



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2022-275
Type: Ordinance
Status: Passed
File created: 1/26/2022
In control: City Council
Final action: 2/23/2022
Title: Zoning Reclassification Map No. 5-H at 1653-1739 W Webster Ave and 2075-2189 N Elston Ave - App No. 20909
Sponsors: Misc. Transmittal
Indexes: Map No. 5-H
Attachments: 1. O2022-275.pdf, 2. SO2022-275.pdf

Date	Ver.	Action By	Action	Result
2/23/2022	1	City Council	Passed as Substitute	Pass
2/22/2022	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
1/26/2022	1	City Council	Referred	

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ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1: That Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, be amended by changing all Residential Business Planned Development 1420 symbols and designations as shown on Map No. 5-H in the area bounded by

West Webster Avenue; Chicago & Northwestern Railroad right-of-way; and North Elston Avenue,

to the designation of a Residential Business Planned Development 1420, as amended, 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 2: This Ordinance shall be in force and effect from and after its passage and due publication.

Applicant: Lionsmane Partner LLC

Address: 1653-1739 W. Webster Ave., and 2075-2189 N. Elston Ave.

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PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential Business Planned Development Number 1420, (Planned Development) consists of approximately 182,024 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (Property). The amendment to this Planned Development only affects Sub-Area A which is owned or controlled by the LMV II Triangle Square Holding, LP, who has provided a confirmation of authority to the Applicant, Lionsmane Partners LLC.
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.
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 reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

Full width of streets Full width of
alleys Curb and gutter

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- 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. Per standard procedure if the timing of any other CDOT public way improvement conflicts with or overlaps the requirements of the Planned Development, the Perimeter Restoration Agreement may be amended to postpone construction, waive requirements, or renegotiate the scope of work required.

Prior to the issuance of the Certificate of Occupancy, the Applicant shall modify the traffic signal at Elston Avenue and Webster Avenue to provide actuated left turn arrows on the north and south approaches of Elston. Additionally, the existing traffic signal on Elston at the development's main access drive must be modified to provide vehicular and pedestrian signal indications on all four legs as well as actuated left turn arrows on both approaches of Elston Avenue.

The applicant shall coordinate with CDOT to jointly request union pacific Railroad/Metra to repair or replace their deteriorating retaining wall along the east border of the Property.

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.

4. This Plan of Development consists of seventeen (17) Statements and a Bulk Regulations Table. This amendment makes no changes to existing zoning map, Planned Development Boundaries, site plan, landscape plan, the sub-areas nor to any of the building elevations. Therefore this amendment incorporates by reference the Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; Site Plan; Landscape Plan; Sub-Area Diagram; and the following plans for Sub-Area C: Site Plan; Landscape Plan; Ground Floor Plan; Second Floor Plan; 3^d-7^h Floor Plan; Building Elevations (North, South, East and West); Condominiums (Sub-Area C) Exterior Facade Detail Section prepared by The Lamar Johnson collaborative and dated November 19, 2020 (City Council pgs. 25598-25612) dated December 16, 2020. Landscape Details; Roof Plan; Typical Green Roof Detail; North Elevation; Southwest Elevation; East Elevation; Site

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Section; Apartments (Subarea A) Exterior Facade Detail Section (City Council Journal pgs. 84956-84963) and 2015 ARO Affordable Housing Profile Form (City Council Journal pgs. 84947-84949) dated September 20, 2018 are incorporated by reference. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. 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. In each of the following Sub Areas, the following uses shall be permitted in this Planned Development (PD):

Sub-Area A: multi-unit (Three plus units) residential, retail sales general, financial services, restaurants, general and limited, liquor sales as an accessory use, food and beverage retail sales with packaged goods and liquor sales as an accessory use, outdoor patio rooftop, sports and recreation, participant - indoor, and accessory parking, of which 25% of the required residential parking (maximum 32 spaces) may be leased out on a daily, weekly or monthly basis to persons who are not residents, tenants, patrons, employees or guests of the principal uses, and accessory and related uses.

Sub-Area B: office, retail sales general, drive-through facility, financial services, restaurants, general and limited, liquor sales as an accessory use, food and beverage retail sales with packaged goods and liquor sales as an accessory use, outdoor patio rooftop, accessory parking, and accessory and related uses.

Sub-Area C: multi-unit (three plus units) residential, outdoor patio rooftop, accessory parking, of which 25% of the required residential parking (maximum 18 spaces) may be leased out on a daily, weekly or

monthly basis to persons who are not residents, tenants, patrons, employees or guests of the principal uses, and accessory and related uses.

Sub-Area D: Setback required for potential proposed infrastructure improvements.

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

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identified in the Bulk Regulations and Data Table has been determined using a net site area of 182,024 square feet and an overall base FAR of 3.00.

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.
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 new 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 newly constructed 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 new 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 DPD, as part of its application for planned development approval, an M/WBE Participation

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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 (i) 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 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 of the December 16, 2020 Planned Development amendment, acknowledges and agrees that the September 20, 2018, rezoning of the Property from M3-3 to C2-3, and then to this Planned Development (PD), triggered the requirements of Section 245-115 of the Municipal Code of Chicago (Affordable Requirements Ordinance or ARO) which is still applicable to this amendment. 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, or with the Commissioner of the Department of Planning and Development's (DPD) approval, provide the Required Units in an approved off-site location; (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 or off-site. If the developer elects to provide affordable units off-site, the off-site affordable 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 370 units. As a result, the Applicant's affordable housing obligation is 37 affordable units (10% of 370), 9 of which are Required Units (25% of 37, rounded down). Applicant has agreed to satisfy its affordable housing obligation by providing 9 affordable units in the rental building to be constructed in the PD and making a cash payment to the Affordable Housing Opportunity Fund in the amount of \$128,469 per unit (Cash Payment) for the remaining 28 affordable units, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit A. The Applicant

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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 PD, the Applicant shall update and resubmit the Affordable Housing Profile Form to DPD for review and approval; DPD may adjust the number of required Affordable Units without amending the PD. Prior to the issuance of any building permits for any residential building in the PD, 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 PD, 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 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 PD.

17. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to Residential Business Planned Development 1420 dated December 16, 2020.

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Residential-Business Planned Development No. 1420, As Amended. Bulk Regulations And Data

Table

Net Site Area:

Gross Site Area:

Area in Right-of-Way:

Maximum FAR:

Maximum FAR Buildable Area:

182,024 square feet (4.18 acres) 236,088 square feet (5.41 acres) 54,064 3.00

546,072 square feet

Net Site Areas by Subarea: Subarea A: Subarea B: Subarea C: Subarea D:

120,812 square feet 19,826 square feet 32,722 square feet 8,344 square feet

FAR Building Areas by Subarea (1):

Subarea A:

Subarea B:

Subarea C:

Subarea D:

380,500 square feet 24,000 square feet 141,572 square feet 0 square feet

(1) The Maximum FAR Buildable Area as allocated to the subareas herein may be transferred and shifted among said subareas pursuant to a Section 17-13-0811 Minor Change Request.

Applicant:

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Introduced:

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FAR by Subarea (1): Subarea A: Subarea B: Subarea C: Subarea D:

3.14952157 1.210532 4.326508 0.00

Maximum Height by Subarea: Subarea A: Subarea B: Subarea C: Subarea a

95 feet 40 feet 98 feet 0

Maximum Number of Residential Units:

Subarea A: Subarea B: Subarea C: Subarea D:

298 0

72 0

Maximum Accessory Parking Spaces:

Subarea A:

Subarea B:

Subarea C:

Subarea D:

343 car spaces

260

11

72

0

(1) The Maximum FAR Buildable Area as allocated to the subareas herein may be transferred and shifted among said subareas pursuant to a Section 17-13-0811 Minor Change Request.

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Minimum Bike Parking Spaces:

Subarea A:

Subarea B:

Subarea C:

Subarea D:

231 bike spaces

159

0

72 0

Minimum Off-Street Loading Spaces:

Subarea A:

Subarea B:

Subarea C:

Subarea D:

5 4 0 1 0

Minimum Setbacks: Subarea A: Subarea B: Subarea C: Subarea D:

Per Plans Per Plans Per Plans Per Plans

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Application #20909 To: Clerk

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF
CHICAGO

MEMORANDUM

To: Alderman Tom Tunney
Chairman, City Council Committee on Zoning

From: ^y/f^^-l\ Maurice D. Cox J
Chicago Plan Commission

Date: February 17, 2022

Re: Proposed Amendment to Residential Business Planned Development No. 1420 (1653-1739 West Webster Avenue and 2075-2189 North Elston Avenue)

On February 17, 2022, the Chicago Plan Commission recommended approval of the proposed amendment to Residential Business Planned Development No. 1420, submitted by Lionsmane Partners LLC. The applicant proposes to amend Residential Business Planned Development No. 1420 to add "Sports and Recreation, Participant - Indoor" as a permitted use in Sub-Area A. No changes are proposed to the existing approved improvements in the Planned Development. A copy of the proposed ordinance, planned development statements, 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 recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Emily Thrun at 312-744-0756.

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

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