



Office of the City Clerk

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Legislation Details (With Text)

File #: SO2022-2744
Type: Ordinance **Status:** Passed
File created: 9/21/2022 **In control:** City Council
Final action: 10/26/2022
Title: Zoning Reclassification Map No. 1-J at 3833-3859 W Chicago Ave, 739-757 N Springfield Ave and 746-756 N Avers Ave - App No. 21139
Sponsors: Misc. Transmittal
Indexes: Map No. 1-J
Attachments: 1. O2022-2744.pdf, 2. SO2022-2744.pdf

Date	Ver.	Action By	Action	Result
10/26/2022	1	City Council	Passed as Substitute	Pass
10/25/2022	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
9/21/2022	1	City Council	Referred	

ORDINANCE

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the C1-1, Neighborhood Commercial District symbols and indications as shown on Map Number 1-1 in the area bounded by:

a line 210.6 feet south of and parallel to West Chicago Avenue; North Springfield Avenue; West Chicago Avenue; North Avers Avenue; a line 122 feet south of and parallel to West Chicago Avenue; and a line 120.25 feet east of and parallel to West Chicago Avenue

to those of B3-2, Community Shopping District.

SECTION 2: That the Chicago Zoning Ordinance be amended by changing all of the B3-2, Community Shopping District symbols and indications as shown on Map Number 91-B in the area bounded by:

a line 210.6 feet south of and parallel to West Chicago Avenue; North Springfield Avenue; West Chicago Avenue; North Avers Avenue; a line 122 feet south of and parallel to West Chicago Avenue; and a line 120.25 feet east of and parallel to West Chicago Avenue

to those of Residential Business Planned Development [J, which is hereby established in the area above described, subject to such use and bulk regulation as set forth in the Plan of Development herewith attached and made a part hereof and to no others.

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

Common Address: 3833 - 3859 W. Chicago Avenue; 739-757 N. Springfield Avenue;

746-756 N. Avers Avenue

FINAL FOR

PUBLICATION

RESIDENTIAL BUSINESS PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential Business Planned Development No. (the "Planned Development") consists of a net site area of approximately 41.638 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property"). The applicant for this Planned Development is 548 Development, LLC (the "Applicant"). The Property is owned in part by the City of Chicago and in part by 548 Development, 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 of the Zoning Ordinance.

3. All applicable official reviews, approvals or permits are required to be obtained by any owner of the Property, as applicable, or its successors, assigns or grantees, which require such reviews, approvals or permits. 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 ("CDOT") on behalf of the applicable Property owner, its successors, assigns or grantees, seeking such action.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans (as defined below).

Ingress or egress shall be pursuant to the Planned Development and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction 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 CDOT Construction Standards for Work in the Public Way and in compliance with the Municipal Code of Chicago. The Applicant shall cooperate with CDOT to ensure the design of any adjacent public way is acceptable and consistent with surrounding public way and CDO T plans. The site plan shall detail the specific improvements and necessary infrastructure upgrades,

which shall be incorporated into the site plan approval.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between CDOT'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

Applicant 54S Development, LLC

Address 3833 - 3K59 W. Chicago Avenue, 739-757 N. Springfield Avenue, 7-16-75n N Avers Avenue

FINAL FOR Introduction Date. September 21, 2022

Plan (Ymmission'nal October 20, 2022 PUBLICATION

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include, but not be limited to, the following as shall be reviewed and determined by the CDOT'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 CDOT and DPD Part II review permitting. The Perimeter Restoration Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with CDOT'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 CDOT'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 CDOT.

4. This Planned Development consists of 18 Statements: a Bulk Regulations and Data Table and the following Exhibits:

Exhibit 1 Existing Zoning Map Exhibit 2 Land Use
Map

Exhibit 3 Planned Development Boundary and Property Line Map Exhibit 4 Planned
Development Site Plan Exhibit 5 Elevations Exhibit 6 Landscape Plans

prepared by Lamar Johnson Collaborative (collectively, the "Plans"). In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Chicago 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 within the Planned Development: Multi-unit residential located on the ground floor and above the ground floor; Community Center; Food and Beverage Retail Sales With Liquor Sales as Accessory Use Only; Repair Or Laundry Service, Consumer; Retail Sales, General; Accessory Parking and Accessory Uses.

Applicant 54N Development, LLC

Address: 3833 - 3X59 W. Chicago Avenue; 739-757 N. Springfield Avenue. 746-756 N. Avers Avenue FINAL FOR Introduction Date: September 21, 2022

Plan Commission Date: October 20, 2022 PUBLICATION

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 a net site area of 41,638 square feet and a base FAR of 2.2.
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 and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
10. The Site and Landscape Plan shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. 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 Plans are hereby approved in their entirety and no further approvals shall be required under this Planned Development or the Zoning Ordinance for any use contemplated herein which is located or established in, on, over or above the improvements, facilities and spaces undertaken in accordance with the Plans other than Part II Approval (per Section 17-13-0610 of the Zoning Ordinance).
12. 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.
13. Subject to the provisions of Statement No. 2 of this Planned Development, 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 titleholders and any ground lessors.
14. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes and enables universal access throughout the Property as required by law. Plans for all new buildings and improvements on the Property constructed after the date hereof 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.

Applicant: 548 Development, LLC

Address 3833 - 3859 W Chicago Avenue; 739-757 N Spungliel Avenue. 746-750 N. Avers Avenue FINAL FOR Introduction Date September 21, 2022

Plan Commission Date: October 20, 2022 PUBLICATION

15. 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.

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 C1-1 Neighborhood Commercial District to B3-2 Community Shopping District and then to this Planned Development ("PD") is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The PD is located in a "community preservation area" within the meaning of the ARO and permits the construction of 60 dwelling units. The Applicant intends to construct a 60-unit rental building (the "Project").

Applicant: 548 Development, LLC

Address: 3833 - 3859 W. Chicago Avenue, 739-757 N Springfield Avenue. 746-756 N Avers Avenue FINAL FOR Introduction Date. September 21, 2022

Plan Commission Date: October 20, 2022 PUBLICATION

4

Eighty percent of the rental units in the Project will be affordable. It is anticipated that the Project will be financed with Low-Income Housing Tax Credits, tax increment financing, and other forms of financial assistance ("Affordable Housing financial Assistance"). Such Affordable Housing Financial Assistance imposes affordability requirements (the "Financing Requirements") that exceed the ARO requirements. As a result, the Financial Requirements shall govern the Applicant's obligation to provide affordable housing in the PD.

In addition to the Affordable Housing Financial Assistance described above, the Applicant is receiving a cash payment from the developer of Waterway Business-Residential Planned Development No. 1438 (the "Lincoln Yards Developer") in the amount of \$4,771,084 (as adjusted in accordance with the ARO, the "Cash Payment"), pursuant to Ordinance Number 02018-6029, adopted by the City Council on March 13, 2019. The Cash Payment is equivalent to the "in lieu"

fee that would otherwise be due and payable to the City for the construction of a 341-unit rental building at 1687 N. Throop Street in PD 1438. The Lincoln Yards Developer has agreed to deposit the Cash Payment into an escrow account for the construction of the Project. The City shall release the escrowed funds to Applicant or, at the City's option, to the construction escrow account for the Project, at the closing of the construction financing for the Project.

If, for any reason, the Applicant does not receive the anticipated Affordable Housing Financial Assistance and the Project is not subject to Financing Requirements that exceed the ARO requirements, then the Applicant shall comply with the ARO, and the Cash Payment shall be released to the City for deposit in the City's Affordable Housing Opportunity Fund immediately upon written notice from the City.

18. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Zoning Administrator shall initiate a Zoning Map Amendment to rezone the property to B3-2, Community Shopping District.

Applicant 548 Development, LLC
Address- 3833 - 3859 VV. Chicago Avenue: 739-757 N Springfield Avenue: 746-756 N Avers Avenue
Introduction Date. September 27, 2022
Plan Commission Date October 20, 2022 PUBLICATION

FINAL FOR

5

RESIDENTIAL BUSINESS PLANNED DEVELOPMENT BULK REGULATIONS
AND DATA TABLE

Site Area

Gross Site Area 69,982 sq. ft

Public Right-of-Way: 28,344 sq. ft.

Net Site Area: 41,638 sq. ft.

Maximum Floor Area Ratio: 2.2

Off-Street Parking Spaces:	30
Off-Street Loading Spaces:	1
Bike Spaces:	20 residential: 12 retail
Maximum Building Height:	58'

Applicant. 548 Development. LLC
Address" 3833 - 3859 W. Chicago Avenue; 739-757 N Springfield Avenue, 746-756 N Avers Avenue
Introduction Date. September 2 L 2022
Plan Commission Dale October 20. 2022 PUBLICATION

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Application #21139

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

Alderman Thomas Tunney
Chairman, City Council Committee on Zoning

From
Maurice D. Cox

Chicago Plan Commission Date: October 20,

2022

Rc: Proposed Residential Business Planned Development (Application #21139)

On October 20, 2022, the Chicago Plan Commission recommended approval of a proposed Residential Business Planned Development submitted by 548 Development, LLC. A copy of the proposed ordinance, planned development statements, bulk table and exhibits 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 744-5798.

Cc: Noah Szafraniec

PD Master File (Original PD, copy of memo)

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