



Office of the City Clerk

City Hall
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Legislation Text

File #: SO2019-4022, Version: 1

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 MI-2 Limited Manufacturing/Business Park District symbols and indications as shown on Map No. 7-G in the area bounded by

West Belmont Avenue; North Racine Avenue; the public alley next south of and parallel to West Belmont Avenue; a line 100.05 feet west of and parallel to the west line of North Racine Avenue,

to those of a B2-3 Neighborhood Mixed-Use District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B2-3 Neighborhood Mixed-Use District symbols and indications as shown on Map No. 7-G in the area bounded by

West Belmont Avenue; North Racine Avenue; the public alley next south of and parallel West Belmont Avenue; a line 100.05 feet west of and parallel to the west line of North Racine 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:

3150 N. Racine Avenue

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Planned Development

Plan of Development Statements

1. The area delineated herein as Planned Development Number _____, ("Planned Development") consists of approximately 12,505 square feet (0.29 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 Belray Limited Partnership, an Illinois limited partnership.
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, 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 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.

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 restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be

Final for Publication

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; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Site Plan; North Elevation; East Elevation; South Elevation; West Elevation; prepared by Landon Bone Baker Architects, 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 shall be permitted in this Planned Development (PD): Single-Room Occupancy Units, Dwelling Units, accessory and related 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.

Applicant: Belray Limited Partnership Address: 3150 N.Racine Introduced: May 20, 2019 Plan Commission- March 17,2022

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Final for Publication

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 12,505 square feet and a base FAR of 3.8.
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 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.
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 13-32-085, 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 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: Belray Limited Partnership Address: 3150 N. Racine Introduced: May
20, 2019 Plan Commission: March 17, 2022 -

Final for Publication

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 rezoning of the Property from M1-2 Limited Manufacturing/Business Park District to B2-3 Neighborhood Mixed-Use District, and then to this Planned Development ("PD") No. _____ is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The PD is located in an "inclusionary housing area" within the meaning of the ARO and permits the construction of 86 dwelling units. The Applicant intends to construct a 86-unit development.

Developers of rental projects in inclusionary housing areas with 30 or more units must provide between 10% and 20% of the units in the residential development as affordable units, depending on the depth of affordability provided, as described in subsection (F)(2) of the ARO. Regardless of the applicable percentage of affordable units in the rental project,

Applicant: Belray Limited Partnership Address: 3150 N. Racine Introduced: May 20, 2019 Plan Commission: March 17, 2022

Final for Publication

developers must construct at least 25% of the affordable units on-site and another 25% on-site or off-site (collectively, the "Required Units"), and may satisfy the balance of their affordable housing obligation through (a) the establishment of on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of additional on-site or off-site affordable units; or (c) any combination thereof. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. All off-site affordable units must have at least two bedrooms and must be located in a downtown district, inclusionary area, or community preservation area. Whether on-site or off-site, developers must give preference in leasing affordable units of two bedrooms or more to multi-person households, as specified in the ARO rules. If a residential project is located in a transit-served location, off-site units must be located in a substantially comparable transit-served location.

The Applicant has elected the 20% option as set forth in the chart in subsection (F)(2) of the ARO. As a result, the Applicant's affordable housing obligation is 17.2 affordable units (20% of 86), and half of those affordable units are Required Units. Pursuant to subsection (T) of the ARO, the Applicant must provide an additional unit to satisfy the fractional obligation of 0.5 or greater. The Applicant has agreed to satisfy its affordable housing obligation by providing 18 affordable units in the rental building in the PD. The Applicant agrees that the affordable rental units must be affordable to households with a range of incomes averaging 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually, provided that (x) the maximum income level for any affordable unit may not exceed 80% of the AMI, (y) at least one-third must be affordable to households at or below 50% of the AMI, of which one-sixth must be affordable to households at or below 40% of the AMI, and (z) all income levels must be multiples of 10% of the AMI.

If the Applicant requests any material change to its method of compliance with the ARO, such as locating affordable units off-site instead of on-site or changing the target affordability level after the passage of this PD, DOH may adjust the AHP as requested, in accordance with the ARO, without amending the PD, provided however, the Applicant must update and resubmit the revised AHP to DOH for review and approval and, at DOH's request, provide an informational presentation to the Plan Commission on such change. 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 execute and record an Inclusionary Housing Agreement (IHA), in accordance with subsection (N) of the ARO. The terms of the IHA and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against all Subareas of the PD and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 16, including any breach of any IHA, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

Applicant: Belray Limited Partnership Address: 3150 N. Racine Introduced- May
20, 2019 Plan Commission: March 17, 2022

Final for Publication

Notwithstanding the foregoing, if the Applicant receives Low-Income Housing Tax Credits or other financial assistance from the City, and the affordability requirements for such financing (the "Financing Requirements") exceed the ARO requirements, then the Financial Requirements shall govern the Applicant's obligation to provide affordable

housing in such subsidized portions of the PD.

This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this PD. In the event of any conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

17. 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 B2-3 Neighborhood Mixed-Use District.

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Applicant- Belray Limited Partnership Address: 3150 N. Racine Introduced: May
20, 2019 Plan Commission: March 17, 2022

Final for Publication

RESIDENTIAL PLANNED DEVELOPMENT NUMBER BULK REGULATIONS AND DATA TABLE

Gross Site Area: 21,020 square feet (.48 acres)

Area Remaining in Public Right of Way 8,515 square feet (.19 acres)

Net Site Area: 12,505 square feet (0.29 acres)

Maximum Number of Dwelling Units: 81 single room occupancy units and 5 dwelling units

Maximum Floor Area Ratio for all Sub-Areas: 3.8

Minimum Number of Off-Street Total Parking Spaces: 0 Parking Spaces

Off-Street Loading Spaces: None

Minimum Required Setbacks: As Per Site Plan

Maximum Building Height Not to exceed existing building height

226337.5

Applicant: Belray Limited Partnership, an Illinois limited partnership Address: 3150 N Racine Avenue
Introduced: May 20, 2019
Plan Commission: March 17, 2022

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To: Alderman Thomas Tunney
Chairman, City Council Committee on Zoning

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From: i' ■■■"- --7.■
Maurice D. Cox / Chicago Plan Commission

Date: March 17,2022

Re: Proposed Zoning Map Amendment

On March 17, 2022, the Chicago Plan Commission recommended approval of a zoning map amendment submitted by Belray Limited Partnership. A copy of the proposed zoning map amendment 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 recommendation and a copy of the resolution. If you have any questions regarding the project, please do not hesitate to contact the Project Manager Michael Berkshire at 312-744-0363

Cc: Steve Valenziano

PD Master File (Original PD, copy of memo)

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