

# PD 1084

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AMENDMENT OF TITLE 17, OF MUNICIPAL CODE  
OF CHICAGO (CHICAGO ZONING ORDINANCE)  
BY RECLASSIFICATION OF AREA SHOWN  
ON MAP NUMBER 10-K.  
(As Amended)  
(Application Number 16158)

(Committee Meeting Held September 25, 2007)

RBPD 1084

The Committee on Zoning submitted the following report:

CHICAGO, September 27, 2007.

*To the President and Members of the City Council:*

Reporting for your Committee on Zoning, for which a meeting was held on September 25, 2007, I beg leave to recommend that Your Honorable Body *Pass* various ordinances transmitted herewith for the purpose of reclassifying particular areas.

I beg leave to recommend the passage of twelve ordinances which were corrected and amended in their amended form. They are Application Numbers A-7215, A-7214, MA-93, 16061, 16158, 16263, 16192, A-7186, 16170, A-7189, 16258 and 16265.

Please let the record reflect that Application Number A-7245 was withdrawn by Alderman Marge Laurino.

At this time, I move for passage of the substitute ordinance transmitted herewith.

Please let the record reflect that I abstain from voting on Application Numbers 16158, 15814 and 16258 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

Respectfully submitted,

(Signed) WILLIAM J. P. BANKS,  
*Chairman.*

On motion of Alderman Banks, the said proposed substitute ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

*Yeas* -- Aldermen Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Foulkes, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schulter, M. Smith, Moore -- 46.

*Nays* -- None.

Alderman Carothers moved to reconsider the foregoing vote. The motion was lost.

Alderman Banks invoked Rule 14 of the City Council's Rules of Order and Procedure, disclosing that while he had no personal or financial interest in the ordinance he had a familial relationship with the applicant's attorney.

Alderman Burke invoked Rule 14 of the City Council's Rules of Order and Procedure, disclosing that he had represented parties to this ordinance in previous and unrelated matters.

The following is said ordinance as passed:

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

SECTION 1. That Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, be amended by changing all the C2-2 Motor Vehicle-Related Commercial District symbols and indications as shown on Map Number 10-K in the area bounded by:

the southeasterly right-of-way line of the Canadian National Illinois Central Railroad, formerly the Gulf Mobile and Ohio Railroad (G.M.&O.R.R.); the easterly right-of-way line of the alley next west of and parallel to South Keating Avenue; a line 15 feet southeasterly of the southeasterly right-of-way line of the Canadian National Illinois Central Railroad, formerly the Gulf Mobile and Ohio Railroad (G.M.&O.R.R.); South Keating Avenue; West 43<sup>rd</sup> Street; the alley next west of and parallel to South Keating Avenue; a line 150.12 feet north of and parallel to West 43<sup>rd</sup> Street; and South Cicero Avenue,

to those of a B2-2 Neighborhood Mixed-Use District and a corresponding use district is hereby established in the area above described.

SECTION 2. That Title 17 of the Municipal Code, the Chicago Zoning Ordinance, be amended by changing all the M1-1 Limited Manufacturing/Business Park District Symbols and indications as shown on Map Number 10-K in the areas bounded by:

a line 150.12 feet north of and parallel to West 43<sup>rd</sup> Street; the alley next west of

and parallel to South Keating Avenue; West 43<sup>rd</sup> Street; and South Cicero Avenue,

to those of a C1-1 Neighborhood Commercial District and a corresponding use district is hereby established in the area above described.

SECTION 3. That Title 17, the Chicago Zoning Ordinance, be amended by changing all the B2-2 Neighborhood Mixed-Use District and C1-1 Neighborhood Commercial District symbols and indications as shown on Map Number 10-K in the area bounded by:

the southeasterly right-of-way line of the Canadian Illinois Central Railroad, formerly the Gulf Mobile and Ohio Railroad (G.M. & O.R.R.); the easterly right-of-way line of the alley next west of and parallel to South Keating Avenue; a line 15 feet southeasterly of the southeasterly right-of-way line of the Canadian National Illinois Central Railroad, formerly the Gulf Mobile and Ohio Railroad (G.M.&O.R.R.); South Keating Avenue; West 43<sup>rd</sup> Street; and South Cicero Avenue,

to the designation of Residential-Business Planned Development Number 1084, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development attached and made a part thereto and to no others.

SECTION 4. 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 1084.*

*Plan Of Development Statements.*

1. The area delineated herein as Residential-Business Planned Development Number 1084 (the "Planned Development"), consists of approximately one hundred thirty thousand six hundred twenty-six (130,626) square feet (approximately two and ninety-nine hundredths (2.99) acres) (the "Property") of net site area (see footnote 1) which is owned and/or controlled by the City Center Properties, L.L.C. (the "Applicant"), and which is depicted on the attached Planned Development Boundary and Property Line Map (Exhibit 4). The property is divided into two (2) subareas (each a "Subarea" or collectively the "Subareas") as shown on the attached Subarea Map (Exhibit 2).

2. All applicable official reviews, approvals or permits are required to be obtained by the Applicant. Any dedication or vacation of streets, alleys or easements or any adjustment of rights-of-way shall require a separate submittal on behalf of the Applicant, its successors, assignees or grantees and approved 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 lessees and their respective successors and assigns. All rights hereunder to the Applicant shall inure to the benefit of its successors and assigns and, if different than the Applicant, the legal titleholder and any ground lessees and their respective successors and assigns. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, at the time applications for amendments or changes (administrative, legislative or otherwise) to this Planned Development are made, the Property shall be under single ownership or under single designated control. Single designated control for purposes of this Statement shall mean any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the owners of the Property and any ground lessees of the Property, subject however to the following exceptions and conditions: (a) any changes or modifications to this Planned Development applicable to or in a given subarea need only be made or authorized by the owners and/or any ground lessees of such subarea provided there is no adverse effect on the other subarea; and (b) with respect to Subarea A, 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 the condominium association (or condominium associations if there is more than one condominium association) or the owners of such portions of the improvements and not to the individual unit owners therein. Nothing herein shall prohibit or in any way restrict the alienation, sale or other transfer of all or any portion of the Property or any rights, interests or obligations therein. 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 Applicant shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder with respect to the portion of the property so transferred.

4. The following uses shall be permitted in the Planned Development as follows:

Subarea A: three (3) multi-story, multi-dwelling unit buildings containing a total of one hundred thirty-five (135) residential units, with accessory parking and loading and related uses; a temporary construction/sales office shall also be allowed.

Subarea B: business and retail uses as permitted in the CI-1 Neighborhood Commercial District classification; a temporary construction/sales office shall also be allowed.

5. This Plan of Development consists of these fourteen (14) statements; a Bulk Regulations and Data Table; and the following exhibits (all prepared by Haylock Design, Inc. except as noted, and all dated September 20, 2007) (collectively, the "Plans"):

Exhibit 1 -- Site Plan

Exhibit 2 -- Subarea Plan

Exhibit 3 -- Existing Zoning Map

Exhibit 4 -- Planned Development Boundary and Property Line Map

Exhibit 5 -- Elevations for Condominium Buildings (Subarea A)

Exhibit 6 -- Elevations for Restaurant (Subarea B)

Exhibit 7 -- Landscape Plan by H.K.M. Architects + Planners, Inc.

Full sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development (the "Department"). 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.

6. On-Premises signs (identification signs) shall be permitted upon the property provided that such signs are compatible with the character of development authorized by this Planned Development and the character of the area in which it is located. Temporary signs such as construction and marketing and temporary on-premises signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development.

7. The improvements authorized by this Planned Development shall be designed, constructed and maintained in substantial conformance with the Plans described in Statement Number 5 above, the Bulk Regulations and Data Table and in accordance with the Parkway Tree and Parking Lot Landscaping provisions of the Chicago Zoning Ordinance.
8. Any service drive or any other means of ingress or egress, including for emergency vehicles, shall be adequately designed and paved in accordance with the provisions of the Municipal Code and the regulations of the Chicago Department of Transportation ("C.D.O.T.") in effect at the time of review. There shall be no parking or storage of garbage receptacles within such service drives or within fire lanes. Any changes to off-street parking ingress and egress as depicted in the plans shall be subject to the review and approval of C.D.O.T. and the Department. All work proposed in the public way must be designed and constructed in accordance with the C.D.O.T. "Construction Standards for Work in the Public Way" and in compliance with the Municipal Code of the City of Chicago. Closure of all or any part of any public street or alley during construction or demolition shall be subject to the review and approval of C.D.O.T.
9. Height restrictions of any building or any appurtenance thereto, in addition to the Bulk Regulations and Data Table, shall be subject to height limitations as approved by the Federal Aviation Administration.
10. For purposes of F.A.R. calculations, the definitions in the Chicago Zoning Ordinance in effect as of the date hereof shall apply.
11. The requirements of this Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development (the "Commissioner") upon application and a determination by the Commissioner that such modification is minor, appropriate and consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereto. Any such modification of the requirements of the Planned Development by the Commissioner shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance. Such minor changes may include changes to the Site Plan. (It is acknowledged that demising walls for the interior spaces are illustrative only and that the location and relocation of demising walls or divisions of interior spaces shall not be deemed to require any further approvals pursuant hereto).
12. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner which promotes and maximizes the conservation of natural resources. The applicant shall use commercially 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. The Applicant shall also provide green roofs area equal to twenty-five percent (25%) of the net roof area on any building improvements in excess of ten thousand (10,000) square feet that it constructs within Subarea A (each of the three (3) residential buildings will individually contain approximately four thousand one hundred (4,100) square feet of green roof area for an aggregate of twelve thousand three hundred (12,300) square feet of green roof area.) An Energy Star Roof shall be required for building improvements on Subarea B which are less than ten thousand (10,000) square feet,

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 new 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 in Subarea A has commenced within six (6) years following adoption of this Planned Development, and unless completion of such improvements is pursued thereafter, this Planned Development shall expire. If this Planned Development expires under the provisions of this section, then the zoning of the Property shall automatically convert to the classifications of the C1-1 Neighborhood Commercial District and B2-2 Neighborhood Mixed-Use District designations. Said six (6) years may be extended for up to one (1) additional year if, before expiration, the Commissioner of the Department determines that a good cause for such an extension is shown.

[Exhibit 1 -- Site Plan; Exhibit 2 -- Subarea Plan; Exhibit 3 -- Existing Zoning Map; Exhibit 4 -- Planned Development Boundary and Property Line Map; Exhibits 5 and 6 -- Building Elevations; Exhibit 7 -- Landscape/Green Roof Plan and Landscape Details referred to in these Plan of Development Statements printed on pages 10353 through 10362 of this *Journal*.]

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

9/27/2007

REPORTS OF COMMITTEES

16158  
10351

*Residential-Business Planned Development Number 1084.*

*Plan Of Development*

*Bulk Regulations And Data Table.*

	Square Footage	Acres
Gross Site Area:	199,545 square feet	(4.58 acres)
Area of Public Rights-of-Way:	68,919 square feet	(1.58 acres)
Net Site Area:	130,626 square feet	(2.99 acres) (see footnote Number 1)
Maximum Floor Area Ratio:	2.20	
Subarea A:	2.34	
Subarea B:	1.20	
Maximum Number of Allowed Dwelling Units:	135 units	
Subarea A:	135 units	
Subarea B:	0 units	
Permitted Uses:	Business, Commercial and Residential Uses and Related Uses, as listed in Statement Number 4.	
Number of Off-Street Parking Spaces to be provided:		
Subarea A:	138 interior parking spaces, 20 guest parking spaces or non-required accessory "guest" parking spaces	
Subarea B:	21 accessory parking spaces	

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Footnote Number: 1. Includes the square footage of one (1) alley segments proposed "To Be Vacated" which totals seven thousand thirty-six (7,036) square feet and are included within the "net site area".

<b>Minimum Number of Bicycle Parking Spaces:</b>	<b>As required by Section 17-10-0300 of the Chicago Zoning Ordinance for Subarea A.</b>
<b>Maximum Building Coverage:</b>	<b>In substantial conformance with the attached Site Plan.</b>
<b>Maximum Building Heights:</b>	
Subarea A:	50 feet (see footnote Number 2)
Subarea B:	38 feet (see footnote Number 2)
<b>Minimum Number of Off-Street Loading Berths:</b>	
Subarea A:	3 berths at 25 feet by 10 feet
Subarea B:	0 berths
<b>Minimum Setback from Property Line:</b>	
Subareas A and B:	<b>In substantial conformance with the attached Site Plan</b>

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Footnote Number: 2. The starting point for measuring building heights shall be based on the average grade as established at the northwest corner of West 43<sup>rd</sup> Street and South Keating Avenue, which is 17.05 C.C.D. or Chicago City Datum.

Exhibit 1.  
Site Plan.

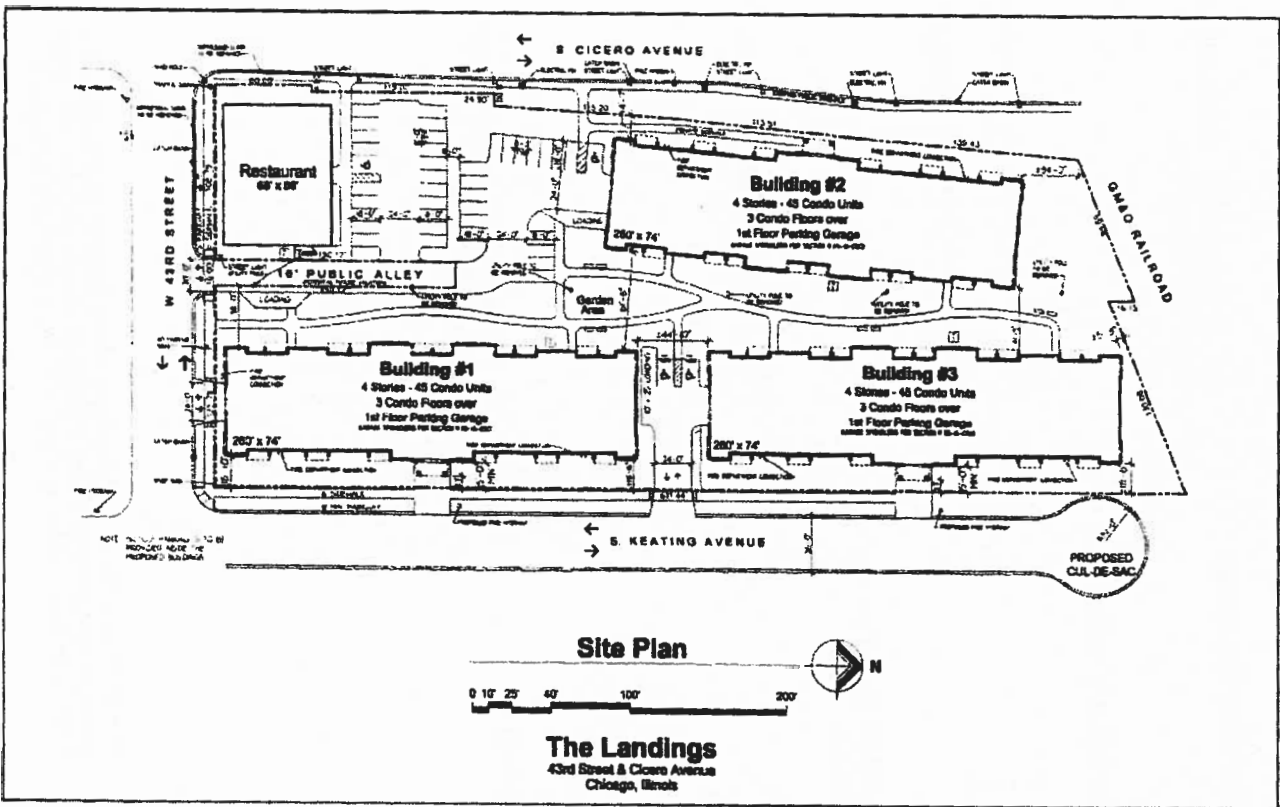


Exhibit 2.  
Subarea Plan.

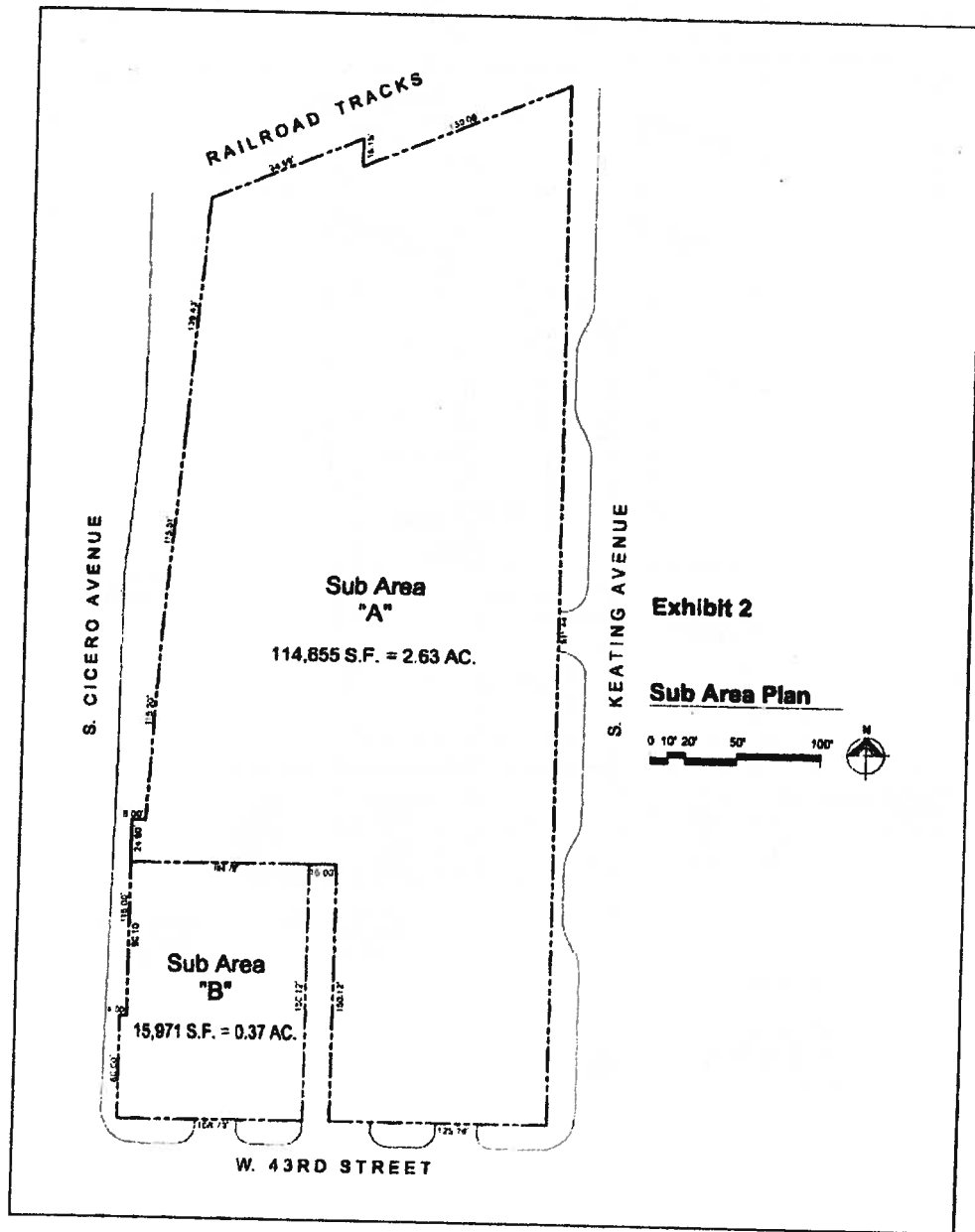


Exhibit 3.  
Existing Zoning Map.

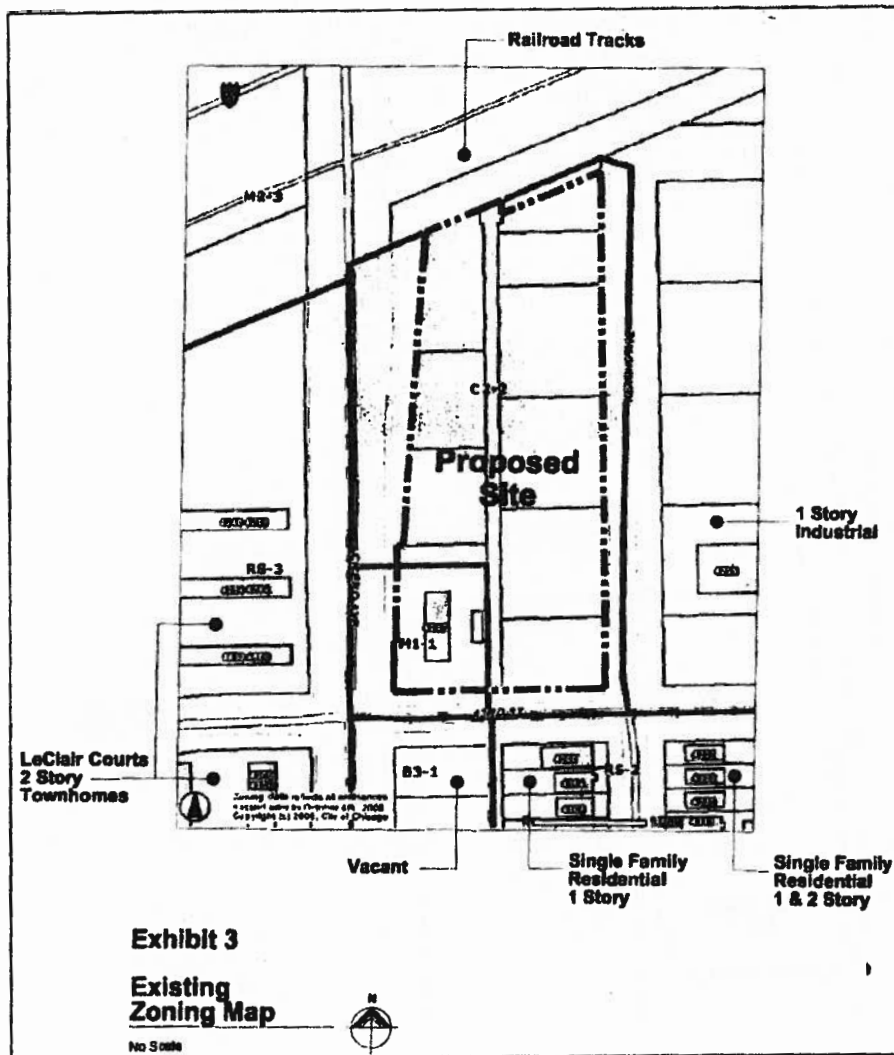


Exhibit 4.

Planned Development Boundary And Property Line Map.

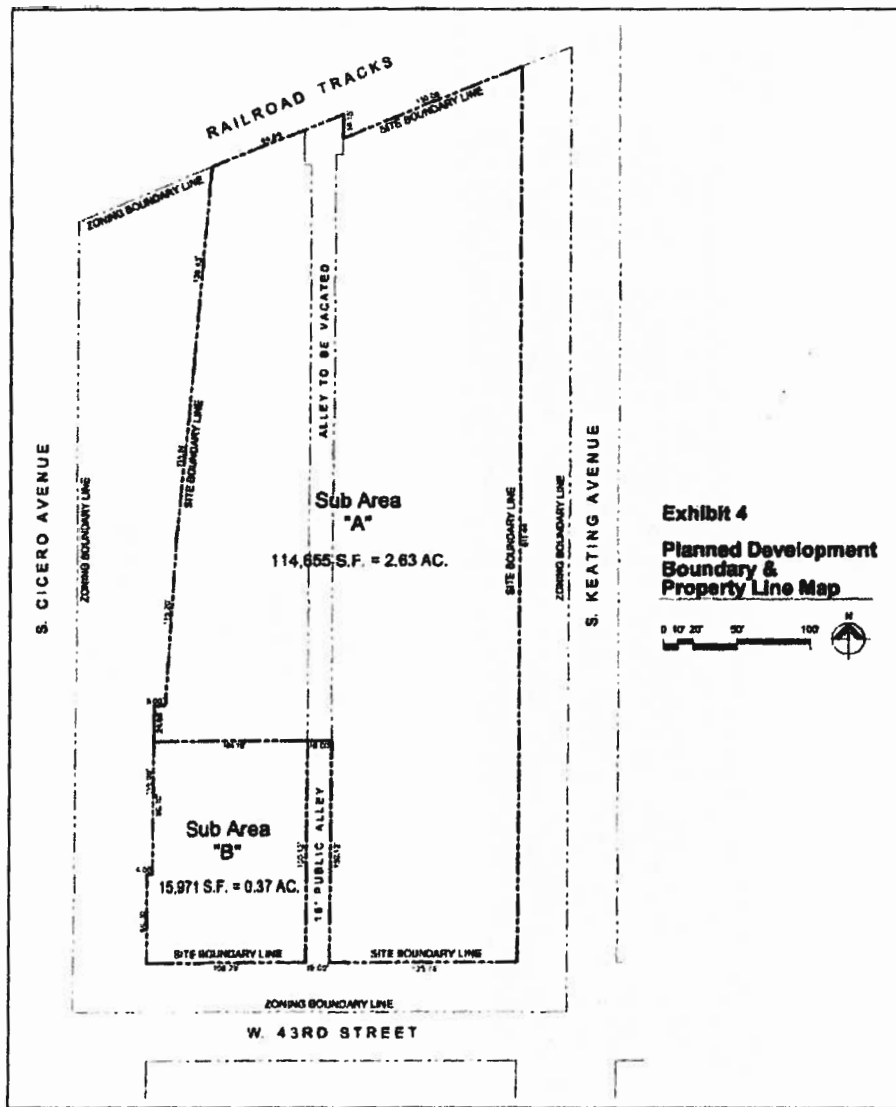


Exhibit 5.  
Elevations.  
(Page 1 of 3)

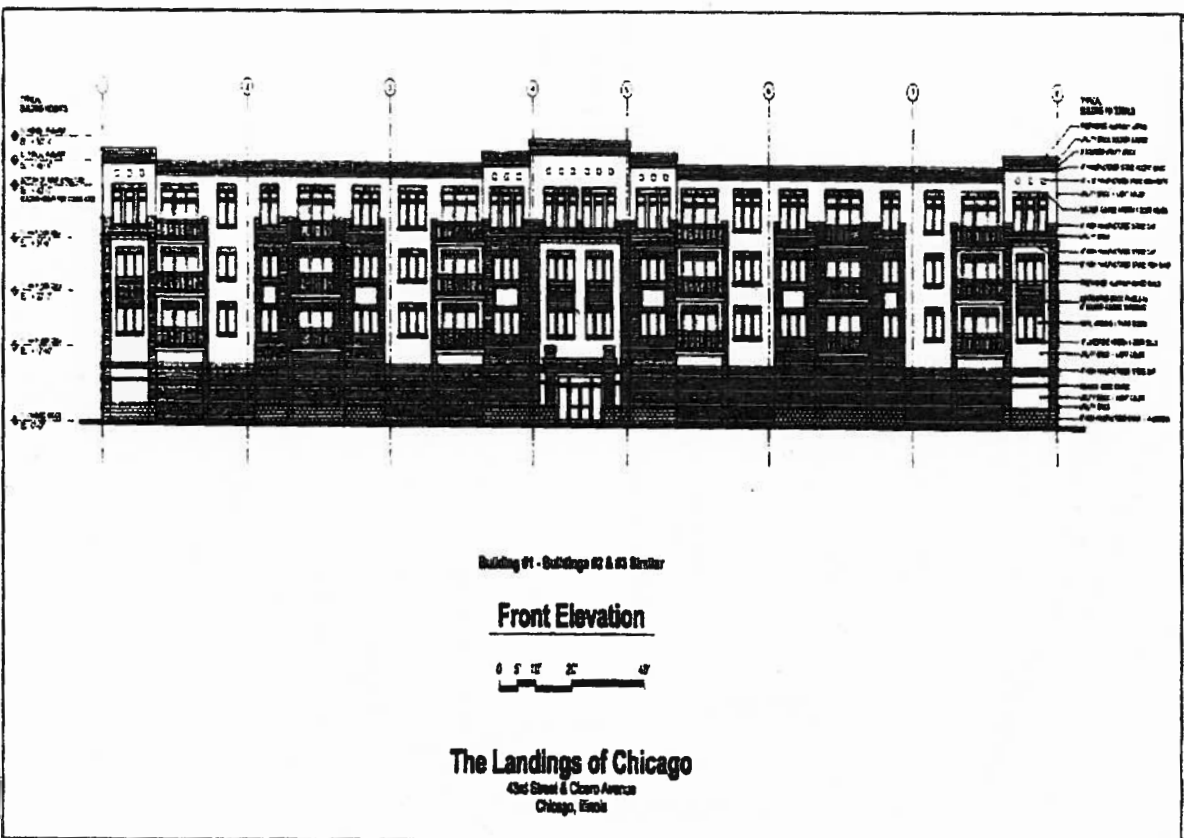


Exhibit 5.  
Elevations.  
(Page 2 of 3)

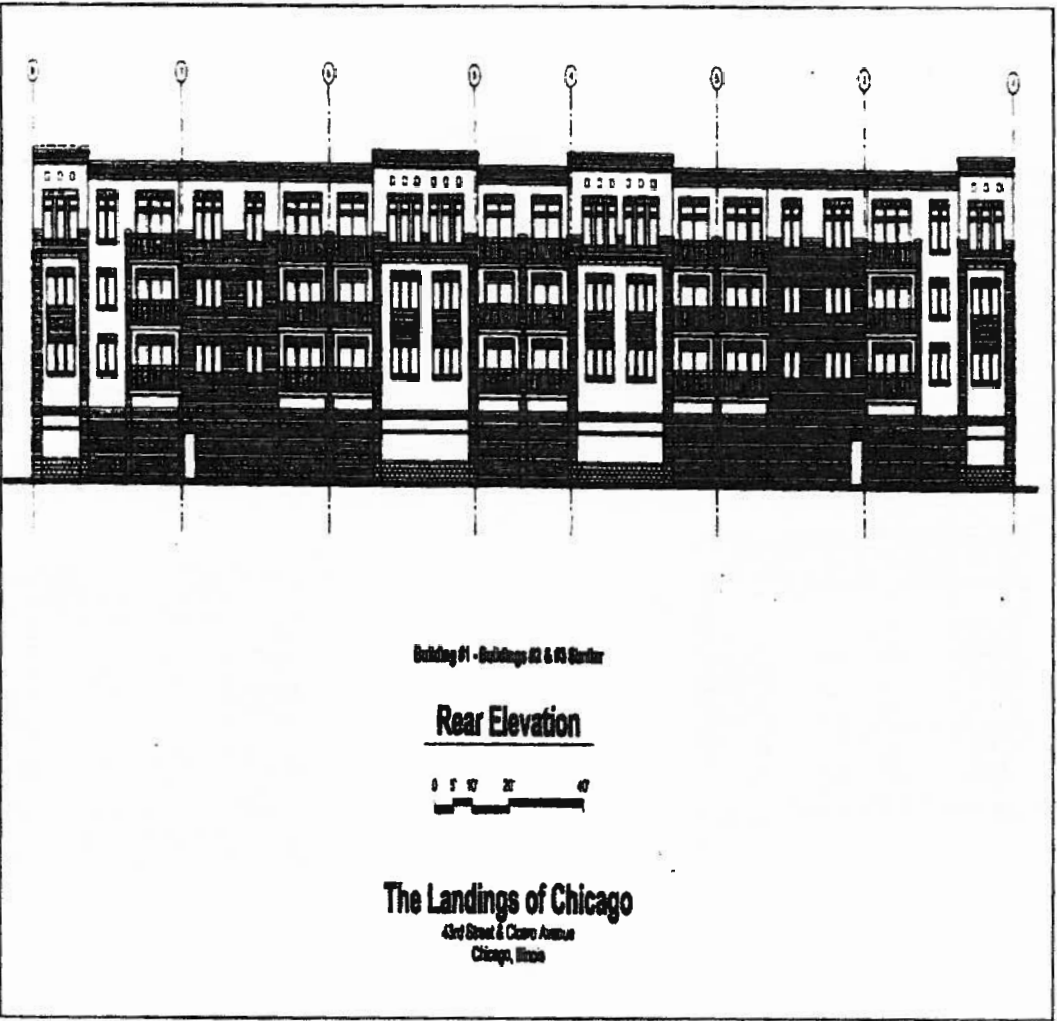


Exhibit 5.  
Elevations.

(Page 3 of 3)

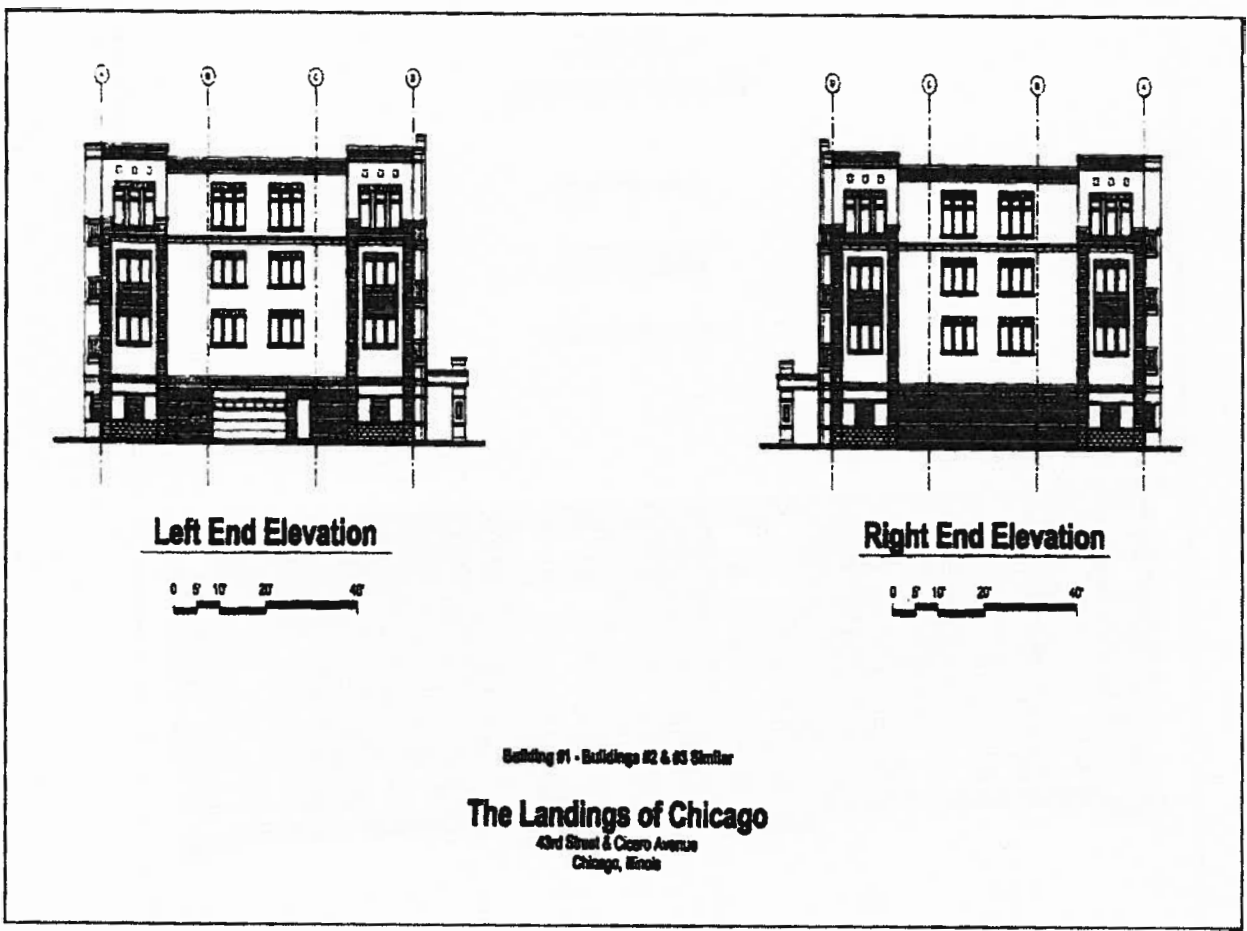




Exhibit 7.  
Landscape Plan.  
(Page 1 of 2)

