



# Office of the City Clerk

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

## Legislation Details (With Text)

**File #:** SO2017-4820  
**Type:** Ordinance  
**Status:** Passed  
**File created:** 6/28/2017  
**In control:** City Council  
**Final action:** 10/11/2017  
**Title:** Zoning Reclassification Map No. 11-J at 4022-4040 N Elston Ave - App No. 19273  
**Sponsors:** Misc. Transmittal  
**Indexes:** Map No. 11-J  
**Attachments:** 1. O2017-4820.pdf, 2. SO2017-4820.pdf

Date	Ver.	Action By	Action	Result
10/11/2017	1	City Council	Passed as Substitute	Pass
9/11/2017	1	Committee on Zoning, Landmarks and Building Standards	Amended in Committee	Pass
9/11/2017	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
6/28/2017	1	City Council	Referred	

### 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 C2-2 Commercial, Manufacturing and Employment District symbols and indications as shown on Map No. 11-J in the area bounded by

North Elston Avenue, a line perpendicular to North Elston Avenue 140 feet northwesterly of the north line of West Irving Park Road as measured along the west line of North Elston Avenue, a line 72 feet southwesterly of the west line of • North Elston Avenue, a line perpendicular to North Elston Avenue 165.01 feet northwesterly of the north line of West Irving Park Road as measured along the west line of North Elston Avenue, the public alley next southwest of North Elston Avenue, a line perpendicular to North Elston Avenue 340.08 feet northwesterly of the north line of West Irving Park Road as measured along the west line of North Elston Avenue

to those of a B3-3 Community Shopping District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B3-3 Community Shopping District symbols and indications as shown on Map No. 11-J in the area bounded by

North Elston Avenue, a line perpendicular to North Elston Avenue 140 feet northwesterly of the north line of West Irving Park Road as measured along the west line of North Elston Avenue, a line 72 feet southwesterly of the west line of North Elston Avenue, a line perpendicular to North Elston Avenue 165.01 feet northwesterly of the north line of West Irving Park Road as measured along the west line of North Elston Avenue, the public alley next southwest of North Elston Avenue, a line perpendicular to North Elston Avenue 340.08 feet northwesterly of the north line of West Irving Park Road as measured along the west line of North Elston Avenue

to those of Planned Development Number \_\_\_\_\_, which is hereby established in the area

described above and subject to such use and bulk regulations set forth in the Plan of Development attached hereto and to no others.

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SECTION 3. This ordinance shall be in force and effect from and after its passage and due publication.

Common Street Address: 4022 - 4040 N. Elston Avenue

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## Planned Development

### Plan of Development Statements

1. The area delineated herein as Planned Development Number \_\_\_\_\_ ("Planned Development") consists of approximately 23,684 square feet (.543 acres) of Net Site Area which is depicted on the attached Planned Development Boundary Map ("Property") and is owned or controlled by the Chicago Housing Authority. The Chicago Housing Authority has given consent to the Applicant, EREG Development LLC, an Illinois limited liability company, to file this application.
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.

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.

Applicant RRTXi Development, LLC Address. 4022 - '1040 N Elston  
Avenue Introduced' June 28, 2017 Plan Commission: July 20, 2017

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4. This Plan of Development consists of seventeen (17) Statements: a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land Use; a Planned Development Boundary Line Map; a Site Plan; a Roof Plan; South and East Elevations; North and West Elevations; a Site Landscape Plan; a Residential Terrace and Green Roof Plan dated July 20, 2017; prepared by John Ronan Architects submitted herein. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.
5. The following uses are permitted in the area delineated herein as a Planned Development: Elderly Housing; Cultural Exhibits and Libraries; Postal Service; Business Support Services; Restaurants (Limited and General); Outdoor patio (if located at grade level); Bank, Savings Bank, Savings and Loan Association, and Credit Union (excluding drive-through facilities); Automated Teller Machine Facility (excluding drive-through facilities); Food and Beverage Retail Sales; Medical Service; Office; Personal Service; Retail Sales, General; Wireless Communication Facilities (Co-located); Accessory Parking and Accessory Uses.
6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of the Department of Planning and Development. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For 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 194,188 square feet.
9. 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.

10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan

Applicant ERCG Development, LLC Address- 4022 - 4040 N.  
Elston Avenue Introduced: June 28, 2017 Plan Commission July 20,  
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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.

11. 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.
12. 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.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance
15. The Applicant acknowledges and agrees that the rezoning of the Property from C2-2 to B3-3, and then to this Planned Development triggers the requirements of Section 2-45-115 of the Municipal Code (the "Affordable Requirements Ordinance" or "ARO"). Any developer of a "residential housing project" within the meaning of the ARO must: (i) set aside 10% of the housing units in the residential housing project (the "Required Units") as affordable units; (ii) pay a fee in lieu of the development of the Required Units; or (iii) any combination of (i) and (ii); provided, however, that residential housing projects with 20 or more units must provide at least 25% of the Required Units on-site. The Property is located in a "low-moderate income area- within the meaning of the ARO; the project has a total of 44 units; and the project will receive TIF funds from the City. As a result, the Applicant's affordable housing obligation is 5 affordable units (10% of 44 units rounded up), 1 of which is a Required Unit (25% of 5). Applicant has agreed to satisfy its affordable housing obligation by providing 9 affordable units in the rental building to be constructed in the

## Planned Development. The

Applicant' EREG Development, LLC Address. '1022 - '10-10 N  
Elston Avenue Introduced June 28,2017 Plan Commission July 20,  
2017

Applicant agrees that the affordable rental units must be' affordable to households earning no more than 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City of Chicago. If the Applicant subsequently reduces (or increases) the number of housing units in the Planned Development, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval, and DPD may adjust the number of required Affordable Units without amending the Planned Development. Prior to the issuance of any building permits for any residential building in the Planned Development, including, without limitation, excavation or foundation permits, the Applicant must make the required Cash Payment and/or execute and record an affordable housing agreement in accordance with Section 2-45-115(L). The terms of the affordable housing agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the affordable housing agreement will be recorded against the Planned Development, or the applicable portion thereof, and will constitute a lien against such property. The Commissioner of DPD may enforce remedies for any breach of this Statement 13, including any breach of any affordable housing agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.

Notwithstanding the foregoing, if the Applicant receives Low-Income Housing Tax Credits, tax increment financing or other financial assistance whose affordability requirements exceed ' those of the Affordable Housing Ordinance from the City to develop affordable housing in any portion of the Planned Development, the regulatory, redevelopment, loan or other agreements) to be executed by the City and the Applicant in connection with such tax credits or other financial assistance shall govern and control the Applicant's obligation to provide affordable housing for such subsidized portion of the Planned Development

16. The Applicant acknowledges the city's ongoing and evolving initiatives to enhance awareness of, and support and encourage participation by, Minority and Women's Business Enterprise certified contractors and local city residents. To assist the city in promoting such MBE, WBE and local city resident involvement, the Applicant has already provided the Department of Planning and Development with any preliminary outreach plans designed to elicit MBE, WBE and local city resident participation, such submission may include copies of certified letters, and receipts of such, sent to MBE/WBE contractor associations and the ward office of the alderman in which this project is proposed to be located. In conjunction With the Applicant's submission for Part ii permit reviews, the Applicant will provide DPD, and upon request, the full Plan Commission, with all responses to any preliminary outreach plans and certified letters, updates on any associated communications or meetings and anticipated percentages of MBE, WBE and local city resident participation. Prior to issuance of their Certificate of Occupancy, the Applicant will provide DPD with their actual level of MBE and WBE certified contractor and local city resident participation. All such details will be provided in a form acceptable to the Zoning Administrator or Commissioner of the Department of Planning and Development.

Applicant fc'REG Development, LLC Address: 4022 - 4040 N.  
Elston Avenue Introduced: June 28, 2017 Plan Commission July  
20, 2017

**17. 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 B3-3 Neighborhood Shopping District.**

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Applicant: EREG Development, LLC Address: 4022 - 4040 N.  
Elston Avenue Introduced: June 28, 2017 Plan Commission July  
20, 2017

**PLANNED DEVELOPMENT NUMBER  
BULK REGULATIONS AND DATA TABLE**

**Gross Site Area:**

**Area Remaining in Public Right of Way Net Site Area:**

**Maximum Number of Dwelling Units:**

**Maximum Floor Area Ratio:**

**Minimum Number of Off-Street Parking Spaces:**

**Off-Street Loading Spaces:**

**Minimum Required Setbacks:**

**Maximum Building Height:**

**Minimum Number of Bicycle Spaces:**

**33,434 square feet (.77 acres) 9,750 square feet (.22 acres) 23,684 square feet (.54 acres) 44 Elderly**

**Housing Units 2.59**

**29 Spaces 0**

**As Per Site Plan 77'-9 1/2" 8 Spaces**

196441.3



Introduced: June 28, 2017 Plan Commission July 20, 2017

Drawing Legend:

Property Line (Net Site Area)

Planned Development Boundary Line

Gross Site Area

applicant  
Finn Development, LLC

PLANNED DEVELOPMENT #XXXX  
INDEPENDENCE LIBRARY AND APARTMENTS

Finn  
John Ronan Architects  
20 West Huron Street  
Chicago, IL 60604  
Phone: (312) 555-1234

4022N Elston Avenue, Chicago, IL 60641

Site Address: 4022N Elston Avenue, Chicago, IL 60641

Phone: (312) 555-1234

Finn

AWJC/nr  
Finn Development, LLC

PLANNED DEVELOPMENT #XXXX  
INDEPENDENCE LIBRARY AND APARTMENTS

Finn  
John Ronan Architects  
20 West Huron Street  
Chicago, IL 60604  
Phone: (312) 555-1234

Site Address: 4022N Elston Avenue, Chicago, IL 60641

Site Address: 4022N Elston Avenue, Chicago, IL 60641

Elston Avenue (ROW = 820)

Two-Way Street

Extent of Planned Development: Gross Site Area: 33,434<sup>±</sup> Area in Public R.O.W.: 9,750 sf Net Site Area: 23,684sf

Public Right-of-Way

## PLANNED DEVELOPMENT BOUNDARY LINE MAP

Drawing Legend:

Property Line (Net Site Area)

Planned Development Boundary Line (Gross Site Area)

Site Address: 4022N Elston Avenue, Chicago, IL 60641

Site Address: 4022N Elston Avenue, Chicago, IL 60641

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APPLICANT

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420 West Huron Street Ch-cago, Ilhnois 60654 T.312 9516600 wrarch com

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SITE PLAN

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF  
CHICAGO

MEMORANDUM

To:  
Alderrn; Chairmi  
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Daniel S. Solis

City Council Committee on Zoning  
Reifman

From  
David L.

Chicago Plan Commission Date: July 20,

2017

Re: Proposed Planned Development for the property generally located at 4022 N. Elston  
Avenue

On July 20, 2017, the Chicago Plan Commission recommended approval of the proposed planned development submitted by EREG Development LLC. A copy of the proposed planned development is attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning and Land Use recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-9476.

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

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