



Office of the City Clerk

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

Legislation Text

File #: SO2017-3828, Version: 1

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 be amended by changing all the Residential-Business Planned Development No. 1242 symbols and indications as shown on Map No. 9-G in the area bounded by

beginning at a line 215 feet northwest of the intersection of North Clark Street and West Belmont Avenue, as measured along the westerly right-of-way line of North Clark Street and perpendicular thereto; North Clark Street; West Belmont Avenue; and the alley next west of and parallel to North Clark Street (ToB),

to the designation of Residential Business Planned Development Number 1242 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: 3200 North Clark LLC
Addresses: 3200-3226 North Clark Street and
Introduced:
Plan Commission:
840-854 West Belmont Avenue May 24, 2017 August 17, 2017

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**RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 1242 -
AS AMENDED**

PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development No. 1242, As Amended ("Planned Development"), consists of approximately twenty-five thousand seven hundred and fifty-nine (25,725) square feet or zero point five nine (0.59) acres of real property *("Subject Property"), as shown, which is depicted on the attached Planned Development Boundary and Property Line Map. The Applicant/Owner - 3200 North Clark LLC, an Illinois Limited Liability Company, has filed this application on its own behalf and upon its own volition.
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 and/or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets, alleys or easements or any adjustments to any right-of-way (ROW) shall require a separate submittal to the Chicago Department of Transportation (CDOT), 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 this Planned Development. 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/or the Chicago Department of Transportation (CDOT). Closure of all or any public street or alley, during demolition or construction, shall be subject to the review and approval of the Chicago Department of Transportation (CDOT). All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation's Construction Standards, for work in the public way, and shall be in compliance with Municipal Code of Chicago - accordingly. Prior to the issuance of any "Part II" approval, the submitted plans - for the Planned Development, As Amended, must be approved by the Chicago Department of Transportation (CDOT).

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4. This Plan of Development consists of seventeen (17) Statements: a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Site Plan; a Landscape Plan; a Green Roof Plan; Floor Plans and Building Elevations, all of which were prepared by Hirsch Associates LLC and dated August 17, 2017, and which are submitted and referenced herein - accordingly. 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 tenets of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.
5. The following uses are allowed in the area delineated herein as Residential-Business Planned Development No. 1242, as Amended, and shall include the following, without limitation: residential units; permitted uses in the Commercial Use Group in the B3 Community Shopping District, with related and accessory uses and off-street parking and loading. The following uses are excluded from the allowed uses: building material sales, pawn shops, automated teller machine facility, auto-supply/accessory sales and motor vehicular repair shops.
6. *On-premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, As Amended, subject to the review and approval of the Department of Planning and Development (DPD). Off-premise signs are prohibited within the boundary of the Planned Development, As Amended.*
7. For purposes of height calculations and measurements, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations established by the Federal Aviation Administration (FAA).
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 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 net site area of 25,725 square feet and a base FAR of 5.0.
9. Upon review and determination, and pursuant to section 17-13-0610 of the Zoning Ordinance, Part II Review shall be assessed a fee, by the Department of Planning and Development (DPD). The fee, as determined by staff at the time of submission, is final and binding on the Applicant and must be paid to the Chicago Department of Revenue, prior to the issuance of any Part II Approval.

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final review update

10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any corresponding regulations and guidelines, including Section 17-13-0800 of the Zoning Ordinance. Final landscape plan review and approval will be by the Department of Planning and Development (DPD). 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 of the Zoning Ordinance, by the Zoning Administrator, upon written application for such modification, by the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders 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 Subject Property. Plans for all buildings and improvements, within the Planned Development Boundary, shall be reviewed and approved by the Mayor's Office for People with Disabilities (MOPD), 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, conserves energy and maximizes the preservation of natural resources. At the time of a hearing, before the Chicago Plan Commission, all developments must be in substantial compliance with the current City of Chicago Sustainable Development Policy, as set 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 forth by the Department of Planning and Development. The Applicant shall obtain the number of points provide documentation verifying compliance. The multi-story building includes a vegetated ("green") roof, totaling a fifty-three percent (53%) of the net roof area (10,270 square feet) and is in the process of obtaining LEED certification.

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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 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 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 acknowledges and agrees that the City adopted a Zoning Ordinance, on May 28, 2014, that approved the rezoning of the Property from B3-3 to B3-5 and then to Residential-Business Planned Development No. 1242, for the construction of an eight-story mixed-use building with ninety (90) residential dwelling units ("Phase I"), and subjecting the Applicant to a nine (9) unit affordable obligation, under the 2007 Affordable Requirements Ordinance ("ARO"). The Applicant made an in-lieu payment of nine-hundred thousand dollars (\$900,000) to the Affordable Housing Opportunity Fund on August 10, 2015. This rezoning of the Property from Residential Planned Development No. 1242 to Residential-Business Planned Development No. 1242, As Amended, constitutes the second phase ("Phase II") of that development, and thereby

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triggers 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 10% of the housing units in the residential housing project (the "Required Units") as affordable units, or with the Commissioner's 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 Subject Property is located in a "higher income area" within the meaning of the ARO, and the project has a total of 98 units. As a result, the Applicant's affordable housing obligation is 10 affordable units (10% of 98 rounded up). Because the Applicant met the full Phase I 2007 ARO obligation, by making an in-lieu payment, one (1) unit is a Required Unit for Phase 11. The Applicant has agreed to satisfy its affordable housing obligation by providing one (1) affordable unit in the rental building to be constructed in the Residential-Business Planned Development No. 1242, As Amended, as set forth in the Affordable Housing Profile Form attached hereto. The Applicant 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 Planned Development, the Applicant shall update and resubmit the Affordable Housing Profile 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 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 Planned Development.

17. This Planned Development, As Amended, shall be governed by Section 17-13-0612, et seq. Should this Planned Development Ordinance lapse, the Commissioner of the Department of Planning and Development (DPD) shall initiate a Zoning Map Amendment to rezone the property to Residential Planned Development Number 1242, (as ratified on May 28, 2014 - City Council Journal Pages 82531-82544.)

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RESIDENTIAL BUSINESS PLANNED DEVELOPMENT No. 1242, as AMENDED

BULK REGULATIONS AND DATA TABLE

Gross Site Area: Area of Public R.O.W Net Site Area:

Permitted Floor Area Ratio:

Maximum Number of Dwelling Units:

Minimum Number of Off-Street parking Spaces to be provided:

Minimum Number of Bicycle Spaces:

Minimum Off-Street Loading Spaces:

Setbacks from property Lines:

Maximum Percentage of Site Coverage:

Maximum Building Height:

41,484 square feet 15,759 square feet 25,725 square feet

5.0

98 units

40 parking spaces 70

Two (2) spaces at 10 feet X 50 feet

In substantial compliance with the attached Site Plan

In substantial compliance with the attached Site Plan

96 feet, 0 inches

Applicant: 3200 N. Clark, LLC
Address: 3200-3226 North Clark Street and
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2015 Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the 2015 ARO (all projects submitted to City Council after October 13, 2015). More Information is online at www.cityofchicago.org/ARO <<http://www.cityofchicago.org/ARO>>.

this completed form should be returned to: Kara Breems, Department of Planning & Development (DPD), 121 N. LaSalle Street, Chicago/ IL 60602. E-mail: kara.brecms@cityofchicago.org <<mailto:kara.brecms@cityofchicago.org>>

Date: 8/10/17

DEVELOPMENT INFORMATION

Development Name: 3200 N Clark
Development Address: 3200 N Clark St. Chicago IL 60657
Zoning Application Number, if applicable: 19229 Ward:44
If you are working with a Planner at the City, what is his/her name? Emily Thrun
Type of City Involvement City Land H Planned Development (PD)
check all that apply Q] Financial Assistance Qj Transit Served Location (TSL) project

*Qj Zoning increase REQUIRED ATTACHMENTS-, the AMP will not be reviewed until all required docs are received **F/laro** Web Form completed and attached - or submitted online on 8/10/17 j'jARQ "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) j'j If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdf) | | If ARO units proposed are off-site, required attachments are included (see next page) | [If ARO units are CHA/Authorized Agency units, signed acceptance letter Is attached (pdf)*

DEVELOPER INFORMATION

Developer Name BlitzLake Partners
Developer Contact David Blitz
Developer Address 214 W Erie Chicago IL 60654
Email David@blitzlake.com <<mailto:David@blitzlake.com>> Developer Phone ³¹²410*9000
Attorney Name Sara Bamgs Attorney Phone ³¹²-782-1983

TIMING

Estimated date marketing will begin Ongoing Estimated date of building permit*
January 2018 Estimated date ARO units will be complete October 2018
"note that the in-lieu fee and recorded covenant are required prior to the issuance of any building permits, including the foundation permit

PROPOSED SUPPLEMENTAL MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)
Kara Breems, DPD

Date 8/10/17

Developer/Project Manager

ARO Web Form

FINAL NOTICE

Development Information

Address

Submitted Date: 08/11/2017

Address Number From :3200 Address Number To: null Street Direction: N

Street :Clark

Postal Code: 60657

Development Name, if applicable

3200 Clark

Information

Ward :44

ARO Zone: Higher Income

Details

Type of city involvement :Zoning change and planned development

Total Number of units in development: 8

Type of development: Rent

Is this a Transit Served Location Project: N

Requirements

Required affordable units :1 Required *On-site aff. Units: 0

How do you intend to meet your required obligation On-Site: 1

Off-Site: 0

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0

Total Units Committed: 1 Remaining In-Lieu Fee Owed: 0

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All projects with proposed AR O units must complete this tab

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF
CHICAGO

MEMORANDUM

To:

From

David Reifman Commissioner

Department of Planning and Development Date:

August 17, 2017

Re: Proposed Amendment to Residential-Business Planned Development #1242 (generally located at 3200-3226 North Clark Street and 840-854 West Belmont Avenue)

On August 17, 2017, the Chicago Plan Commission recommended approval of a proposed amendment to Residential-Business Planned Development #1242 submitted by the Applicant, 3200 North Clark, LLC. The project involves the amendment Residential-Business Planned Development #1242 to establish eight additional dwelling units within the existing QG'-tall, eight-story building for a maximum allowable total of 98 dwelling units. No other changes are proposed to Planned Development #1242. A copy of the proposed ordinance is 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 312-744-5651.

Cc: Main file

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