

PD 1069

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DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF CHICAGO

February 24, 2017

Bruce Weatherhead
Howard-Lehigh Corporation
6035 W. Gross Point Road
Niles, IL 60714

**Re: Administrative Relief request for Planned Development No. 1069
Mariano's Fresh Market Green Roof at 5353 N. Elston Ave.**

Dear Mr. Weatherhead:


Please be advised that your request for a minor change to Business Planned Development No. 1069 ("PD 1069"), has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 11 of PD 1069.

You are seeking on behalf of Howard-Lehigh Holdings, LLC, the property owner of PD 1069, administrative relief to eliminate the proposed green roof at Mariano's Fresh Market at 5353 N. Elston Ave.

With regard to your request, the Department of Planning and Development has determined that waiving the green roof requirement will not create an adverse impact on the Planned Development or surrounding neighborhood, will not result in an increase in the bulk or density, and will not change the character of the development, and therefore, would constitute a minor change. The store has been open several years and provides approximately 300 jobs to the community. Additionally, at considerable expense to the owner, a traffic light was added along Elston Ave. to provide safety to vehicles and pedestrians entering and exiting the development.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Business Planned Development No. 1069, I hereby approve the foregoing minor change, but no other changes to this Planned Development.

Sincerely,


Patricia A. Scudiero
Zoning Administrator

C: Mike Marmo, Erik Glass, Main file



DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT
CITY OF CHICAGO

September 19, 2011

Mr. Rolando R. Acosta
Ginsberg Jacobs LLC
300 S. Wacker Drive
Suite 2450
Chicago, IL 60606

Re: Administrative Relief request for Business Planned Development No. 1069, Elston Plaza Shopping Center, 5353-5363 North Elston Avenue

Dear Mr. Acosta:

Please be advised that your request for a minor change to Business Planned Development No. 1069 has been considered by the Department of Housing and Economic Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 11 of the Planned Development.

The Planned Development (PD) was passed by the City Council on July 19, 2007, authorized the redevelopment of the site with a shopping center consisting of two buildings. An approximately 32,000 square foot grocery store was proposed along N. Elston Ave. and an approximately 35,375 square foot L-shaped building devoted to smaller retail tenants was proposed along the southeastern boundary of the site. Parking was to be located between the two buildings and behind the grocery store.

On June 17, 2009, an Administrative Relief was granted to relocate the proposed grocery store to the southern portion of the property and add a new out lot building where the grocery store was to be located, and reduce the parking from 239 to 220 spaces. The revised plan at that time contained approximately the same amount of retail space (67,738 square feet) as what was originally approved (67,375 square feet) in the PD.

You are now requesting to combine all of the proposed retail square footage into a single grocery store, reduce the parking from 220 spaces to 214 spaces, and increase the building height from 25'-0" to 31'-10". The current proposal will return the grocery store to the original location, along the northern portion of the site. The grocery store will contain approximately 63,344


square feet of gross building area, a slight reduction from the previous total (grocery and retail combined) commercial square footage of approximately 68,000 square feet.

The following drawings, prepared by Amstadter Architects and dated June 29, 2011, Dimensional Site Plan, Site Plan, Landscape Plan and Details, and Green Roof Landscape Plan along with Revised Elevations, prepared by Camburas & Theodore and dated September 14, 2011, shall be inserted into the main file. All windows on the proposed building shall consist of clear glass, including the Elston Ave. (South) Elevation which has been revised to include three bays of clear glass. Doors will be located on the center bay while the two end bays shall consist of 2'-4" high raised planters with clear glass starting at a height of approximately 7'-0" above grade.

With regard to your request, the Department of Housing and Economic Development has determined that these revisions will not create an adverse impact on the Planned Development or surrounding neighborhood, will not result in an increase in the bulk or density, will not change the character of the development and therefore, would constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Business Planned Development No. 1069, I hereby approve the foregoing minor change, but no other changes to this Planned Development.

Sincerely,



Patricia A. Scudiero
Zoning Administrator

PAS:HG:tm

C:Mike Marmo, Erik Glass, Ron Daye, Main file



City of Chicago
Richard M. Daley, Mayor

Department of Zoning and
Land Use Planning

Patricia A. Scudiero
Commissioner

City Hall, Room 905
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-5777 (Voice)
(312) 744-6552 (FAX)
(312) 744-2950 (TTY)
<http://www.cityofchicago.org>

June 17, 2009

Mr. Rolando R. Acosta
Acosta, Kruse & Zemenides, LLC
6336 North Cicero Avenue
Suite 202
Chicago, IL 60646

**Re: Administrative Relief request for Residential Business Planned
Development No. 1069, Elston Plaza Shopping Center
5353 North Elston Avenue**

Dear Mr. Acosta:

Please be advised that your request for a minor change to Residential Business Planned Development No. 1069 has been considered by the Department of Zoning and Land Use Planning pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 11 of the Planned Development.

The Planned Development, which was passed by the City Council on July 19, 2007, authorizes the redevelopment of the site with a shopping center consisting of two buildings. An approximately 32,000 square foot grocery store was proposed along N. Elston Ave. and an approximately 35,375 square foot L-shaped building devoted to smaller retail tenants was proposed along the southeastern boundary of the site. Parking was to be located between the two buildings and behind the grocery store.

You are now requesting to relocate the proposed grocery store to the southern portion of the property and add a new out lot building where the grocery store was to be located. As a result, the parking will be reduced from 239 spaces to 220 spaces. In comparison, the underlying zoning (C3-1 Commercial, Manufacturing and Employment District) would require only 192 parking spaces. The revised plan contains approximately the same amount of retail space (67,738 square feet) as what was originally approved (67,375 square feet).

Along with a revised Bulk Regulations and Data Table, dated May 21, 2009, the following drawings, prepared by Amstadter Architects and dated May 21, 2009, shall be inserted into the main file:

- Preliminary Dimensional Site Plan
- Site Plan
- Preliminary Landscape Plan
- Green Roof Landscape Plan (June 17, 2009)
- Building Elevations
- Strip Center Detail



BUSINESS PLANNED DEVELOPMENT NUMBER 1069

PLAN OF DEVELOPMENT BULK REGULATIONS AND DATA TABLE

Gross Site Area = Net Site Area + Area Remaining in the Public Right-of-Way:

235,799.53 sq. ft. (5.41 acres) = 202,044 sq. ft. (4.64 acres) + 16,018.53 sq. ft. (0.37 acres)

Net Site Area: 202,044 sq. ft. (4.64 acres)

**Maximum Permitted
Floor Area Ratio: 0.40**

**Permitted Uses: Grocery store, retail and commercial uses; and
accessory uses, including parking and loading**

Setbacks from Property Line: In substantial conformance with the Site Plan

Maximum Site Coverage: In substantial conformance with the Site Plan

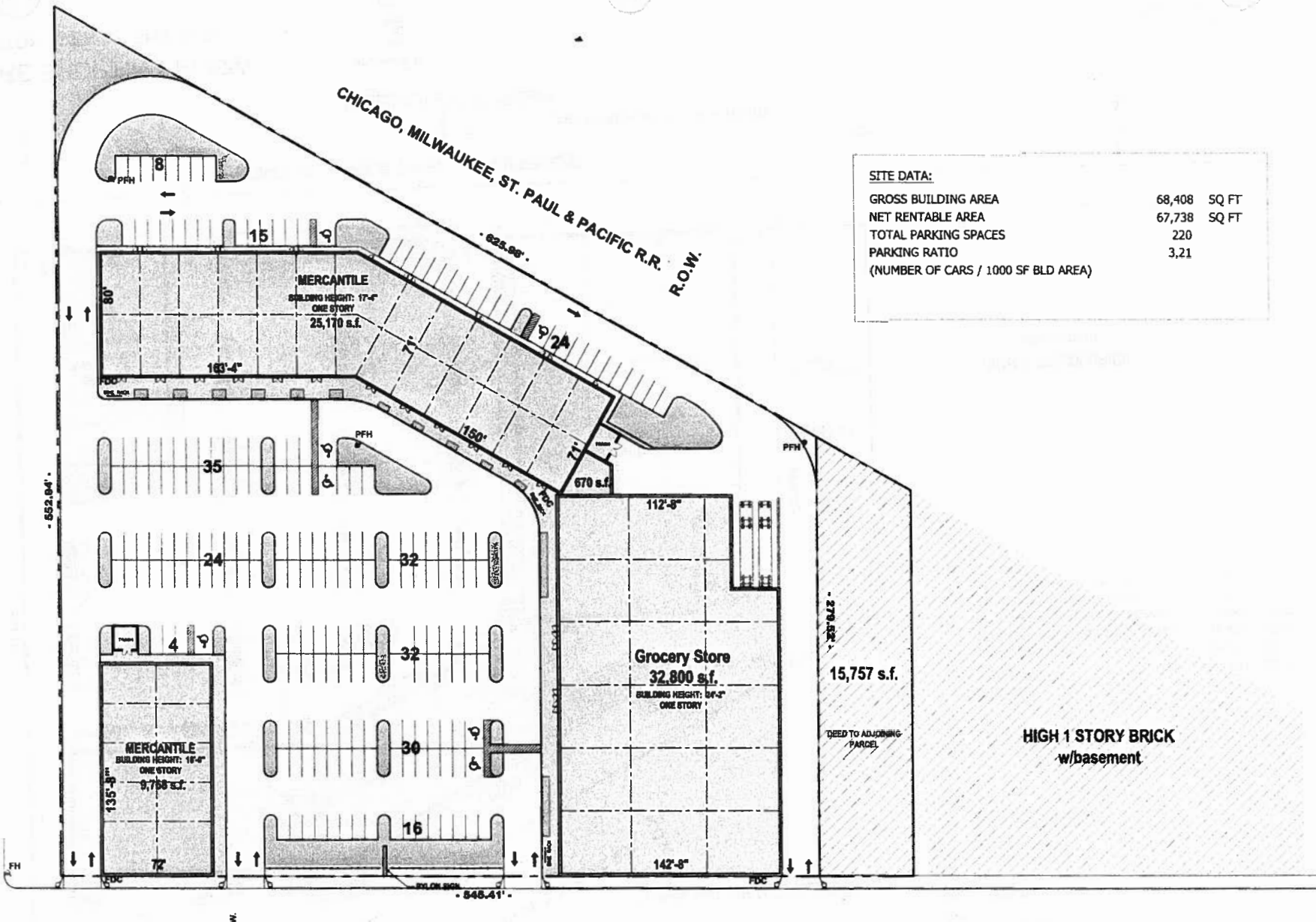
**Minimum Number of
Off-Street Parking Spaces: 220 spaces**

**Minimum Number of
Off-Street Berths:¹ 2 berths**

Maximum Building Height: 25 feet and in substantial conformance with the Elevations

**Minimum Number of
Bicycle Spaces: 32 spaces**

**APPLICANT: Elston Center, LLC
ADDRESS: 5353 N. Elston Ave.
DATE: May 21, 2009**



SITE DATA:		
GROSS BUILDING AREA	68,408	SQ FT
NET RENTABLE AREA	67,738	SQ FT
TOTAL PARKING SPACES	220	
PARKING RATIO	3.21	
(NUMBER OF CARS / 1000 SF BLD AREA)		

NORTH ELSTON AVENUE

5353 NORTH ELSTON AVENUE

1 SITE PLAN
40' = 1'-0"

DRAWING No
2
OF 6

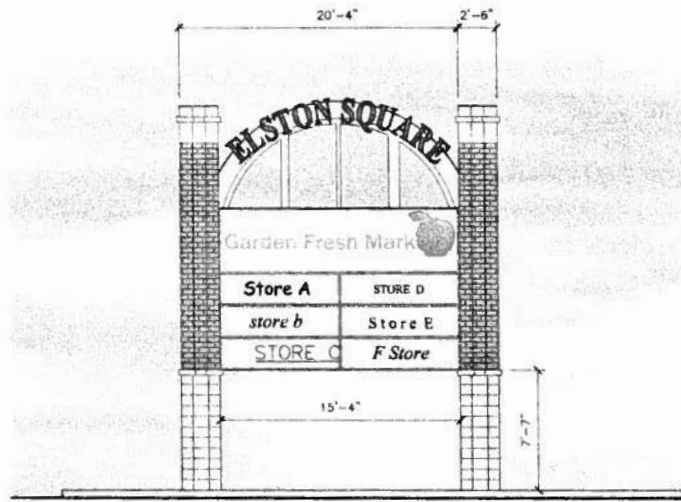
AMSTADTER ARCHITECTS

360 North Michigan Avenue, Suite 920
Chicago, Illinois 60601

TEL 312-642-8800
FAX 312-642-6040

5 21 9

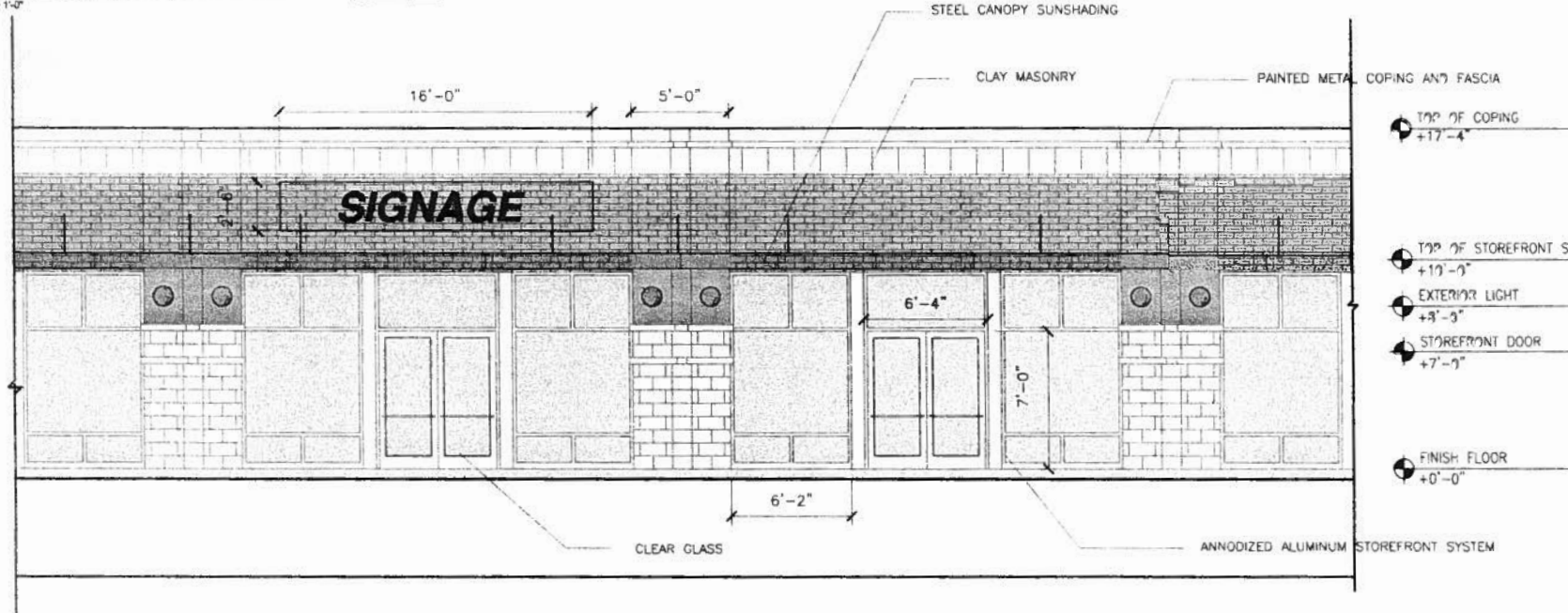
ELSTON SQUARE SHOPPING PLAZA
5353-63 NORTH ELSTON AVENUE, CHICAGO,
ILLINOIS 60630



TOP OF PYLON
+24'-2"

GROUND
+0'-0"

1 PYLON
3/8" = 1'-0"



2 TYPICAL STRIP-RETAIL ELEVATION
3/4" = 1'-0"

STRIP CENTER DETAIL

ELSTON SQUARE SHOPPING PLAZA
5353-63 NORTH ELSTON AVENUE, CHICAGO,
ILLINOIS 60630

DRAWING No
6
OF 8

AMSTADTER ARCHITECTS

360 North Michigan Avenue, Suite 920
Chicago, Illinois 60601

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+312-642-6040

5.21.61

August 6, 2008

→ signed

Mr. Rolando R. Acosta
Acosta, Kruse & Zemenides, LLC
6336 North Cicero Avenue
Suite 202
Chicago, IL 60646

**Re: Administrative Relief request for Residential Business Planned
Development No. 1069, Elston Plaza Shopping Center**

Dear Mr. Acosta:

Please be advised that your request for a minor change to Residential Business Planned Development No. 1069, has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 11 of the Planned Development.

The Planned Development, which was passed by the City Council on July 19, 2007, authorizes the redevelopment of the site with a shopping center consisting of two buildings. An approximately 32,000 square foot Garden Fresh Market was proposed along the N. Elston Ave. frontage with parking in the rear. You are now requesting to 'flip' the location of the store and parking and thereby relocate the grocery store on the rear of the lot and the parking up front along N. Elston Ave.

With regard to your request, the Department of Planning and Development has determined that relocating the grocery store from the front of the site to the rear and thereby moving the parking from the rear to the front would result in a change in the character of the development and therefore, would not constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Business Planned Development No. 1069, I hereby deny this request.

Sincerely,

Arnold L. Randall
Commissioner

ALR:SA:HG:tm

cc: Danita Childers, Mike Marmo, Pat Haynes, Erik Glass, DPD files

SECTION 2. This ordinance shall be effective after its passage and publication.

Reclassification Of Area Shown On Map Number 13-L.

(As Amended)

(Application Number 15920) RBPD 1069

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the current M1-1 Limited Manufacturing/Business Park District symbols and indications as shown on Map Number 13-L in the area bounded by:

a line from a point 970.41 feet west of the intersection of the northeasterly line of North Elston Avenue with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way and running perpendicular to North Elston Avenue for a distance of 552.94 feet to its intersection with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way; the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way; a line 485 feet west of the intersection of the northeasterly line of North Elston Avenue with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way and running perpendicular to North Elston Avenue for a distance of 279.52 feet to its intersection with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way; and North Elston Avenue,

to those of a C3-1 Commercial, Manufacturing and Employment District which is hereby established in the area described above.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all the current C3-1 Commercial, Manufacturing and Employment District symbols and indications as shown on Map Number 13-L in the area bounded by:

a line from a point 970.41 feet west of the intersection of the northeasterly line of North Elston Avenue with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way and running perpendicular to North Elston Avenue for a distance of 552.94 feet to its intersection with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad

right-of-way; the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way; a line 485 feet west of the intersection of the northeasterly line of North Elston Avenue with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way and running perpendicular to North Elston Avenue for a distance of 279.52 feet to its intersection with the southwesterly line of the Chicago, Milwaukee, St. Paul & Pacific Railroad right-of-way; and North Elston Avenue.

to those of Business Planned Development Number 1069 which is hereby established in the area described above and subject to such use and bulk regulations as are set forth in the Plan of Development attached hereto and to no others.

SECTION 3. This ordinance shall be in force and effect from and after its passage and due publication.

Plan of Development Statements referred to in this ordinance read as follows:

Residential-Business Planned Development Number 1069.

Plan Of Development Statements.

1. The area delineated herein as Business Planned Development Number 1069 (the "Planned Development") consists of approximately two hundred two thousand forty-four (202,044) square feet (four and sixty-four hundredths (4.64) acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property") and is owned or controlled by Elston Center, L.L.C., an Illinois limited liability company (the "Applicant").
2. The Applicant shall obtain all necessary official reviews, approvals or permits. Any dedication or vacation of streets, alleys or easements or any adjustment of right-of-way shall require a separate submittal on behalf of the Applicant and approval by the City Council.
3. 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 titleholders 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 titleholders and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) (hereafter "Modifications") to this Planned Development are made, shall be under single ownership or under single designated control. Single designated control for purposes of this paragraph shall mean that any application to the City for any Modifications to this Planned Development is made or authorized by the Applicant, its successors and assigns or any property owner's association which is formed.

4. This plan of development consists of fourteen (14) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; and a Site Plan; a Landscape Plan; Elevations; Elevations -- Anchor Details; Elevations -- Strip Center Details; and a Green Roof Plan all dated April 19, 2007. Full-size copies of the Site Plan, Landscape Plan and the Elevations are on file with the Department of Planning and Development. These and no other zoning controls shall apply to the Property. 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.
 5. The following uses are permitted on the Property, subject to the Bulk Regulations and Data Table: grocery store, retail and commercial uses; and accessory uses, including parking and loading.
 6. Temporary signs such as construction and marketing signs shall be permitted subject to the review and approval of the Department of Planning and Development. On-Premises signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development. Off-Premises signs shall not be permitted in the Planned Development.
 7. Off-street parking shall be provided in compliance with this Planned Development subject to the review and approval of the Department of Transportation.
 8. Any service drive or other ingress or egress shall be adequately designed and paved in accordance with the regulations of the Department of
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Transportation in effect at the time of construction and in compliance with the Municipal Code of the City of Chicago, to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking within such paved areas. Ingress and egress shall be subject to the review and approval of the Department of Transportation. 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 with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago.

9. In addition to the maximum heights of the buildings and any appurtenance attached thereto prescribed in this Planned Development, the height of any improvements shall also be subject to height limitations as approved by the Federal Aviation Administration.
10. The improvements depicted on the Site Plans and the Elevations, including the landscaping along adjacent rights-of-way and all entrances and exits to and from the parking and loading areas shall be designed, constructed and maintained in substantial conformance with the above referenced drawings. Notwithstanding any statement to the contrary, this Planned Development shall be subject to the provisions of Chapter 17-11 of the Chicago Zoning Ordinance governing landscaping and screening. In any instance where a provision of the Planned Development conflicts with landscape and screening provisions of the Chicago Zoning Ordinance, the Chicago Zoning Ordinance shall control. Nothing in this Planned Development is intended to waive the applicability of the landscape and screening provisions of the Chicago Zoning Ordinance.
11. The terms, conditions and exhibits of this Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development, upon the application for such a modification by the Applicant and after a determination by the Commissioner of the Department of Planning and Development that such a modification is minor in nature, appropriate and consistent with the nature of the improvements contemplated in this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements by the Commissioner of the Department of Planning and Development 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.
12. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner that promotes and

maximizes the conservation of natural resources. The Applicant shall use best and reasonable efforts to design, construct and maintain all buildings located within the Property in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System. Copies of these standards may be obtained from the Department of Planning and Development. In furtherance of these goals, the Applicant shall provide vegetated ("green") roof areas on new buildings in Planned Development equal to at least fifty percent (50%) of the aggregate net roof area (approximately twenty-seven thousand one hundred fifty (27,150) square feet); provided, however that such required green roof areas may be aggregated on a specific building. "Net roof area" is defined as total roof area minus any required perimeter setbacks, rooftop structures, and roof-mounted equipment.

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 ("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.
14. Unless substantial construction of the improvements contemplated herein has commenced within six (6) years of the effective date hereof and unless completion of those improvements is thereafter diligently pursued, then this Planned Development shall expire and the zoning of the Property shall automatically revert to a C3-1 Commercial, Manufacturing and Employment District as applicable prior to adoption of this Planned Development. The six (6) year period may be extended for up to one (1) additional year if, before expiration, the Commissioner of the Department of Planning and Development determines that good cause for an extension is shown.

[Existing Zoning Map; Planned Development Boundary and Property Line Map; Site Plan; Landscape Plan; Building Elevations; Anchor Detail; Strip Center Detail; and Green Roof Plan referred to in these Plan of Development Statements printed on pages 5336 through 5343 of the *Journal*.]

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Business Planned Development Number 1069.

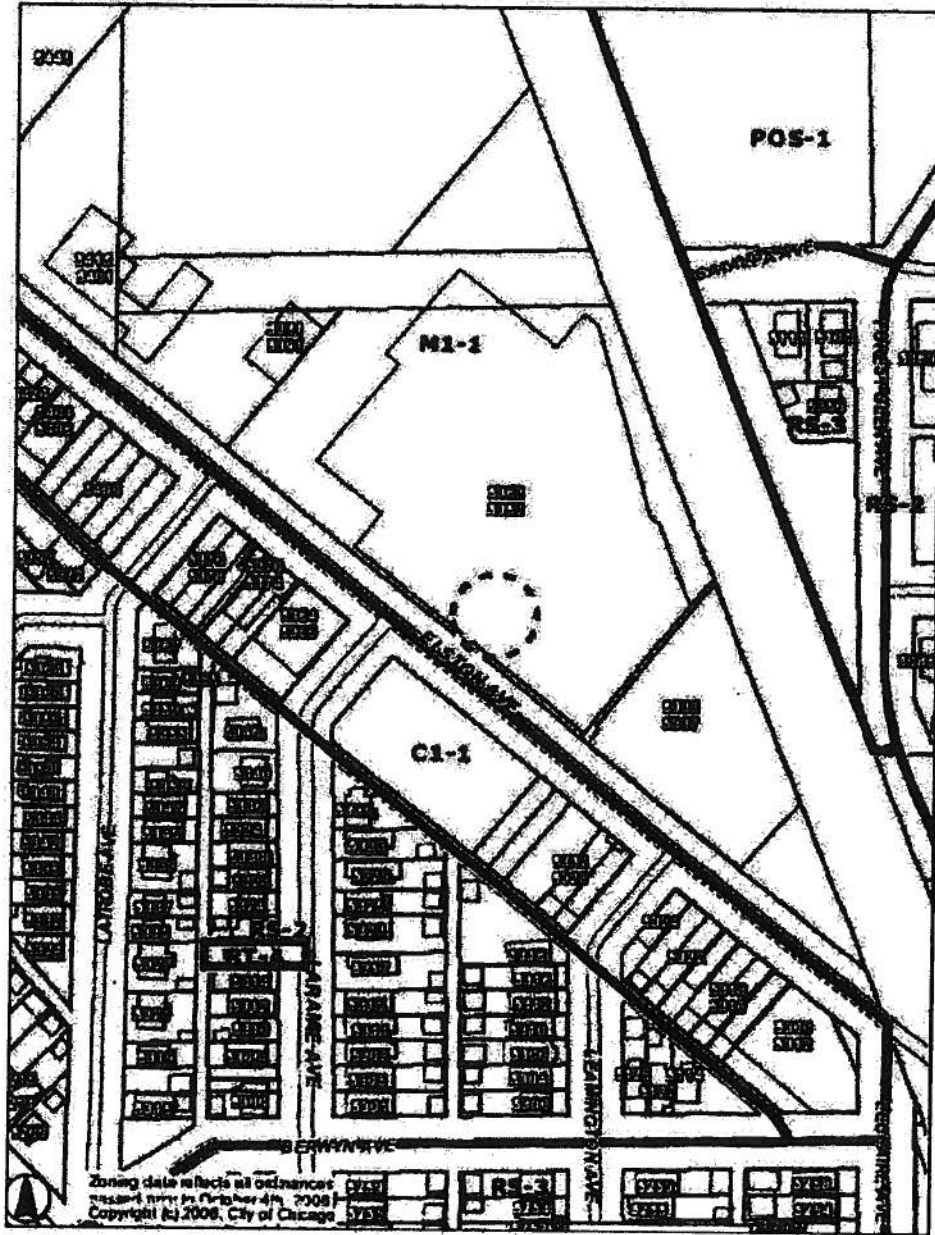
*Plan Of Development Bulk Regulations
And Data Table.*

Gross Site Area = Net Site Area + Area Remaining in Public Right-of-Way:

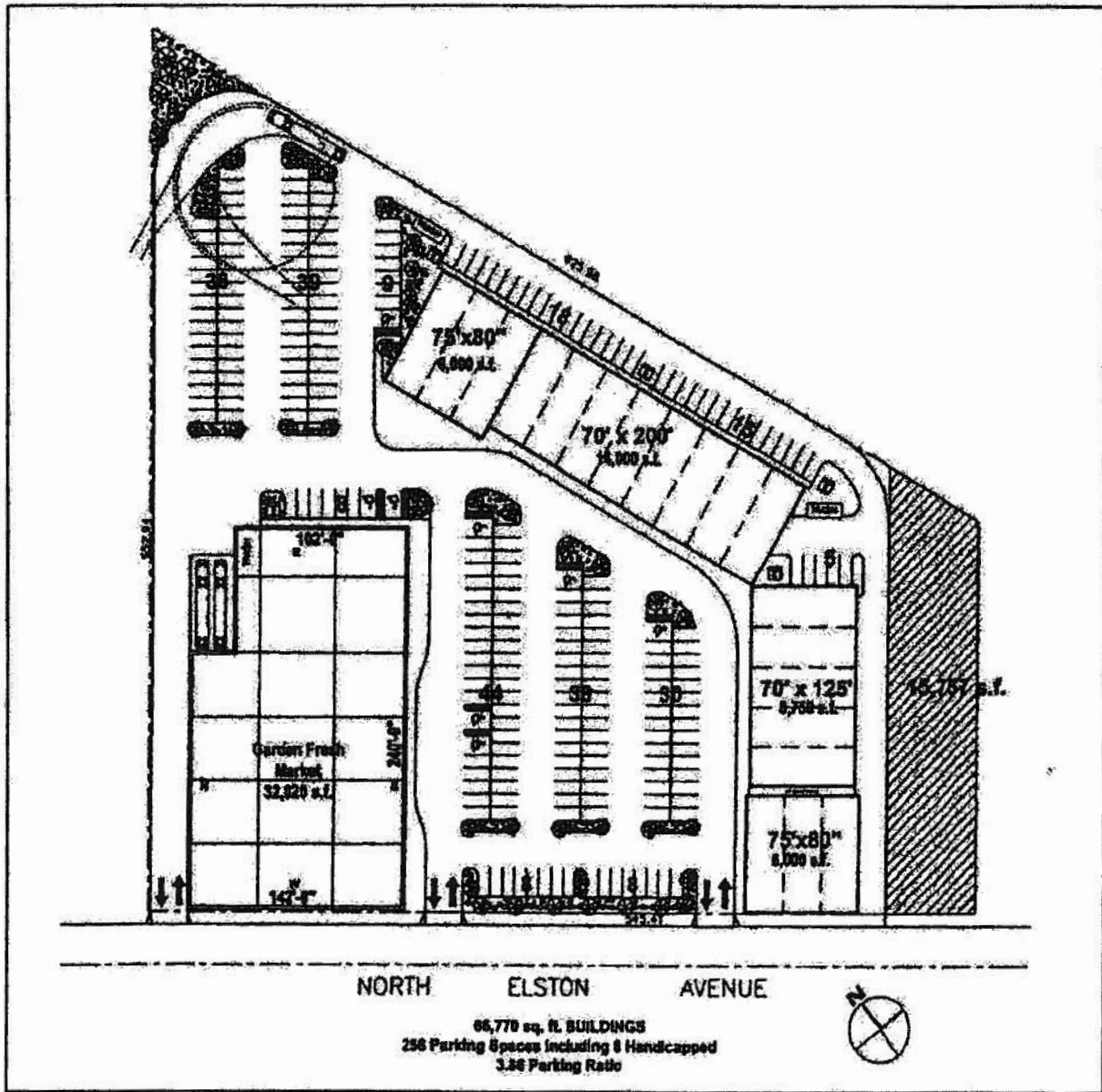
235,799.53 square feet (5.41 acres) = 202,044 square feet (4.64 acres) + 16,018.53 square feet (0.37 acres)

Net Site Area:	202,044 square feet (4.64 acres)
Maximum Permitted Floor Area Ratio:	0.40
Permitted Uses:	Grocery store, retail and commercial uses; and accessory uses, including parking and loading
Setbacks From Property Line:	In substantial conformance with the Site Plan
Maximum Site Coverage:	In substantial conformance with the Site Plan
Minimum Number of Off-Street Parking Spaces:	239 spaces
Minimum Number of Off-Street Berths:	2 berths
Maximum Building Height:	25 feet and in substantial conformance with the Elevations
Minimum Number of Bicycle Spaces:	32 spaces

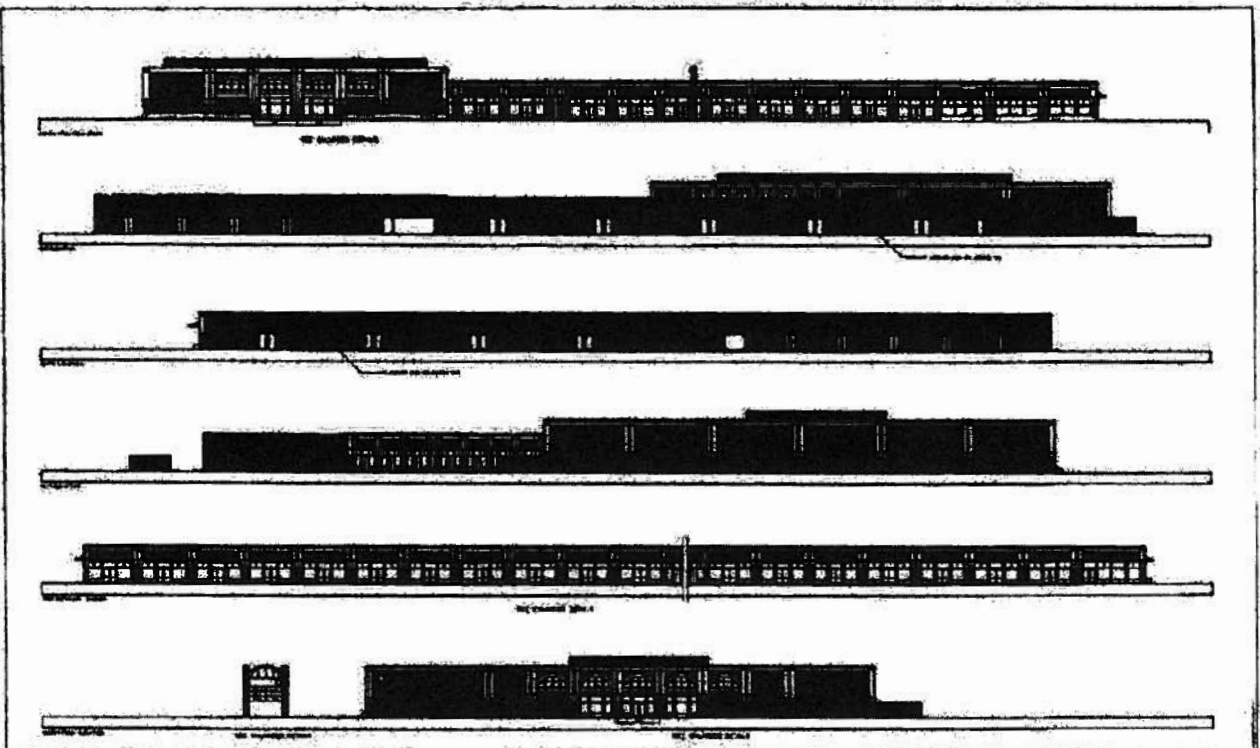
Existing Zoning Map.



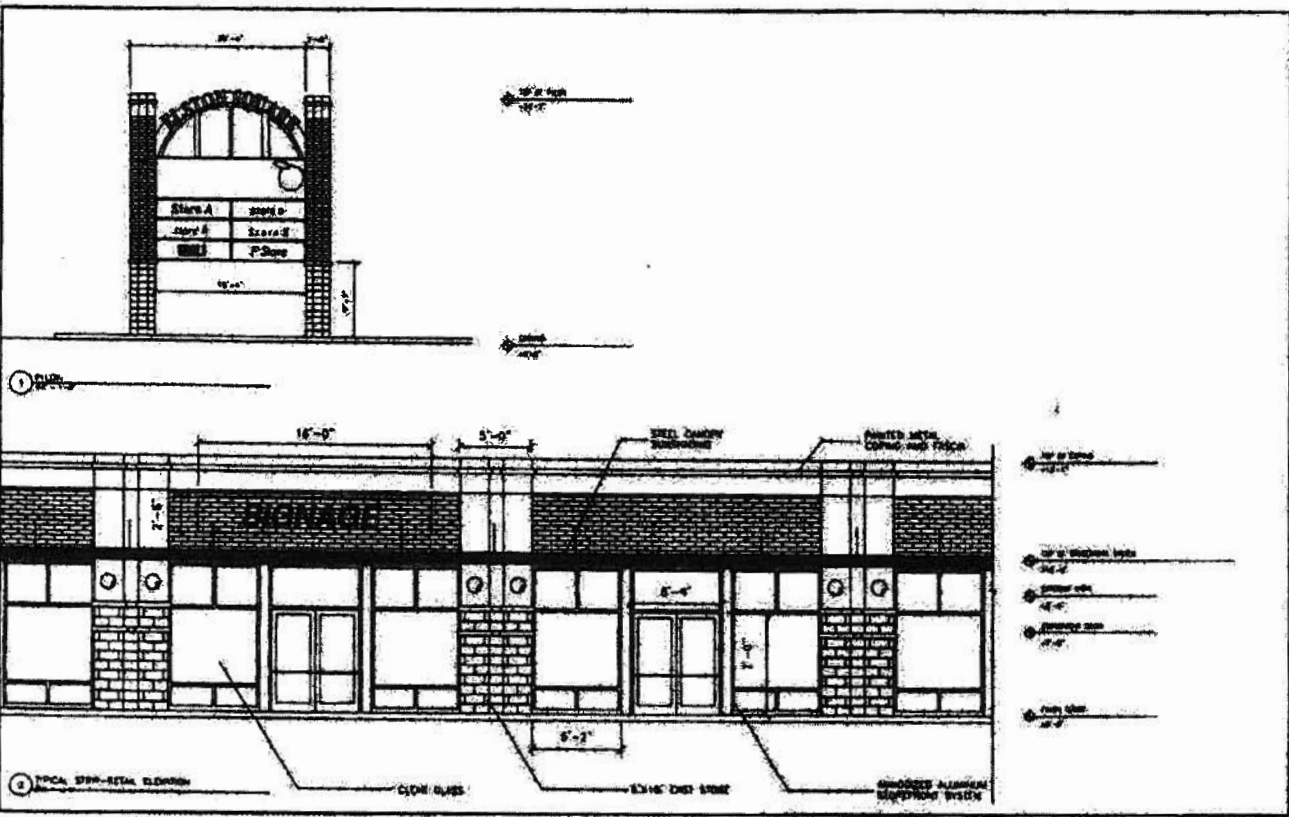
Planned Development Boundary
And Property Line Map.



Building Elevations.



Strip Center Detail.



Green Roof Plan.

