANDUM

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

&
David L. Reifman Chicago Plan
Commission

Date: January 19, 2017

Re: Proposed Amendment to Planned Development 1169 for the property generally located at 400 East 33rd
Street

On January 19, 2017, the Chicago Plan Commission recommended approval of the proposed amendment to Planned Development 1169 submitted by Lake Meadows Associates; a copy of which 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