

PD 321

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DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT
CITY OF CHICAGO

March 9, 2012

Anthony Solomon
Gary Solomon & Company
3139 N. Lincoln Avenue, Suite #212
Chicago, IL 60657

**Re: Administrative Relief request for Business Planned Development No. 321, as amended,
Proposed O'Reilly Auto Parts at 2551 West Cermak Road**

Dear Mr. Solomon:

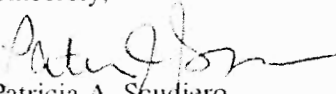
Please be advised that your request for a minor change to Business Planned Development No. 321 has been considered by the Department of Housing and Economic Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance.

On February 26, 2003, you were issued a minor change to reduce the W. Cermak Rd. setback from 20'-0" to 4'-0" for a lineal distance of 110'-6" and to reduce the S. Rockwell St. setback from 20'-0" to 12'-5" for a lineal distance of 58'-2" and from 20'-0" to 6'-6" for a lineal distance of 76'-4" in order to construct a one-story 'L-shaped' building on the northwest corner of the Planned Development. That building was never constructed and you are now requesting a W. Cermak Rd. setback of 5'-0" for a lineal distance of approximately 60'-0" and a S. Rockwell St. setback of 11'-6" for a lineal distance of approximately 120'-0" for a proposed one-story rectangular O'Reilly Auto Parts. A revised Site Plan, dated November 30, 2011, and revised Front, Side, and Rear Elevations, dated March 2, 2012, shall be inserted into the main file.

With regard to your request, the Department of Housing and Economic Development has determined that allowing these setback modifications 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. 321, I hereby approve the foregoing minor change, but no other changes to this Planned Development. This minor change is valid for 12 months from the date of this letter unless action to implement the minor change is commenced within such time period and thereafter diligently pursued to completion, including, if applicable, construction consistent with the minor change as authorized by a building permit. If action to implement the minor change, including construction, does not begin within the time set forth, or does not proceed with reasonable diligence, then the approval will lapse and become null and void.

Sincerely,


Patricia A. Scudiero
Zoning Administrator

PAS: HG: tm

C: Mike Marmo, Erik Glass, Main file



February 26, 2003

City of Chicago
Richard M. Daley, Mayor

Department of Planning
and Development

Alicia Mazur Berg
Commissioner

121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4190
(312) 744-2271 (FAX)

<http://www.cityofchicago.org>

Ms. Robin Solomon
Gary Solomon & Company
3139 North Lincoln Avenue
Chicago, Illinois 60657

Re: Request for a minor change to Business Planned Development No. 321, As Amended; (Cermak Shopping Plaza)

Location: An area located at the southeast corner of South Rockwell Street and West Cermak Road

Dear Ms. Solomon:

Please be advised that your request on behalf of the Applicant for a minor change to Business Planned Development No. 321, as amended, has been considered by the Department of Planning and Development pursuant to the authority granted by Section 11.11-3(c) of the Chicago Zoning Ordinance.

You requested a reduction in the minimum building setbacks for a proposed one-story retail building containing five (5) retail spaces. Specifically, you requested a reduction in the minimum building setback along West Cermak Road from the required twenty (20) feet to a proposed four (4) feet for a lineal distance of approximately one hundred and ten feet, six inches (110'-6"). You also requested a setback reduction in the minimum building setback along South Rockwell Street from the required twenty (20) feet to twelve feet, five inches (12'-5") for a lineal distance of fifty-eight feet, two inches (58'-2") and to six feet, six inches (6'-6") for a lineal distance of seventy-six feet, four inches (76'-4"). This proposed building will be constructed within the northwest corner of the Planned Development area and upon a portion of the existing off-street parking lot.

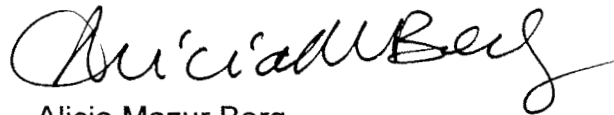
The Department of Planning and Development has determined that the proposed reduction in the building setbacks will create a desirable street-wall along both of the street frontages of this active and visible corner. There are several existing commercial structures within close proximity to



this project site along both sides of West Cermak Road and South Rockwell Avenue with zero foot to minimal building setbacks. The Department of Planning and Development has determined that these proposed setback reductions will not create an adverse impact on this Planned Development or on the immediate neighborhood, and would constitute a minor change pursuant to Section 11.11-3(c) of the Chicago Zoning Ordinance.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance, I hereby approve the foregoing minor change, but no other changes to Business Planned Development No. 321, as amended.

Very truly yours,

A handwritten signature in black ink, appearing to read "Alicia Mazur Berg". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Alicia Mazur Berg
Commissioner

cc: Jack Swenson
Ed Kus
Phil Levin
Michael Marmo
Mary Bonome

to those of an R4 General Residence 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. 6-H.

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 C1-2 Restricted Commercial District symbols and indications as shown on Map No. 6-H in the area bounded by

West 23rd Place; the alley next east of and parallel to South Western Avenue; a line 28.03 feet north of and parallel to West 24th Street; and South Western Avenue,

to those of a C2-2 General Commercial 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. 6-I.

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

PD 321

SECTION 1. That the Chicago Zoning Ordinance be amended by amending the Business Planned Development adopted by the City Council at its meeting held on June 6, 1984, and appearing in the Journal of Proceedings of said date on pages 7277 through 7283 by changing the setbacks at property lines found on page 7283 of said Journal of said date, to read as follows:

Periphery Setbacks at Property Lines

- West Property line along South Rockwell Avenue. 20 feet*
- North Property line along West Cermak Avenue. 20 feet
- South Property line along South 23rd Street. 20 feet*
- East Property line. 0 feet

*provided however that no setbacks shall be required for a distance of 230 feet running both north and east from the intersection of South Rockwell Avenue and West 23rd Street.

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. 6-G.

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 C4 Motor Freight Terminal District symbols and indications as shown on Map No. 6-G in area bounded by

a line 1,100.00 feet south of and parallel to W. Cermak Road; the west bank of Stetson's Canal; a line 1600 feet south of and parallel to W. Cermak Road; and S. Laflin,

to those of an M3-1 Heavy Manufacturing 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. 6-I.

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

PD 321

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the M1-3 Restricted Manufacturing District symbols and indications as shown on Map No. 6-I and the area bounded by

W. Cermak Road; a line from a point 529.00 feet east of S. Rockwell Street to a point 529.00 feet east of S. Rockwell Street and 50.00 feet south of W. Cermak Road; a line from a point 529.00 feet east of S. Rockwell Street and 50.00 feet south of W. Cermak Road to a point 568.65 feet east of S. Rockwell Street and 355.00 feet north of W. 23rd Street; a line 568.65 feet east of S. Rockwell Street; W. 23rd Street; and South Rockwell Street,

to the designation of a Business Plan Development 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 herewith attached and made a part hereof and to no others.

[Plan of Development printed on pages 7278 thru 7283 of this Journal.]

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

Reclassification of Area Shown on Map No. 9-G.

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 M1-2 Restricted Manufacturing District symbols and indications as shown on Map No. 9-G in area bounded by

the alley next east of and parallel to N. Racine Avenue; W. Cornelia Avenue; a line 268.30 feet east of and parallel to N. Racine Avenue (running southwesterly along the west line of the alley next east of and parallel to the alley next east of and parallel to N. Racine Avenue); and the alley next south of and parallel to W. Cornelia Avenue,

to those of an R4 General Residence 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.

BUSINESS PLAN DEVELOPMENT

STATEMENTS

1. The area delineated herein as a "Business Plan Development" is owned by Handy Realty Company, an Illinois corporation and control has been designated to the applicant, Modern Way Petroleum #5, Inc., an Illinois corporation, in accordance with the terms of a certain real estate purchase agreement dated January 3, 1984, a copy of which agreement has been submitted as part of this application.

2. All applicable official reviews, approval or permits, are required to be obtained by the applicant or its successors, assignees or grantees.

3. The following uses shall be permitted within the area delineated herein as "Business Plan Development": General merchandise uses, department stores, restaurants and service type business uses, parking and related uses (exclusive of any principal activity of permanent outdoor storage and auto service station uses), and any other uses permitted in a C-1 Zoning District.

4. Offstreet parking and offstreet loading facilities shall be provided in compliance with this plan of development, subject to the review of the Department of Streets and Sanitation and the approval of the Department of Planning.

5. Any dedication or vacation of streets and allies or easements, or adjustments of right of way or consolidation or redivision of parcels shall require a separate submittal on behalf of the applicant or its successors, assignees or grantees.

6. Any service drives or any other ingress or egress shall be adequately designed and paved in accord with the regulations of the Department of Streets and Sanitation and in compliance with the Municipal Code of Chicago to provide ingress and egress for motor vehicles, including emergency vehicles; there shall be no parking within such paved areas. Fire lanes, if required, shall be adequately designed and paved in compliance with the Municipal Code of Chicago, and shall have a minimum width of 18 feet to provide ingress and egress for emergency vehicles; there shall be no parking within such paved areas.

7. Accessory buildings or structures may be constructed in the "Business Plan Development", either prior to, subsequent to or concurrently with any one or more personal buildings, subject to the approval of the Department of Planning.

8. Business establishment shall be unrestricted in respect to maximum gross floor areas; subject only to aggregate maximum floor area ratio. The floor area ratio shall be 0.36.

9. Identification signs may be permitted within the area delineated herein as "Business Plan Development", subject to the review and approval of the Department of Inspection Services and the Department of Planning.

10. Height restriction of any building or any appurtenance attached hereto, shall be subject to:

A. Height limitations as certified on Form FAA-117, or successor forms involved in the same subject matter and approved by the Federal Aviation Administration; and

B. Airport zoning regulation as established by the Department of Planning City and Community Development, Department of Aviation, and Department of Law, is approved by the City of Chicago.

11. The information on the tables and maps attached hereto, sets forth data concerning the generalized land use plan of the area delineated herein as "Business Plan Development", and stipulates the land use and development controls applicable to the site.

Attached hereto and incorporated herein by reference are:

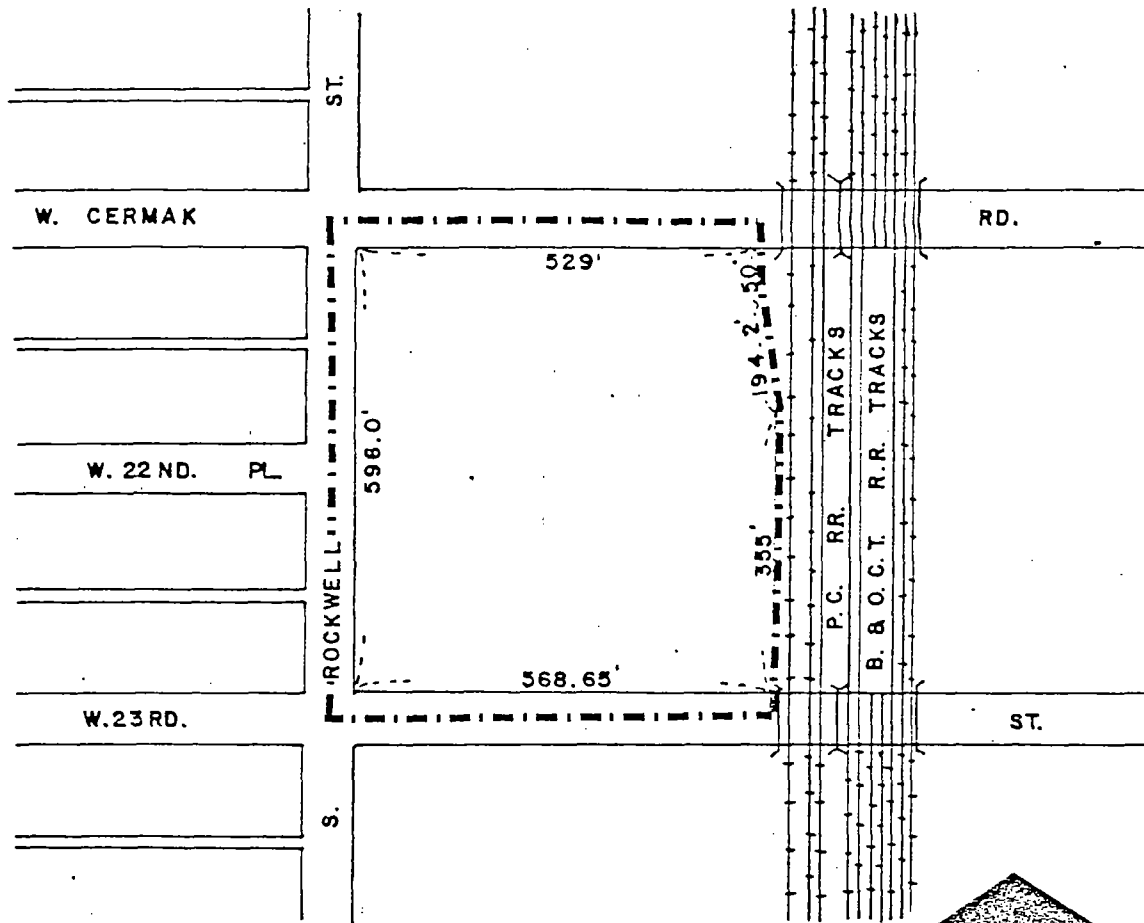
- A. Property line map and right of way adjustments;
- B. Existing zoning and preferential street system map;
- C. Generalized land use plan; and
- D. Plan Development use and bulk regulations and data chart.

12. The plan of development herein attached shall be subject to the "rules, regulations and procedures in relation to plan developments," as promulgated by the Commissioner of Planning.

Applicant: Modern Way Petroleum No. 5, Inc.

Date: April 13, 1984

BUSINESS PLANNED DEVELOPMENT PROPERTY LINE MAP AND RIGHT-OF-WAY ADJUSTMENTS



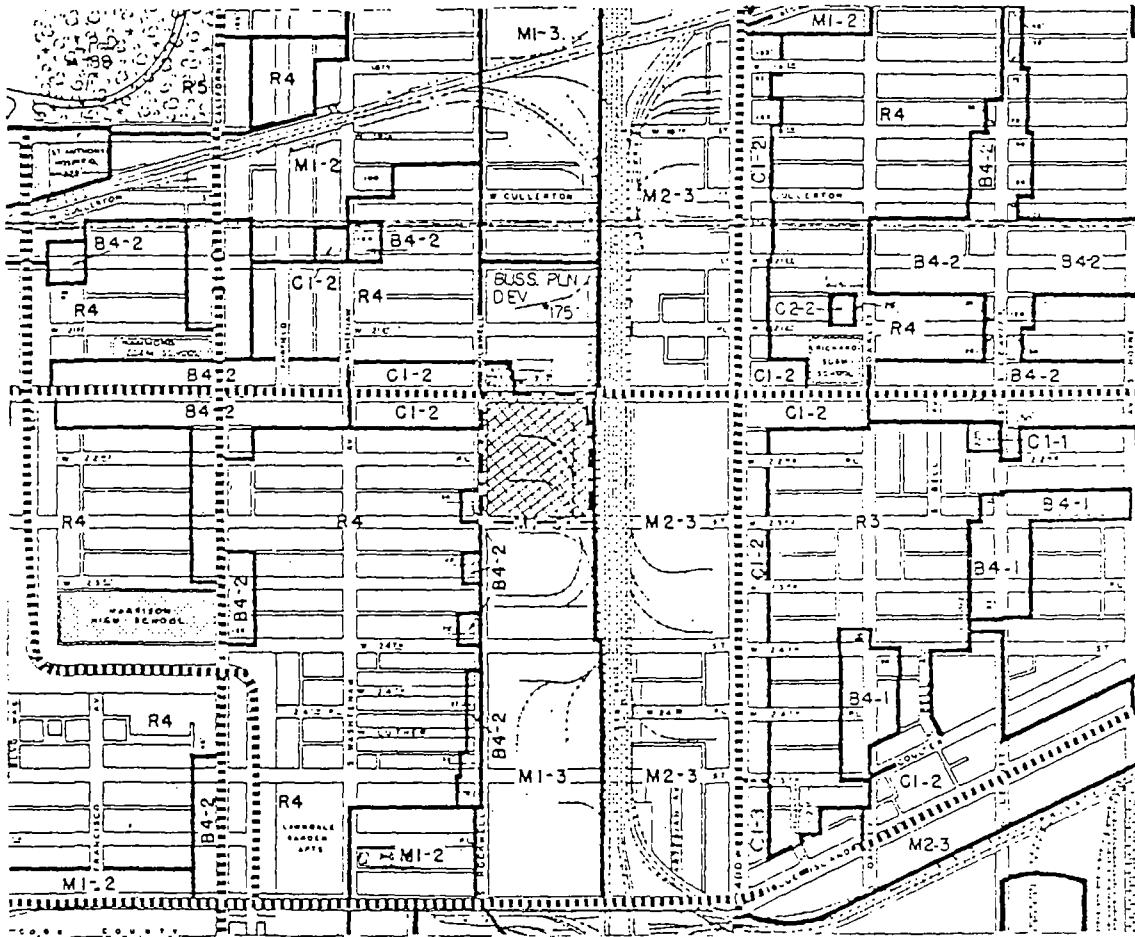
LEGEND

----- PLANNED DEVELOPMENT BOUNDARY

APPLICANT : MODERN WAY PETROLEUM No. 5, INC.

DATE: APRIL 13, 1984

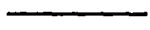
BUSINESS PLANNED DEVELOPMENT EXISTING ZONING AND PREFERENTIAL STREET SYSTEM



LEGEND



BUSINESS PLANNED DEVELOPMENT BOUNDARY



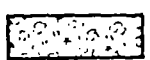
ZONING DISTRICT BOUNDARIES



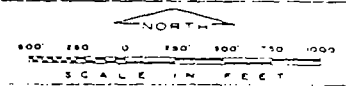
PREFERENTIAL STREET SYSTEM



PUBLIC & QUASI-PUBLIC FACILITIES



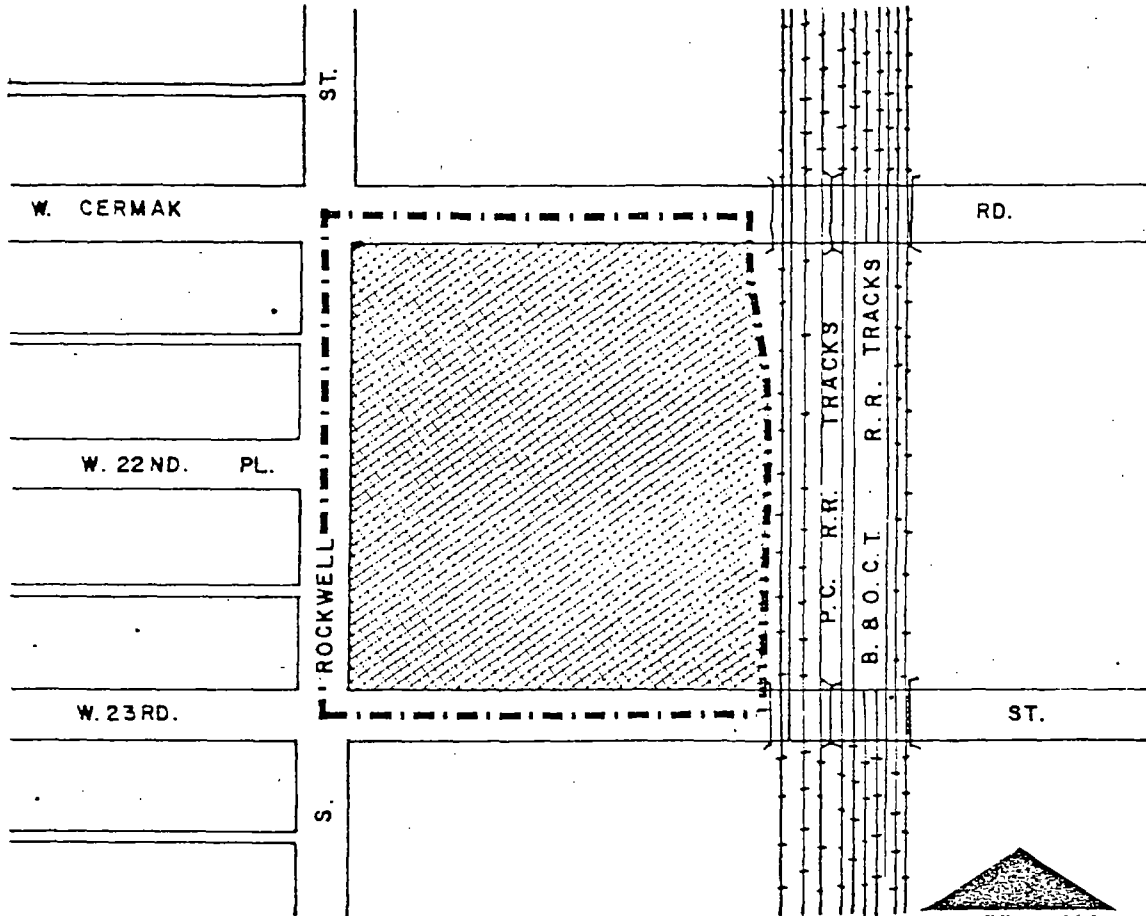
PARKS AND PLAYGROUNDS



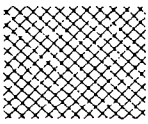
APPLICANT:
DATE:

MODERN WAY PETROLEUM No. 5, INC.
APRIL 13, 1984

BUSINESS PLANNED DEVELOPMENT GENERALIZED LAND USE PLAN



LEGEND

- PLANNED DEVELOPMENT BOUNDARY
-  GENERAL MERCHANDISE USES,
RESTAURANTS, RETAIL AND
SERVICE TYPE BUSINESS USES,
PARKING AND RELATED USES.

APPLICANT: MODERN WAY PETROLEUM No. 5, INC.
DATE: APRIL 13, 1984

BUSINESS PLANNED DEVELOPMENT
USE AND BULK REGULATIONS AND DATA

<u>NET SITE AREA</u> Sq. Ft. Acres	<u>GENERAL DESCRIPTION OF LAND USE</u>	<u>FAR</u>	<u>% OF LAND COVERAG</u>
552,755 7.64	General merchandise uses, restaurants, retail and service type business uses, parking, related uses, and drive through windows*	0.56	56%

*exclusive of any principal activity of permanent outdoor storage and service station uses; and further that no arcades will be allowed.

GROSS SITE AREA

Net Site Area of 7.64 acres plus Public Right-Of-Way of 1.55 acres=9.07 acre

NUMBER OF OFF-STREET LOADING SPACES

0

MINIMUM NUMBER OF OF PARKING SPACES

310 - 2% of all parking spaces to be permitted for the handicapped.

PERIPHERY SETBACKS AT PROPERTY LINES

West Property Line along S. Rockwell Avenue*.....20 feet
North Property Line along W. Cermak Avenue*.....20 feet
South Property Line along S. 23rd Street.....20 feet
East Property Line.....20 feet

*exclusive of any free standing structures where the setbacks will not be require.

APPLICANT: Modern Way Petroleum #5, Inc.

Date: May 22, 1984