



Office of the City Clerk

City Hall
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Room 107
Chicago, IL 60602
www.chicityclerk.com

Legislation Text

File #: SO2021-3108, 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, is hereby amended by changing the PD 617 District symbols and indications as shown on Map No 11-K in the area bounded by

North Cicero Avenue; West Belle Plaine Avenue; North Kilpatrick Avenue; a line 216 feet north of Belle Plaine Avenue running for a distance of 355.83 feet; the westerly right-of-way of the Chicago, Milwaukee & St. Paul Railroad; West Irving Park Road; a line 133 feet east of North Kilpatrick Avenue, a line 150 feet north of West Irving Park Road; North Kilpatrick Avenue; a line 33 feet west of North Kilpatrick Avenue; A line 100 feet north of West Irving Park Road; a line 153 feet west of North Kilpatrick Avenue; and West Irving Park Road

to those of a PD 617, as amended District.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Common Address of Property:

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AMENDMENT TO BUSINESS PLANNED DEVELOPMENT 617 PLANNED DEVELOPMENT STATEMENTS

The area delineated herein as Residential-Business Planned Development Number 617, as amended ("Planned Development") consists of approximately 715,764 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Applicant, Six Corners Real Estate Devt., LLC.

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.

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

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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.

This Plan of Development consists of 18 statements and exhibits: a Bulk Regulations Table; a survey; a site plan, existing site photos; an existing zoning and land use map, landscape plan; a subarea plan; a site plan; building elevations (North, South, East and West); floor plans; prepared by MG2 and dated June 4, 2021, submitted herein (collectively, "Plans"). Full-sized copies of the Site Plan, Landscape 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 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.

The following uses are permitted in Subarea A: all uses allowed under a B3-2, Community Shopping District, except dwelling units and lodging rooms.

The following uses are permitted in each of Subareas B and C: efficiency and dwelling units located above the ground floor, artist live-work located above the ground floor, general retail sales, office, limited restaurant,

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general restaurant, outdoor patio (if located at grade level), personal service, indoor participant sports and recreation, co-located wireless communication facilities, schools, day care, children's play centers, sales and grooming, veterinary, body art. services, vacation rental, shared housing unit, cultural exhibits and libraries, artists work or sales space, business equipment sales and service, business support services, communication service establishments, financial services, food and beverage retail sales, medical service, including accessory parking 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.
8. The maximum permitted Floor Area Ratio ("FAR") for the Property 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 715,764 (a Net Site Area of 455,470 square feet for Subarea A, a Net Site Area of 111,978 square feet for Subarea B, and a Net Site Area of 148,316 square feet for Subarea C).
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, Fleet and Facility Management and

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Buildings, under Section 13-32-085 of the Municipal Code, or any other provision of that Code.

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.
15. Any material development in Subarea C shall be submitted and processed under Site Plan Review pursuant to Section 17-13-0801 through Section 17-13-05 of the Chicago Zoning Ordinance. Prior to the Part II approval (Section 17-13-0610 of the Chicago Zoning Ordinance) for any buildings, the Applicant shall submit a site plan, landscape plan and building elevations ("Site Plan Submittal") for review and approval by the Department of Planning and Development ("DPD"). Upon submittal, DPD and the Applicant shall notify the Alderman of the ward in which a Site Plan Submittal is located and, in conjunction with the Site Plan Submittal, the Applicant shall be subject to a public review process that is facilitated by such Alderman. Review and approval by DPD are intended to assure that specific development components substantially conform with the Planned Development.

Provided the Site Plan Submittal required hereunder is in general conformance with this Planned Development, and provided the Applicant has timely provided all Site Plan Submittals, the Commissioner shall issue such Site Plan Approval. Following the approved Site Plan Approval,

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supporting data and materials shall be made pari of the main file and shall be deemed to be an integral part of the Planned Development.

Any Site Plan Submittal for Subarea C shall, at a minimum, provide the following information:

- a. The boundaries of the property;
- b. The footprint of the improvements;
- c. Location and dimensions of all parking spaces and loading berths;
- d. Preliminary landscaping plan prepared by a landscape architect;
- e. All pedestrian circulation routes;
- f. Preliminary building sections and elevations of the improvements with a preliminary building materials list; and
- g. Statistical information applicable to the property limited to the following:
 - 1) floor area and floor area ratio;

- 2) uses to be established;
 - 3) building heights;
 - 4) all setbacks, required and provided;
 - 5) floor area devoted to all uses (office, dwelling, etc....);
 - 6) number of dwelling units (if applicable);
 - 7) Occupancy counts (if applicable);
 - 8) Number of loading spaces/berths;
 - 9) An approved Site Plan by CDOT, Fire Prevention Bureau, Mayor's Office for People with Disabilities, and the Building Department's Division of Storm Water Management; and
- (10) Any other information necessary to illustrate substantial conformance with the Planned Development.

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16. The Applicant acknowledges and agrees that the rezoning of the Property from Planned Development 617 to Planned Development 617, as amended ("PD"), triggers the requirements of Section 2-44-080 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 ("ARO Units") as affordable units, or with the approval of the commissioner of the Department of Housing ("DOH") (subject to the transition provisions of Section 2-44-040(c)), in consultation with the commissioner of the Department of Planning and Development ("DPD") as appropriate; (ii) pay a fee in lieu of the development of the ARO Units (Cash Payment); 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 ARO Units on-site or off-site (Required Units). If the developer elects to provide ARO Units off-site, the off-site ARO 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.

For Subarea B, the project has a total of 207 units. As a result, the Applicant's affordable housing obligation is 21 ARO Units (10% of 209 rounded up), 6 of which are Required Units (25% of 21, rounded down). Applicant has agreed to satisfy its affordable housing obligation by making a cash payment to the Affordable Housing Opportunity Fund in the amount of \$134,242 per ARO Unit ("Cash Payment") for a total cash payment of \$2,013,630 for 15 ARO Units, and providing 6 ARO Units in the building to be constructed in the Planned Development to be approved by the Department of Housing in consultation with DPD as appropriate, as set forth in the Affordable Housing Profile Form attached hereto as Exhibit A. The Applicant agrees that the ARO 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 ARO Units in the Planned Development, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Housing for review and approval, and DOH may adjust the number of required ARO 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 2-44-080(L). The cash payment will be recalculated at the time of payment (including partial payments for phased developments) and may be adjusted based on changes in the consumer price index in accordance with Section 2-44-080. The terms of

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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 DOFI 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.

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 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

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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.

18. 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 PD 617 prior to the passage of this Amendment.
AMENDMENT TO BUSINESS PLANNED DEVELOPMENT NO. 617, BULK REGULATIONS AND DATA TABLE

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Total Gross Site Area: Total Area in Public Way:

814,407 SF 98,643 SF

Net Site Area:

Subarea A Subarea B Subarea C

Total Net Site Area:

Maximum Floor Area: Subarea A: Subarea B: Subarea C:

455,470 SF 111,978 SF 148,316 SF

715,764 SF

168,523.90 (118,044 SF Existing)

295,621.92

519,106.00

Floor Area Ratio: FAR Overall: FAR Subarea A FAR Subarea B FAR Subarea C

0.73

0.37 (0.26 Existing)

2.64

3.50

Setbacks:

Subarea A Subarea B Subarea C

Existing, no change In accordance with Site Plan In accordance with B3-3 Community Shopping District.

Maximum Building Height: Subarea A:

Subarea B: Subarea C:

Minimum Parking Spaces: Subarea A: Subarea B:

Existing, no change (per building
elevations of PD 617 dated July 10,
1996 on file with Department of
Planning)

1127"

75'

622 (Existing per Survey) Standard*: 207 (Resid.); 100 (Retail) Proposed: 186 (Resid.); 89 (Retail) *TSL Parking reductions allowed

Applicant: Six Comer Real Estate Devt., LLC Address: 4712-38 VV. Irving Park Introduced: July
14, 2021 CPD Dale: August 26, 2021

AMENDMENT TO BUSINESS PLANNED DEVELOPMENT NO. 617, BULK REGULATIONS AND DATA TABLE
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Pursuant to Section 17-10-0207 standards for the B3-3 Community Shopping District.

Dwelling Units:

Subarea A Subarea B Subarea C

0
207

Pursuant to the requirements of Section 17-03-0402-A

Bicycle Parking Spaces: Subarea A: Subarea B:

Subarea C:

0
Standard: 104 (Resid.); 20 (Retail)* Proposed: 207 (Resid.); 20 (Retail) *1:5 req'd vehicular parking space Pursuant to Section 17-10-0207-D

Loading Spaces: Subarea A: Subarea B:

Subarea C:

Existing, no change 1 (10x25) 3 (10 x 50)
Pursuant to Section 17-10-

Applicant: Six Corner Real Estate Devt., LLC

Address: 4712-38 VV. Irving Park-

Introduced: July 14, 2021

CPD Date: August 26, 2021

final for publication

ARO Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the 2015 ARO, Near North/Near West Pilot, Milwaukee Pilot or Pilsen/Little Village Pilot Ordinances (all projects submitted to City Council after October 13, 2015). More information is online at www.cityofchicago.gov/ARO <http://www.cityofchicago.gov/ARO>. Submit the completed to the Department of Housing (DOH), 121 N LaSalle Street, 10th Floor, Chicago, IL 60502. E-mail: 'denise.roman@cityofchicago.org or Justin.robt@cityofchicago.org <mailto:or.Justin.robt@cityofchicago.org>. Applications that include dff-ste:uhi^sHc»jld submit..dpcumepUtion listed pri 'page' two..

Date:

DEVELOPMENT INFORMATION

Development Name: Six Corners

Development Address. 4712-38 W. Irving Park Road

Zoning Application Number, if applicable 20785 Ward 45

If you are working with a Planner at the City, what is his/her name? Eihesh Tuffy

Type of City Involvement City/Land 0 Planned Development (PD)

check all that apply Financial Assistance p] Transit Served Location (TSL) project

Zoning increase

REQUIRED ATTACHMENTS the AHP will not be reviewed until all required docs are received 0 ARO Web Form completed and attached - or submitted online on

[TJ ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) [7] If ARO units proposed. Dimensioned Floor Plans with affordable units highlighted are attached (pdf) QT 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 Six Corners Real Estate Devt., LLC

Developer Contact Jake Paschen

Developer Address 3423 N. Drake, Chicago, IL 60618

Email Jpaschen@novakconstruction.com <mailto:Jpaschen@novakconstruction.com> Developer Phone 847-446-2446

Attorney Name Tyler Manic Attorney Phone 312-345-5706

TIMING

Estimated date marketing will begin May 2023

Estimated date of building permit* May 2022

Estimated date ARO units will be complete October 2023

*the in-lieu fee, recorded covenant and 55,000 per unit administration fee (for off-site units) are required prior to the issuance of any building permits, including the foundation permit.

PROPOSED UNITS MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)

Developer or their agent . Date
Date

y: ^/yy' 08.04.2021

ARO Project Manager, DOH

ARO Web Form

Applicant Contact Information

Name: Tyler Manic

Email: tmanic@schainbanks.com <mailto:tmanic@schainbanks.com>

Development Information

Printed Date: 08/04/2021

Number From: 4712 Number To: 4738 Direction: W

Street Name: Irving Park Postal Code: 60641

Development Name

Six Corners

Are you rezoning to downtown?: No

Is your project subject to the ARO Pilots?: 2015 ARO REQUIREMENTS APPLY Information

Ward: 45

ARO Zone: Higher Income

Details

ARO Ttrigger: ZP

Total Units 207 ' Development Type: Rent TSL Project: TSL-or FAR doesn't exceed 3.5 Date Submitted: 08/04/2021

Requirements

Affordable Units' 21 'On-site aff. Units 5

How do you intend to meet your required obligation

On-Site: 6 Off-Site: 0

On-Site to CHA or Authorized Agency. 0 Off-Site to CHA or Authorized agency: 0 Total Units: 6 In-Lieu Fee Owed' 2,013,630

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

Alderman Tom Tunney
Chairman, City Council Committee on Zoning

From

Date: August 26, 2021

Re: Proposed Amendment to Business Planned Development #617 (4712-4738 W. Irving Park Rd.)

On August 26, 2021, the Chicago Plan Commission recommended approval of the proposed amendment to Business Planned Development #617, submitted by Six Corners Real Estate Devt., LLC. The Applicant proposes to amend Business Planned Development #617 to create three subareas within the preexisting planned development boundaries with an underlying B3-3 (Community Shopping District) zoning classification. The B3-3 zoning will allow for expanded uses, including residential dwelling units, across the site. Proposed physical improvements to the former Sears department store building include additions of habitable floor area and outdoor amenity space at the roof level, new window openings, facade rehabilitation, and reconstruction of the northern portion of the parcel for structured parking and additional mixed-use commercial/residential space.

The project will result in approximately 50,000sf of ground floor commercial retail with a total of 207 dwelling units on the four floors above. The overall FAR for the planned development is .73. The proposed building height, with additions, is 97'-0" to the top of the 6th floor roof plus 15'-7" to the top of the rooftop mechanical screening. The building's parking garage is proposed to accommodate 257 automobiles and 207 bicycles. Pedestrian walkway improvements and additional landscaping to be provided along the Cuyler private roadway immediately north of the building site. There are no other changes to the properties. 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 Eilish TuiTy at 312-744-4849.

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

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