



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2018-863
Type: Ordinance
File created: 2/28/2018
Status: Passed
In control: City Council
Final action: 5/25/2018
Title: Zoning Reclassification Map No. 22-C at 9329-9429 S Stony Island Ave - App No. 19526
Sponsors: Misc. Transmittal
Indexes: Map No. 22-C
Attachments: 1. O2018-863.pdf, 2. SO2018-863.pdf

Date	Ver.	Action By	Action	Result
5/25/2018	1	City Council	Passed as Substitute	Pass
5/9/2018	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
2/28/2018	1	City Council	Referred	

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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 RS2 Residential Single-Unit (Detached House) District, B3-2 Community Shopping District and Cl-2 Neighborhood Commercial District symbols and indications as shown on Map No. 22-C in the area bounded by

a line 577.22 feet north of the north line of the Chicago and Western Indiana Railroad, the west line of the public alley next east of South Stony Island Avenue, a line that is the southerly extension of the west line of the public alley next east of South Stony Island Avenue, the north line of the Chicago and Western Indiana Railroad, South Stony Island 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. 22-C in the area bounded by

a line 577.22 feet north of the north line of the Chicago and Western Indiana Railroad, the west line of the public alley next east of South Stony Island Avenue, a line that is the southerly extension of the west line of the public alley next east of South Stony Island Avenue, the north line of the Chicago and Western Indiana Railroad, South Stony Island 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.

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

Common Street Address: 9329-9429 South Stony Island 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 240,150 square feet of Net Site Area which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Applicant, Montclare Calumet Heights, LLC, an Illinois limited liability company.
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. Provided, however, because this Planned Development is delineated into Sub-Areas, each having its own bulk and density standards, or similar Sub-Area specific development controls or requirements, the owners of or designated controlling party for each Sub-Area may seek amendments, changes, or modifications for that Sub-Area without the consent of the owners or designated controlling party of the other Sub-Areas.

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, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Planned Development.

Ingress or egress shall be pursuant to the Planned Development 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.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between the Department of Transportation's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be

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reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the Department of Transportation's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by the Department of Transportation.

4. This Plan of Development consists of eighteen (18) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land Use Map; a Pedestrian Vehicular Routes Map; a Planned Development Boundary and Property Line Map; a Sub-Area Map; a Site Plan; a Landscape Plan; an Elevation East; an Elevation West; an Elevation North; and Elevation South; prepared by Worn Jerabek 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 Chicago Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. In each of the following Sub-Areas, the following uses shall be permitted in this Planned Development:

Sub-Area A: Elderly Housing, Wireless Communication Facilities (Co-Located), Accessory Parking and Accessory Uses.

Sub-Areas B and C: Cultural Exhibits and Libraries; Day Care; Postal Service; Public Safety Services; Animal Services, Sales and Grooming (excluding kenneling); Artist Work or Sales Space; Business Equipment Sales and Service; Restaurants (Limited and General); Outdoor patio (if located at grade level); Bank, Savings Bank, Savings and Loan Association, and Credit Union (excluding drive-throughs); Automated Teller

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Machine Facility (walk-up only); Food and Beverage Retail Sales (Liquor Sales only as an accessory use); Medical Service; Office; Personal Service, including Hair Salon, Nail Salon or Barbershop; Repair or Laundry Service, Consumer, including Dry-cleaning drop-off or pick-up (no on premise plant) and coin-operated laundromat; Retail Sales, General; Manufacturing, Production and Industrial Services, Limited (catering & shared kitchen only); 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 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 Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a Net Site Area of 240,150 square feet.

9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610, 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, including Section 17-13-0800. Final landscape plan review and approval will be by the Department of Planning and Development. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
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, Fleet and Facility Management and Buildings, under Section 13-32-085, or any other provision of the Municipal Code of Chicago.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A 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.

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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 maximizes the preservation of 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. Prior to the Part II Approval (Section 17-13-0610 of the Chicago Zoning Ordinance) in Sub-Area(s) B and C, the Applicant shall submit a site plan, landscape plan and building elevations for the specific Sub-Area(s) for review and approval by the Department of Planning and Development (DPD). Review and approval by DPD is intended to assure that specific development components substantially conform with the Planned Development (PD) and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals (Section 17-13-0800) need only include that portion of the Property for which approval is being sought by the Applicant. If the Applicant is seeking

approval for a portion of the property that represents less than an entire Sub-Area, the Applicant shall also include a site plan for that area of the Property which is bounded on all sides by either public Rights-of-Way or the boundary of the nearest Sub-Area. The site plan provided shall include all dimensioned and planned street Rights-of-Way.

No Part II Approval for Sub-Area B or C, respectively, shall be granted until Site Plan approval has been granted for such Sub-Area. Following approval by DPD, the approved Sub-Area Site Plan Approval Submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the PD.

After approval of a Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement 12. In the event of any inconsistency between approved plans and the terms of the PD, the terms of the PD 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 floor area ratio, uses to be established, building heights and setbacks. An updated traffic study.

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Sub-Area Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the PD.

16. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the foregoing, DPD may request such additional information as the department determines may be necessary or

useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

17. The Applicant acknowledges and agrees that the rezoning of the Property from RS2 Residential Single-Unit (Detached House) District, B3-2 Community Shopping District and C1-2 Neighborhood Commercial District to B3-3 Community Shopping District, and then to this Planned Development, and the receipt of financial assistance from the City in the form of TIF and other funding trigger 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 20% of the housing units in the residential housing project (the "Required Units") as affordable units; (ii) pay a fee in

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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, and that projects that receive financial assistance from TIF funds must provide one-half of the "Required Units" to be affordable to households earning up to sixty percent (60%) of the area median income and one-half of the Required Units to be affordable to households earning up to fifty percent (50%) of the area median income. The Property is located in a "low-moderate income area" within the meaning of the ARO; the project has a total of 134 units; and the project will receive TIF funds from the City. As a result, the Applicant's affordable housing obligation is 27 affordable units (20% of 134 units rounded up), 7 of which are Required Units (25% of 27). The Applicant agrees that 13 of 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; and 14 of the affordable rental units must be affordable to households earning no more than 50% 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 17, 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 agreement(s) 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.

18. This Planned Development shall be governed by Section 17-13-0612. 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 (Community Shopping District).

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

Gross Site Area:	308,093 square feet (7.073 acres)
Area Remaining in Public Right of Way	67,943 square feet (1.56 acres)
Net Site Area:	240,150 square feet (5.513 acres)
Sub-Area A: Gross Site Area: Net Site Area:	167,954 square feet 152,677 square feet
Sub-Area B: Gross Site Area: Net Site Area:	71,973 square feet 43,886 square feet
Sub-Area C: Gross Site Area: Net Site Area:	68,165 square feet 43,586 square feet
Maximum Number of Dwelling Units:	134 Dwelling Units (Elderly Housing)
Maximum Number of Dwelling Units in Sub-Area A: Maximum Number of Dwelling Units in Sub-Area B: Maximum Number of Dwelling Units in Sub-Area C:	134 Dwelling Units (Elderly Housing) 0 Dwelling Units 0 Dwelling Units

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Maximum Floor Area Ratio for all Sub-Areas:	1.0 1.0 1.0 1.0
Maximum Floor Area Ratio in Sub-Area A:	
Maximum Floor Area Ratio in Sub-Area B:	
Maximum Floor Area Ratio in Sub-Area C:	

Minimum Number of Off-Street Total Parking 94 Spaces Per the zoning ordinance for
Spaces: Minimum Number of Off-Street Parking B dash 3 uses Per the zoning ordinance
Spaces in Sub-Area A: Minimum Number of Off- for B dash 3 uses
Street Parking Spaces in Sub-Area B: Minimum
Number of Off-Street Parking Spaces in Sub-Area
C:
Off-Street Loading Spaces: Off-Street Loading 1 (10' x 25')-In Sub-Area A Per the
Spaces in Sub-Area A: Off-Street Loading Spaces zoning ordinance Per the zoning
in Sub-Area B: Off-Street Loading Spaces in Sub-ordinance
Area C:
Minimum Required Setbacks: In substantial conformance with the
Site Plan
Maximum Building Height of the top floor per 71'0" (81'0" to top of elevator overrun)
Section 17-17-0311 of the Zoning Ordinance:
Minimum Bicycle Parking 20 Spaces

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF
CHICAGO

MEMORANDUM

To:

Alderman Daniel L-5. Solis Chairman, C/ft/Council Committee
on Zoning

From: >-/v
David L. Reifman
Commissioner

Department of Planning and Development Date: April

19,2018

Re: Proposed Planned Development (generally located at 9329-9429 S. Stony Island Avenue)

On April 19, 2018, the Chicago Plan Commission recommended approval of a proposed Planned Development submitted by the Applicant, Montclare Calumet Heights, LLC. The Planned Development would authorize the construction of a seven-story, 134 elderly dwelling unit building with accessory parking and two, separate, commercial outlots to be developed in subsequent phases. A copy of the proposed ordinance, planned development statements, exhibits and bulk table are 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.

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

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