



# Office of the City Clerk

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

## Legislation Text

File #: SO2010-7393, 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 Planned Development No. 38 symbols and the B1-3 symbols as shown on Map No. 12-D for the property located in the area generally bounded by East 52<sup>nd</sup> Street; South Lake Park Avenue; East 53<sup>rd</sup> Street; the west line of the alley next west of and parallel to South Lake Park Avenue; East 52<sup>nd</sup> Place; South Harper Avenue; a line 200.79' south of and parallel to East 52<sup>nd</sup> Street extended in a westerly direction for 150.45' from the west line of the South Harper Avenue right-of-way; a line extended in a northerly direction for 125.52'; a line extended in an easterly direction for 150.45' to South Harper Avenue; and South Harper Avenue to the designation of B3-5, Community Shopping District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B3-5 symbols as shown on Map No. 12-D in the area described above in Section 1 of this Ordinance, to the designation of Planned Development No. 38, as amended, subject to the use and bulk regulations set forth in the Plan of Development attached hereto and made a part hereof.

SECTION 3. This ordinance takes effect after its passage and approval.

Toni Preckwinkie Alderman, A<sup>m</sup> Ward  
Address: 5225 South Harper Avenue

## FINAL FOR PUBLICATION

### **Business - Residential Planned Development No. 38, As Amended Plan of Development Statements**

1. The area delineated herein as Business - Residential Planned Development No. 38, as amended (the "Planned Development"), consists of approximately 172,662.1 square feet (3.96 acres) of property (the "Property"). It is the intent of this ordinance to amend existing Subarea A and Subarea C only. These subareas will be combined and redivided to establish a new Subarea A and a new Subarea C. Existing Subarea A and Subarea C are under the single-designated control of Harper Court Partners, LLC.

2. All applicable official reviews, approvals or permits are required to be obtained by the owner(s) of the individual subareas or their successors, assignees or grantees. Any dedication or vacation of streets, alleys, easements or adjustments of rights-of-way, or consolidation or resubdivision of parcels, shall require a separate submittal on behalf of the owner(s) of the individual subareas or their successors, assignees or grantees and approval by the City Council.

3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the owner(s) of the individual subareas, their successors and assigns and the legal titleholders and any ground lessors. All rights granted hereunder to the owner(s) of the individual subareas shall inure to the benefit of the owner(s) successors and assigns, the legal titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time any application for an amendment, modification or change (legislative, administrative or otherwise) to this Planned Development is made, shall be under single ownership or single designated control. "Single designated control" is defined in Section 17-8-044 of the Chicago Zoning Ordinance. The Subareas herein shall be deemed specifically delineated subareas and subparcels for purposes of Section 17-8-0400.

Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein by the owner(s) of the individual subareas and their

successors, assigns and grantees, nor interfere with, abrogate or annul any zoning rights agreement, deed restriction or covenant, or other written agreement among owners (or owners' successors, assigns or grantees). Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of the Property so transferred, the term "owner" shall be deemed amended to apply to the transferee thereof.

Where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to

Applicant: Alderman Tnni Preckwinkie (4<sup>th</sup> Ward)

Address: 5225 South Harper Avenue

Date: July 28, 2010

Revised: October 21, 2010

## FINAL FOR PUBLICATION

the condominium association of the owners of such portions of the improvements and the applicable portion of the Property, and not to the individual unit owners therein. An agreement among the different owners of the Property, or a covenant binding upon owners of the Property, may designate the parties authorized to apply for future amendments, modifications or other changes to this planned development.

4. This Planned Development consists of these eighteen (18) statements; a Bulk Regulations and Data Table; and the following exhibits prepared by Hartshorne Plunkard Architecture dated October 21, 2010: an Existing Zoning Map; an Existing Land-Use Map; A Planned Development Boundary Map; a Property Line and Subarea Map; a Right-of-Way Adjustment Plan; Site Plan; a Landscape Plan; a Subarea A and C Green Roof Plan; Subarea A Phase I Elevations (East, South - West 53<sup>rd</sup> Street; South - Harper Court; West - Harper Court; West Harper Avenue; North - Office Towerjand Site Sections (Harper Court, Lake Park Avenue and 53<sup>rd</sup> Street; and Harper Avenue).

Full-size copies of the exhibits are on file with the Department of Zoning and Land Use Planning. This Planned Development conforms to the intent and purpose of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, and all requirements thereof and satisfies the established criteria for approval as a planned development. In any instance where a provision of the Planned Development conflicts with the Chicago Building Code, the Building Code shall control, except as to measurement of height.

5. The following uses shall be permitted within Subarea A as delineated in Business-Residential Planned Development No. 38, as amended: all Permitted Uses in the B3 Community Shopping District; hotels; outdoor patios; taverns; Financial Services (excluding payday loan stores and pawn shops); Personal Services (excluding body art services); and accessory uses.

The following uses shall be permitted within Subarea B as delineated in Business-Residential Planned Development No. 38, as amended: all Permitted Uses in the Commercial Use Group in the B3, Community Shopping District; drive-through facilities; and accessory uses.

The following uses shall be permitted within Subarea C as delineated in Business-Residential Planned Development No. 38, as amended: all Permitted Uses in the B3-5, Community Shopping District; outdoor patios; Financial Services (excluding payday loan stores and pawn shops); Personal Services (excluding body art services); and accessory uses.

6. On-premise signs and temporary signs are permitted within the Planned Development subject to the review and approval of the Department of Zoning and Land Use Planning. Off-premise signs shall be prohibited.

7. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation. All work proposed in the public way must be designed and constructed in accordance

Applicant: Alderman Toni Preckwinkie (4<sup>th</sup> Ward) - 2 -

Address: 5201 .South Harper Avenue Date: July 28, 2010 Revised: October 21, 2010

## FINAL FOR PUBLICATION

with the Chicago Department of Transportation Construction Standards for Work in the Public Way in effect at the time of construction and in compliance with the Municipal Code of the City of Chicago. Ingress and egress shall be subject to the review and approval of the Department of Transportation and the Department of Zoning and Land Use Planning. Off-street parking and loading facilities shall be provided in compliance with this Planned Development. A minimum of two percent (2%) of all parking spaces provided pursuant to this Planned Development shall be designated and designed as accessible parking for people with disabilities.

The owner(s) of Subarea A has committed to certain improvements to the public way in accord with the recommendations of the Traffic Impact Study conducted by KLOA, Inc. dated October 19, 2010. A copy of the Traffic Impact Study is on file with the Chicago Department of Transportation and Department of Zoning and Land Use Planning. The owner(s) of Subarea A shall provide an easement to the public on that certain segment of Harper Court extending south from 52<sup>nd</sup> Place to 53<sup>rd</sup> Street.

8. The maximum permitted floor area ratio ("FAR") for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For purposes of floor area and floor area ratio calculations, the definitions of the Chicago Zoning Ordinance in effect as of the date of approval of this Planned Development shall apply. The Commissioner of the Department of Zoning and Land Use Planning shall have the administrative authority to transfer floor area and adjust the FAR between Subareas A and C.

9. The height of any building and any appurtenance thereto shall not exceed the height established within the Bulk Regulations and Data Table and shall also be subject to height limitations approved by the Federal Aviation Administration. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply.

10. The requirements of this Planned Development as they apply to a specific subarea may be modified administratively by the Commissioner of the Department of Zoning and Land Use Planning upon written application by the owner(s) of the subarea and a determination by the Commissioner of the Department of Zoning and Land Use Planning that the requested modification is minor, appropriate and consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of this Planned Development by the Commissioner of the Department of Zoning and Land Use Planning shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611-A of the Chicago Zoning Ordinance.

11. The Improvements on the Property shall be designed, constructed and maintained in substantial conformance with the exhibits attached hereto and with the landscaping and screening provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines.

The Green Roof in Phase I, approximately 14,743 square feet, shall be installed no later than three (3) years from the date of issuance of the initial Part II approval for Phase I.

Applicant: Alderman Toni Preckwinkle (4<sup>th</sup> Ward) - 3 -

Address: 5201 South Harper Avenue Dale: July 28, 2010 Revised: October 21, 2010

## **m for PUBUCWKW**

12. Pursuant to Section 2-45-110 of the Municipal Code, the "Affordable Requirements Ordinance" (the "ARO"), an amendment to a Planned Development which grants additional floor area for the development of 10 or more housing units and/or for which the developer is receiving financial assistance from the City, subjects the development of the additional housing units authorized or permitted by such amendment to the affordability requirements specified under the ARO. As a result of this amendment to Planned Development No. 38, the City Council has approved additional floor area that authorizes or permits the development of 10 or more units. Ten percent (10%) - or Twenty percent (20%), if financial assistance is provided by the City - of any housing units developed as part of the Planned Development are required to be built as affordable housing, as that term is defined by the ARO. As part of the approval process for any application proposing the construction of residential dwelling units, the Applicant shall also provide, for the review and approval of the Department of Community Development (or any successor department thereto), such information, documents and agreements

as may be required under the ARO to assure that such required affordable housing units are provided and maintained.

13. It is in the public interest to design, construct and renovate all buildings in a manner that provides healthier environments, reduces operating costs and conserves energy and resources. All buildings constructed within Subareas A and C shall be Certified under the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System and shall install a green roof over 100% of each building's net roof area. Upon completion, the buildings constructed in Subarea A, except the hotel, shall have a total green roof of approximately 60,690 square feet. Phase I development shall have a total green roof of approximately 14,743 square feet within three (3) years of the issuance of the first Part II for Phase I. All buildings constructed pursuant to this Planned Development shall conform to the City of Chicago Sustainable Development Policy Matrix (the "Matrix") in effect on the date of approval of this Planned Development.

14. It is in the public interest to design, construct and maintain the improvements on the Property in a manner which promotes, enables, and maximizes universal access throughout the Property. Plans for all newly constructed buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities ("M.O.P.D.") 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. Upon Part II Review, a Part II Review Fee shall be assessed by the Department of Zoning and Land Use Planning pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance. The fee as determined by staff at the time is final and binding on the Part II applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.

16. It is contemplated that the improvements within Subarea A and Subarea C of this Planned Development will be constructed in phases and that all proposed buildings will not be

Applicant: Alderman Toni Preckwinkle (4<sup>th</sup> Ward) . 4 .

Address: 5201 South Harper Avenue Date: July 28, 2010 Revised: October 21, 2010

## FINAL FOR PUBLICATION

fully designed at the time of the Planned Development's passage and approval. Accordingly, for the improvements in Subareas A and C not reviewed and approved by the Chicago Plan Commission, and for any new improvements in Subarea B, Site Plan Review shall be required for each proposed improvement. Review and approval of the Site Plan by the Department of Zoning and Land Use Planning is intended to ensure that specific development proposals conform to this Planned Development and are compatible with the character of the improvements of this Planned Development.

A Site Plan submitted to the Department of Zoning and Land Use Planning for review and approval shall, at a minimum, illustrate the following information:

- Elevations of the proposed building facades;
- Building orientation and setbacks;
- Building bulk and scale in relation to nearby buildings;
- Sidewalks and curb cuts;
- Parking and loading areas;
- Landscaping, lighting and signs;
- Conformance with the City of Chicago's Sustainable Development Policy;
- Information regarding the proposed building including floor area, FAR, proposed uses and building height;
- and
- Building materials.

The Commissioner of the Department of Zoning and Land Use Planning must review the Site Plan and submit it to the Chicago Plan Commission for its information and review. The Commissioner must make a decision within thirty (30) days of receipt of the Chicago Plan Commission's review whether the proposed plans conform to the character and requirements of this Planned Development.

In the event of an inconsistency between the approved Site Plan and the Plan of Development Statements or the Bulk Regulations and Data Table of this Planned Development, the Plan of Development Statements and Bulk Regulations and Data Table shall govern.

17. Each developer of any portion of the Property at the time of a project shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioner of the Department of Streets and Sanitation, the Commissioner of the Environment and the Commissioner of Buildings pursuant to Section 13-32-125 of the Municipal Code of the City of Chicago or any other provision of that Code.

18. This Planned Development ordinance will lapse and be null and void unless construction within Subarea A of the Subarea A Phase I Improvements as set forth in the attached Exhibits and as authorized by a building permit, has commenced within six years of the date of City Council approval. The six year period may be extended by up to one additional year if, before expiration, the Commissioner of the Department of Zoning and Land Use Planning receives a written request from the owner(s) of Subarea A and determines that good cause for an extension is shown. If this Planned Development

Applicant: Alderman Toni Preckwinkle (4<sup>th</sup> Ward) - 5 -

Address: 5201 South Harper Avenue Date: July 28, 2010 Revised: October 21, 2010

## FINAL FOR PUBLICATION

amendment shall lapse as provided in this section, then the Commissioner of the Department of Zoning and Land Use Planning must initiate a Zoning Ordinance Map Amendment to rezone the Property to the zoning classification that applied to the Property before approval of this amendment. .

Applicant: Alderman Toni Preckwinkle (4<sup>th</sup> Ward) - 5 - Address: 5201 South Harper Avenue Date: July 28, 2010 Revised: October 21, 2010

## FINAL FOR PUBLICATION

### **BUSINESS - RESIDENTIAL PLANNED DEVELOPMENT No. 38, as Amended**

#### **Bulk Regulations and Data Table**

**Gross Site Area (Total): Subarea A: Subarea B: Subarea C:**

**Area in Public Right-of-Way (Total): Subarea A: Subarea B: Subarea C:**

**Net Site Area (Total): Subarea A: Subarea B: Subarea C:**

235,702 Square Feet 173,262 Square Feet 39,907. Square Feet 22,533 Square Feet

63,039.9 Square Feet. 45,370 Square Feet 14,024 Square Feet 3,646 Square Feet

172,662.1 Square Feet 127,892 Square Feet 25,883.1 Square Feet 18,887 Square Feet

#### **Maximum Floor Area Ratio:**

**Subarea A: 5.0\*\***

**Subarea B: 1.2**

**Subarea C: 5.0\*\***

**Maximum Number of Dwelling Units: Subarea A and C: Subarea B:**

**Minimum Number of Off-Street Parking Spaces:**

**Subarea A and C:**

**Subarea B:**

**Minimum Number of Loading Berths: Subarea A and C: Subarea B:**

**Maximum Building Height: Subarea A: Subarea B: Subarea C:**

425 0

600\*\*\*

As required for the B3-3 Community Shopping District

2

As required for the B3-3 Community Shopping District

400' 65 80'

Applicant: Alderman Toni Preckwinkle

Address: 5225 South Harper Avenue

Date: July 28, 2010

Revised: October 21, 2010

**Minimum Number of Bicycle Spaces: Subareas A and C: Subarea B:**

## FINAL FOR PUBLICATION

50

As required for the B3-3 Community Shopping District

NOTE: Subarea B contains an existing one-story commercial building with a drive-through facility and parking. No changes are being made to Subarea B at this time.

\*\* Floor area may be transferred between Subareas A and C with the approval of the Commissioner of Zoning and Land Use Planning.

\*\*\* The minimum parking requirement for the Phase I development of Subareas A and C is 400 spaces.

Applicant:

Address:

Dale:

Alderman Toni Preckwinkle 5225 South Harper Avenue July 28, 2010

APPLICANT: ALDERMAN TONI PRECKWINKLE (4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED: JULY 28, 2010 DATE REVISED: OCTOBER 21, 2010

## EXISTING ZONING MAP

C - COMMERCIAL BUSINESS USE (C-1) - BESIDWTTUJ. USE

APPLICANT:

ALDERMAN TONI PRECKWINKLE (4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED:

JULY 28, 2010 DATE REVISED

OCTOBER 21, 2010

## EXISTING LAND USE MAP

TOTAL GROSS AREA : 235,702 SF

APPLICANT:

ALDERMAN TONI PRECKWINKLE (4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED:

JULY 28, 2010 DATE REVISED

OCTOBER 21, 2010

## PLANNED DEVELOPMENT BOUNDARY

APPLICANT:

ALDERMAN TONI PRECKWINKLE (4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED:

JULY 28, 2010 DATE REVISED:

OCTOBER 21, 2010

## PROPERTY LINE BOUNDARY AND SUBAREA MAP

APPLICANT: ALDERMAN TONI PRECKWINKLE (4TH WARD)

### RIGHT OF WAY ADJUSTMENT PLAN

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED: JULY 28, 2010      DATE REVISED: OCTOBER 21, 2010      OC

APPLICANT:

ALDERMAN TONI PRECKWINKLE (4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED:

JULY 28, 2010      DATE REVISED:

OCTOBER 21, 2010      SCALE: 1:1000

### SITE PLAN

APPLICANT:

ALDERMAN TONI PRECKWINKLE (4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED:

JULY 28, 2010      DATE REVISED:

OCTOBER 21, 2010      SCALE: 1:1000

### SITE PLAN / LANDSCAPE PLAN

APPLICANT:

ALDERMAN TONI PRECKWINKLE (4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED:

JULY 28, 2010      DATE REVISED:

OCTOBER 21, 2010      SCALE: 1:1000

### SUBAREA A & C GREEN ROOF PLAN

TI O

55

V K T M F I O O H t t - U I T T

#### /^EAST ELEVATION

VS SCALE: 1" = 70'-0"

APPLICANT: ALDERMAN TONI PRECKWINKLE (4TH WARD)

### EAST ELEVATION

ADDRESS OF PROJECT: 5225 SOUTH HARPER AVENUE, CHICAGO, ILLINOIS

DATE SUBMITTED: JULY 28, 2010      DATE REVISED: OCTOBER 21, 2010      OC

ICSVBRUL TOW BETOO  
btw Roof nrocTuwt.  
@:~r\*\*  
Tf IUTHROOBjs  
a.-.iicrS'  
Tf 8TWFUQW  
\* rotr-c-'  
T? 7THROOH

4-

ouuis<u<z  
HARPER COURT cue CCUHI- /  
PAHTID COCWtI P\*«. miW-  
"IT

-n O

;o

OUMTWUUCHUINI-  
LAKE PARK AVE.

SOUTH ELEVATION - W. 53rd ST.

SCALE: 1" - 7(V-0"

APPLICANT: ALDERMAN TONI PRECKV **SOUTH ELEVATION**  
(4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

/^SOUTH ELEVATION ■ HARPER COURT

vi/ SCALE: 1" - 70'-0"

APPLICANT: ALDERMAN TONI PRECKV **SOUTH ELEVATION**  
(4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

J

WA

y

m

w

Tl MTU ROW  
tj jin acon  
am now

174T  
. nnnmpm  
Tti5Tfu«

4f

Y (i: "ttr-or  
Tl U THROW  
Y tf=-tf<r-  
X Tt I7THFIOOX  
Y EL- .11\* r  
Tl IITH ROOT

4^

ijm irruaoca

4

mm root  
Y\* /Iw^00n

A. Tt HTHROO\*  
Y «L • MT-0-

a imhhumii  
Y HOKff



L  
eecnNTHCuoH-

bt>v root rmttrire  
TjMTHRptt,  
H: «1Jf■  
n iothrom,  
EL\_1JZ-0' TtThFUCi  
+\* us, wury  
TjSTHROOH,  
Tfare now  
0LM6 TERUCE rULM  
~CML 0>0 c'ITM 53RD STRtft  
5

'~2  
■ IE.

c5  
I-

0  
3  
0

### WEST ELEVATION • HARPER COURT

SCALE: 1" = 70'-0"

APPLICANT: ALDERMAN TONI PRECKWEST ELEVATION  
(4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

### WEST ELEVATION ■ HARPER AVE.

SCALE: 1" = 70'-0"

APPLICANT: ALDERMAN TONI PRECKWEST ELEVATION  
(4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

VtKMdUUMYP.  
tHUMIBV'Ua-  
uua  
3

j. Mill  
TTt  
3:  
ja-  
il.  
,1\$  
it  
7

ti  
p

BTIf#QOF 1TBUCTUHE ^  
\_TjV?TH.RMH>k

\_\_T|UTHH  
-irr  
T11H1HWCTJ.  
a; .nra\*T  
T|THROOR  
Tiny ana  
TlgTHROOH.  
TIM ROM

-n

-n O

-O CZ

CO

O 7=-.

O

### /ta NORTH ELEVATION

V./SCALE: 1" - 70'-0°

APPLICANT: ALDERMAN TONI PRECKV **NORTH ELEVATION**  
(4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

### NORTH ELEVATION ■ 52ND STREET

SCALE: 1" - 70'-0"

APPLICANT: ALDERMAN TONI PRECKV **NORTH ELEVATION**  
(4TH WARD)

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

APPLICANT: ALDERMAN TONI PRECKV **SUBAREA A & C PHASE**  
(4TH WARD) **1 SITE PLAN**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010 SCALE: 1:1000

APPLICANT: ALDERMAN TONI PRECKV **SUBAREA A & C**  
WARD) **PHASE 1 GREEN**  
**ROOF PLAN**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28,2010 2010 SCALE: 1:1000

SPANDCEL GLASS. TTP. -VISION SUSS, TTP.

PETAL CLAD COLUW -1 PAUSED CCNCTETE PAVEL STSTB1 -  
GLASS PARAPET RAILIN3

**EAST ELEVATION**

SCALE: 1" - 50'-0"

APPLICANT: ALDERMAN TONI PRECK **SUBAREA A PHASE 1**  
(4TH WARD) **EAST ELEVATION**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

BTMI ROOF STRUCTURE ^ T) 12TH FLOORJ

SOUTH ELEVATION - W. 53rd ST.

SCALE: 1" - 50'-0"

APPLICANT: ALDERMAN TONI PRECK **SUBAREA A PHASE 1**  
(4TH WARD) **SOUTH ELEVATION**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

-TI  
CD PO

o5

i

o o

TI 4TH FLOOR

3>

O

PO TJ

CO

cry o

**CD**

SOUTH ELEVATION • HARPER COURT

SCALE: 1" - 50'-0"

APPLICANT: ALDERMAN TONI PRECK **SUBAREA A PHASE 1**  
(4TH WARD) **SOUTH ELEVATION**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

-STORECNT GLASS. TTP.

-GREEN SCREEN -GLASS TERRACE RAILFNG

\ "-METAL CLAD COLIFFN

- panted cacmi panel ststem

&

**WEST ELEVATION ■ HARPER COURT**

SCALE: 1" - 50'-0"

5>  
O  
TO

cr

CO  
O

O

APPLICANT: ALDERMAN TONI PRECKV **SUBAREA A PHASE 1**  
(4TH WARD) **WEST ELEVATION**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

-CLAM PARAPET -GLASS GARAGE DOOR  
- 8 TOKEHBCNT GLASS, TTP.

WEST ELEVATION • HARPER AVE.

SCALE: 1" - 50'-0"

APPLICANT: ALDERMAN TONI PRECKV **SUBAREA A PHASE 1**  
(4TH WARD) **WEST ELEVATION**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

PANTED CONCRETE WALL BETOND  
(COLOR TO MATCH CONCRETE PANEL WALL AT SECCI@R00R> PANTED CONCRETE WALL (COLOR TO MATCH ARTIFICIAL STONE TILE)  
PAINTED CONCRETE WALL BETOND  
-PAINTED CONCRETE  
- PAINTED CONCRETE PANEL SYSTEM  
ENTRANCE TO GARAGE-iy? f  
WOODFENCE-^ f-  
LINE OF EXISTING BUILDING

\  
STOREFRONT GLASS, TTP.-'  
-GLASS PARAPET RAILN3J

NORTH ELEVATION

ri  
O  
<5

I

C

SCALE: 1" - 70' 0"

APPLICANT: ALDERMAN TONI PRECKV **SUBAREA A PHASE 1**  
(4TH WARD) **NORTH ELEVATION**

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 21,2010

GLASS TERRACE - RAH.NG-  
9PANDREL GLASS, TTP7=^V1SK\* GLASS, TTP. ->

BTMI ROOF STRUCTURE

EL -170'

TM2TH FLOOR

## NORTH ELEVATION • OFFICE TOWER

SCALE: 1" = 50'-0"

TJ 11TH FLOOR

el »nr-tr

TI 10TH

'FUWH'k • IM'ITY

EL

TI8TH FLOOR

TO FLOOR J> EL »11J-0\*f TI 8TH FLOOR fa EL .W-O"™ V 7TH FLOOR J~. EI: •«W 't

T/ 6TH FLOOR A ELWff-O" S' TI ETH FLOOR

TI4TH FLOOR

EL nr-o' TI 3RD FLOOR

EL »3V0'T) 2W0 FLOOR

TI(SRAOE X

" el «o-^r T

f-

0 cZ

CD O

3

O

APPLICANT: ALDERMAN TONI PRECK SUBAREA A PHASE 1  
{4TH WARD) NORTH ELEVATION

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

BIP6 SETBACK

HARPER COURT SITE SECTION - EAST OF HARPER AVE. LOOKING WEST

SCALE: 1/8" = 1'-0"

APPLICANT: ALDERMAN TONI PRECK HARPER COURT SITE  
(4TH WARD) SECTION

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

APPLICANT: ALDERMAN TONI PRECK LAKE PARK AVE. & 53RD  
(4TH WARD) ST. SITE SECTIONS

ADDRESS OF PROJECT: 5225 SOUTH HARPE  
CHICAGO, ILLINOIS

DATE SUBMITTED: DATE REVISED: OC  
28, 2010 2010

t32'-fe"

HAFFER AYS,

HARPER AVE SITE SECTION

SCALE: 1/8" = 1'-0"

APPLICANT:  
(4TH WARD)

ALDERMAN TONI PRECKWITZ

## HARPER AVE. SITE SECTION

ADDRESS OF PROJECT: 5225 SOUTH HARPER  
CHICAGO, ILLINOIS

DATE SUBMITTED: 28, 2010  
DATE REVISED: 2010 OC

## Chicago Builds Green ^m.for PUBLICATION

Project Name:

Project Location:

Harper Court

*\* Street Number (if the address only includes one street number, please Hit only the cell 'From'):*

**5200 5300 S Harper Ave**

Ward No: Community Area No: 4

Project Type:

*Check applicable :*

(3 Planned Development L3 Redevelopment Agreement ^Zoning Change

I\* From: f

U PD No:g ☐Public project

Total land area in sq.ft.:

Project Size:

DPD Project Manager: BG/GR Matrix:

I\* RDA No: |

☐Landmark

Total building(s) footprint in sq.ft.:

Total vehicular use area in sq.ft.:

*Enter First Name Last Name*

Fred Deters

Select project category:

Com. retail > 10,000 sf

*Check applicable:*

Financial Incentives: ^TIF

Ogrif

☐SBIF

^Land Sale Write Down

☐Empowerment Zone Grant ☐Class L ☐ind. Dev. Revenue Bonds ☐Class 6b ☐Bank Participation Loan ☐DOH

Density Bonus:

*Check applicable:*

Public plaza & pocket park ☐Chicago Riverwalk improvements ☐Winter gardens ☐indoor through-block connection ^Sidewalk widening

☐Arcades

£3Water features in a plaza or pocket park ☐Setbacks above the ground floor ☐Lower level planting terrace ☐Green roof

☐Underground parking and loading ^Concealed above-ground parking

Chicago Builds Green

Page 1 of 3

### Landscaping:

## FOR

7' Landscape Setback Interior Landscape Area No. of Interior Trees No. of Parkway Trees

Required per Zoning C-rj\*-i>- Cou'e « Green ;To be Proyldedrbyi ■■jRMliBuikling.GrwfliL jihq;development;

*Please fill, if applicable*

*Square tootage: Square tootage:*

.".: 0.

■■.'.'"".. 0

;Kv-" ■ 36

### Open Space:

## River Setback Private Open Space

Square footage: Square footage.

Privately developed Public Open Space square footage.

'X -T" \*^">" " ' V1^Xt^

K-'^m::' '

"o

19,785

Stormwater Management (At-grade volume control):

Permeable paving Raingarden Filter strip Bioswale Detention pond Native landscaping Rain-water collection cistern/barrel Total impervious area reduction

Square footage:] ■ Check applicable:---'^ CEO

O

Square footage Gallons. Square footage:

' 15,500-

**Other sustainable surface treatments:**

Green roof Energy Star roof High-albedo pavement

Square footage: Square footage:

- 60690

Square footage.

## Transportation:

No. of accessory parking spaces

Total no. Of parking Spaces (Accessory + Non- Acc.)

No. of parking spaces dedicated to car sharing

services (E.g.: I-Go, Zip-Car) No. of bicycle parking

Within 600 ft of CTA or Metra station entrance

Chicago Builds Green

Page 2 of

3

Building Certification:

Energy Star building ,. . fjj - . Q

LEED certification : :t M

LEED Certified '-V/ED'^f^

LEED Silver ,. 0"^^%

LEED Gold S.v>: ^:'.

LEED Platinum □ ' •

Chicago Green Homes ,. Q

Chicago Green Homes [one-star] ... ' -' ..'"<•;|-

Chicago Green Homes [two-star] ' -f'-.^Q^p

Chicago Green Homes [three-star] """"^M^StX\*

Energy efficiency strategies

not captured above:

■IE: Other than Energy Star Root - or Energy Star Building Certification-

^Erie/gy^ff«

■\*BAS system + measurement^! energy use .

Other sustainable strategies and/or Project Notes:

\* Other sustainable strategies-. V\* ■■

, - ^Vmatenalsahat are low Vi^farjrj high focycled'cpntent : ' 2^P<sup>urc</sup>,13s^Green Power-^kv. "" ' .•- - • water

efficient plumbing fixtures: .. - . |

rainwater for toilet flushing V; <..' ••->?•.-. • ■ «loiw^water.nalive'latodscapihg . '....- ■

NOTE: Greej|Rfa^

r^moinriDr «v||BF?1nslalied n6"j^r^af^3;.years from dafeorfirst'Part II. ■ The future hotel is;not accounted for in the green

roof numbers^' , . :-

Chicago Builds Green

Page 3 of 3

## 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 Planned Development No. 38 symbols and the B1-3 symbols as shown on Map No. 12-D for the property located in the area generally bounded by East 52<sup>nd</sup> Street; South Lake Park Avenue; East 53<sup>rd</sup> Street; the west line of the alley next west of and parallel to South Lake Park Avenue; East 52<sup>nd</sup> Place; South Harper Avenue; a line 200.79' south of and parallel to East 52<sup>nd</sup> Street extended in a westerly direction for 150.45' from the west line of the South Harper Avenue right-of-way; a line extended in a northerly direction for 125.52'; a line extended in an easterly direction for 150.45' to South Harper Avenue; and South Harper Avenue to the designation of B3-5, Community Shopping District.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the B3-5 symbols as shown on Map No. 12-D in the area described above in Section 1 of this Ordinance, to the designation of Planned Development No. 38, as amended, subject to the use and bulk regulations set forth in the Plan of Development attached hereto and made a part hereof.

SECTION 3. This ordinance takes effect after its passage and approval.

Toni Preckwinkie Alderman, 4<sup>th</sup> Ward  
Address: 5225 South Harper Avenue

City of Chicago Richard M. Daley, Mayor  
Department of Zoning and Land Use Planning  
Patricia A. Scullion (phonetic)  
City Hall, Room W5 121 North LaSalle Street Chicago, Illinois 60602 (312) 744-7777 (Voice) (312) 744-6552 (FAX) (312) 744-2951 (TTY)  
<http://www.cityofchicago.org> <<http://www.cityofchicago.org>>

MEMORANDUM

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

DATE:  
Patricia A. Scullion  
Commissioner - Department of Zoning and Land Use Planning  
Zoning Administrator  
October 22, 2010

RE: Proposed Technical Amendment to Business Planned Development No. 38 for the property generally located at 1501-1537 East 52<sup>nd</sup> Street, 5200-5244 South Lake Park Avenue, 1520-1540 East 53<sup>rd</sup> Street, 1500-1514 East 52<sup>nd</sup> Place, 5201-5231 South Harper Avenue and 5206-5218 South Harper Avenue.

On October 21, 2010, the Chicago Plan Commission recommended approval of the proposed amendment submitted by 4th ward Alderman Toni Preckwinkie. A copy of the proposed amendment is attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning hearing.

*Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Zoning and Land Use Planning recommendation and a copy of the Resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-5777. 'r*

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



## **FINAL FOR PUBLICATION**

Final

**REPORT to the**

**CHICAGO PLAN COMMISSION LINDA SEARL, CHAIRMAN from**

**PATRICIA A. SCUDIERO, COMMISSIONER DEPARTMENT OF ZONING and LAND USE PLANNING**

**OCTOBER 21, 2010**

**FOR APPROVAL: PROPOSED AMENDMENT TO BUSINESS PLANNED**

**DEVELOPMENT No. 38**

**ALDERMAN TONI PRECKWINKLE (4th WARD)**

**5225 SOUTH HARPER AVENUE (1501 -1537 EAST 52nd STREET;**

**5200 - 5244 SOUTH LAKE PARK AVENUE; 1520 -1540 EAST 53rd STREET; 1500-1514 EAST 52nd PLACE;**

**5201 - 5231 SOUTH HARPER AVENUE; and 1506 - 5218 SOUTH HARPER AVENUE); CHICAGO, ILLINOIS**

Pursuant to the provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, the Department Zoning and Land Use Planning hereby submits this report and recommendation on a proposed amendment to Business Planned Development No. 38 for your review and recommendation to the Chicago City Council. The application for this amendment to the Chicago Zoning Ordinance was introduced directly into the City Council Committee on Zoning on August 31, 2010. Notice of the public hearing was published in the Chicago Sun-Times on October 4, 2010. The applicant was separately notified of this public hearing.

The applicant, Alderman Toni Preckwinkle (4th Ward), proposes to amend Residential Planned Development No. 38, located in the Hyde Park Community Area and the Fourth Ward. The applicant proposes to amend the Planned Development to extend the Planned Development boundaries, realign the three subareas, increase the maximum floor area ratio (F.A.R.) from 1.20 to 5.00, and expand the list of permitted uses for a mixed-use development, including up to 425 residential dwelling units. All of the above changes require a legislative amendment to the Planned Development. The application proposes to rezone the property to B3-5 Community Shopping District prior to re-establishing the amended Residential-Business Planned Development.

1

**APPLICANT: LOCATION:**

## **FINAL FOR PUBLICATION**

### **BACKGROUND**

Business Planned Development No. 38 was approved by the Chicago City Council December 30, 1965, for an approximately 3.76-acre urban renewal site bounded by East 52nd Street, South Lake Park Avenue (relocated), East 53rd Street, a line approximately 111 feet west of South Lake Park Avenue (relocated), a line approximately 110 feet north of East 53rd Street and continued along the alley just north of East 53rd Street, and South Harper Avenue. The boundaries also included a parcel on the west side of South Harper Avenue, 90 feet south of East 52nd Street.

The Planned Development provided for several rearrangements of the street network. In addition to relocating S. Lake Park Avenue to the east, along the edge of the Metra railroad embankment, a 110-foot portion of S. Harper Avenue was vacated in mid-block to create a plaza connecting the parcels on either side of S. Harper Avenue, S. Harper Avenue was widened to 80 feet on either side of the plaza to accommodate landscaped turn-arounds in the resulting cul-de-sacs, and the 12-wide alley

north of E. 53rd Street was widened to 37 feet and designated E. 52nd Place.

The centerpiece of the development, designated Subarea A (1.68 acres), was a cluster of four small commercial buildings fronting on S. Harper Avenue, one building on the west side of the street and three on the east side. The buildings were two stories high, although three of them had the first floor depressed below street level. The uses consisted of small retail shops, restaurants, and professional offices. The site of these commercial buildings, as well as the plaza in the vacated portion of S.

Harper Avenue that connected them, was heavily landscaped.

The parcel at the southwest corner of E. 52nd Street and S. Lake Park Avenue, Subarea B (0.59 acre), was later developed with a McDonald's restaurant with a drive-through window. The remaining frontage along S. Lake Park Avenue and E. 53rd Street, Subarea C (1.49 acres), became a City-owned public parking lot.

### **SITE AND AREA DESCRIPTION**

Currently, one of the four small commercial buildings has been demolished, leaving a fenced hole in the ground, and two of the others are only partially occupied. The fourth building, at the southeast corner of E. 52nd Street and S. Harper Avenue, is actively used for a restaurant. The Subarea B McDonald's restaurant is active and well maintained. The pavement of the public parking lot is deteriorating and the lot's landscaping has never been upgraded to the standards of the current Landscape Ordinance, save for a decorative metal fence along S. Lake Park Avenue and E. 53rd Street. The project proposed by this Planned Development amendment would demolish all of the Subarea A commercial buildings and eliminate the public parking lot. Only the McDonald's restaurant would continue.

The project's immediate surroundings are predominantly commercial, the only exceptions being the three-story multi-family residential buildings at the other three corners of E. 52nd Street and S. Harper Avenue. The north side of E. 53rd Street contains a series of one- and three-story commercial buildings containing stores and

2

## **FINAL FOR PUBLICATION**

restaurants on their ground floors. The south side of E. 53rd Street contains a book store and the 12-story Hyde Park Bank Building. East 53rd Street, between S. Kenwood Avenue and S. Lake Park Avenue is a designated Pedestrian Street in the Zoning Ordinance. South Harper Avenue contains more commercial buildings, including the Hyde Park Theater Building. South Lake Park Avenue contains a gas station on the west side and the vegetated embankment of the Metra Lakeshore Electric Line. Further away from the site, both E. 53rd Street and S. Lake Park Avenue are generally commercial with single- and multi-family residential buildings away from those streets.

The site is within the 53rd Street Tax Increment Financing (TIF) District. It is not within in the Lake Michigan and Chicago Lakefront Protection District; nor is it within an Industrial Corridor. It is not within a designated Chicago Landmark District and it does not contain any buildings that have been designated as Chicago Landmarks or buildings that have been rated as either potentially significant in the broader context of the city, state, or country ("red") or as potentially significant in the context of the surrounding community ("orange") by the Chicago Historic Resources Survey.

The site is served by the CTA's #15 (Jeffery Local) and #28 (Stony Island) bus lines. The closest transit station is the 51st-53rd Street Station of the Metra Lakefront Electric Line at the corner of E. 53rd Street and S. Lake Park Avenue. The closest CTA transit station is the 51st Street station of the Green Line, approximately two miles away and accessible by the #15 (Jeffery) bus.

### **PROJECT DESCRIPTION**

The application proposes to redevelop the entire site of Planned Development No. 38, except for Subarea B and its McDonald's restaurant. The new mixed-use development would contain

approximately 150,000 square feet of offices, 100,000 square feet of retail/commercial space, 150 hotel rooms, 395 residential dwelling units, and at least 600 off-street parking spaces.

To accommodate this redevelopment, the Planned Development boundaries would be expanded by incorporating an additional parcel along E. 53rd Street, extending to the alley west of S. Lake Park Avenue. This parcel contains a vacant one-story commercial building, which would be demolished. Also, the subareas would be redesignated. Subarea B with its McDonald's restaurant would remain unchanged. The parcel on the west side of S. Harper Avenue, now part of Subarea A, would become the new Subarea C. The rest of Subarea A and the current Subarea C with its public parking lots would become a new Subarea A.

A number of street and alley changes are also proposed. South Harper Avenue would be reopened between E. 52nd Street and E. 53rd Street by rededicating the piece of S. Harper Avenue that was previously vacated to form the plaza. Where S. Harper Avenue had been widened at either end of the plaza, those 14-foot widenings would be vacated, resulting in a S. Harper Avenue with continuous 66-foot right-of-way. East 52nd Place would be narrowed from 37 feet to 24 feet and the 14-foot north-south alley

3

## FINAL FOR PUBLICATION

that connects it to E. 53rd Street would be vacated, replaced by an expanded private access street. A number of public alleys within the site would be vacated.

The private street, called Harper Court, would extend eastward from S. Harper Avenue, from a point between E. 52nd Street and E. 52nd Place, approximately 200 feet towards the east. There, it would bend south and go another 210 feet to E. 53rd Street. It would also form the terminus of E. 52nd Place. The new private street would divide Subarea A into two parcels. The smaller of the two parcels would be bounded by S. Harper Avenue on the west, E. 52nd Place on the south, and the new private Harper Court on the north and east. This parcel would be the site of a future hotel.

The larger parcel, constituting most of Subarea A, would contain the main development. The first element of this would be a large, 228-space underground garage, extending under all of Subarea A, including the hotel site. The ground floor would be occupied by retail space and lobbies for the office and residential components. The retail spaces would open onto all of the surrounding streets - E. 52nd Street, S. Lake Park Avenue, E. 53rd Street, and the private Harper Court. The second floor would be devoted to another 192 parking spaces.

Above the second level, the project would be divided into three components, a twelve-story office tower along E. 53rd Street, a 35-story condominium tower to its north along S. Lake Park Avenue, and a six-story residential structure at the corner of E. 52nd Street and S. Harper Avenue. In the office tower, levels three and four would be occupied by a fitness center, and levels five through twelve would contain office space.

In the condo tower, floors 3 - 8 would contain another 290 parking spaces. The ninth floor would have amenity spaces for the condo residents, plus a large landscaped common deck next to the office tower. Floors 10-35 would house the condominium units.

The residential component along S. Harper Avenue would add a third 98-space parking level, then three floors of residential units. The residential floors would be U-shaped, open to the east. Between the wings of the "U", there would be an open landscaped deck for the residents on the roof of the third floor.

„ Neither the mixed-use retail/residential building in Subarea C on the west side of S. Harper Avenue, nor the hotel in Subarea has been designed, yet. Any development proposal for those two sites will require review by the Commissioner of Zoning and Land Use Planning and the Chicago Plan Commission and approval of the Commissioner.

## **DESIGN**

The ground-floor retail and lobby spaces would have an almost continuous facade of glass and aluminum storefronts along the public sides of the project. The second floor, which would be all parking, would be clad in painted precast concrete panels with a cut fieldstone effect.

4

## **FINAL FOR PUBUCWW**

On the office component, the east, south, and west glass walls of the third and fourth floors would be set back from the second floor with two-story metal-clad columns around the perimeter of the setback. The cladding of the office floors, 5-12, would be an aluminum and glass window wall system with alternating bands of vision and spandrel glass.

The parking levels of the condo tower, floors 3 - 8, would be covered with the painted precast panels except for the third floor, which would be glass. The north elevation of these parking floors would be a mix of the painted precast concrete panels, artificial stone tile, and glass. The amenity floor (9) and the residential floors (10 - 35) would be clad with an aluminum and glass window wall system. Every fifth floor, beginning with the ninth floor, would be recessed, creating terraces for the residents. On the south elevation of the condo tower there would be four perforated metal screens attached to the side of the building and extending from the roof to the landscaped common deck on the ninth floor. The screens are intended to provide sun shading on this side of the building and would flare out over the deck to shade it, as well.

On the mid-rise residential component, the third-floor parking would also be clad with glass. The three residential floors would be covered with glass, but with projecting balconies encased in a metal panel system with glass railings.

## **ACCESS and CIRCULATION**

The private street, Harper Court, would provide the main focus of the project for pedestrian and drop-off access. All of the retail frontage, however, would provide pedestrian entries. The entrance to the underground parking would be from S. Harper Avenue, while the entrance to the upper-level parking would be from S. Lake Park Avenue. The loading docks for the entire project would be located on E. 52nd Street. One parking space would be provided for each residential/condo unit. And approximately 420 spaces would be provided for the office, retail, and hotel uses.

## **LANDSCAPING and SUSTAINABILITY**

Parkway trees would be provided along the public streets according to the Zoning Code wherever they are either missing or have to be removed for construction activity. The sole exception would be along E. 52nd Place, which would be reduced in width to only twenty feet.

Harper Court, the private street, would serve as both a street and an open space amenity. The street would be designed for some on-street parking and slow traffic, but the design would place the needs of pedestrians above the automobile. Planters would be installed, above-ground or in-ground, to accommodate trees and decorative landscaping. The street would be embellished with decorative pavement and designed for closure for public events, such as markets and concerts. In addition, two landscaped roof decks would be provided for the residents, one at the ninth floor for the condos and one on the fourth floor for residents of the mid-rise.

5

## **FOR PUBLICATION**

The project would have LEED Certification (possibly Platinum) for the Core and Shell of the retail, office and parking components and LEED Neighborhood Development Certification (Silver or Gold) for the overall project. Green roof in the extent of approximately 60,690 square feet, or 100% of net roof area, would be provided. Other sustainable development features would include roof-top solar

thermal panels, mechanical systems that exceed the ASHRAE 90.1 (2007) standards, use of rainwater in toilet flushing, and an integrated storm water system.

The future hotel and Subarea C retail/residential buildings will be required to have LEED Certification and green roofs at 100% of net roof area.

### **PHASING**

Besides the future development of the hotel and Subarea C retail/residential buildings, the main project will also be developed in phases. The first phase will encompass the underground parking, the ground floor retail, the second level parking, and the office tower with its fitness center. Timing of the condo tower with its six levels of parking would depend on market conditions for residential development. The same applies to the development of the mid-rise residential units.

The Subarea C parcel on the west side of S. Harper Avenue would be converted to a fully landscaped surface parking lot until the market is ready for the proposed retail/ residential project. The concrete slab over the top of the underground parking would cover the hotel site until development.

### **RECOMMENDATION**

The Department of Zoning and Land Use Planning has reviewed the project materials submitted by the applicant and has concluded that the proposed new zoning for the site, B3-5 Community Shopping District, which would serve as base zoning for the proposed Planned Development, is appropriate for the site. The site is at the boundary between higher density zoning to the east (B3-5, RM6, and RM6.5) and less intense zoning to west (B3-2 and RM5). The proposed B3-5 zoning for the site would be consistent and compatible with the adjacent zoning to the east. Also, the B3-5 zoning allows for the mix of uses, density, and height required to redevelop this site in support of the goals of the 53rd Street Redevelopment Project Area (TIF) Plan.

Further, the Department of Zoning and Land Use Planning has reviewed the project materials submitted by the applicant and has concluded that the proposed amendment to Business Planned Development No. 38 would be appropriate for the site and that the project meets the review criteria for planned developments set forth in the Zoning Ordinance (Section 17-13-0900).

1. The project complies with the Standards and Guidelines for Planned Developments in the Zoning Ordinance (Section 17-8-0900).

a. Compliance with Zoning. The proposed amended Planned Development conforms with the standards and requirements of the zoning proposed for

6

## **FINAL FOR PUBLICATION**

the site prior to re-establishing the amended Planned Development (B3-5 Community Shopping District). The proposed maximum overall 5.00 Floor Area Ratio (F.A.R.) matches the maximum in the B3-5 district (5.00). All the uses proposed by the application are allowed in the B3-5 district; the proposed setbacks, and the parking and loading provisions comply with the Code. The tallest building proposed for the site (approximately 400 feet) may exceed the B3-5 district's 80-foot height limit only through this Planned Development.

b. Approved Plans. This site lies within the 53rd Street Tax Increment Finance District. With the recommendation of the Chicago Plan Commission, the Chicago City Council, in 2000, approved a Redevelopment Plan for the area, including a Land Use Plan. That Land Use Plan called for mixed-use development at this site. The proposed project conforms to that plan, with its mix of residential and retail uses. The proposed project also addresses the goals of that Redevelopment Plan by providing adequate parking, providing pedestrian-friendly uses and design, and developing mixed uses at the intersection of E. 53rd Street and S. Lake Park Avenue.

c. Transportation, Traffic Circulation and Parking. Under B3-5 Community Shopping District zoning,

the project would be required to have at least 344 off-street accessory parking spaces; the project will provide approximately 800 spaces. The site is well served by public transportation. Not only do two CTA bus lines serve the site, but the 51st-53rd Station on the Metra Lakeshore Electric Line is within several hundred feet of the site.

d. Pedestrian Orientation. The ground floor on all public streets, as well as the private Harper Court, would be devoted to retail frontage and the residential lobbies with large amounts of glass on the retail elevations. Curb cuts would be kept to a minimum, none on E. 53rd Street and the private street, and only one each on S. Harper Avenue, E. 52nd Street, and S. Lake Park Avenue.

e. Urban and Building Design. The project's central urban design element would be the Harper Court private street, designed more to serve pedestrians and public events than the automobile. The project would consist of three distinct elements, office, condo, and mid-rise, each with its own distinctive massing components and surface textures. The whole, however, would be tied together by the unified look of the ground-floor retail spaces and the second-floor parking level. The future hotel and Subarea C retail/residential structures would be designed individually.

7

## FINAL FOR PUBLICATION

2. The proposed development is compatible with the character of the surrounding area in terms of uses, density and building scale.

a. Mixed uses are typical in this section of Hyde Park, especially along E. 53rd Street and S. Lake Park Avenue, as well as in the East Hyde Park neighborhood on the east side of the Metra tracks. The project's retail component will extend that of E. 53rd Street into the site and replace the surface parking lots and obsolete commercial buildings. The introduction of residential uses on the site, up to 395 units, will provide street activity for all of the 53rd Street commercial street.

Although the project would introduce a tall residential tower (approximately 400 feet), it would fit in the context of tall residential towers existing and planned to its east and north. The area of East Hyde Park north of E. 53rd Street, alone, contains ten buildings between 240 feet and 357 feet in height. Even along S. Lake Park Avenue, there are buildings 144 feet and 260 feet high and one recently approved at 280 feet. The 12-story office tower would be approximately the same height as the Hyde Park Bank Building on the opposite side of E. 53rd Street.

3. The public infrastructure facilities and city services will be adequate to serve the proposed development at the time of occupancy.

a. The proposed Planned Development has been reviewed by the Chicago Department of Transportation's Project Review Committee and all requested changes have been made. Copies of this application have been circulated to other City departments and agencies and no comments have been received which have not been addressed in the revised application.

Based on the foregoing, it is the recommendation of the Department of Zoning and Land Use Planning that the revised application for an amended Planned Development be approved and that the recommendation to the City Council Committee on Zoning be: "As Revised, Passage Recommended."

Patricia A. Scudiero, Commissioner Department of Zoning and Land Use Planning

8

City of Chicago Richard M. Daley, Mayor  
Department of Zoning and Land Use Planning  
Patricia A. Scudiero, Commissioner

(City Hall, Room 1105) 121 North LaSalle Street (Chicago, Illinois 60602) (773) 744-5777 (Voice) (312) 7-14-6552 (FAX) (312) 744-2950 (TTY)  
http://www.cityofchicago.org <http://cityofchicago.org>

i i

## **FINAL FOR PUBLICATION**

### **RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT No. 38 (5225 SOUTH HARPER AVENUE) RESOLUTION**

WHEREAS, the applicant, Alderman Toni Preckwinkie (4th Ward), proposes to amend Business Planned Development No. 38, located in the Hyde Park Community Area; and

WHEREAS, the application proposes to amend the Planned Development to extend the Planned Development boundaries, realign the three subareas, increase the maximum floor area ratio, and expand the list of permitted uses for a mixed-use development, including up to 425 residential dwelling units; and

WHEREAS, the application has been submitted as an amendment to the Planned Development because all of the proposed changes require legislative action; and

WHEREAS, an application for Planned Development amendment approval was introduced directly into the City Council Committee on Zoning on August 31, 2010; and

WHEREAS, notice of the public hearing to consider the application was published in the Chicago Sun-Times on October 4, 2010; the applicant was notified of the hearing; and the proposed Planned Development application was considered at a public hearing by this Plan Commission on October 21, 2010; and

WHEREAS, this Plan Commission has reviewed the application with respect to the Planned Development provisions of the Chicago Zoning Ordinance and finds that the proposal would be consistent with that ordinance; and

WHEREAS, the Department of Zoning and Land Use Planning recommended approval of the application, which recommendation and the reasons therefore are contained in the Department's written report dated October 21, 2010, a copy of which is attached hereto and made a part hereof; and

## **ANN. FOR POTION**

WHEREAS, the Chicago Plan Commission has fully reviewed the application and all information submissions associated with the proposed development, the report and recommendation of the Commissioner of the Department of Zoning and Land Use Planning, and all other testimony presented at the public hearing held on October 21, 2010, giving due consideration to the Planned Development Standards and Guidelines contained in the Chicago Zoning Ordinance;

### **NOW, THEREFORE, BE IT RESOLVED BY THE CHICAGO PLAN COMMISSION:**

THAT this Plan Commission recommend approval of the attached amended Planned Development Ordinance to the City Council Committee on Zoning and forward the Report of the Commissioner of the Department of Zoning and Land Use Planning, dated October 21, 2010, as the findings of this Plan Commission regarding same.

Linda Searl, Chairman Chicago Plan Commission  
Approved: October 21, 2010  
RBPD No. 38, as amended