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Legislation Details (With Text)

File #: SO2019-3406
Type: Ordinance **Status:** Passed
File created: 4/10/2019 **In control:** City Council
Final action: 7/24/2019
Title: Zoning Reclassification Map No. 7-F at 3111-3119 n Broadway - App No. 20024
Sponsors: Misc. Transmittal
Indexes: Map No. 7-F
Attachments: 1. O2019-3406.pdf, 2. SO2019-3406.pdf

Date	Ver.	Action By	Action	Result
7/24/2019	1	City Council	Passed as Substitute	Pass
4/10/2019	1	City Council	Referred	

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SUBSTITUTE ORDINANCE

BO. IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION I: That Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, be amended by changing all B3-5, Community Shopping District symbols and designations as shown on Map No. 7-F in the area bounded by

a line 100 feet south of and parallel to West Briar Place; a line 17.50 feet east of and parallel to North Broadway; a line 135.00 feet south of and parallel to West Briar Place; a line 150.00 feet east of and parallel to North Broadway; a line 212.92 feet south of and parallel to West Briar Place; and North Broadway,

to the designation of a Residential Business Planned Development, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part thereof and to no others.

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

Applicant: 3115 Properties LLC Address: 3111-3119 N. Broadway

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Residential-Business Planned Development No.

Planned Development Statements

1. The area delineated herein as Planned Development Number _____, ("Planned Development") consists of approximately 15,786 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). 3115 Properties, LLC is the "Applicant" and owner of the Property for this Planned Development.
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 titleholders 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 titleholder 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.
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.

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 Chicago. Prior to the issuance of any Part II Approval, the submitted plans must be approved by the Department of Transportation. The Applicant shall enter into an agreement with the Department of Transportation to implement the provisions of this Statement 3. Such agreement shall be recorded against the Property prior to the issuance of any Part II Approval.

4. This plan of development consists of 17 Statements; a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and

Properly Line Map; Site Plan; Landscape Plan; and Building Elevations (North, East, South and West) prepared by Hirsch MPG Architecture and Planning dated May 2^d, 201^e) and 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 Chicago Zoning Ordinance, this Planned Development shall control.

5. The following uses are permitted in the area delineated herein as a Planned Development: dwelling units located above the ground floor; artist live/work space located above the ground floor; artist work or sales space; retail; day care; cultural exhibits and libraries; office/commercial; assisted living (elderly custodial care); community home; community gardens; entertainment and spectator sports; postal services; public safety services; domestic violence residence (family) located above the ground floor; minor utilities and services; building maintenance services; business equipment sales and services; employment agencies; veterinary care; animal sales and grooming; eating and drinking establishments; liquor sales; financial services; bed and breakfasts; vacations rentals; shared housing units; medical services; personal services; repair/laundry services; , residential storage warehouse; indoor urban farms; auto supply/accessory sales; motor vehicle repair shop, not including body work, painting or commercial vehicle repairs; light equipment sales/rental; indoor communication service establishments; building materials sales; co-located wireless communication facilities; class I recycling facilities; accessory and non-accessory parking and related; incidental and accessory uses.
6. On-premises 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-premises 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 used a net site area of 15,786 square feet and a base FAR of 5.0.
9. Upon review and determination, Part II Review, pursuant to Section J 7-13-0610, 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-

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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 titleholders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct, renovate, and maintain all buildings 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 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 Department of Planning and Development ("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 percent MBE and 6 percent WBE participation (measured against the total construction budget for the project or any phase thereof), and *(ii) 50 percent 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

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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 forgoing, 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.

16. The Applicant acknowledges and agrees that the transition of the Property to this Planned Development, triggers the requirements of Section 2-44-080 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 ("ARO Units") as affordable units, or with the approval of the commissioner of the Department of Housing (subject to the transition provisions of Section 2-44-040(c)), in consultation with the commissioner of the Department of Planning and Development ("DPD") as appropriate; (ii) pay a fee in lieu of the development of the ARO Units (Cash Payment); 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 ARO Units on-site or off-site (Required Units). If the developer elects to provide ARO Units off-site, the off-site ARO Units must be located within a two-mile radius from the residential housing project and in the same or a different higher income area or downtown district. The Property is located in a higher income area within the meaning of the ARO, and the project has a total of 72 units. As a result, the Applicant's affordable housing obligation is 7 ARO Units (10% of 72 rounded down), 7 of which are Required Units (100% ARO on-site requirement due to TSL project receiving 4.0 FAR). Applicant has agreed to satisfy its affordable housing obligation by providing 7 ARO Units in the rental building to be constructed in the Planned Development to be approved by the Department of Housing in consultation with DPD as appropriate, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit A. The Applicant agrees that the ARO 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 ARO Units in the Planned Development, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Housing for review and approval, and DOH may adjust the number of required ARO 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

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Applicant must execute and record an affordable housing agreement in accordance with Section 2-44-080(1.). 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 Housing may enforce remedies for any breach of this Statement 16, 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.

17. 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 the B3-5 Community Shopping District.

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Bulk Regulations and Data Table

Grass Site Area (square feet): 19,512

Area of Public Rights-of-Way (square feet):	3,726
Net Site Area (square feet):	15,786
Maximum Floor Area Ratio:	5.00
Maximum Number of Dwelling Units:	72
Minimum Accessory Off-Street Parking Spaces:	36
Maximum Non-Accessory Off-Street Parking Spaces:	24
Minimum Bicycle Parking Spaces:	72
Minimum Off-Street Loading Spaces:	0
Maximum Building Height:	82'-9"
Minimum Setbacks:	Per Plans

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ARO Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the 2015 ARO (all projects submitted to City Council after October 13, 2015). More information is online at www.cityofchicago.org/ARO <<http://www.cityofchicago.org/ARO>>.

This completed form should be returned to the Department of Housing (DOH), 121 N LaSalle Street, 10th Floor, Chicago, IL 60602. E-mail: ARO@cityofchicago.org <<mailto:ARO@cityofchicago.org>>

Date: May 31, 2019 DEVELOPMENT
INFORMATION

Development Name: 3115 N. Broadway

Development Address: 3111-3119

Zoning Application Number, if applicable: 20024

Ward: 44th Ward

If you are working with a Planner at the City, what is his/her name? Heidi Sperry

Type of City Involvement

☐ City Land

☐ Planned Development (PD)

check all that apply

☒ Financial Assistance

☐ Transit Served Location (TSL) project

☐ Zoning increase

REQUIRED ATTACHMENTS: the A.HP will not be reviewed until all required docs are received \7\

ARO Web Form completed and attached - or submitted online on

[7] ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) f/ If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdf) C/ If ARO units proposed are off-site, required attachments are included (see next page) Q If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)

DEVELOPER INFORMATION

Developer Name 3115 Properties LLC

Developer Contact John Mengel

Developer Address 778 W FRONTAGE RD STE 124 NORTHFIELD, IL 60093

Emailjohn@jsmventure.com <mailto:Emailjohn@jsmventure.com> Developer Phone 847-441-9797

AttorneyName Meg George, Akerman LLP

Attorney Phone 312-634-5700

TIMING

Estimated date marketing will begin June 2020 Estimated date of building permit* October 2019 Estimated date ARO units will be complete 3rd Qtr 2020

*the in-lieu fee, recorded covenant and \$5,000 per unit administration fee (for off-site units) are required prior to the issuance of any building permits, including the foundation permit.

PROPOSED UNITS MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)

/s/John Mangel 5/31/2019

Last updated January 11, 2019

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Applicant Contact Information

Name: 3115 Properties LLC Email:

john@jsmventure.com

<mailto:john@jsmventure.com>

Development Information

Printed Date: 05/30/2019
Number To: 3119 Direction: N

Number From: 3111 r Street Name: Broadway

Development Name
3115 Properties LLC

Are you rezoning to downtown?: No

Is your project subject to the ARO Pilots?: 2015 ARO REQUIREMENTS APPLY Information

Ward: 44 ARO Zone: Higher Income

Details

ARO trigger: DP Total units 72

Development type: Rent

TSL	project:	4.0	FAR	(100%	ARO	on-site	requirement)	Date
submitted: 05/31/2019								
Requirements								f \NAL f 0^

Affordable units: 7 *On-site aff. Units: 7

How do you intend to meet your required obligation

On-Site: 7 Off-Site: 0

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 7 In-Lieu Fee Owed: 0

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To: Alderman Thomas M. Tunney
Chairman, City Council Committee on Zoning

Eleanor Gorski
Chicago Plan Commission

Date: June 20, 2019

Re: Proposed Planned Development for the property generally located at 3115 N. Broadway

On June 20, 2019, the Chicago Plan Commission recommended approval of the proposed planned development submitted by 3115 Properties 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's 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
121 NORTH LASALLE STREET, ROOM 1000, CHICAGO, ILLINOIS 60602
PD Master File (Original PD, copy of memo)