



Office of the City Clerk

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

Legislation Text

File #: SO2018-3178, Version: 1

FINAL FOR PUBLICATION

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 Planned Development 1371 symbols and indications as shown on

Map Number 13-L in the area bounded by:

that part of Block 4 in the Village of Jefferson (according to the map thereof recorded March 29, 1855 in Book 85 of Maps, page 101) lying south and west of Norwood Park Avenue (as dedicated by instrument recorded March 4, 1910 as Document Number 4518811) westerly of the westerly line of Milwaukee Avenue as shown on said map and of a strip of land formerly Norwood Park Avenue or West Wharf Street (now vacated) lying northeasterly of and adjoining the right-of-way of the Chicago and Northwestern Railway and south and west of and adjoining Block 4 aforesaid, bounded and described as follows: beginning at a point on the northeasterly line of the right-of-way of the Chicago and Northwestern Railway Company 250 feet southeasterly from the intersection of said line with the west line of Section 9, Township 40 North, Range 13, East of the Third Principal Meridian; thence at right angles in a northeasterly direction 167.10 feet, more or less, extending to the southwesterly line of Norwood Park Avenue; thence at right angles in a southeasterly direction along the southwesterly line of Norwood Park Avenue 379.5 feet to the southeasterly line of Milwaukee Avenue; thence southeasterly along the southwesterly line of Milwaukee Avenue 50 feet; thence southwesterly 60 feet at right angles to said southwesterly line of Milwaukee Avenue; thence southwesterly 97.1 feet at right angles to the northeasterly line of the right-of-way of the Chicago and Northwestern Railway to said right-of-way line; thence northwesterly along said right-of-way line 406.08 feet to the point of beginning (excepting that part between the southwesterly line of Milwaukee Avenue and a line 21 feet southwesterly of and parallel with the southwesterly line of Milwaukee Avenue which was deeded to City of Chicago); all in the southwest quarter of Section 9, Township 40 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

to those of Planned Development 1371, as amended and a corresponding use District is hereby established in the area above described.

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

Common Street Address: 5150 North Northwest Highway

PUBLICATION

PLANNED DEVELOPMENT NUMBER 1371, AS AMENDED BULK REGULATIONS AND DATA TABLE

Net Site Area:

Subarea A:

Subarea B: Area in the Public Right-of-Way:

Subarea A:

Subarea B:

Gross Site Area: Subarea A: Subarea B:

Maximum Floor Area Ratio: Subarea A: Subarea B:

j 67,336 square feet i 33,556 square feet | 33,780 square feet j 14,812 square feet 5,961 square feet 8,851 square feet
82,148 square feet 39,517 square feet 42,631 square feet

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Maximum Number of Dwelling Units: Subarea A: ; Subarea B:

Maximum Building Height of the top floor per Section 17-17-0311 of the Zoning Ordinance:

Subarea A:

Subarea B:

Minimum Number of Parking Spaces:

Subarea A:

ti
| Subarea B:
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Applicant KCC NW Highway, LP Address 5150 North Northwest Highway Introduced: April 18,2018 Plan Commission September 13,2018

75

80 feet

76 feet, 8 inches

7 i 40

Minimum Number of Loading Berths:

Subarea A:

Subarea B: Minimum Number of Bicycle Parking:

Subarea A:

Subarea B: Minimum Setbacks

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2-10x25 1-10x25

75

In accordance with the Site Plan

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Applicant: FCC NW Highway, LP Address 5150 North Northwest
Highway Introduced: April 18, 2018 Plan Commission:
September 13, 2018

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Planned Development Statements

1. The area delineated herein as Planned Development Number 1371, as amended ("Planned Development") consists of approximately 67,336 square feet of Net Site Area ("Property") which is depicted on the Planned Development Boundary and Property Line Map attached to the original Planned Development 1371 approved by the City Council of the City of Chicago on May 24, 2017 ("Original PD") and is controlled by LSC Development LLC. FCC NW Highway, LP is the contract purchaser of Subarea B, the Applicant of the Planned Development and will develop Subarea B.
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. Provided, however, because this Planned Development is delineated into Sub-Areas, each having its own bulk and density standards, or similar Sub-Area specific development controls or requirements, the owners of or designated controlling party for each Sub-Area may seek amendments, changes, or modifications for that Sub-Area without the consent of the owners or designated controlling party of the other Sub-Areas. Single designated control is defined in Section 17-8-0400.

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, assigns or grantees.

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

Ingress or egress shall be pursuant to the Planned Development 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.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between the Department of Transportation's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and

Applicant: FFC NW Highway, LP Address: 5150 N.
Northwest Highway Introduced: April 18, 2018 Plan
Commission: September 13, 2018

FINAL FOR PUBLICATION

restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by the Department of Transportation'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 Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation'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 the Department of Transportation'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 the Department of Transportation.

4. This plan of development consists of seventeen (17) Statements; a Bulk Regulations Table; an Existing Zoning Map from the Original PD; an Existing Land-Use Map from the Original PD; a Planned Development Boundary and Property Line Map from the Original PD; Site Plan and Subarea Map from the Original PD; Floor Plans from the Original PD; a Green Roof Plan from the Original PD; and Building Elevations (North, South, East and West) from the Original PD prepared by Sullivan, Goulet & Wilson Architects (all such documents from the Original PD are hereby incorporated by this reference), and a Site Plan - Subarea B; Landscape Plan - Subarea B; East Elevation -Subarea B; South & North Elevations - Subarea B; and West Elevation - Subarea B; prepared by Cordogan, Clark & Associates Architects submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations for Subarea B 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 Chicago 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 Chicago Zoning Ordinance, this Planned Development shall control.
5. In each of the following Subareas, the following uses shall be permitted in this Planned Development (PD):

Applicant: FFC NW Highway, LP Address: 5150 N. Northwest
Highway Introduced: April 18, 2018 Plan Commission:
September 13,2018

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Subarea A:

Residential storage warehouse, accessory and related uses, accessory parking. Subarea B:

Multi-unit residential, accessory and related uses, accessory parking. In addition, the following uses are allowed on the ground floor only and are limited to an aggregate total of 6,000 square feet: Religious Assembly; Cultural Exhibits and Libraries; Community Centers; Postal Service; Animal Services, Sales and Grooming (excluding kenneling); Artist Work or Sales Space; 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; Wireless Communication Facilities (Co-located).

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 Chicago 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 Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose 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 67,336 square feet and a base FAR of 5.0.
9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, 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.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines, including Section 17-13-0800. 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.

Applicant: FFC NW Highway, LP Address: 5150 N.

Northwest Highway Introduced: April 18, 2018

Plan Commission: September 13,2018

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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, 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 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. All compliance documentation will be provided at the time of Part II review.

15. The Applicant acknowledges and agrees that the rezoning of the Property to this amended Planned Development triggers the requirements of Section 2-45-115 of the Municipal Code (the "Affordable Requirements Ordinance" or "ARO") with respect to Subarea B. 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 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. The Property is located in a low-moderate income area" within the meaning of the ARO. As a result, the Applicant's affordable housing obligation in Subarea B is 8 affordable units (10% of 75 units rounded up), 2 of which are Required Units (25% of 8). 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

Applicant: FFC NW Highway, LP Address: 5 I 50 N.
Northwest Highway Introduced: April 18, 2018 Plan
Commission: September 13,2018

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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 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 15, 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 agreement(s) 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.

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 (i) 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

Applicant: FFC NW Highway, LP Address: 5150 N.
Northwest Highway Introduced: April 18,2018 Plan
Commission: September 13,2018

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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.

17. This Planned Development shall be governed by Section 17-13-0612. 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 original Planned Development 1371.

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Applicant: FFC NW Highway, LP Address: 5150 N.
Northwest Highway Introduced: April 18, 2018 Plan
Commission: September 13, 2018

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NORTH

EXISTING ZONING MAP

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APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 & 5154 NORTHWEST HWY PLAN COMMISSION DATE: MARCH 16, 2017

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LEGEND

- - PLANNED DEVELOPMENT BOUNDARY
- R RESIDENTIAL
- B BUSINESS
- C COMMERCIAL

EXISTING LAND. USE MAP

APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 & 5154 NORTHWEST HWY PLAN COMMISSION DATE: MARCH 16, 2017

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SUB AREA 'A' NET AREA: 33,768 SF

SUB AREA 'B' NET AREA: 33,667 SF

TOTAL NET AREA: 67,435 SF

**PLANNED DEVELOPMENT BOUNDARY/
PROPERTY LINE MAP**

NORTH |

APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 & 5154 NORTHWEST HWY PLAN COMMISSION DATE: MARCH 16, 2017

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SITE PLAN

S U L L

APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 & 5154 NORTHWEST HWY PLAN COMMISSION DATE: MARCH 16, 2017

SULLIVAN

APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 & 5154 NORTHWEST HWY PLAN COMMISSION DATE: MARCH 16, 2017

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SITE
PLAN
SUB
AREA 'B'

NORTH

SULLIVAN

APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 & 5154 NORTHWEST HWY PLAN COMMISSION DATE: MARCH 16, 2017

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GREEN ROOF PLAN

SULLIVAN

APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 &
5154 NORTHWEST HWY PLAN COMMISSION DATE:
MARCH 16, 2017

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APPLICANT: LSC DEVELOPMENT ADDRESS: 5150 & 5154 NORTHWEST HWY PLAN COMMISSION, .DATE: MARCH 16. 2017

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To: Alderman Daniel/S. Solis
Chairman, City/Council Committee on Zoning

From: David LI Reifman Chicago Plan
Commission

Date: September 13, 2018

Re: Proposed Amendment to Planned Development #1371 for the property generally located at 5150 North
Northwest Highway

On September 13, 2018, the Chicago Plan Commission recommended approval of the proposed amendment to planned development #1371 submitted by FCC NW HighwayLP. A copy of the proposed planned development 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 744-9476.

Cc: Steve Valenziano
PD Master File (Original PD, copy of memo)

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