



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Text

File #: SO2014-5794, Version: 1

# 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, the Chicago Zoning Ordinance, is hereby amended by changing all of the RM-5 Residential Multi-Unit District and POS-1 Parks and Open Space District symbols and indications as shown on Map No. 8-E in the area bounded by:

**South Dr. Martin Luther King Drive, East Pershing Road, South Rhodes Avenue and a line parallel to and the centerline of East 38th Street or East 38th Street extended where no street exists (approximately 632 feet north of East Pershing Road)**

to those of a B3-3 Community Shopping District symbols and a corresponding use district is hereby established in the above described area.

SECTION 2. Title 17 of the Municipal Code, 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. 8-E in the area bounded by:

**South Dr. Martin Luther King Drive, East Pershing Road, South Rhodes Avenue and a line parallel to and the centerline of East 38th Street or East 38th Street extended where no street exists (approximately 632 feet north of East Pershing Road)**

to those of a Business Planned Development which is hereby established in the above described area subject to such use and bulk regulations as are set forth in the Business Planned Development Plan of Development Statements attached hereto.

SECTION 3. This ordinance takes effect after its passage and approval.

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BUSINESS PLANNED DEVELOPMENT NO.

### PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as a Business Planned Development Number (the "Planned Development") consists of approximately 355,745 square feet of net site area (approximately 8.167 acres) of property (the "Property"), excluding the dedication of certain area within the Planned Development for street purposes, as depicted on the attached Planned Development Boundary and Property Line Map. The Property is owned by the Chicago Housing Authority (the "Authority"). Pershing King Drive LLC (the "Applicant") has been authorized by the Authority to file the application on the Authority's behalf.
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, the legal title holders and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property or each designated Sub Area, at the time of application or 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 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, assignees or grantees and approval of the City Council. Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the approved plans. Ingress or egress shall be pursuant to the approved plans 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, including the northbound service drive in South Dr. Martin Luther King, Jr. Drive, must be reviewed and approved by the Department of Transportation and 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 the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by the Department of Transportation. Further, before any drive-through facilities are approved for either Sub-Area, the drive-through plans must be reviewed and approved by the Department of Transportation, which review may, at the discretion of the Department of Transportation, require a traffic study

Applicant: Pershing, King Drive LLC, on behalf of the Chicago Housing Authority  
Address: 3857 S. T. Jr. Martin Luther King, Jr. Drive  
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4. This Plan of Development consists of these sixteen (16) Statements: a Bulk Regulations and Data Table; Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Sub-Area Boundary Map; Right of Way Adjustment Map; and Sub-Area A Site Plan ,Sub-Area A Building Elevations ,and Landscape Plans prepared by Johnson and Lee Architects, Ltd., all dated September 18, 2014, and submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Sub-Area A 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 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 permitted uses in the following B3-3 Community Shopping District Use Categories shall be permitted within the areas delineated herein as a Business Planned Development:
  - Day Care; Postal Service; Public Safety Services; Animal Services; Artist Work or Sales Space; Building Maintenance Services; Business Equipment Sales and Services; Business Support Services, including Employment Agencies; Building Material Sales without outside storage; Eating and Drinking Establishments; Entertainment and Spectator Sports, except Banquet or Meeting Halls; Financial Services; Food and Beverage Retail Sales, including Grocery stores and Liquor Sales (as accessory use); Medical Service; Office, except Electronic Data Storage; Accessory and Non-required Accessory Parking; Personal Service, except Hair Salon and Barbershop; Repair or Laundry Service, consumer, including Dry Cleaning Drop-off or Pick-up and Coin-operated Laundromat; Retail Sales, general; Sports and Recreation, Participant,

including Children's Play Center, but excluding Outdoor; and Wireless Communication Facilities.

Also permitted shall be:

Drive-Through Facility, in both Sub-Areas but only with Site Plan Approval (as per Statement No. 9) or Minor Change (as per Statement No. 13); and Outdoor Patio (rooftop).

All other uses are not permitted, including the following:

Adult uses, gas stations, car washes, payday loan stores, pawn shops, gun shops, liquor stores, funeral homes, tattoo parlors, massage parlors, sales and service of motor vehicles (including boats and trailers), thrift stores or flea markets (excluding auction rooms, art and antique stores or establishments selling books on a consignment basis), manufacturing or industrial uses (other than any specific use listed as a permitted use in the preceding paragraph), including the production or storage of environmentally hazardous materials, and urban farms.

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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 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 the attached Bulk Regulations and Data Table. For the purposes 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 Total Net Site Area of 355,745 square feet.
9. Prior to the Part II Approval (per Section 17-13-0610 of the Zoning Ordinance) for development in Sub-Area B, the Applicant shall submit a site plan, landscape plan and building elevations for the Sub-Area for review and approval by the Department of Planning and Development. Review and approval by the Department of Planning and Development is intended to assure that specific development components substantially conform with the Planned Development and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals (per 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 any portion of the Property shall be granted until Site Plan approval has been granted. Following approval by the Department of Planning and Development, 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 Planned Development.

After approval of the Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement 13. In the event of any inconsistency between approved plans and the terms of the Planned Development, the terms of the Planned Development 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,

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- statistical information applicable to the subject Sub-Area, including floor area, the applicable FAR, uses to be established, building heights and setbacks.

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

10. 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 on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
11. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. The improvements on Sub-Area A of the property, including the on-site exterior landscaping, as well as the landscaping along the adjacent rights-of-way and all entrances and exits to and from the parking and loading areas, shall be

designed, constructed, and maintained in substantial conformance with the Sub-Area A Site Plan, the Sub-Area A Landscape Plan, and the Sub-Area A Building Elevations. Applicant and the Department of Planning and Development, at either party's request, may continue to evolve the design of the building elevations on Sub-Area A and changes to such elevations, if any, shall, if mutually agreed, be approved by the Zoning Administrator administratively as a Minor Change. Parkway trees shall be planted and maintained along South Dr. Martin Luther King, Jr. Drive and East Pershing Road in accordance with the Parkway Tree Planting provisions of the Chicago Zoning Ordinance and 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.

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, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
13. 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 title holders 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, 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

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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.

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, conserves energy and maximizes the preservation of natural resources. The proposed 75,000 square foot grocery store in Sub-Area A shall be exempt from the Green Roof requirement due to its location in Community Area with an elevated risk for obesity-related diseases ("food desert"); however, the building shall exceed the ASHRAE 90.1-2004 standards for energy efficiency by at least 14%. All development in Sub-Area B shall conform to the "City of Chicago's Sustainable Development Policy Matrix" in effect at the time of the submittal for the Site Plan Approval pursuant to Statement No. 9 of

this Planned Development.

16. 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 B3-3 Community Shopping District.

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**BUSINESS PLANNED DEVELOPMENT NO. BULK**  
**REGULATIONS AND DATA TABLE**

Gross Site Area

**Net Site Area**

Sub Area A Sub Area B

**Maximum Floor Area Ratio:**

Sub Area A: Sub Area B:

**Maximum Number of Dwelling Units:**

**Maximum Site Coverage:**

Sub Area A: Sub Area B:

**Minimum Number of Accessory Off-Street Parking Spaces:**

Sub Area A: Sub Area B:

**Minimum Bicycle Rack Parking:**

Sub Area A: Sub Area B:

**Minimum Number of Off-Street Loading Berths:**

Sub Area A: Sub Area B:

487,872 square feet (11.20 acres) [Net Site Area (355,745 sq. ft.), plus existing Public Right-of-Way (132,287 sq. ft.), plus Public Right-of-Way to be dedicated (19,607 sq. ft.), less Public Right-of-Way to be vacated (19,767 sq. ft.)]

355,745 square feet (8.17 acres)

321, 411 square feet (7.38 acres) 34,334 square feet (0.79 acre)

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None permitted

In accordance with attached site plan. In accordance with approved site plan



363 spaces  
In accordance with approved site plan

34 spaces  
1 per 10 auto spaces

2 loading berths @ 10' x 50'  
In accordance with approved site plan

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Minimum Building Setbacks: In accordance with approved site plan  
for each Sub Area.

**Maximum Building Height:**

Sub Area A	55 feet
Sub Area B	In accordance with approved site plan

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