



Office of the City Clerk

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

Legislation Text

File #: SO2020-5625, **Version:** 1

ORDINANCE

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

SECTION 1: That the Chicago Zoning Ordinance be amended by changing all of the ■ RM-5 Residential Multi-Unit District symbols and indications as shown on Map 10-E in the area bounded by:

East 43rd Street; South Calumet Avenue; a line 196 south of and parallel to East 43rd Street; and the alley immediately west of and parallel to South Calumet Avenue

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

SECTION 2: That the Chicago Zoning Ordinance be amended by changing all of the B2-3 Neighborhood Mixed Use District symbols and indications as shown on Map 10-E in the area bounded by:

East 43rd Street; South Calumet Avenue; a line 196 south of and parallel to East 43rd Street; and the alley immediately west of and parallel to South Calumet Avenue

to those of a Residential Business Planned Development No. _____, which is hereby established in the area above described, subject to such Use and Bulk Regulations as set forth in the Plan of Development herewith attached and made a part hereof and to no others.

SECTION 3: The Ordinance shall be in full force and effect from and after its passage and due publication.

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development Number _____,

("Planned Development") consists of approximately 25,299 net square feet of property (.058 acres) which is depicted on the attached Planned Development Boundary, Property Line and Subarea Map ("Property") and is owned or controlled by 43 Green JV, LLC (the "Applicant").

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, 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 City's 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 reviewed and determined by CDOT's Division of Infrastructure Management:

APPLICANT ADDRESS FILING DATE -

PLANNING COMMISSION II \ I II:

43 Green JV, LLC

319 - 331 E. 43rd Street and 4300-4318 S Calumet Avenue November 1, 2020

Final for Publication

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 CDOT 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 CDOT 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 CDOT 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 CDOT.

4. This Plan of Development consists of 17 Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary, Property Line Map; Site Plan; Landscape Plan; and Building Elevations dated January 21, 2021, 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 allowed within this Plan of Development:

- Household living (all, including Artist Live/Work Space located above and on the ground floor, dwelling units located on and above the ground floor, elderly housing, multi-unit residential and townhouses); Office (all); Medical Service; Retail Sales, General; Postal Service; Colleges and Universities; Cultural Exhibits and Libraries; Day Care; Animal Services (all except Stables); Artist Work or Sales Space; School; Building Maintenance; Business Equipment Sales and Service; Business Support Services (all); Body Art Services; Communication

APPLICANT: -13 Green JV, LLC
ADDRESS: 31 y - 33 I E 43rd Street and -1300-43 18 S Calumet Avenue
HUNG DATE: November 16, 2020
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Service Establishments; Building Material Sales; Eating and Drinking Establishments (all); banks, savings banks, savings and loan association, currency exchange and credit union; Automated Teller Machine Facility; Undertaking; Food and Beverage retail Sales with Liquor Sales as accessory use only; Personal Service (all); Repair and Laundry Service, Consumer (all); Lodging (all); Valuable Objects Dealer; Auto Vehicle Sales; drive through uses; and accessory parking and related accessory uses. Accessory parking may be shared between subareas.

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 total Net Site Area of (25,299) square feet.

9. The Site and Landscape Plan 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 I approval.

10. 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 that Code.

11. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-061 I-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.

12. The Applicant acknowledges and agrees that the rezoning of the Property to , -i

12. Residential-Business Planned Development No. for construction of (his Planned

APPLICANT: '13 Green JV, LLC
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Development, triggers the requirements of Section 2-15-1 10 of the Municipal Code (the "Affordable Housing Ordinance"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). In accordance with these requirements and the Affordable Housing Profile Form attached hereto as Exhibit A, the Applicant has agreed to provide 10% of the total number of dwelling units constructed in any building within the Planned Development containing 10 or more units as affordable housing units for households earning up to 60% of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units"), or make a cash payment to the Affordable Housing Opportunity Fund per unit ("Cash Payment") in accordance with the Affordable Housing Ordinance. At the time of each Part II review for any building containing 10 or more dwelling units, Applicant may update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval. If the Applicant subsequently reduces the number of dwelling units in the Planned Development, DPD may adjust the requirements of this Statement 12 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending the Planned Development. Prior to the issuance of any building permits for a building containing 10 or more dwelling units, including, without limitation, excavation or foundation permits, the Applicant must either make the required Cash Payment, or execute an Affordable Housing Agreement in accordance with Section 2-45-110(i)(2). 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 only that parcel for which the Part II review is being sought and will constitute a lien against each for sale Affordable Unit or the residential portion of the building, if rental, as the case may be, within that parcel. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit within that parcel to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit. The City shall execute a release of the Affordable Housing Agreement for a rental building upon compliance with the terms of such Agreement. The Commissioner of DPD may enforce remedies for breach of the 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.

13. 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.

APPLICANT:
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14. 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.

15. 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.
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. As a project which involves a City funding, the Applicant is required to achieve the following standards, at a minimum: 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). Furthermore, 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 two points in the city approval process. First, 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) the Applicant's 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) the applicant's M/WBE and city resident participation goals. Second, 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.

APPLICANT:	4.5 Green JV, LLC
ADDRESS-	319 - 331 W 43rd Street and 4300-4318 S Calumet Avenue
FILING DATE-	November 16, 2020
PLAN COMMISSION DATE:	January 21, 2021

17. „ [Ins 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 the RM-5 Residential Multi-Unit District that existed prior to such lapse.

APPLICANT:

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FILED IN THE

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43 Green JV, LLC

319-331 E. 43rd Street and 4300-4318 S. Calumet Ave November 2020

January 21, 2021

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. BULK REGULATIONS

Gross Site Area (PD Boundary):

Total Public Area Right-of-Way: Area to be Dedicated

Total Net Site Area (Parcel Boundary):

Maximum Overall Floor Area Ratio:

Maximum Residential Units:

Minimum Number of Off-Street Loading Spaces:

39,139 square feet (.90 acres)

13,840 square feet (.32 acres) 0

25,299 square feet (.58 acres)

4.0

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1 (10x25)

Minimum Number of Off-Street Parking and Bike Spaces:

24 54

106'-5" (as measured in accordance with the Chicago Zoning Ordinance 17-17-031 1-A-including limitations per 17-17-0311-B)

In accordance with the Site Plan

Final for Publication

APPLICANT: 43 Green JV, LLC
ADDRESS: 319 - 331 E. 43rd Street and 4300-4318 S. Calumet Avenue, Chicago Illinois
FILING DATE: November 10, 2020
PLAN COMMISSION DATE: January 21, 2021

Existing Zoning Map

Drawing Scale- 1" = 100' LONDON 80ME 8AKFH as

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Project Address- 321 EAST 43RD St
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Landscape Plan

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Applicant: 43 green jvllc

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Applicant: 43 GREEN JV LLC Project Address: 321 EAST 43RD ST

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To: Aldennan Tom Tunney
Chairman, City Council Committee on Zoning

From: . -^Y~^r
Maurice D. Cox / Chicago Plan Commission

Date: January 21, 2021

Re: Proposed Planned Development Located at 319-331 E. 43rd Street and 4300-4318 South Calumet Avenue

On January 21, 2021, the Chicago Plan Commission recommended approval of the proposed Planned Development located at 319-331 E. 43rd Street and 4300-4318 South Calumet Avenue, submitted by 43 Green JV, LLC. The applicant proposes to construct a mixed-use development with a maximum of 99 dwelling units, 50% of which will be affordable, commercial space, accessory parking spaces and open space. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are 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 recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Kimberly Morris at 312-744-4477.

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

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