



Office of the City Clerk

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

Legislation Text

File #: SO2018-3787, Version: 1

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ORDINANCE 10[^]/8

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1: Title 17 of the Municipal Code of Chicago, Chicago Zoning Ordinance, is amended by changing all the B3-2 Community Shopping District symbols and indications as shown on Map No. 5-F in the area bounded by:

West Concord Place;
the west right-of-way line of the Chicago Transit Authority rail line; West North Avenue; North Halsted Street

to those of a B3-5 Community Shopping District, which is hereby established in the area described.

SECTION 2: Title 17 of the Municipal Code of Chicago, Chicago Zoning Ordinance, is amended by changing all the B3-5 Community Shopping District symbols and indications as shown on Map No. 5-F in the area bounded by:

West Concord Place;
the west right-of-way line of the Chicago Transit Authority rail line; West North Avenue; North Halsted Street

to those of Residential Business Planned Development No. , 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 hereof and to no others.

SECTION 3: This ordinance shall take effect upon its passage and due publication.

Common Address(es): 744-758 West North Avenue;

1601-1611 North Halsted Avenue

1631.0000

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Residential-Business Planned Development No.

PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development Number ("Planned Development"), consists of approximately 19,809 net square feet (0.455 acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by SB/CA 750 North, LLC.
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, assign 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

APPLICANT: SB/CA 750 North, LLC
ADDRESS: 7-34-758 West North Avenue;
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Infrastructure Management and the Applicant, the Applicant shall provide . improvements and 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 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 these 18 Statements and the following:

Bulk Regulations and Data Table Existing Zoning
Map Existing Land Use Map
Planned Development Boundary and Property Line Map Subarea Map
Site Plan / Ground Floor Plan Landscape Plan &
Green Roof Plan Building Elevation (South
Elevation) Building Elevation (West Elevation)

Building Elevation (East Elevation) Building
Elevation (North Elevation) Affordable Housing
Profile Form

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prepared by Antunovich Associates and dated June 21, 2018, submitted herein.

Full-sized copies of the Site Plan / Ground Floor Plan, Landscape Plan & Green Roof Plan, and 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 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:

Subarea A: Cultural Exhibits and Libraries; Postal Service; Artist Work or Sales Space; Business Support Services (excepting Day Labor Employment Agencies); Communication Service Establishments; Eating and Drinking Establishments; Financial Services (excepting Payday/Title Secured Loan Stores and Pawn Shops); Food and Beverage Retail Sales including Liquor Stores and Liquor Sales; Medical Service; Office; Personal Service (all, excepting massage establishment); Repair or Laundry Service (no on-premise plant), Consumer; Retail Sales (General); and related, incidental and accessory uses including but not limited to accessory parking.

Subarea B: Dwelling Units located above the ground floor; Cultural Exhibits and Libraries; Postal Service; Artist Work or Sales Space; Business Support Services (excepting Day Labor Employment Agencies); Communication Service Establishments; Eating and Drinking Establishments; Financial Services (excepting Payday/Title Secured Loan Stores and Pawn Shops); Food and Beverage Retail Sales including Liquor Stores and Liquor Sales; Medical Service; Office; Personal Service (all, excepting massage establishment); Repair or Laundry Service (no on-premise plant), Consumer; Retail Sales (General); and related, incidental and

accessory uses including but not limited to accessory parking.

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.

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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.

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 19,809 square feet and a base FAR of 5.0.

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. 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.

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.

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 of the Municipal Code, or any other provision of the Municipal Code.

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.

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

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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.
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

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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 rezoning of the Property from B3-2 to B3-5, and then to this Planned Development (PD), triggers the requirements of Section 2-45-115 of the Municipal Code of Chicago (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 of the Department of Planning and Development's (DPD) 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 Property is located in a higher income area, within the meaning of the ARO, and the project has a total of 92 units. As a result, the Applicant's affordable housing obligation is 9 affordable units (10% of 92 rounded down), 2 of which are Required Units (25% of 9, rounded down). Applicant has agreed to satisfy its affordable housing obligation by providing at least 2 affordable units in the rental/for sale building to be constructed in the PD and by making a cash payment to the Affordable Housing Opportunity Fund in the amount of \$128,469 per unit (Cash Payment) for the balance of affordable units that are not constructed in the PD (or otherwise constructed in an off-site building acceptable to DPD), as set forth in the Affordable Housing Profile Form attached hereto as Exhibit A. The Applicant agrees that the affordable rental / for sale units must be affordable to households earning no more than 60% / 100% 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 PD, the Applicant shall update and resubmit the Affordable Housing Profile Form to DPD for review and approval; DPD may adjust the number of required Affordable Units without amending the PD. Prior to the issuance of any building permits for any residential building in the PD, 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

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amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the affordable housing agreement will be recorded against the PD, 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 PD.

17. The Applicant acknowledges that the Planned Development (PD) project includes excavation, new foundations or other work adjacent to a Chicago Landmark building - Yondorf Block and Hall. Pursuant to the Chicago Zoning Ordinance, Section 17-8-0911, the Applicant acknowledges that it is in the public interest to promote the preservation of historic resources. The Applicant shall submit a report, stamped by an engineer, identifying any protective measures that may be required for the historic building and those measures that will be incorporated during construction as part of the project. The report shall be submitted as part of the Part II Review application to the Planning, Design and Historic Preservation Division and be subject to the review and acceptance of the Department of Planning and Development.
18. 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 the pre-existing B3-5 Community Shopping District.

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Bulk Regulations and Data Table

Net Site Area:

Subarea A: Subarea B:

Total Net Site Area:

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

Total Area in the Public Right of Way: Gross Site Area:

8,807 sq.ft. 11,002 sq. ft.

19,809 sq.ft.

8,737 sq.ft. 4,604 sq.ft.
(0.455 acres)

(0.20 acres) (0.11 acres)

13,341 sq.ft. (0.306 acres) 33,150 sq. ft. (0.761 acres)

Maximum Floor Area Ratio (FAR) (By Subarea):

Subarea A: Subarea B:

3.43 6.25

Maximum Floor Area Ratio (FAR) (PD):

Maximum Number of Dwelling Units:

Subarea A: Subarea B:

0 dwelling units 92 dwelling units

Minimum Number of Parking Spaces: Subarea A: Subarea B:

0 parking spaces 10 parking spaces*

Minimum Number of Bicycle Spaces: Subarea A: Subarea B:

0 bicycle spaces 128 bicycle spaces

Minimum Number of Loading Berths:

Subarea A: Subarea B:

0 berth(s)

1 berth(s) (10'x25')

*Useable for Subarea A or Subarea B.

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Maximum Building Height:

Subarea A: . Subarea B:

Minimum Setbacks from Periphery Proper

North: East: South: West:

67 feet, 0 inches 104 feet. 7 inches

' Lines (PD):

0 feet 0 feet 0 feet 0 feet

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

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

From:
David LV. Reifman Chicago Plan
Commission

Date: June 21, 2018

Re: 750 W. North Avenue

On June 21, 2018, the Chicago Plan Commission recommended approval of a Proposed Planned Development submitted by SB/CA 750 North LLC. A copy of the zoning application and proposal 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 Planning and Zoning recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at (312) 744-9476.

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

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