



# Office of the City Clerk

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## Legislation Text

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File #: SO2012-8192, Version: 1

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# FINAL FOR PUBLICATION

### SUBSTITUTE 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 Business-Residential-Transportation Planned Development 641 District symbols and indications as shown on Map No. 19-H in the area bounded by

West Howard Street; North Clark Street; a line 75 feet south of an parallel to West Howard Street; a line 153.84 feet east of the east line of North Clark Street along the south line of West Howard Street and perpendicular to West Howard Street; West Howard Street; the east line of the Chicago Transit Authority right-of-way (Chicago, Milwaukee, St. Paul and Pacific Railroad); north Rogers Avenue; a line 767 feet southwest of the east line of the Chicago Transit Authority right-of-way (Chicago, Milwaukee, St. Paul and Pacific Railroad) and parallel to North Pauline Street; a line 187.58 feet north of North Rogers Avenue, measured from the centerline of North Rogers Avenue and parallel to West Birchwood Avenue; the west line of the alley next east of North Clark Street; a line extending southwesterly and generally parallel to West Birchwood Avenue, from a point 225 feet south of West Birchwood Avenue extending southwest and perpendicular to North Clark Street at a point 262.5 feet south of West Birchwood Avenue; North Clark Street; West Birchwood Avenue; and the east lien of the Chicago and Northwestern Railroad to the point of beginning

to those of a Business-Residential-Transportation Planned Development 641 District as amended.

SECTION 2. This ordinance takes effect after its passage and due publication.

Common Address of Property:

7450-7474 North Rogers/ 1643-1647 North Howard/ 7429-7546 North Clark. Chicago. Illinois

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*Business-Residential-Transportation Planned Development Number 64  
J, As Amended.*

### *Plan of Development Statements.*

The area delineated herein as a Business-Residential-Transportation Planned Development, as amended (the "Planned Development") consists of 659,636.70 square feet (approximately 15.14 acres) of net property (the "Property") as shown on the drawing attached hereto entitled "Planned Development and Property Line Boundary Map" and the plan of the development is to be amended by the Cave Enterprises Operations, LLC (the "Applicant").

The Applicant or the owners and legal titleholders of the Property (singly, the "Owner" and collectively, the "Owners") or their respective successors, assignees or grantees, as applicable, shall obtain all necessary federal, state and local approvals and permits, and all other official reviews, approvals and permits required in connection with this Planned Development. Any dedication or vacation of streets or alleys or easements or any adjustment of City rights-of-way shall require a separate submittal on behalf of the Applicant or any Owner, as applicable and their respective successors, assignees or grantees, and approval by the City Council.

The requirements, obligations and conditions contained within this Planned Development shall be binding upon the Owners of the Property, and their respective successors and assigns (including any condominium or homeowners' association which is formed), grantees and lessees. All rights granted hereunder shall inure to the benefit of the Owners and their successors, assignees or grantees (including any homeowners' association which is formed). Furthermore, pursuant to the requirements of Article 17-8-0400 of the Chicago Zoning Ordinance, the Property, or any portion thereof designated herein as a subarea, shall be under single ownership or unified control at the time any applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made. Unified control for purposes of this paragraph shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the Owners of the Property, or any portion thereof designated herein as a subarea, and any ground lessors (and where a condominium or homeowners' association is

formed, on behalf of the condominium owners or homeowners, by said association).

This Planned Development consists of these fifteen (15) statements and the following exhibits:

Exhibit A - Bulk Regulations and Data Table.

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Exhibit B -- Planned Development and Property Line Boundary Map.

Exhibit C -- Existing Land-Use Map.

Exhibit D - Existing Zoning Map.

Exhibit E - Planned Development subarea Map.

Exhibit F - Generalized Land-Use Map.

Exhibit G - Subarea A Boundary Map.

Exhibit H - Subarea B Boundary Map.

Exhibit I ~ Subarea C Boundary Map.

Exhibit J - Subarea D Boundary Map.

Exhibit K. - Subarea E Boundary Map.

Exhibit L ~ Subarea E Landscape/First Floor Plan.

Exhibit M ~ Subarea E Second Floor Plan.

Exhibit N - Subarea E Third Floor Plan.

Exhibit O - Building Elevations, Subarea E.

Exhibit P ~ Building Elevations, Subarea E.

Exhibit Q - Building Elevations, Subarea E.

Exhibit R - Site Plan/Landscape Plan for Retail Outlot, Subarea B.

Exhibit S ~ Building Elevations for Retail Outlot, Subarea B.

A full size of the Floor Plans, Site Plans, Landscape Plans and Building Elevations is on file

with the Department of Housing and Economic Development.

5. The following uses shall be permitted within the boundaries of the Planned Development:

Subarea A: Retail, offices, ground floor auto repair, body and painting establishments, outdoor or indoor accessory and non-accessory parking, storage,

public transportation uses including bus stations and train stations, public open space, and all uses which are permitted uses in the B3-2 Community Shopping District, except residential.

Subarea B:

Retail, drive-through restaurants, restaurants, outdoor or indoor accessory and non-accessory parking, public open space, storage and all uses which are permitted uses in the B3-2 Community Shopping District, except residential.

Subarea C:

Residential units for the elderly and dwelling units for staff and employees for such facilities, public and private open space, outdoor or indoor accessory parking, and all other uses which are accessory to residential units for the elderly.

Subarea D:

Drive-through banks, and other drive-through facilities, public open space, outdoor or indoor accessory and non-accessory parking, and all uses which are permitted uses in the B3-2 Community Shopping District, except residential.

Subarea E:

Public transportation uses including bus stations and train stations, public open space, and all uses which are permitted uses in the B3-2 Community Shopping District, except residential.

Permitted uses are subject to the Bulk Regulations and Data Table and related controls which are made a part of this Plan of Development.

6. Business and business identification signs and residential identification signs shall be permitted within the Planned Development subject to the review and approval of the Department of Housing and Economic Development. Temporary signs such as construction and marketing signs may be permitted subject to the aforesaid approvals. A maximum of three (3) pylon signs shall be allowed. All other signage shall be restricted to glazed areas or to sign bands, and shall be designed and located consistently as part of a sign package for the complex.

7. Any service drive or other ingress or egress shall be adequately designed and paved to provide ingress and egress for motor vehicles, including emergency vehicles, in accordance with the regulations of the

Department of Streets and

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Sanitation, and shall be in compliance with the Municipal Code of the City of Chicago. There shall be no parking within such paved areas. Ingress and egress shall be subject to the review and approval of the Departments of Transportation and Housing and Economic Development.

8. In addition to the maximum height of the buildings and any appurtenance hereto prescribed in the Planned Development, the height of any improvement shall also be subject to height limitations as approved by the Federal Aviation Administration.
9. The maximum permitted floor area ratio ("F.A.R.") shall be in accordance with the attached Bulk Regulations and Data Table. For purposes of floor area ratio (F.A.R.) calculations, the definitions contained in the Chicago Zoning Ordinance shall apply.
10. The improvements on the Property, including the buildings, exterior landscaping along the adjacent rights-of-way, and all entrances and exits to and from the buildings and their associated parking and loading areas shall be designed, constructed and maintained in substantial conformance with the exhibits described in Statement 4 hereof. In addition, the improvements on the property shall be subject to the following development parameters:
  - A. Landscape Design: All projects submitted to the Department of Housing and Economic Development shall have a Landscape Plan. The Landscape Plan shall continue the planting design traditions established in the City of Chicago for other retail and mixed-use developments, consisting of lawns, canopy shade trees, ornamental flowering trees and shrubs and flower beds where appropriate. In addition, the Landscape Plan shall adhere to the parkway planting provisions of the Chicago Zoning Ordinance and corresponding guidelines and regulations for installation of shade trees along the City parkways.
  - B. Parking Lot Landscaping: Parking lots and pedestrian walks shall meet the Landscape Ordinance minimum, and shall provide clustered areas of planting to soften the effect of the large parking lot.
  - C. Plaza Area Landscaping: The plaza area shall be improved with landscaped areas, benches, lighting and decorative pavement. Artwork and/or fountains are encouraged in addition to the above.
  - D. Unified Design: Differences in scale between the buildings, atrium and retail wings within Subarea B shall be resolved by means of similar materials, proportions, and by consistent architectural elements such as canopies, piers, lighting, et cetera.

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- E. Building Materials: The predominant material visible from public streets, parking lots and C.T.A. rights-of-way shall be brick masonry with stone or concrete accents to complement the character of the surrounding neighborhood. Dryvit or other stuccolike material shall be prohibited.
- F. Building Articulation: The upper floors of the building facing the parking lot shall have glazing, tile, metal or stone artwork, or other relief so as to avoid the appearance of blank masonry walls.
- G. Facades Facing Public Streets: All facades facing public streets, parking lots, and C.T.A. rights-of-way shall be pedestrian-oriented by their use of glass storefronts, decorative brickwork, landscaping, et cetera, at the ground level. In particular, the retail wing facing West Howard Street on the north side and the parking lot on the south side shall have storefront windows and pedestrian entrances at street level on both sides. Also, the grocery store wing closest to and facing Clark Street shall have at least fifty percent (50%) glazing and shall be treated as a primary facade due to its high visibility.
- H. Design Enhancements: The use of contemporary, festive design forms and features is encouraged.
- I. Loading Locations: Loading areas shall be situated and designed to minimize their visibility and to cut down on noise.
11. The Owner acknowledges that it is in the public interest to design, construct and maintain all buildings and improvements on the Property in a manner which promotes energy efficiency and maximizes the conservation of energy resources. The Owner shall use best and reasonable efforts to design, construct and maintain all buildings located within this Planned Development in an energy efficient manner, generally consistent with the most current energy efficiency standards published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("A.S.H.R.A.E.") and the Illuminating Engineering Society ("I.E.S."). Copies of these standards may be obtained from the Department of Housing and Economic Development.
12. The Owner acknowledges that it is in the public interest to design, construct and maintain the buildings to be constructed within this Business-Transit Planned Development in a manner which promotes, enables, and maximizes universal access throughout the Property. Plans for all buildings and improvements to be constructed on the Property shall be reviewed and approved by

the Mayor's Office for People with Disabilities ("M.O.P.D.") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and

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to promote the highest standard of accessibility. No approvals shall be granted pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement.

13. The terms, conditions and exhibits of the Planned Development ordinance may be modified administratively by the Commissioner of the Department of Housing and Economic Development upon the request of the Applicant or the Owners of the Property, or with respect to minor changes affecting a Subarea, the Owners of the Property within said Subarea, and after a determination by the Commissioner that such modification is minor, appropriate and consistent with the nature of the development of the Property contemplated in this Planned Development ordinance. Any such modification shall be deemed to be a minor change in the Planned Development Ordinance as contemplated by Section 17-13-0611 of the Chicago Zoning ordinance. Notwithstanding the provisions of the subclause (4) of Section 17-13-0611 of the Chicago Zoning Ordinance, such minor changes may include a reduction in the minimum required distance between structures, and reduction in the periphery setbacks, or an increase of the maximum percent of land covered.
14. The Applicant and owners of the Property, their successors, assigns or grantees, as applicable, hereby acknowledge that the parking garage located at 7474 North Rogers Avenue in Subarea A may be conveyed in the future to the Chicago Transit Authority ("C.T.A."). In the event that the C.T.A. acquires the parking garage and subsequently demolishes it, the remaining buildings and uses in the Planned Development shall be allowed to remain in operation and shall not be considered a nonconforming development with respect to parking and loading as defined in the Chicago Zoning Ordinance. It is the intent of this paragraph that the buildings and uses located in this Planned Development shall remain lawfully established uses notwithstanding the demolition of the parking garage. No additional parking spaces or loading berths will be required to replace the parking spaces and loading berths of the demolished parking garage.
15. Unless substantial construction has commenced within six (6) years following adoption of this amended Planned Development, and unless completion is thereafter diligently pursued for the construction of the restaurant with drive through within sub area B, then this Planned Development shall expire and the zoning of the Property shall automatically revert to that of planned development No. 641 dated December 12, 2006. The six (6) year period may be extended for up to one (1) additional year if, before expiration, the Commissioner of the Department of Housing and Economic Development determines that good cause for an extension is shown.

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*Exhibit 'A ". Business-Residential Transportation  
Planned Development Number 641, As Amended.*

*Planned Of Development Bulk Regulations And Data Table.*

### Site Area:

**Gross Site Area = Net Site Area + Area Remaining in Public Right-Of-Way:**

Subarea	Gross Site Area		Net Site Area		Floor Area
	Square Feet (Acres)		Square Feet (Acres)		Ratio
Subarea A	152,869.41	(3.51)	84,642.00	(1.94)	0.815
SubareaB	514,650.50	(11.81)	456,362.20	(10.48)	0.8
Subarea C	46,654.00	(1.07)	32,950.70	(0.76)	3.4
Subarea D	88,852.90	(2.04)	51,125.60	(1.17)	0.1
Subarea E	75,352.19	(1.73)	34,556.20	(0.79)	1.3
TOTAL:	878,379.00	(20.16)	659,636.70	(15.14)	

**Area Remaining in Public Way: 218,742.30 square feet (5.02 acres)**

### Loading:

Minimum Subarea	
Berths	
Subarea A	1



Subarea B	9
Subarea C	1
Subarea D	0
Subarea E	0
<b>TOTAL:</b>	<b>11</b>

Subarea

Subarea A

Subarea B

Subarea C

Subarea D

Subarea E TOTAL: Dwelling Units:

Subarea C Building Height:

Subarea Subarea A Subarea B Subarea C Subarea D Subarea E

Minimum Periphery Setbacks: Maximum Percent Site Coverage:  
Percentage Of Requirement

12 1

2 0 28

**2%**

**2% 3% 7%**

**2%**

Remarks

From Lowest Elevation

In accordance with Site Plan

In accordance with Site Plan

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