

PD 1172

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August 25, 2021

Tyler Manic
Schain Banks Kenny & Schwartz
70 W. Madison, Suite 5300
Chicago, IL 60606

**Re: PD 1172, Westport Commons Shopping Center
NW corner of S. Kedzie Ave. and W. 87th St.**

Dear Mr. Manic:

In response to your recent request, please be advised that the subject property is zoned Business Planned Development Number 1172 ("PD 1172"), as amended. Your client and the sole owner of the PD, B33 Westport Commons LLC, intends to sell a 291,325.84 square foot parcel ("Parcel 1") within Subarea A. Per your request, the new owner intends to operate a grocery store in the existing, 87,455 square foot building, and the new Parcel 1 will include 494 parking spaces. As part of the transaction, the current and future owner will execute mutual access, utility and parking easements over the existing parking spaces, ingress and egress access points and utilities.

You are seeking confirmation of the following:

1. That the subdivision and sale of Parcel 1 in Subarea A will not violate the City of Chicago Zoning Ordinance or the terms and conditions of PD 1172.
2. That the future owner of Parcel 1 will be compliant with the City of Chicago Zoning Ordinance by operating a grocery store at the existing 87,455 square foot building on Parcel 1 with 494 parking spaces.
3. That the existing uses at Westport Commons Shopping Center will not be out of compliance with the Zoning Ordinance by virtue of the sale of Parcel 1 to an independent third party.

The proposed subdivision and sale of Parcel A, as identified on the attached exhibit, is not prohibited by the Zoning Ordinance or PD 1172. Pursuant to Statement no. 5 of the Planned Development, a grocery store is a permitted use within Subarea A. A minimum of 815 off-street parking spaces is required within the entire PD and 750 of those must be located within Subarea A. The sale of Parcel 1 to a different owner will not affect the compliance of the existing uses as long as the property remains in conformity with the Planned Development.

Pursuant to Statement no. 3 of PD 1172 and Section 17-8-0400 of the Zoning Ordinance, the property or the subarea concerned, at the time applications for amendments, modifications, or changes (administrative, legislative, or otherwise) to this Planned Development are made, shall be under single ownership, or under single designated control. Single designated control for the purpose of this paragraph shall mean that any application to the City for any amendment or any modification or change thereto (administrative, legislative, or otherwise) shall be made or authorized by all the owners of the Planned Development or the subarea concerned, as the case may be, and any ground lessors.

Sincerely,



Patrick Murphey
Zoning Administrator

C: Main file

10/7/2020

REPORTS OF COMMITTEES

A8601

22143

Reclassification Of Area Shown On Map No. 20-H.
(Application No. 20499)
(Common Address: 8536 -- 8540 S. Ashland Ave.)

[O2020-4533]

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 the B1-1 Neighborhood Shopping District and M1-1 Limited Manufacturing/Business Park District symbols and indications as shown on Map Number 20-H in the area bounded by:

a line 262.3 feet north of and parallel to West 86th Street; South Ashland Avenue; a line 187.3 feet north of and parallel to West 86th Street; and the alley next west of and parallel to South Ashland Avenue,

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

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

Reclassification Of Area Shown On Map No. 20-J.
(As Amended)
(Application No. A-8601)
(Common Address: 8600 -- 8618 S. Kedzie Ave.
And 3206 -- 3348 W. 87th St.)

BPD 1172, AA

[SO2020-3907]

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 Business Planned Development Number 1172 District symbols and indicators as shown on Map Number 20-J in the area bounded by:

a line 665 feet north of and parallel to West 87th Street; a line 621.70 feet west of and parallel to South Kedzie Avenue; a line 713 feet north of and parallel to West 87th Street; South Kedzie Avenue; a line 174.60 feet north of and parallel to West 87th Street; a line 220.85 feet west of and parallel to South Kedzie Avenue; West 87th Street; and a line 1,154.4 feet west of and parallel to South Kedzie Avenue,

to those of Business Planned Development Number 1172, as amended, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in this Plan of Development, including the Bulk Regulations and Data Table set forth below (all other here-omitted planned development statements, exhibits, and text as set forth in the Plan of Development adopted by City Council on September 8, 2010 (pages 99492 -- 99511 of the *Journal of the Proceedings of the City Council of the City of Chicago*, September 8, 2010 meeting), and as modified administratively thereafter, are unaffected by this ordinance).

SECTION 2. 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:

Business Planned Development No. 1172, As Amended.

Planned Development Statements.

1. The area delineated herein as Business Planned Development Number 1172 (the "Planned Development") consists of approximately 749,954 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property") and is owned or controlled by B33 Westport Commons LLC (the "Property Owner").
2. The current Property Owner or its successors, assignees or grantees shall obtain all necessary official reviews, approvals or permits. Any dedication or vacation of streets, alleys or easements or any adjustments of rights-of-way shall require a separate submittal on behalf of the Property Owner or its 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 Property Owner, its successors, assignees or grantees and, if different than the Property Owner, the legal titleholders and any ground lessors. All rights granted hereunder to the Property Owner shall inure to the benefit of the Property Owner's successors, assignees or grantees and, if different than the Property Owner, any legal titleholders and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property or the subarea concerned, as the case may be, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) 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 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 or the subarea concerned, as the case may be, and any ground lessors.

4. This amended plan of development consists of seventeen (17) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Subarea Map; and a Site/Landscape Plan. The existing Landscape Material Legend and Details (page 99503, *Journal of the Proceedings of the City Council of the City of Chicago* for September 8, 2010 meeting); Subarea A Elevations (pages 99504 – 99507, *Journal of the Proceedings of the City Council of the City of Chicago* for September 8, 2010 meeting); Subarea C Elevations (pages 99508 and 99509, *Journal of the Proceedings of the City Council of the City of Chicago* for September 8, 2010 meeting); and Subarea D Elevations (pages 99510 and 99511, *Journal of the Proceedings of the City Council of the City of Chicago* for September 8, 2020 meeting) are unaffected by this ordinance. 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. Subject to the Bulk Regulations and Data Table, the following uses shall be permitted in Subareas A, C, D and E of the Planned Development (there is no longer a Subarea B in the Planned Development as amended): retail uses, office uses, related and accessory uses, accessory parking and all other permitted uses in the B3 Community Shopping District, except for uses in the Residential Use Group. The following Special Uses shall also be permitted: schools; drive-through facilities; banks and financial institutions; automated teller machines; payday loan stores; and barber shops, beauty shops and other personal service establishments. The establishment of other uses requiring special use approval in the B3 Community Shopping District may be permitted if approved by the Commissioner of Zoning and Land-Use Planning through the minor change procedure set forth in Statement Number 13.
6. On-premises signs shall be permitted within the Planned Development subject to the review and approval of the Department of Zoning and Land-Use Planning. Temporary signs such as construction and marketing signs also shall be permitted subject to the review and approval of the Department of Zoning and Land-Use Planning. Off-premises signs shall not be permitted in the Planned Development.
7. Off-street parking and loading facilities shall be provided in accordance with the provisions of this Planned Development subject to the review and approval of the Departments of Transportation and Zoning and Land-Use Planning. Any service drive

or other ingress or egress shall be adequately designed and paved, in accordance with the regulations of the Department of 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 emergency areas.

8. For purposes of height calculations, the definitions in the Chicago Zoning Ordinance shall apply. In addition to the maximum height of buildings and any appurtenances 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.
9. The improvements on the Property shall be designed, constructed, and maintained in substantial conformance with this Planned Development. Landscaping shall be installed in accordance with the Site/Landscape Plan and maintained in accordance with the parkway tree planting and parking lot landscape provisions of the Chicago Zoning Ordinance, subject to the provisions of Statement 10 of this Planned Development. The Property Owner shall install a sidewalk along the West 87th Street frontage of the Property at such time that Subarea E is developed. Said sidewalk shall comply in all respects with the standards of the Department of Transportation.
10. Notwithstanding any statement to the contrary, and except for existing improvements, 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 this Planned Development conflicts with landscape and screening provisions of the Chicago Zoning Ordinance except for existing improvements, 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, except that the landscaping of existing improvements shall be subject to the terms of the approval granted in Administrative Adjustment Application Number 06-484, approved August 7, 2006.
11. For purposes of floor area ratio ("FAR") calculations, the definitions in the Chicago Zoning Ordinance shall apply.
12. Prior to the issuance by the Department of Zoning and Land-Use Planning of a determination pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance ("Part II Approval") for any new construction within the Planned Development other than alterations to existing buildings which do not increase their height or alter their footprint, a site plan for the new construction shall be submitted to the Commissioner of the Department of Zoning and Land-Use Planning for approval. Review and approval of the site plan by the Commissioner is intended to assure that specific development proposals conform with this Planned Development. No Part II Approval

for work for which a site plan must be submitted to the Commissioner shall be granted until the site plan has been approved by the Commissioner. Further, all Part II submittals shall be in compliance with the Chicago Landscape Ordinance except as indicated in Statement 10 for existing improvements. Following approval of a site plan by the Commissioner, the approved plan shall be kept on permanent file with the Department of Zoning and Land-Use Planning Development and shall be deemed to be an integral part of this Planned Development. The approved site plan may be changed or modified pursuant to the minor change provisions of Section 17-13-0611 of the Chicago Zoning ordinance.

A site plan shall, at a minimum, provide the following information with respect to the proposed improvements:

- 1) the boundaries of the property;
- 2) the footprint of the improvement;
- 3) location and dimensions of all loading berths;
- 4) preliminary landscaping plan with final landscaping plan to be approved at Part II stage;
- 5) all pedestrian circulation routes;
- 6) the location of any adjacent public improvements;
- 7) preliminary elevations of the improvements; and
- 8) statistical information applicable to the Property limited to the following:
 - a) floor area and floor area ratio;
 - b) uses to be established;
 - c) building heights; and
 - d) all setbacks, required and provided.

A site plan shall include such other information as may be necessary to illustrate conformance with the applicable provisions of this Planned Development.

13. The terms, conditions and exhibits of this Planned Development may be modified administratively, by the Commissioner of the Department of Zoning and Land-Use Planning upon the request of the Property Owner or its successors, assignees or grantees and after a determination by the Commissioner that such a modification is minor, appropriate and consistent with the nature of the development of the Property contemplated herein and will not result in increasing the maximum floor area ratio for the total net site area or a reduction in the minimum required distance between structures or in periphery setbacks established in this Planned Development. Any such modification shall be deemed a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
14. The Property Owner, as grantee and successor to the original Planned Development applicant, acknowledges that 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. The Property Owner shall design, construct and maintain all future buildings located within the Property in conformance with the City's Sustainable Development Policy in effect at the time such building is developed.
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 and Land-Use Ordinance. The fee as determined by staff at the time is final and binding on the Property Owner and must be paid to the Department of Revenue prior to the issuance of any Part II Approval.
16. The Property Owner, as grantee and successor to the original Planned Development applicant acknowledges that it is in the public interest to design, construct and maintain all buildings 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 ("MOPD") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility. No approvals shall be granted pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the Director of MOPD has approved detailed construction drawings for each building or improvement.
17. The applicant 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 under Section 13-32-125 of the Municipal Code of Chicago or any other provision of that Code.

[Existing Zoning Map; Existing Land-Use Map; Boundary and Property Line Map; Subarea Map; and Site/Landscape Plan referred to in these Plan of Development Statements printed on pages 22150 through 22154 of this *Journal*.]

A8601

10/7/2020

REPORTS OF COMMITTEES

22149

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

Business Planned Development No. 1172, As Amended.

Bulk Regulations And Data Table.

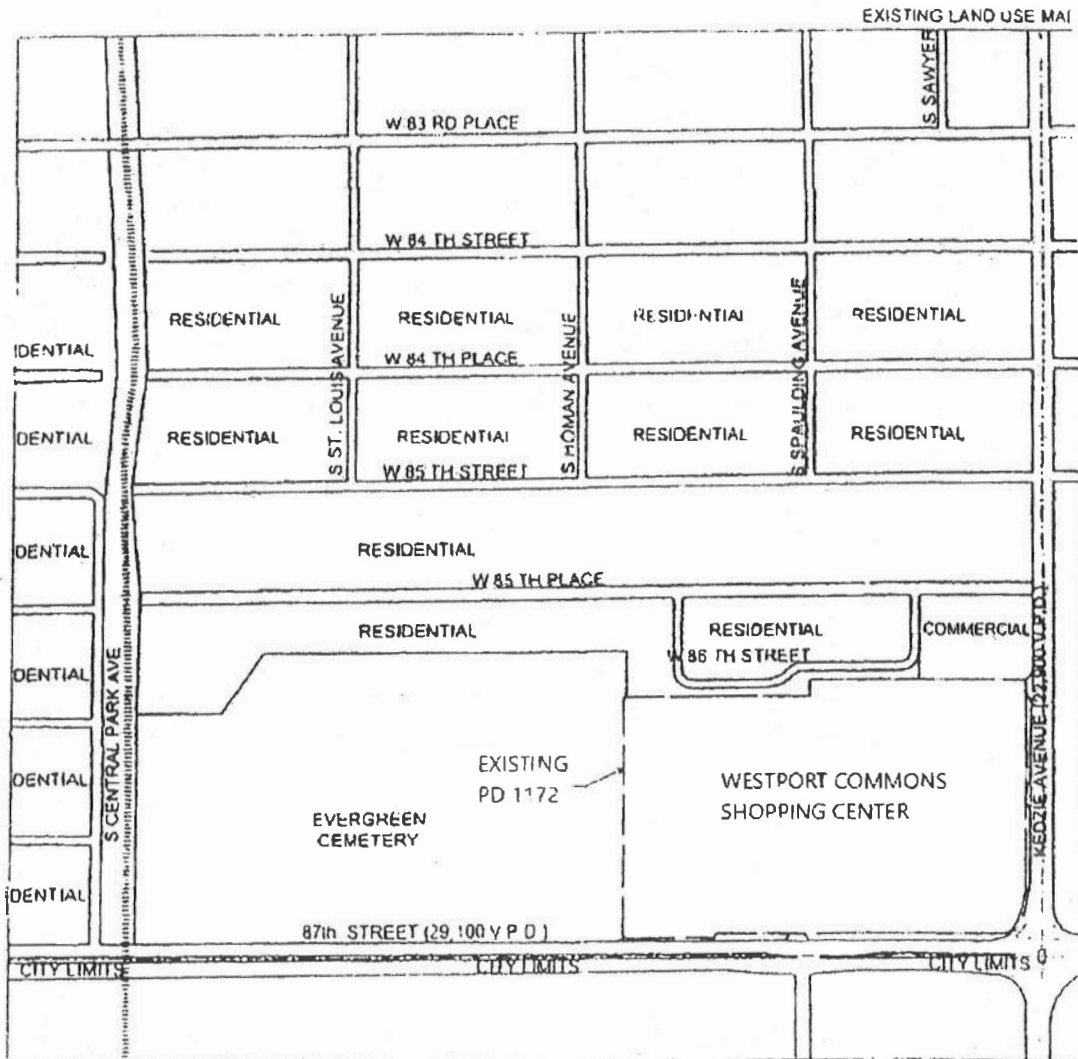
Gross Site Area = Net Site Area + Areas Remaining in Public Rights-of-Way:
821,603.37 square feet (18.86 acres) = 749,954 square feet (17.22 acres) + 71,649.37 square feet (1.64 acres)

Subarea	Net Site Area	Maximum Floor Area Ratio	Minimum Number Of Off-Street Parking Spaces	Minimum Number Of Off-Street Loading Spaces	Permitted Uses	Setbacks
A	664,561 square feet	0.30	750	4	See Statement Number 5	In Accordance with the Site/Landscape Plan
C	19,287 square feet	0.25	15	0		
D	32,250 square feet	0.25	25	0		
E	33,856 square feet	0.25	25	0		
TOTALS	749,954 square feet	0.29	815	4	-	

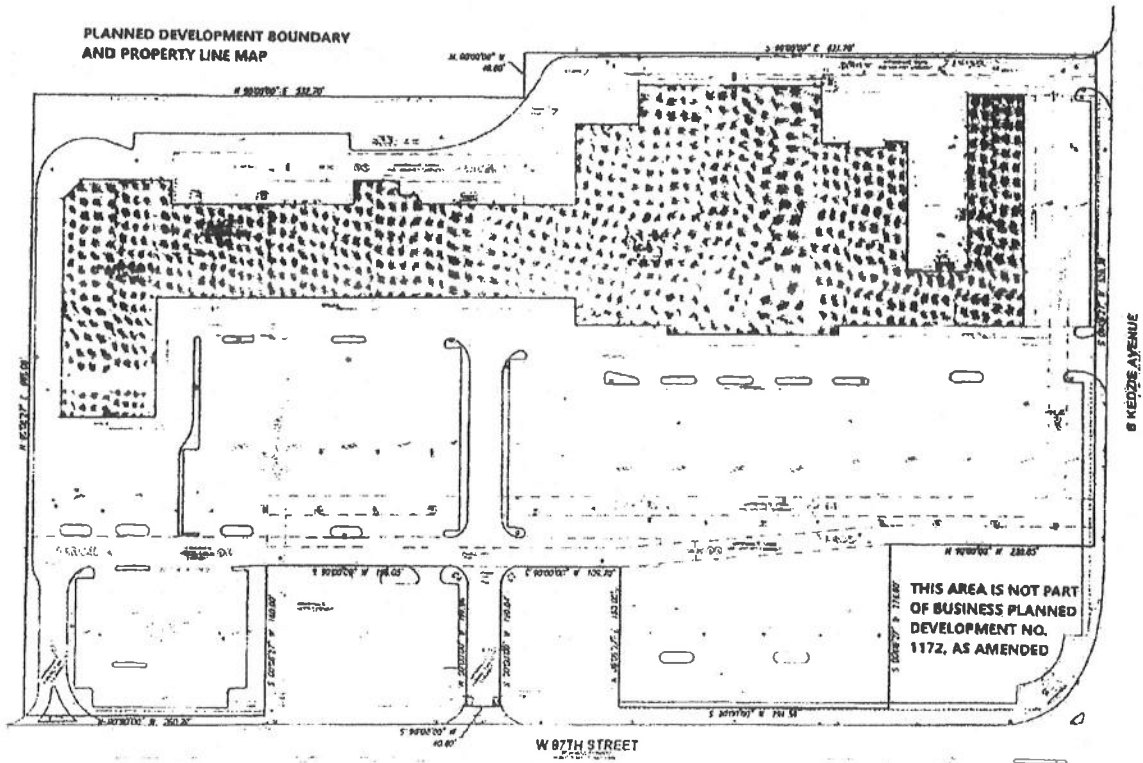
Minimum Number of Bicycle Spaces: 50

Maximum Building Height: 38 feet

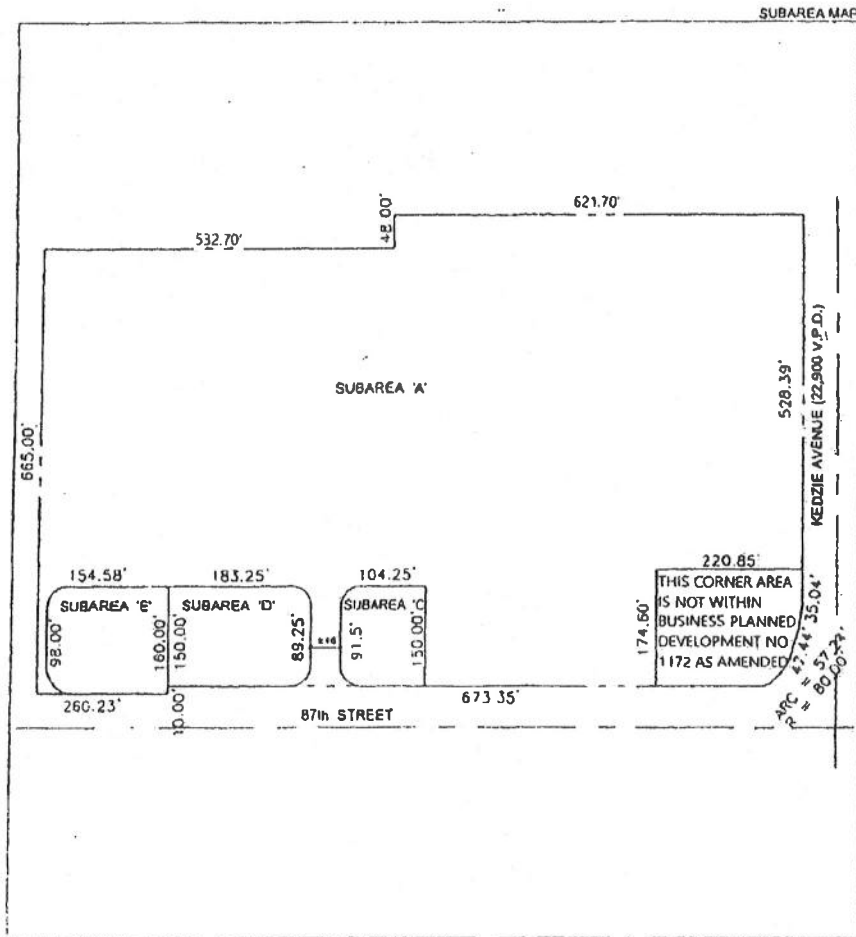
Final for Publication



Final for Publication

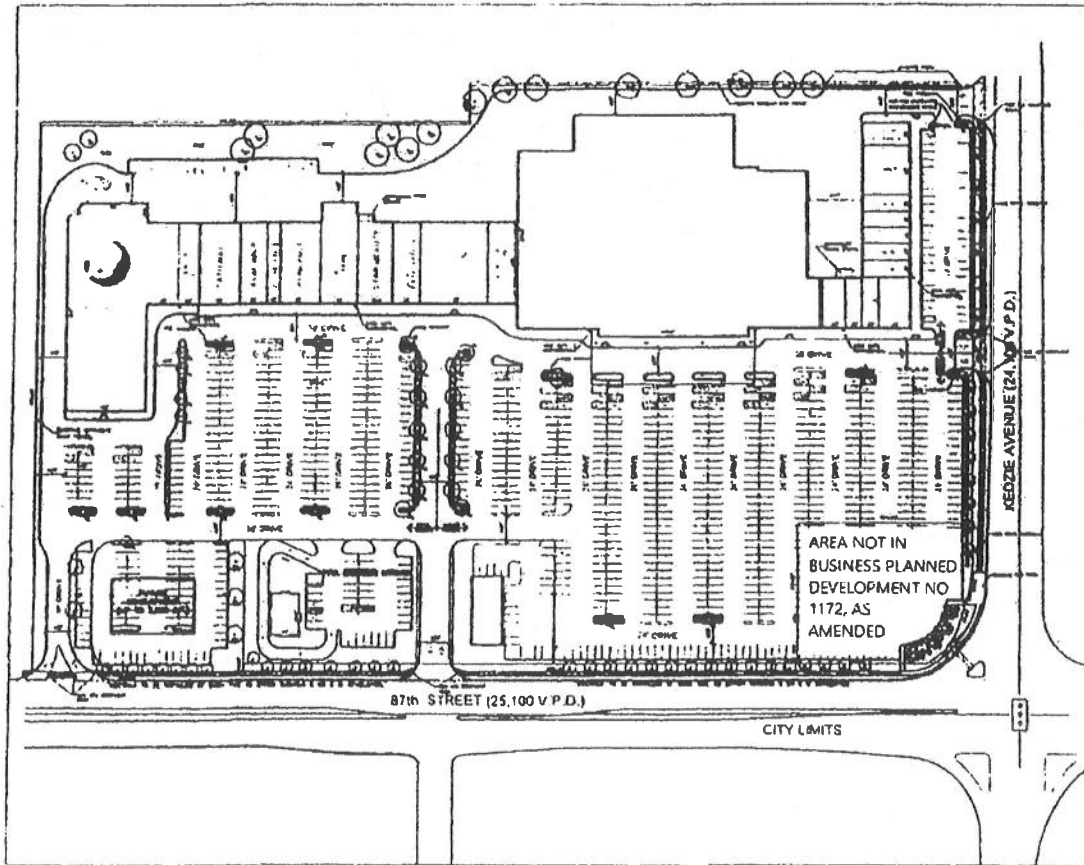


Final for Publication



Final for Publication

SITE/ LANDSCAPE PLAN



20418

19504

JOURNAL--CITY COUNCIL--CHICAGO

7/22/2020

AMENDMENT OF TITLE 17 OF MUNICIPAL CODE BY RECLASSIFICATION OF AREA SHOWN ON MAP NO. 20-J.

(As Amended)
(Application No. 20418)
(Common Address: 3216 W. 87th St.)

C3-1

[SO2020-2899]

The Committee on Zoning, Landmarks and Building Standards submitted the following report:

CHICAGO, July 22, 2020.

To the President and Members of the City Council:

Presenting a report for your Committee on Zoning, Landmarks and Building Standards which held a meeting on July 21, 2020, the following items were passed by a majority of the members present:

Page 1 contains a Mayoral amendment of Municipal Code Titles 2 and 15 by adding new Chapter 2-30 entitled "Multiagency Regulation of Implosions" and Section 15-4-311 providing for additional requirements for license to use explosives for demolition of buildings/structures.

Page 1 also contains a text amendment, introduced by Alderman Brendan Reilly, of Municipal Code Chapter 17-4 by adding new Section 17-4-1100 to establish requirements for roll-up overhead or sliding security gates or doors.

Pages 1 through 8 contain various map amendments in the 5th, 10th, 18th, 22nd, 27th, 28th, 30th, 32nd, 33rd, 35th, 36th, 37th, 43rd, 45th, 46th and 47th Wards, noting that Alderman Moore, Alderman Dowell and Alderman Raymond Lopez were recorded as voting "no" on Document Number O2019-7971 for the address commonly known as 4930 -- 5004 West 44th Street, also noting that Alderman Burke abstains from voting on Document Number O2020-2899 for the address commonly known as 3216 West 87th Street under the provisions of Rule 14. Alderman Burke previously practiced law with other attorneys in a law firm. Other attorneys in the firm represented Bridge 33 Capital within the preceding 12 months in property tax appeals at the Cook County Assessor, Cook County Board of Review and Illinois Property Tax Appeal Board relating to this property.

Page 7 contains one map amendment, Document Number O2020-2990, for the address commonly known as 4837 -- 4841 North Lipps Avenue, which is held in committee.

Page 8 contains various large signs over 100 square feet in area and 24 feet above grade in the 1st, 3rd, 11th, 25th and 28th Wards.

Page 9 contains a historical landmark fee waiver for the properties located at 5023, 5029 and 5035 South Greenwood Avenue.

Page 9 also contains a direct introduction to the committee of an ordinance regarding tolling of Municipal Code Section 2-120-705 to permit the further consideration of a proposed Pilsen Landmark District.

I hereby move for passage of the proposed substitute ordinance transmitted herewith.

Respectfully submitted,

(Signed) THOMAS TUNNEY,
Chairman.

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

Yeas -- Aldermen La Spata, Hopkins, Dowell, King, Hairston, Sawyer, Mitchell, Harris, Beale, Sadlowski Garza, Thompson, Cárdenas, Quinn, Lopez, Coleman, Moore, Curtis, O'Shea, Taylor, Brookins, Rodriguez, Tabares, Scott, Sigcho-Lopez, Maldonado, Burnett, Ervin, Taliaferro, Reboyras, Cardona, Waguespack, Rodriguez-Sanchez, Ramirez-Rosa, Villegas, Mitts, Sposato, Nugent, Vasquez, Napolitano, Reilly, Smith, Tunney, Gardiner, Cappleman, Martin, Osterman, Hadden, Silverstein -- 48.

Nays -- None.

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

Alderman Burke abstained from voting on this item pursuant to Rule 14 of the City Council's Rules of Order and Procedure. Alderman Burke previously practiced law with other attorneys in a law firm. Other attorneys in the firm represented Enwave Chicago LLC within the preceding 12 months in property tax appeals at the Cook County Assessor, Cook County Board of Review and Illinois Property Tax Appeal Board relating to this property.

The following is said ordinance as passed:

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 Business Planned Development Number 1172 District symbols and indicators as shown on Map Number 20-J in the area bounded by:

South Kedzie Avenue; West 87th Street; a line 220.85 feet west of and parallel to South Kedzie Avenue; and a line 174.60 feet north of and parallel to West 87th Street,

to those of a C3-1 Commercial, Manufacturing and Employment District.

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

AMENDMENT OF TITLE 17 OF MUNICIPAL CODE BY RECLASSIFICATION OF PARTICULAR AREAS.

The Committee on Zoning, Landmarks and Building Standards submitted the following report:

CHICAGO, July 22, 2020.

To the President and Members of the City Council:

Presenting a report for your Committee on Zoning, Landmarks and Building Standards which held a meeting on July 21, 2020, the following items were passed by a majority of the members present:

Page 1 contains a Mayoral amendment of Municipal Code Titles 2 and 15 by adding new Chapter 2-30 entitled "Multiagency Regulation of Implosions" and Section 15-4-311 providing for additional requirements for license to use explosives for demolition of buildings/structures.

Page 1 also contains a text amendment, introduced by Alderman Brendan Reilly, of Municipal Code Chapter 17-4 by adding new Section 17-4-1100 to establish requirements for roll-up overhead or sliding security gates or doors.

Pages 1 through 8 contain various map amendments in the 5th, 10th, 18th, 22nd, 27th, 28th, 30th, 32nd, 33rd, 35th, 36th, 37th, 43rd, 45th, 46th and 47th Wards. Noting that Alderman Moore, Alderman Dowell and Alderman Raymond Lopez were recorded as voting "No" on Document Number O2019-7971 for the address commonly known as 4930 -- 5004 West 44th Street, also noting that Alderman Burke abstains from voting on Document Number O2020-2899 for the address commonly known as

3216 West 87th Street under the provisions of Rule 14. Alderman Burke previously practiced law with other attorneys in a law firm. Other attorneys in the firm represented Bridge 33 Capital within the preceding 12 months in property tax appeals at the Cook County Assessor, Cook County Board of Review, and Illinois Property Tax Appeal Board relating to this property.

Page 7 contains one map amendment, Document Number O2020-2990, for the address commonly known as 4837 -- 4841 North Lipps Avenue, which is held in committee.

Page 8 contains various large signs over 100 square feet in area and 24 feet above grade in the 1st, 3rd, 11th, 25th and 28th Wards.

Page 9 contains a historical landmark fee waiver for the properties located at 5023, 5029 and 5035 South Greenwood Avenue.

Page 9 also contains a direct introduction to the committee of an ordinance regarding tolling of Municipal Code Section 2-120-705 to permit the further consideration of a proposed Pilsen Landmark District.

I hereby move for passage of the proposed ordinances and substitute ordinances transmitted herewith.

Respectfully submitted,

(Signed) THOMAS TUNNEY,
Chairman.

On motion of Alderman Tunney, the said proposed ordinances and substitute ordinances transmitted with the foregoing committee report were *Passed* by yeas and nays as follows:

Yeas -- Aldermen La Spata, Hopkins, Dowell, King, Hairston, Sawyer, Mitchell, Harris, Beale, Sadlowski Garza, Thompson, Cárdenas, Quinn, Burke, Lopez, Coleman, Moore, Curtis, O'Shea, Taylor, Brookins, Rodriguez, Tabares, Scott, Sigcho-Lopez, Maldonado, Burnett, Ervin, Taliaferro, Reboyras, Cardona, Waguespack, Rodriguez-Sanchez, Ramirez-Rosa, Villegas, Mitts, Sposato, Nugent, Vasquez, Napolitano, Reilly, Smith, Tunney, Gardiner, Cappleman, Martin, Osterman, Hadden, Silverstein -- 49.

Nays -- None.

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

The following are said ordinances as passed (the italic heading in each case not being a part of the ordinance):

17048

Reclassification Of Area Shown On Map No. 20-J.

(As Amended)

(Application No. 17048)

(Common Address: 3206 -- 3348 W. 87th St. And 8600 -- 8618 S. Kedzie Ave.)

[SO2010-3923]

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all of the RS2 Residential Single-Unit (Detached House) District symbols and indications as shown on Map Number 20-J in the area bounded by:

a line 665 feet north of West 87th Street; a line 638.70 feet west of South Kedzie Avenue; a line 713 feet north of West 87th Street; South Kedzie Avenue; West 87th Street; and a line 1,171.40 feet west of South Kedzie Avenue,

to those of a B3-1 Community Shopping District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the B3-1 Community Shopping District symbols and indications as shown on Map Number 20-J in the area bounded by:

a line 665 feet north of West 87th Street; a line 638.70 feet west of South Kedzie Avenue; a line 713 feet north of West 87th Street; South Kedzie Avenue; West 87th Street; and a line 1,171.40 feet west of South Kedzie Avenue,

to those of a Business Planned Development which is hereby established in the area described above, 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:

Business Planned Development No. 1172.

Plan Of Development Statements.

1. The area delineated herein as Business Planned Development Number 1172 (the "Planned Development") consists of approximately 786,551 square feet (18.06 acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property") and is owned or controlled by the applicant, Westport Associates Limited Partnership.

2. The applicant or its successors, assignees or grantees shall obtain all necessary official reviews, approvals or permits. Any dedication or vacation of streets, alleys or easements or any adjustments of rights-of-way shall require a separate submittal on behalf of the applicant or its 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 applicant, its successors, assignees or grantees 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, assignees or grantees and, if different than the applicant, any legal titleholders and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property or the subarea concerned, as the case may be, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) 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 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 or the subarea concerned, as the case may be, and any ground lessors.
4. This plan of development consists of seventeen (17) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Subarea Map; a Site/Landscape Plan; Landscape Material Legend and Details; and Subarea A Elevations (four sheets); Subarea C Elevations (North/South and East/West; and Subarea D Elevations (Front/Rear and Left Side/Right Side) prepared by D.Z.A. Associates, Inc. dated July 15, 2010. A full-size set of the Site/Landscape Plan and the Subarea A, C and D Building Elevations is 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.
5. Subject to the Bulk Regulations and Data Table, the following uses shall be permitted in Subareas A through E of the Planned Development: retail uses, office uses, related and accessory uses, accessory parking and all other permitted uses in the B3 Community Shopping District, except for uses in the Residential Use Group. The following Special Uses shall also be permitted: schools; drive-through facilities; banks and financial institutions; automated teller machines; payday loan stores; and barber shops, beauty shops and other personal service establishments. The establishment of other uses requiring special use approval in the B3 Community Shopping District may be permitted if approved by the Commissioner of Zoning and Land Use Planning through the minor change procedure set forth in Statement Number 13.

6. On-premise signs shall be permitted within the Planned Development subject to the review and approval of the Department of Zoning and Land Use Planning. Temporary signs such as construction and marketing signs also shall be permitted subject to the review and approval of the Department of Zoning and Land Use Planning. Off-premise signs shall not be permitted in the Planned Development.
7. Off-street parking and loading facilities shall be provided in accordance with the provisions of this Planned Development subject to the review and approval of the Departments of Transportation and Zoning and Land Use Planning. Any service drive or other ingress or egress shall be adequately designed and paved, in accordance with the regulations of the Department of 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 emergency areas.
8. For purposes of height calculations, the definitions in the Chicago Zoning Ordinance shall apply. In addition to the maximum height of buildings and any appurtenances 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.
9. The improvements on the Property shall be designed, constructed and maintained in substantial conformance with this Planned Development. Landscaping shall be installed in accordance with the Site/Landscape Plan and maintained in accordance with the parkway tree planting and parking lot landscaping provisions of the Chicago Zoning Ordinance, subject to the provisions of Statement 10 of this Planned Development. The applicant shall install a sidewalk along the West 87th Street frontage of the Property at such time as the first of either Subarea B or Subarea E is developed. Said sidewalk shall comply in all respects with the standards of the Department of Transportation.
10. Notwithstanding any statement to the contrary, and except for existing improvements, 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 this Planned Development conflicts with landscape and screening provisions of the Chicago Zoning Ordinance except for existing improvements, 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, except that the landscaping of existing improvements shall be subject to the terms of the approval granted in Administrative Adjustment Application Number 06-484, approved August 7, 2006.
11. For purposes of floor area ratio ("F.A.R.") calculations, the definitions in the Chicago Zoning Ordinance shall apply.
12. Prior to the issuance by the Department of Zoning and Land Use Planning of a determination pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance ("Part II Approval") for any new construction within the Planned Development other than alterations to existing buildings which do not increase their height or alter their footprint,

a site plan for the new construction shall be submitted to the Commissioner of the Department of Zoning and Land Use Planning for approval. Review and approval of the site plan by the Commissioner is intended to assure that specific development proposals conform with this Planned Development. No Part II Approval for work for which a site plan must be submitted to the Commissioner shall be granted until the site plan has been approved by the Commissioner. Further, all Part II submittals shall be in compliance with the Chicago Landscape Ordinance except as indicated in Statement 10 for existing improvements. Following approval of a site plan by the Commissioner, the approved plan shall be kept on permanent file with the Department of Zoning and Land Use Planning Development and shall be deemed to be an integral part of this Planned Development. The approved site plan may be changed or modified pursuant to the minor change provisions of Section 17-13-0611 of the Chicago Zoning Ordinance.

A site plan shall, at minimum, provide the following information with respect to the proposed improvements:

- 1) the boundaries of the property;
- 2) the footprint of the improvements;
- 3) location and dimensions of all loading berths;
- 4) preliminary landscaping plan, with final landscaping plan to be approved at Part II stage;
- 5) all pedestrian circulation routes;
- 6) the location of any adjacent public improvements;
- 7) preliminary elevations of the improvements; and
- 8) statistical information applicable to the Property limited to the following:
 - a) floor area and floor area ratio;
 - b) uses to be established;
 - c) building heights; and
 - d) all setbacks, required and provided.

A site plan shall include such other information as may be necessary to illustrate conformance with the applicable provisions of this Planned Development.

13. The terms, conditions and exhibits of this Planned Development may be modified administratively by the Commissioner of the Department of Zoning and Land Use Planning upon the request of the applicant or its successors, assignees or grantees and after a determination by the Commissioner that such a modification is minor,

appropriate and consistent with the nature of the development of the Property contemplated herein and will not result in increasing the maximum floor area ratio for the total net site area or a reduction in the minimum required distance between structures or in periphery setbacks established in this Planned Development. Any such modification shall be deemed a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.

14. The applicant acknowledges that 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. The applicant shall design, construct and maintain all future buildings located within the Property in conformance with the City's Sustainable Development Policy in effect at the time such building is developed.
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 and Land Use Ordinance. The fee as determined by staff at the time is final and binding on the applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
16. The applicant acknowledges that it is in the public interest to design, construct and maintain all buildings 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. No approvals shall be granted pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement.
17. The applicant 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 under Section 13-32-125 of the Municipal Code of Chicago or any other provision of that Code.

[Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Subarea Map; Site/Landscape Plan; Landscape Material Legend and Details; Subarea "A" Elevations; Subarea "C" Elevations; and Subarea "D" Elevations referred to in these Plan of Development Statements printed on pages 99498 through 99511 of this *Journal*.]

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

Business Planned Development No. 1172

Plan Of Development.

Bulk Regulations And Data Table.

Gross Site Area = Net Site Area + Areas Remaining in Public Rights-Of-Way: 858,200.37 square feet (19.70 acres)
 = 786,551 square feet (18.06 acres) + 71,649.37 square feet (1.64 acres)

Subarea	Net Site Area	Maximum Floor Area Ratio	Minimum Number Of Off-Street Parking Spaces	Minimum Number Of Off-Street Loading Spaces	Permitted Uses	Setbacks
A	664,561 sq. ft.	0.30	750	4	See Statement Number 5	In accordance with the Site/Landscape plan
B	36,597 sq. ft.	0.25	25	0		
C	19,287 sq. ft.	0.25	15	0		
D	32,250 sq. ft.	0.25	25	0		
E	33,856 sq. ft.	0.25	25	0		
TOTALS:	786,551 sq. ft.	0.29	840	4		

Minimum Number of Bicycle Spaces: 50

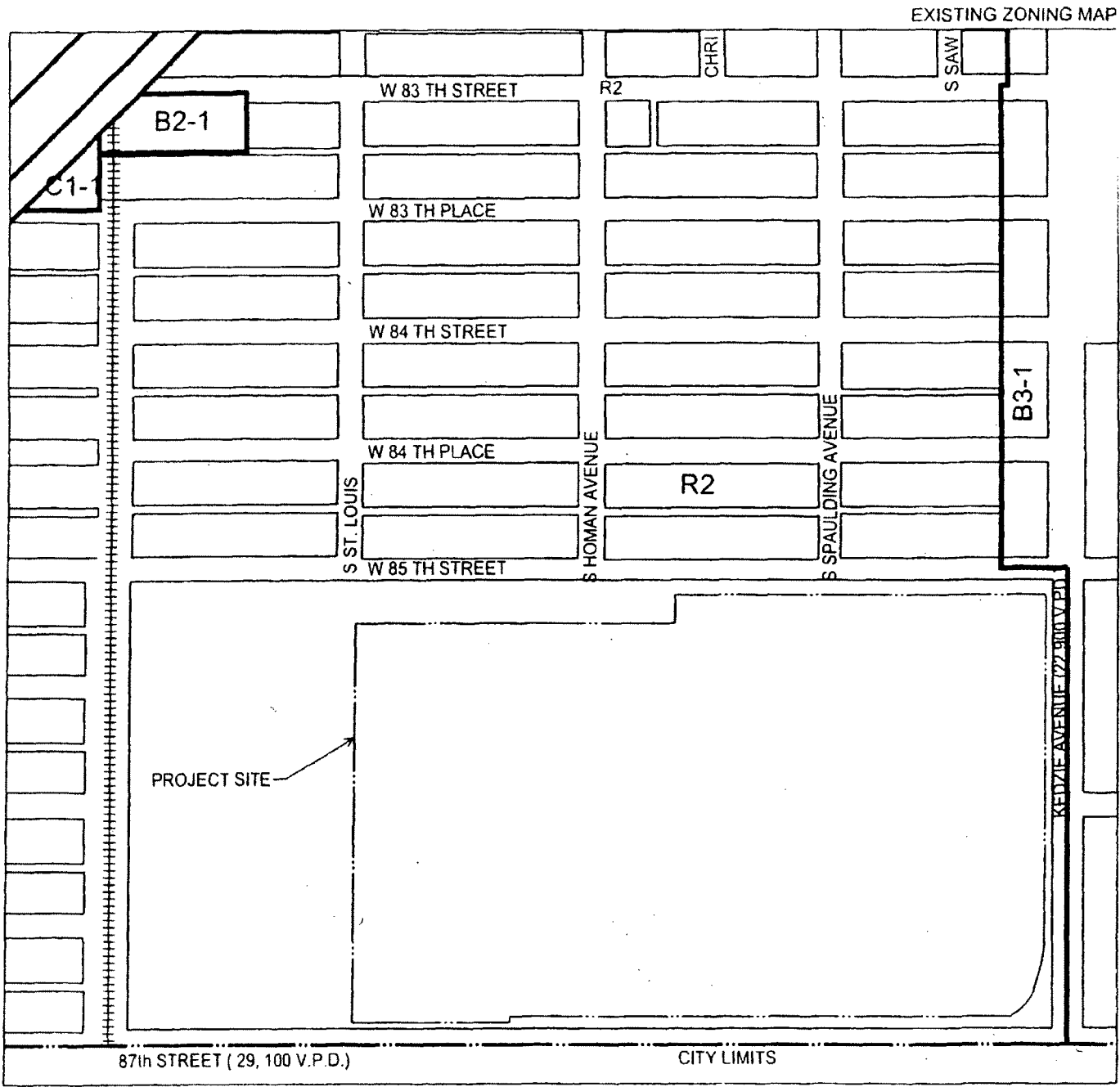
Maximum Building Height: 38 feet

9/8/2010

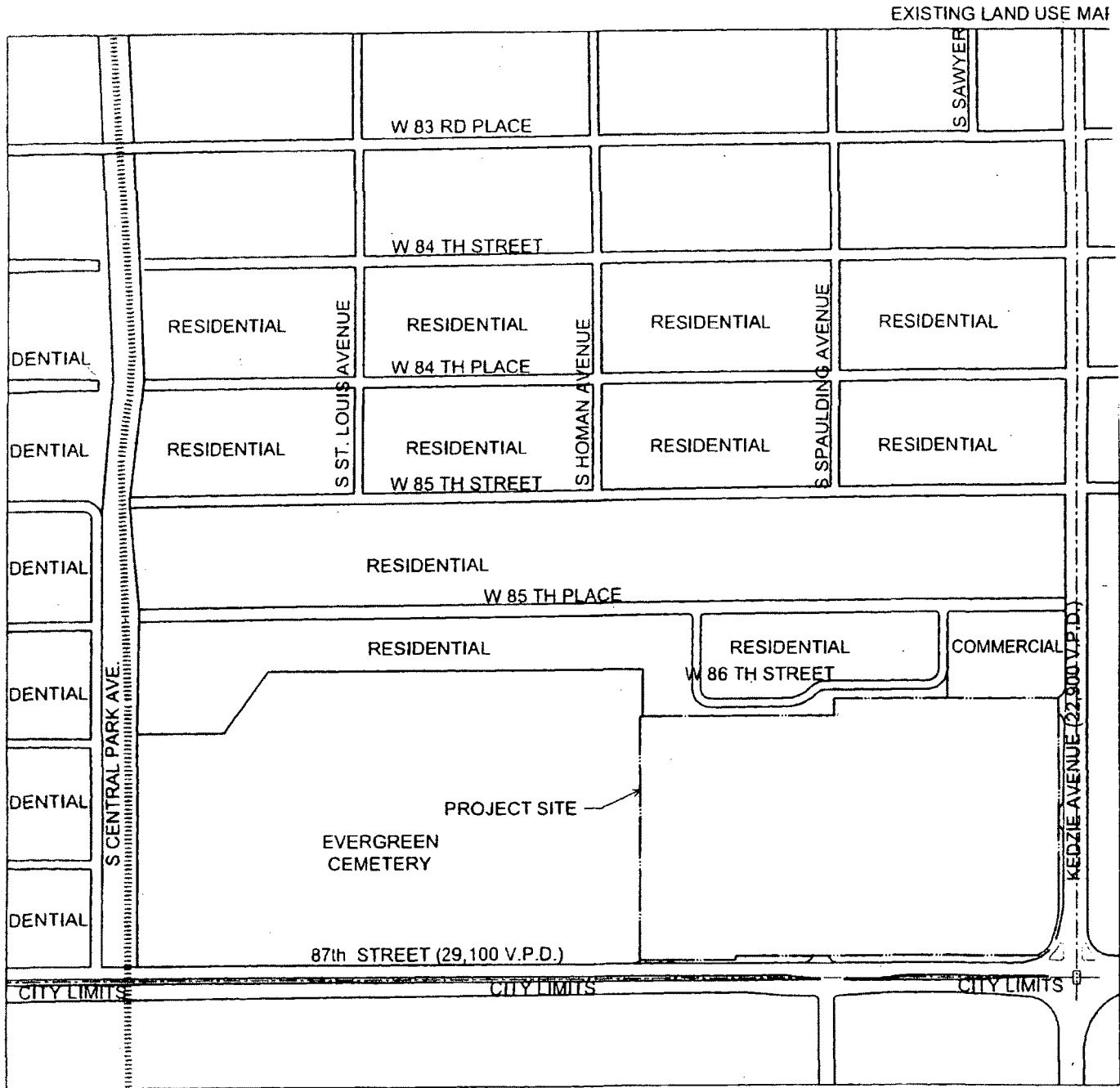
REPORTS OF COMMITTEES

99497

17048



Existing Zoning Map.



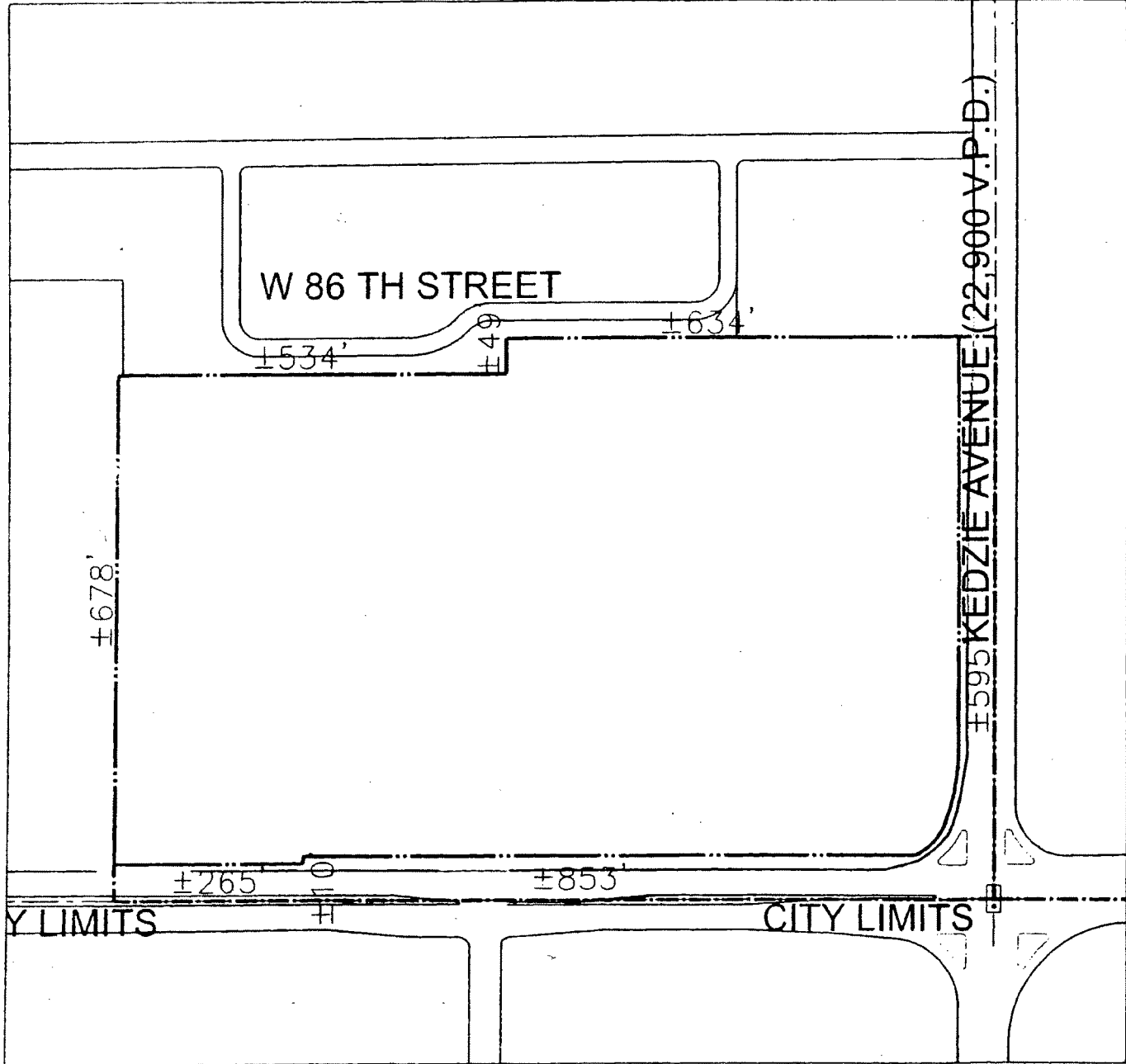
9/8/2010

REPORTS OF COMMITTEES

99499

Existing Land-Use Map.

PLANNED DEVELOPMENT BOUNDARY AND PROPERTY LINE MAP

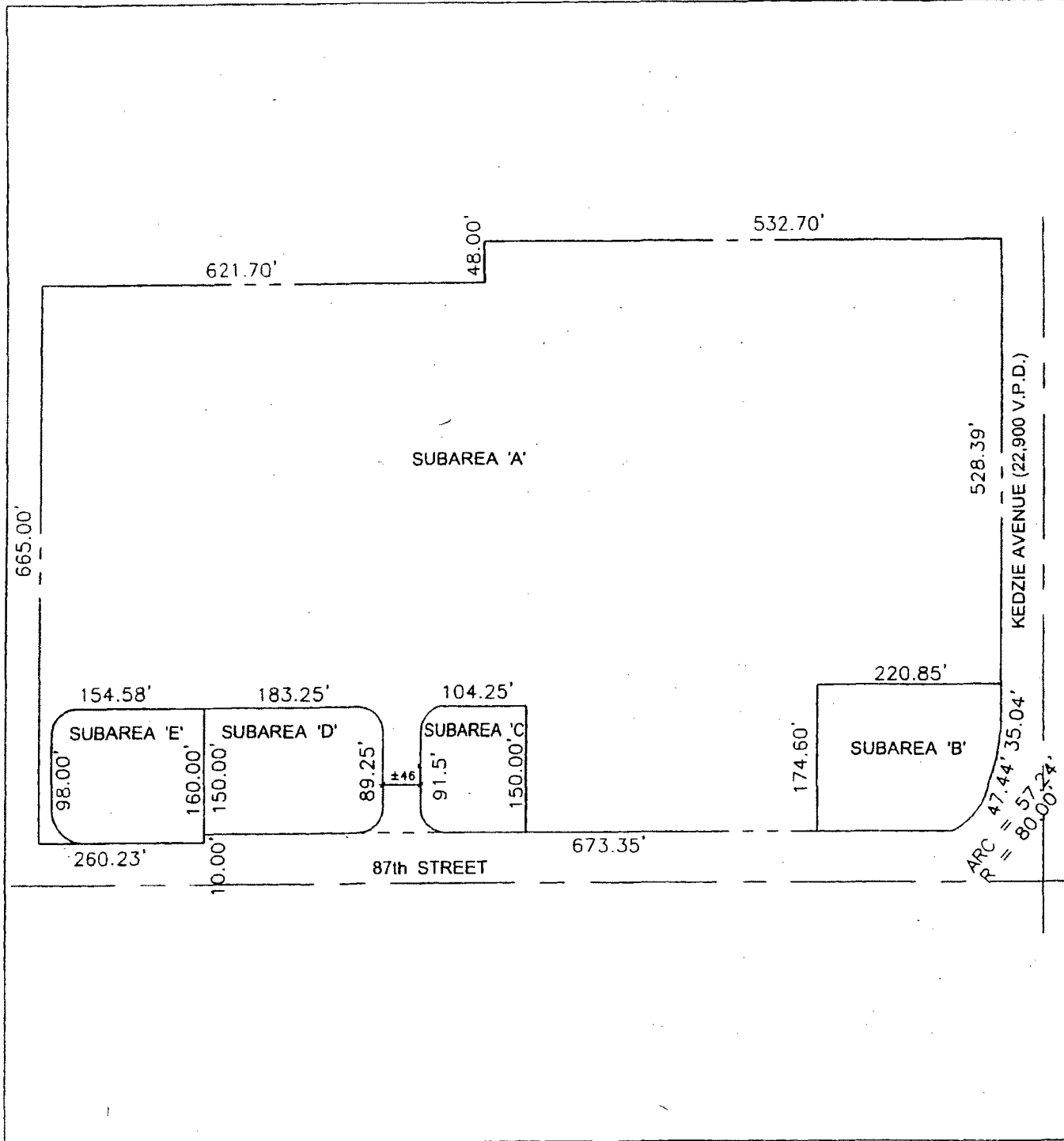


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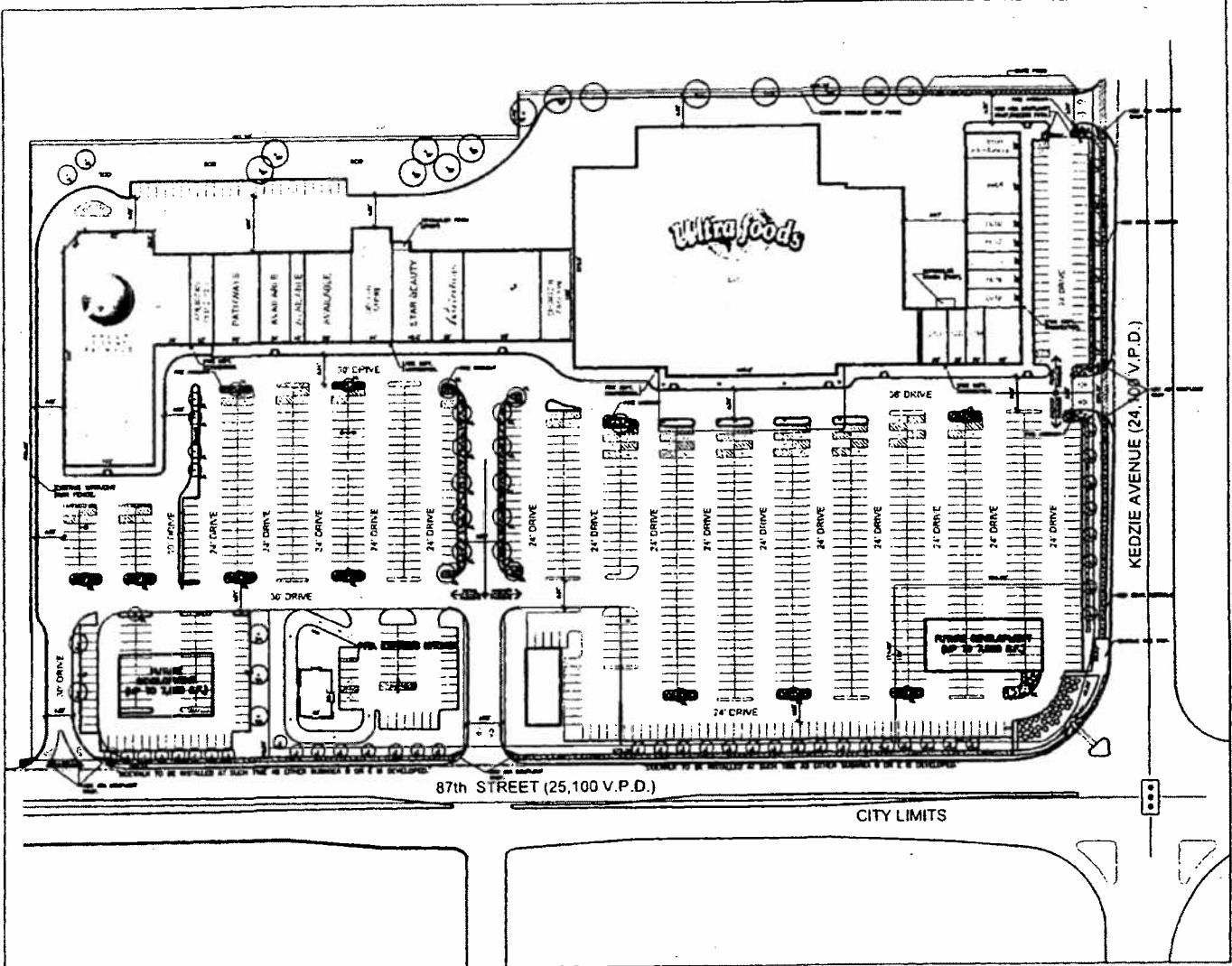
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Planned Development Boundary
And Property Line Map.



Subarea Map.

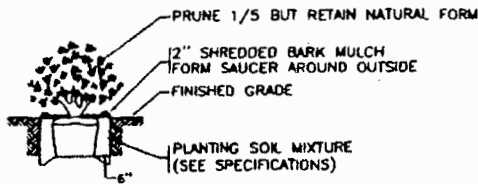
SITE/ LANDSCAPE PLAN



Site/Landscape Plan.

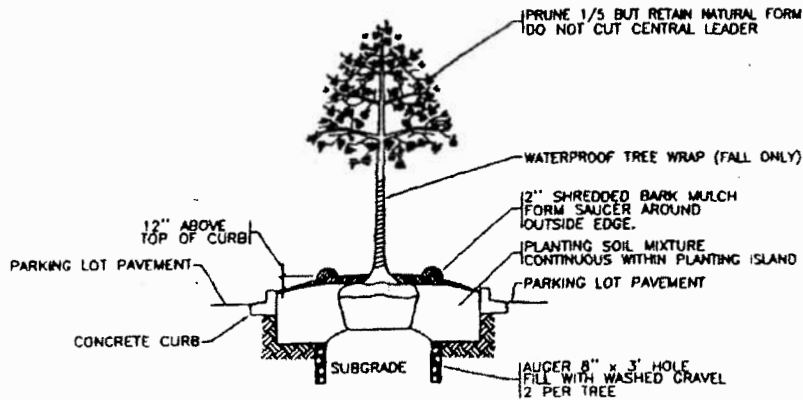
Landscape Material Legend And Details.

SYMBOLS LEGEND			
MARK	DESCRIPTION	MARK	DESCRIPTION
	EXISTING SKYLINE HONEY LOCUST TREE.		EXISTING ARBOR VITEA HEDGE, WHERE NOTED.
	EXISTING CRAB APPLE TREE.		EXISTING 3/8" JUNIPER HEDGE, WHERE NOTED.
	EXISTING SCOTCH PINE TREE.		EXISTING SPIREA. SEE DETAIL 2/L1.0.
			EXISTING EVERGREEN SHRUBS



2 | TYPICAL SHRUBS (SPIREA)

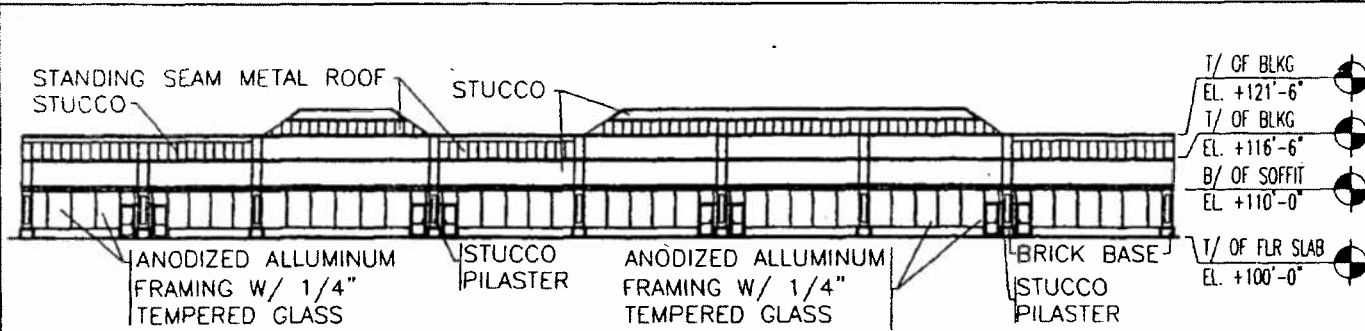
L1.0



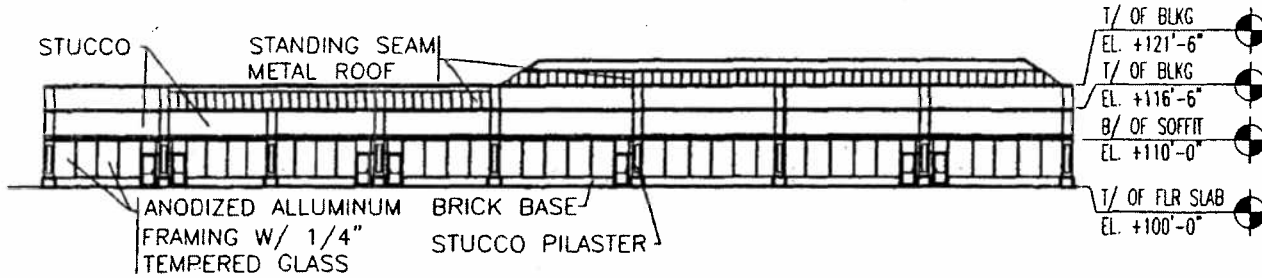
3 | DECIDUOUS TREE PLANTING ISLAND

L1.0

Subarea "A" Elevations.
(Page 1 of 4)

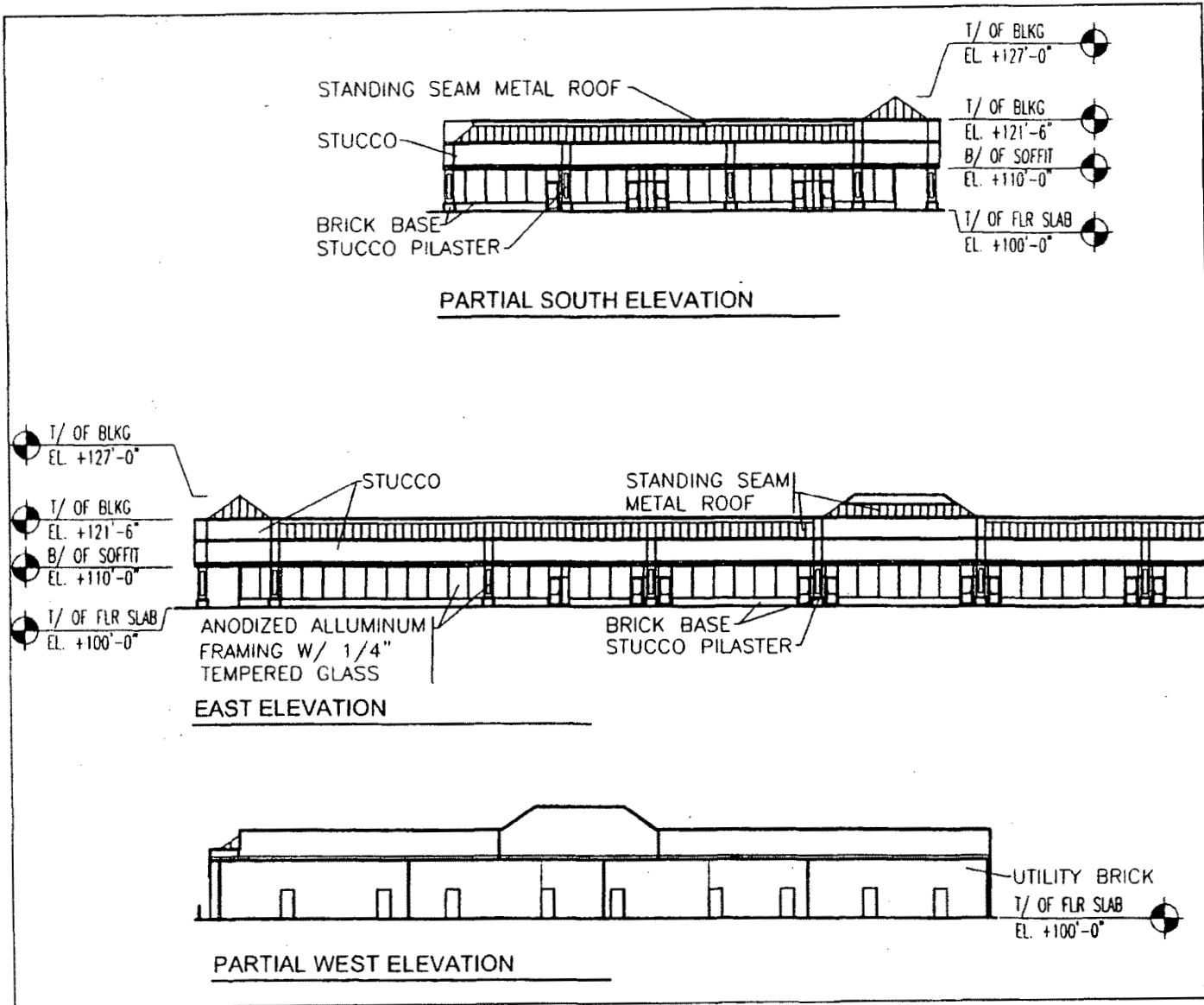


PARTIAL SOUTH ELEVATION (WEST OF ULTRA)

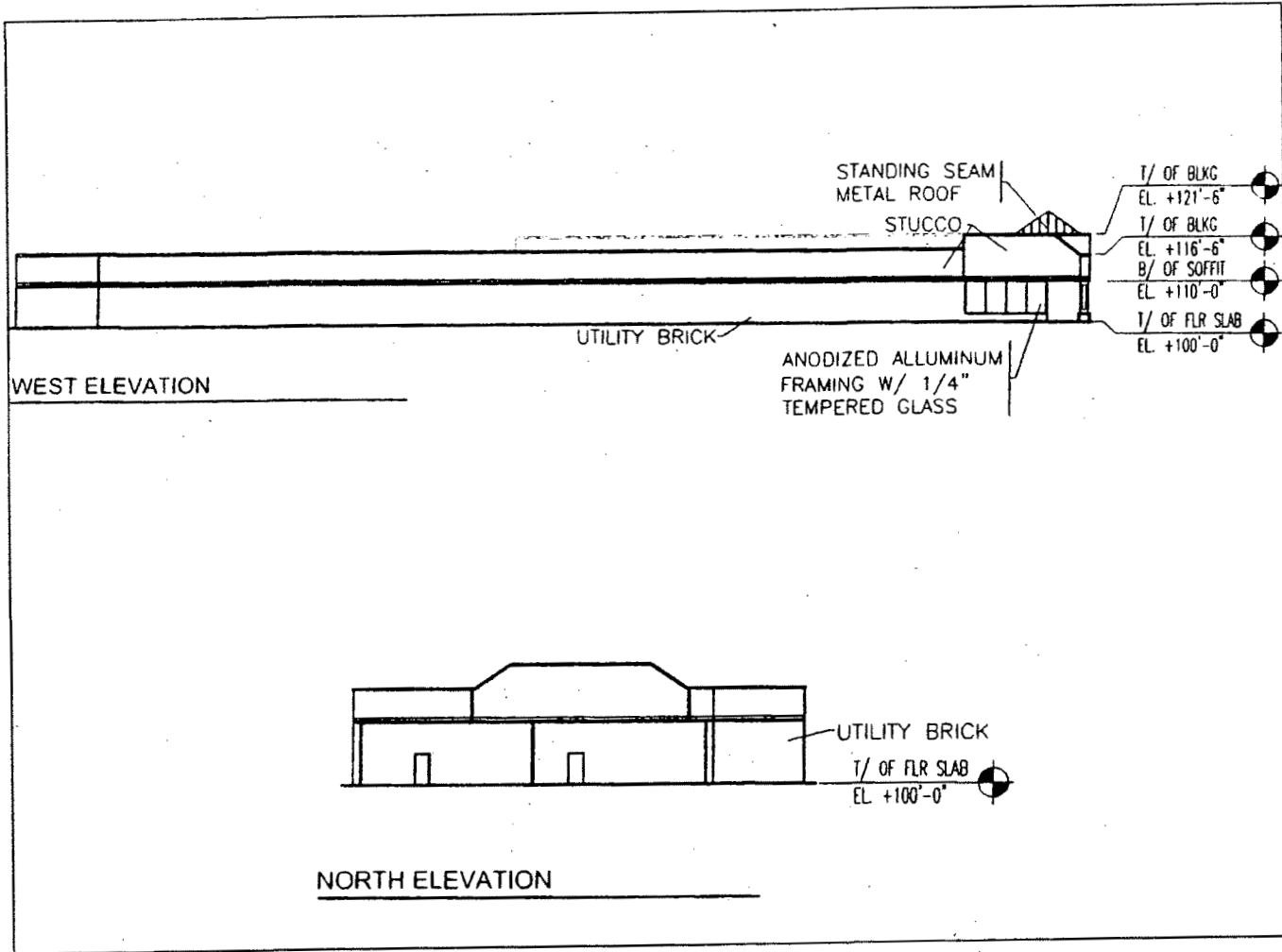


SOUTH ELEVATION AT BALLY

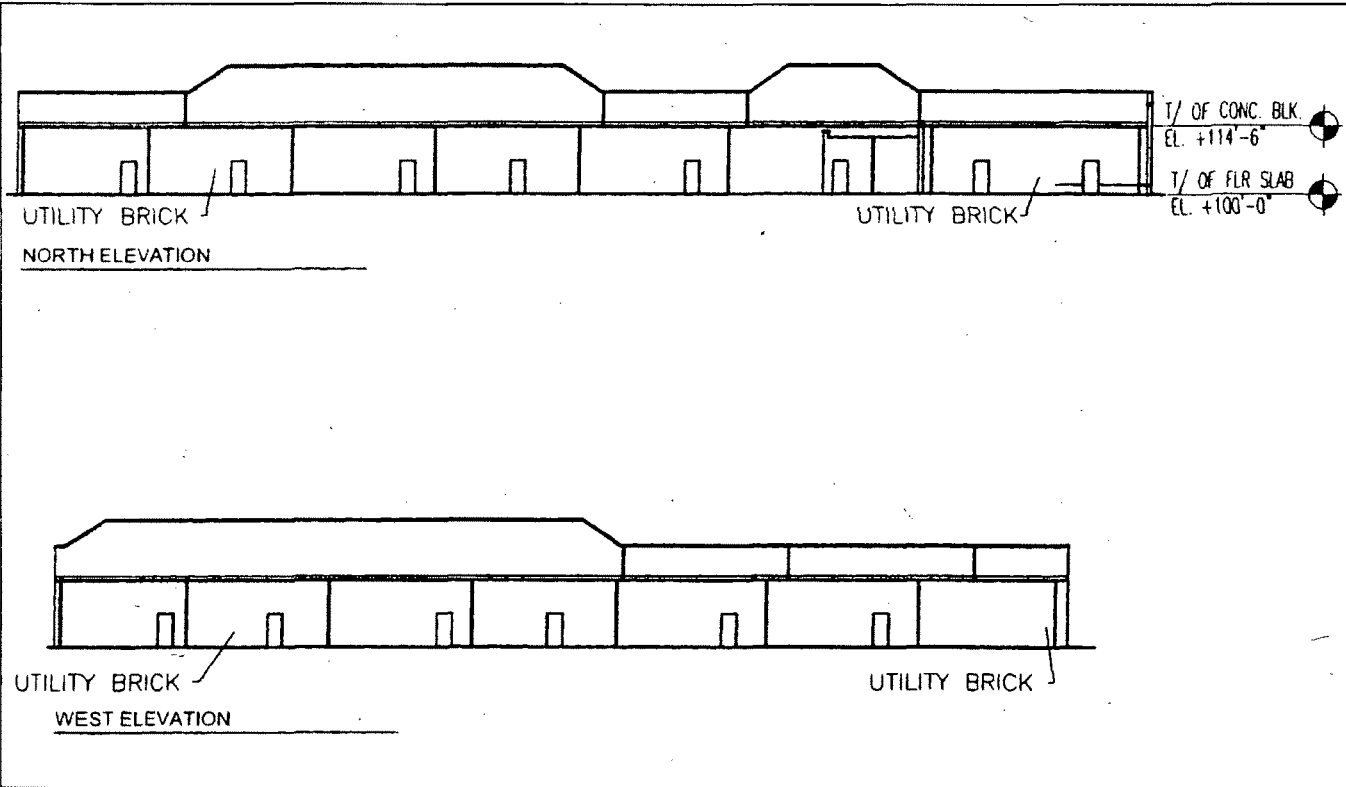
Subarea "A" Elevations.
(Page 2 of 4)



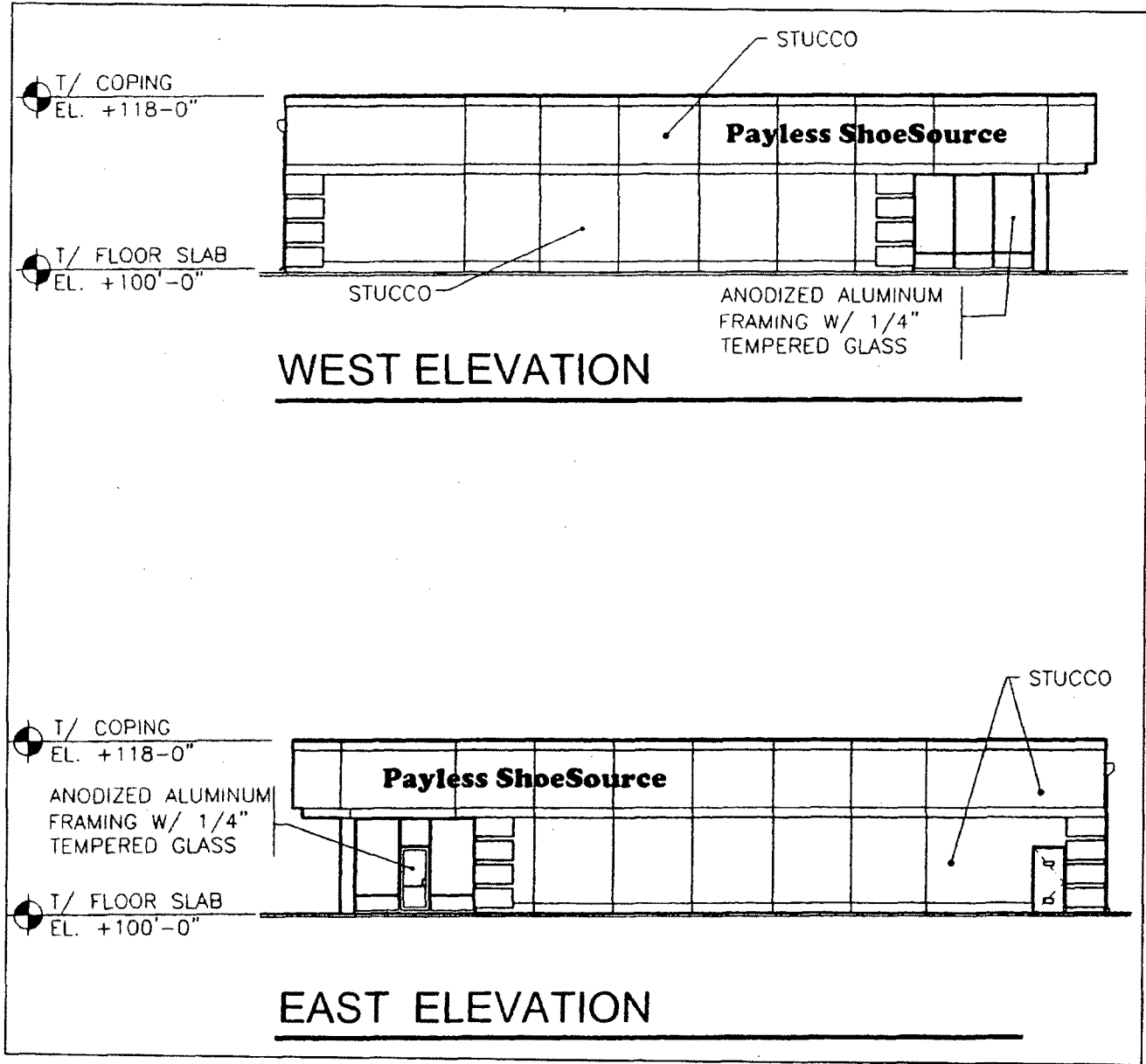
Subarea "A" Elevations.
(Page 3 of 4)



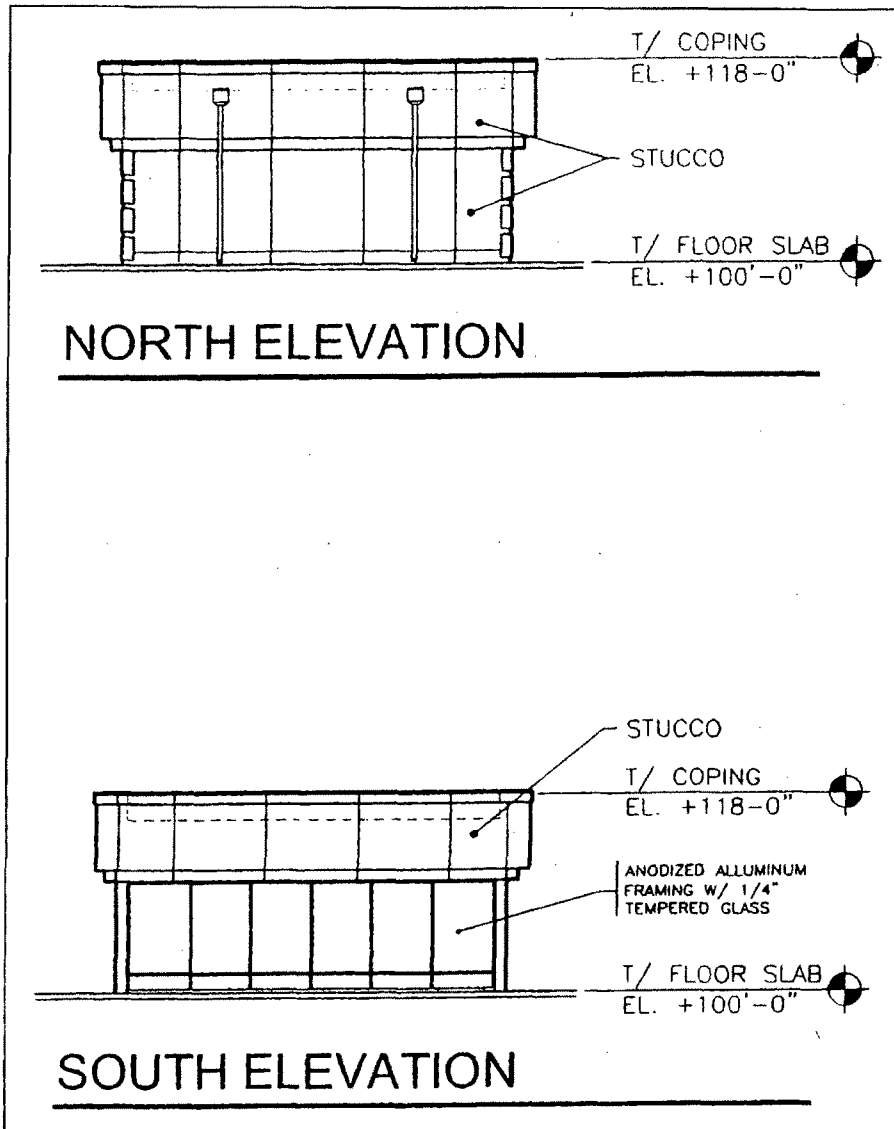
Subarea "A" Elevations.
(Page 4 of 4)



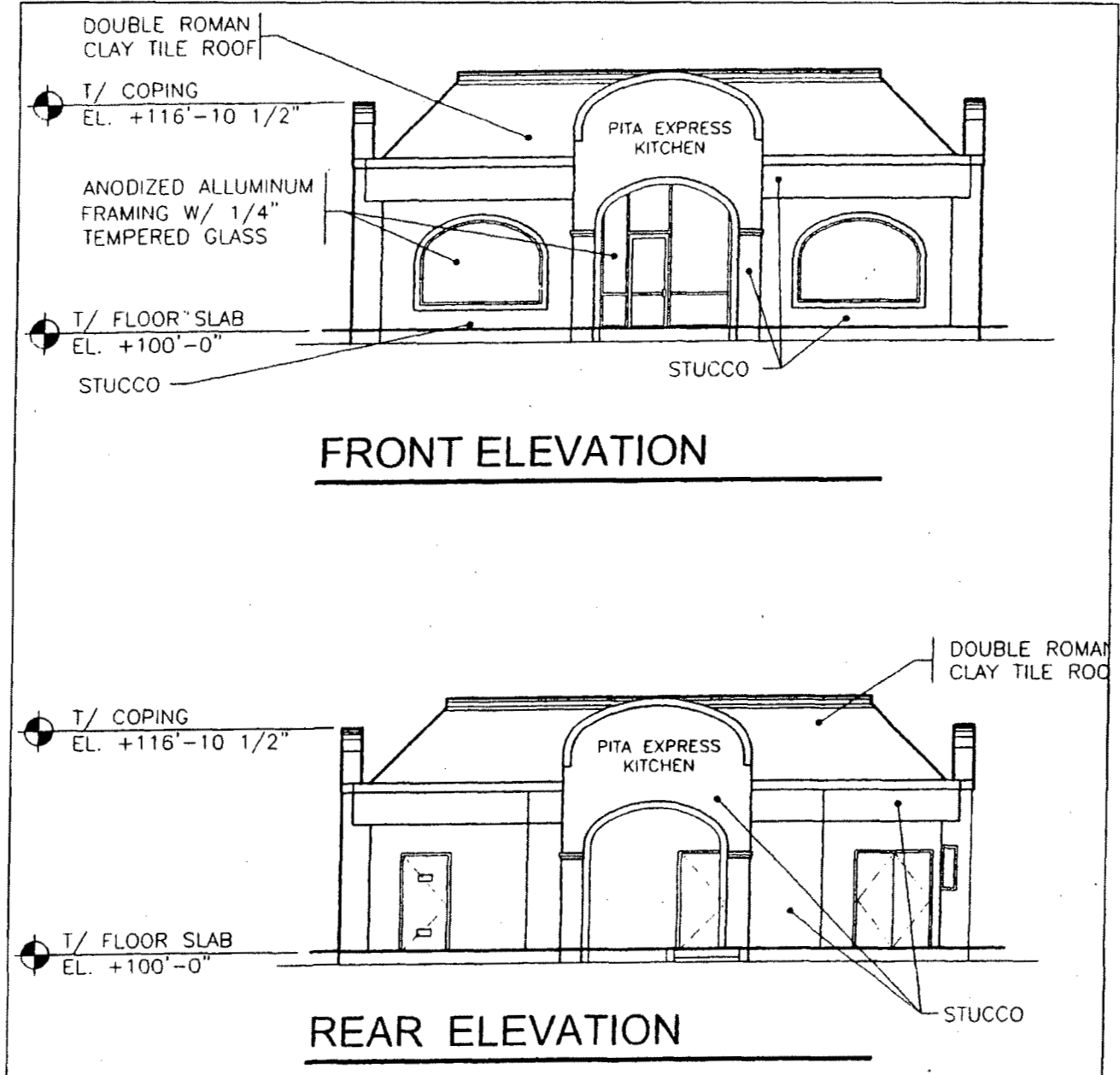
Subarea "C" Elevations.
(Page 1 of 2)



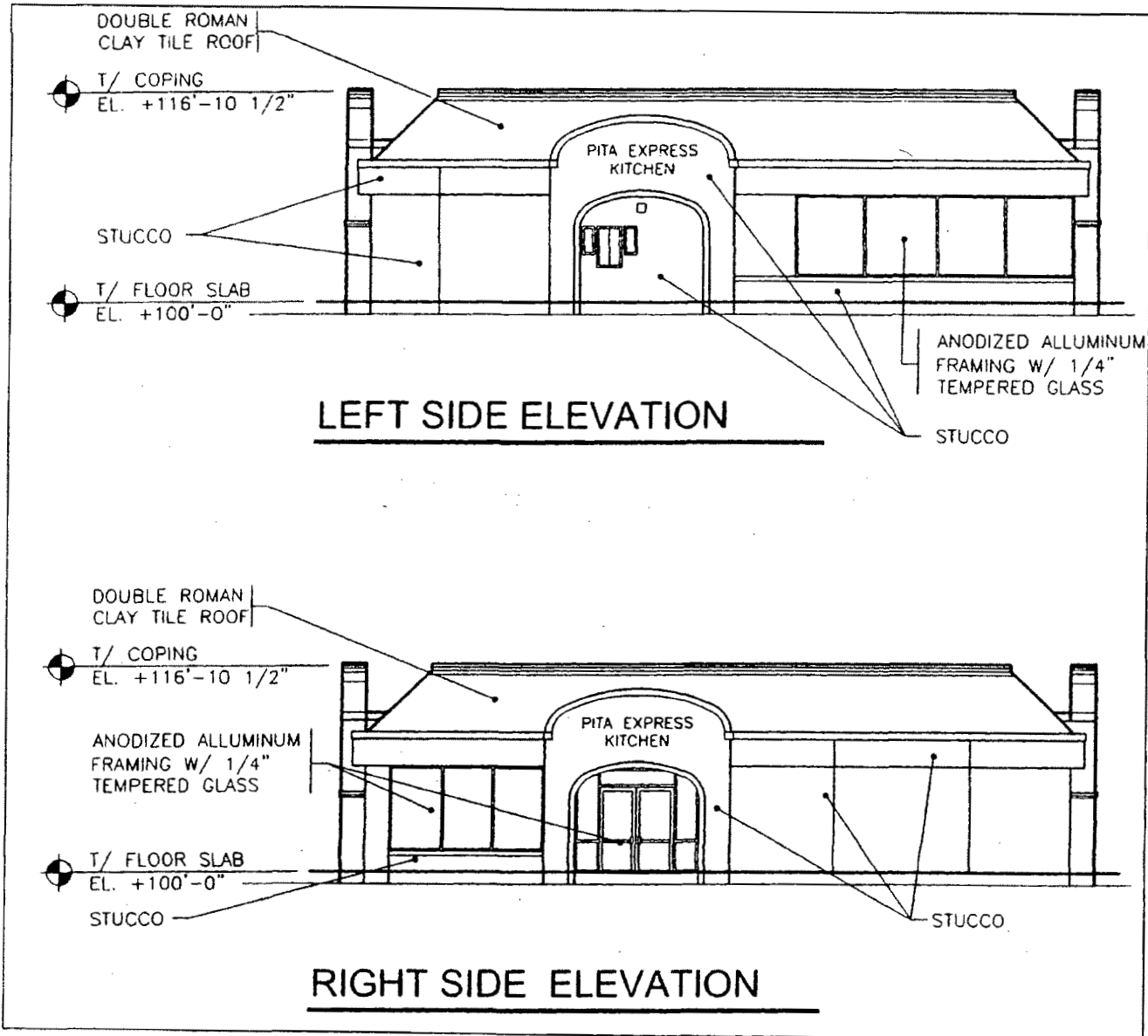
Subarea "C" Elevations.
(Page 2 of 2)



Subarea "D" Elevations.
(Page 1 of 2)



Subarea "D" Elevations.
(Page 2 of 2)



LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION