



# Office of the City Clerk

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

## Legislation Text

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File #: SO2017-3808, Version: 1

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### 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 RT-4 Two-Flat, Townhouse and Multi-Unit District symbols and indications as shown on Map No. 10-E in the area bounded by

East 44<sup>th</sup> Street, South Cottage Grove Avenue, East 45<sup>th</sup> Street, South Evans Avenue, a line 459.98 feet north of the north line of East 45<sup>th</sup> Street, a line 163.46 feet east of the east line of South Evans Avenue,

to those of a B3-1 Community Shopping District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B3-1 Community Shopping District symbols and indications as shown on Map No. 10-E in the area bounded by

East 44<sup>th</sup> Street, South Cottage Grove Avenue, East 45<sup>th</sup> Street, South Evans Avenue, a line 459.98 feet north of the north line of East 45<sup>th</sup> Street, a line 163.46 feet east of the east line of South Evans Avenue,

to those of a Planned Development Number \_\_\_\_\_, which is hereby established in the area described above and subject to such use and bulk regulations set forth in the Plan of Development attached hereto and to no others.

SECTION 3. This ordinance takes effect after its passage and due publication.

Common Street Address: 4400-4458 S. Cottage Grove Avenue; 722-756 E. 45th Street;  
4419-4459 S. Evans Avenue; 741-757 E. 44th Street

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## Planned Development

### Plan of Development Statements

1. The area delineated herein as Planned Development Number \_\_\_\_\_, ("Planned Development") consists of approximately 194,189 square feet (4.4579 acres) of Net Site Area which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Chicago Housing Authority. The Chicago Housing Authority has given consent to the Applicant, 45<sup>h</sup>/Cottage, LLC, an Illinois limited liability company, to file this application.
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 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, assignor grantees.

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

Ingress or egress shall be pursuant to the 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 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.

4. This Plan of Development consists of eighteen (18) Statements: a Bulk Regulations Table; an Existing Zoning Map; a Land Use Map; a PD Boundary Map; a Site Plan; a Landscape Plan;

Applicant: 45"/Coltage, LLC

Address: 4400-4458 S. Cottage Grove Avenue; 722-756 E. 45th Street; 4419-4459 S. Evans Avenue; 741-757 E. 44th Street

Introduced. May 24, 2017

Plan Commission: December 21, 2017

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## FINAL FOR PUBLIC REVIEW CITY OF CHICAGO

a West Elevation - Evans Ave.; a Cottage Grove Ave. - East Elevation - North; a Cottage Grove Ave. - East Elevation South; a 44<sup>th</sup> St. - North Elevation; a 44<sup>th</sup> St. - South Elevation; prepared by Pappageorgehaymes Partners dated December 21, 2017 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 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 in the area delineated herein as a Planned Development: Multi-Family Dwelling Units located above and on the ground floor; Artist Live/Work Space located above and on the ground floor; Cultural Exhibits and Libraries; Day Care; Community Centers, Recreation Buildings and Similar Assembly Use; Postal Service; Public Safety Services; Utilities and Services, minor; Animal Services, Sales and Grooming (excluding kenneling); Artist Work or Sales Space; Business Equipment Sales and Service; Business Support Services, including Employment Agencies; Restaurants (Limited and General); Outdoor patio (if located at grade level); Bank, Savings Bank, Savings and Loan Association, and Credit Union (excluding drive-throughs); Automated Teller Machine Facility (walk-up only); Food and Beverage Retail Sales; Medical Service; Office; Personal Service, including Hair Salon, Nail Salon or Barbershop; Repair or Laundry Service, Consumer, including Dry-cleaning drop-off or pick-up (no on premise plant) and coin-operated laundromat; Retail Sales, General; Manufacturing, Production and Industrial Services, Limited (catering & shred kitchen only); Wireless Communication Facilities (Co-located); Accessory Parking and Accessory Uses.
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 the attached Bulk Regulations 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 Table has been, determined using a Net Site Area of 194,189 square feet.
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 on the

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Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.

The Plans are hereby approved in their entirety and no further approvals shall be required under this Planned Development or the Zoning Ordinance for the improvements undertaken in accordance with the Plans, other than Part II Approval (per Section 17-13-0610 of the Zoning Ordinance). Applicant and DPD, at either party's request, may continue to evolve the design of the building elevations or materials for the buildings located in Subareas B and C and changes to such elevations or materials, if any, shall, if mutually agreed upon, be reviewed by DPD pursuant to Section 17-13-0800.

10. The Site and Landscape Plans 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 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.
12. 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.
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 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.

Applicant: 45<sup>th</sup>/Cottage, LLC

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Introduced: May 24, 2017

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## REVISIONAL FOR PUBLIC REVIEW

15. Prior to the Part II Approval (Section 17-13-0610 of the Chicago Zoning Ordinance) in Sub-Area(s) B and C, the Applicant shall submit a site plan, landscape plan and building elevations for the specific Sub-Area(s) for review and approval by the Department of Planning and Development (DPD). Review and approval by DPD is intended to assure that specific development components substantially conform with the Planned Development (PD) and to assist the City in monitoring ongoing development. Sub-Area Site Plan Approval Submittals (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 Sub-Area B or C, respectively, shall be granted until Site Plan approval has been granted for such Sub-Area. Following approval by DPD, 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 PD.

After approval of a Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement 9. In the event of any inconsistency between approved plans and the terms of the PD, the terms of the PD 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,
- statistical information applicable to the subject Sub-Area, including floor area, the applicable floor area ratio, 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 PD.

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

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Introduced: May 24, 2017

Plan Commission- December 21, 2017

## RESIDENTIAL FOR PLANNED DEVELOPMENT

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 RT-4 Two-Flat, Townhouse and Multi-Unit District to B3-1 Community Shopping District, and then to this Planned Development, and the receipt of financial assistance from the City in the form of TIF and other funding trigger the requirements of Section 2-45-115 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 20% of the housing units in the residential housing project (the "Required Units") as affordable units; (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, and that projects that receive financial assistance from TIF funds must provide one-half of the "Required Units" to be affordable to households earning up to sixty percent (60%) of the area median income and one-half of the Required Units to be affordable to households earning up to fifty percent (50%) of the area median income. The Property is located in a "low-moderate income area" within the meaning of the ARO; the project has a total of 158 units; and the project will receive TIF funds from the City. As a result, the Applicant's affordable housing obligation is 32 affordable units (20% of 158 units rounded up), 8 of which are Required Units (25% of 32). Applicant has

agreed to satisfy its affordable housing obligation by providing 32 affordable units in the rental building to be constructed in Sub-Area A of the Planned Development. The Applicant agrees that the 16 of 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; and 16 of the affordable rental units must be affordable to households earning no more than 50% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually by the City of Chicago. If the

Applicant: 45"/CoUage, LLC

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Plan Commission: December 21, 2017

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Applicant subsequently reduces (or increases) the number of housing units in the Planned Development, the Applicant shall update and resubmit the Affordable Housing Profde Form to the Department of Planning and Development ("DPD") for review and approval, and DPD may adjust the number of required Affordable 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 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 Planned Development, 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 13, 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.

Notwithstanding the foregoing, if the Applicant receives Low-Income Housing Tax Credits, tax increment financing or other financial assistance whose affordability requirements exceed those of the Affordable Housing Ordinance from the City to develop affordable housing in any portion of the Planned Development, the regulatory, redevelopment, loan or other agreements) to be executed by the City and the Applicant in connection with such tax credits or other financial assistance shall govern and control the Applicant's obligation to provide affordable housing for such subsidized portion of the Planned Development.

18. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. 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 B3-1 Community Shopping District.

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Applicant: 45"/CoUage, LLC

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Introduced: May 24, 2017

Plan Commission: December 21, 2017

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Gross Site Area:

Area Remaining in Public Right of Way Net Site Area:

Sub-Area A:

Gross Site Area:

Net Site Area:

**Sub-Area B:**

Gross Site Area:

Net Site Area:

Sub-Area C:

**Gross Site Area:**

**Net Site Area: Maximum Number of Dwelling Units:**

**Maximum Number of Dwelling Units in Sub-Area B:**

**Maximum Number of Dwelling Units in Sub-Area C:**

**Maximum Number of Dwelling Units in Sub-Area A:**

262,184 square feet (6.02 acres) 67,997 square feet (1.56 acres) 194,189 square feet (4.46 acres)

146,364 square feet 102,637 square feet

96,814 square feet 75,159 square feet

19,006 square feet 16,393 square feet 158 Dwelling Units 84 Dwelling Units

Maximum Floor Area Ratio in Sub-Area A: 1.2

Maximum Floor Area Ratio in Sub-Area B: 1.2

Maximum Floor Area Ratio in Sub-Area C: 1.2

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Minimum Number of Off-Street Total Parking  
Spaces: 156 Spaces

Minimum Number of Off-Street Parking  
Spaces in Sub-Area A: 90 Spaces

Minimum Number of Off-Street Parking  
Spaces in Sub-Area B: 51 Spaces

Minimum Number of Off-Street Parking  
Spaces in Sub-Area C: 15 Spaces

Off-Street Loading Spaces: 1 (10' x 25') - In Sub-Area A

Minimum Required Setbacks: As Per Site Plan

**Maximum Building Height of the top Residential  
Floor per Section 17-17-0311 of the Zoning  
Ordinance: 48'0"**

**Maximum Building Height of the Structure: 60'0"**

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Applicant: 45<sup>th</sup>/Cottage, LLC

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Introduced: April 19, 2017

Plan Commission: December 21, 2017

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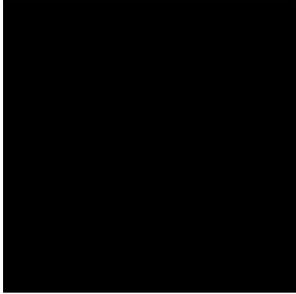
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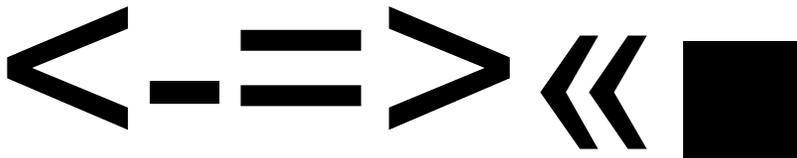
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