14482

AMENDMENT OF TITLE 17 OF MUNICIPAL CODE OF CHICAGO (CHICAGO ZONING ORDINANCE) BY RECLASSIFICATION OF AREAS SHOWN ON MAP NUMBER 5-G.
(As Amended)
(Application Number 14482)

(Committee Meeting Held November 23, 2004) RBPD 940

The Committee on Zoning submitted the following report:

CHICAGO, December 1, 2004.

To the President and Members of the City Council:

Reporting for your Committee on Zoning, for which a meeting was held on November 23, 2004, 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 ten ordinances which were corrected and amended in their amended form. They are Application Numbers A-5468, A-5474, A-5504, A-5644, 14505, 14445, 14482, 14591, 13561 and 14562.

Please let the record reflect that I, William J. P. Banks abstained from voting and recused myself on Application Numbers 14589, 14591, 14409, 14516, 14503 and 14570 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

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

Again, please let the record reflect that I abstain from voting on Application Numbers 14589, 14591, 14409, 14516, 14503 and 14570 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 amended ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Flores, Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Stroger, Beale, Pope, Balcer, Cárdenas, Olivo, T. Thomas, Coleman, L. Thomas, Murphy, Rugai, Troutman, Brookins, Muñoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Matlak, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Tunney, Levar, Schulter, M. Smith, Stone -- 46.

Nays -- None.

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

Alderman Burke invoked Rule 14 of the City Council's Rule 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 the Chicago Zoning Ordinance be amended by changing all the current M1-2 Restricted Manufacturing District symbols and indications as shown on Map Number 5-G in the area bounded by:

West Fullerton Avenue; the alley next east of North Lakewood Avenue; the alley next south of West Fullerton Avenue; and North Lakewood Avenue,

to those of a B4-5 General Business District which is hereby established in the area described above.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all the current B4-5 General Business District symbols and indications as shown on Map Number 5-G in the area bounded by:

West Fullerton Avenue; the alley next east of North Lakewood Avenue; the alley next south of West Fullerton Avenue; and North Lakewood Avenue,

to those of Residential-Business Planned Development Number 940 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 approval.

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

Residential-Business Planned Development Number 940.

Plan Of Development Statements.

1. The area delineated herein as a Residential-Business Planned Development Number 940 (the "Planned Development") consists of approximately fifty-five thousand seven hundred sixty-two and eighty-one hundredths (55,762.81) square feet (one and twenty-eight hundredths (1.28) acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map (the "Property") and is owned or controlled by Smithfield Properties XXXV, L.L.C. (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 titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 11.11-1 of the Chicago Zoning Ordinance, the Property, 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) 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 sixteen (16) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map, all dated September 23, 2004; a Site Plan (the "Site Plan"), a sheet depicting the north and east elevations of the building and a sheet depicting the south and east elevations of the building (collectively the "Building Elevations") all prepared by Antunovich Associates and dated September 23, 2004. Full size copies of these exhibits 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.

5. The Property within the Planned Development is indicated on the Planned Development Boundary and Property Line Map. Subject to the Bulk Regulations and Data Table, the following uses are permitted on the Property:

   a. Student housing units, retail and service uses permitted in the B4-5 General Service District and accessory uses including parking and loading; provided, however, the following uses shall be prohibited: taverns and the sale of packaged liquor.

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. Business identification signs shall be permitted within the Planned Development subject to the review and approval of the Department of Planning and Development. Advertising signs shall not be permitted within the Planned Development.

7. Off-street parking shall be provided in compliance with this Planned Development subject to the Department of Transportation's review and approval of the on-site parking garage design and construction. A minimum of sixty-two (62) spaces shall be provided on-site in the garage depicted on the Site Plan. In addition, and to the extent that there is demand by residents of the proposed development or employees of the proposed retail space which cannot be met with the on-site parking, the Applicant shall secure up to an additional sixty-two (62) spaces in the garage owned by DePaul University located on North Clifton Street approximately one-half block south of West Fullerton Avenue, or at such other locations not farther than five hundred (500) feet from the Property. Parking, up to the maximum of one hundred twenty-four (124) spaces, shall be provided, free of charge, to residents of the building. The Applicant shall in addition use its commercially reasonable best efforts to encourage the use of public transportation or alternative means of transportation. To that end, the on-site garage shall include both a bicycle storage room and a motorized scooter parking area. In addition, the Applicant shall exercise its commercially reasonable best efforts to prevent employees of the retail space from parking their automobiles on the streets adjacent to the Property. The Applicant also shall be authorized to increase the parking capacity of the proposed garage by parking vehicles in a tandem or other stacking arranged provided that the Applicant provides attendant parking services, free of charge, to accomplish such increased capacity.

8. 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 paved areas. Ingress and egress shall be subject to the review and approval of the Department of Transportation.

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 Site Plan and the Building Elevations depict a proposed student housing facility with ground floor commercial space intended primarily to serve DePaul University students. The proposed student housing facility, the landscaping along adjacent rights-of-way and all entrances and exits to and from the parking and loading areas of the student housing facility, shall be designed, constructed and maintained in substantial conformance with the Site Plan and the Building Elevations.

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 11.11-3(c) of the Chicago Zoning Ordinance.

12. The terms, conditions and exhibits of this Planned Development shall be interpreted and administered based on the regulations applicable in the underlying B4-5 General Service District in effect on October 31, 2004.

13. 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 energy resources. The Applicant shall use best and reasonable efforts to design, construct and maintain all buildings located within this Planned Development in an energy efficient manner, generally consistent with the most current energy efficiency standards

published by the American Society of Heating, Refrigeration and Air Conditioning Engineers and the Illuminating Engineering Society.

14. 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. No approvals shall be granted pursuant to Section 11.11-3(b) of the Chicago Zoning Ordinance until the Director of M.O.P.D. has approved detailed construction drawings for each building or improvement.

15. The Applicant acknowledges that it is in the public interest to design, construct and maintain the building in a manner that promotes and maximizes the conservation of energy resources. The Applicant shall install and maintain, or cause the Applicant's successors and assigns to install and maintain, a vegetative (green) roof on at least twenty-five percent (25%) of the net flat roof area of all buildings, except townhomes. Net flat roof area is defined as the area of the horizontal portion of the roof, less those areas devoted to rooftop mechanical equipment, mechanical penthouses and any perimeter setback required by the City Code.

16. Unless substantial construction of the improvements contemplated by this Planned Development 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 the Ml-2 Restricted Manufacturing District classification. 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; Existing Land-Use Map; Property Line and Planned Development Boundary Map; Site/Ground Floor Plan; and Building Elevations referred to in these Plan of Development Statements printed on pages 36449 through 36454 of this *Journal*.]

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

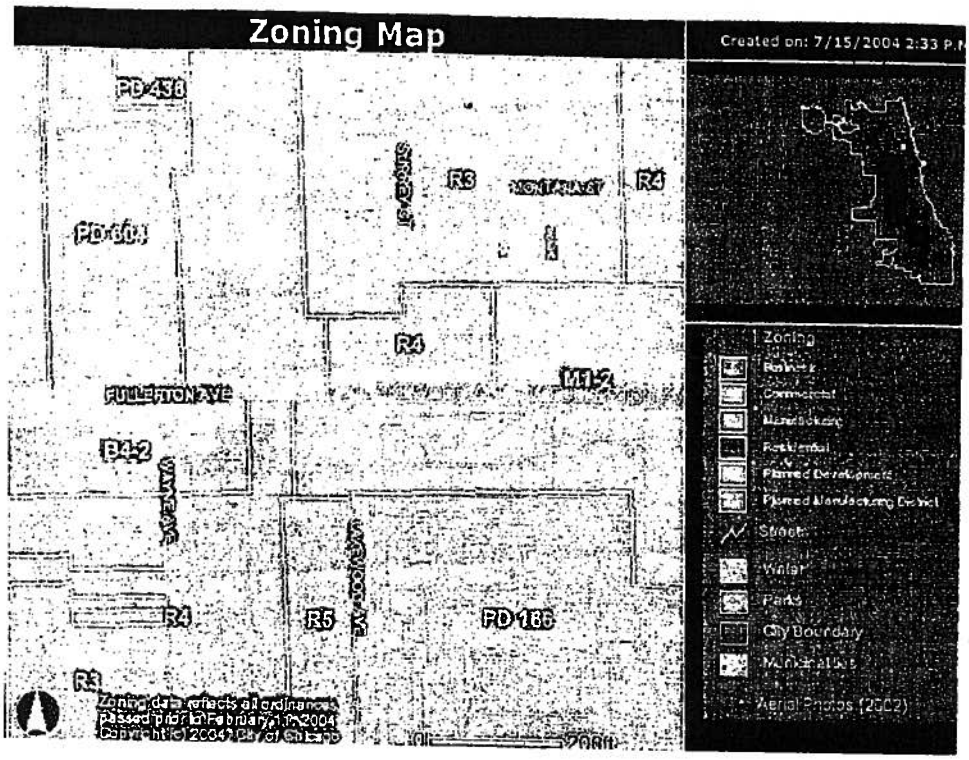
Residential-Planned Development Number 940.

Plan Of Development.

Bulk Regulations And Data Table.

General Description of Land-Use:	See statement Number 5 of this Planned Development
Maximum Permitted Floor Area Ratio:	5.0
Gross Site Area = Net Site Area + Area Remaining in Public Right-of-Way:	79,368.07 square feet (1.82 acres) = 55,762.81 square feet (1.28 acres) + 23,605.26 square feet (0.54 acres)
Setbacks from Property Line:	In substantial conformance with the Site Plan
Maximum Percentage of Site Coverage:	In substantial conformance with the Site Plan
Maximum Number of Units:	580 student housing beds
Minimum Number of Off-Street Parking Spaces:	62 spaces, subject to Statement 7
Minimum Number of Off-Street Loading Berths:	1 berth (10 feet by 25 feet)
Maximum Building Height:	See attached Building Elevations

Existing Zoning Map.

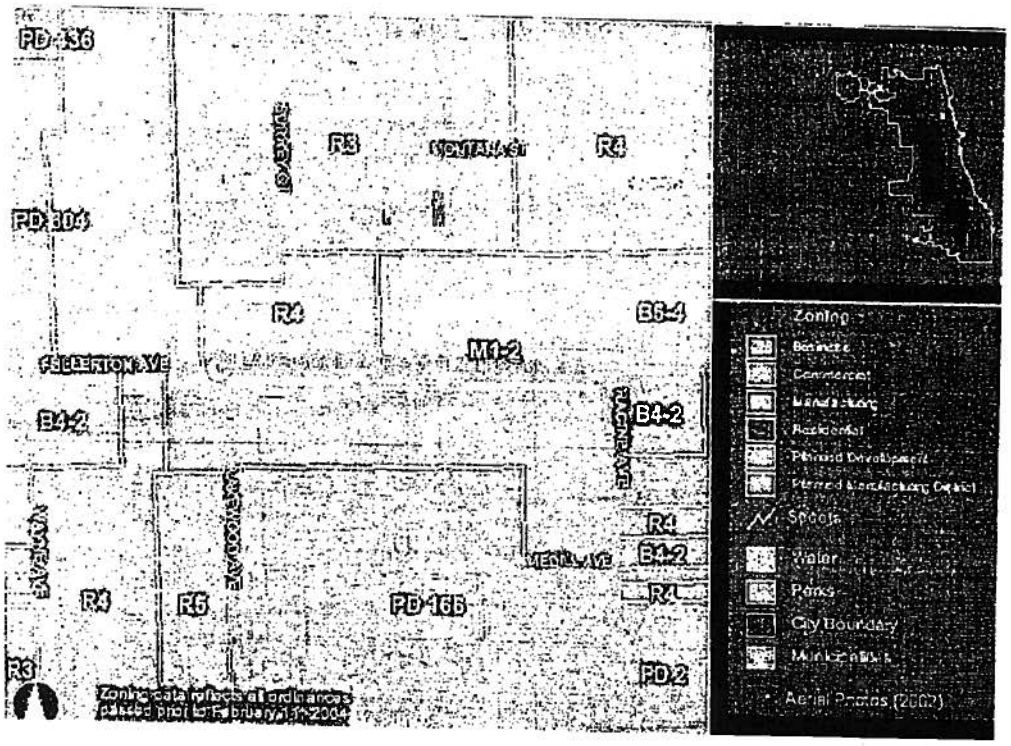


APPLICANT: Smithfield Properties XXXV, L.L.C.
400 West Huron
Chicago, Illinois 60610

DATE: July 21, 2004

REVISED: September 23, 2004

Existing Land-Use Map.



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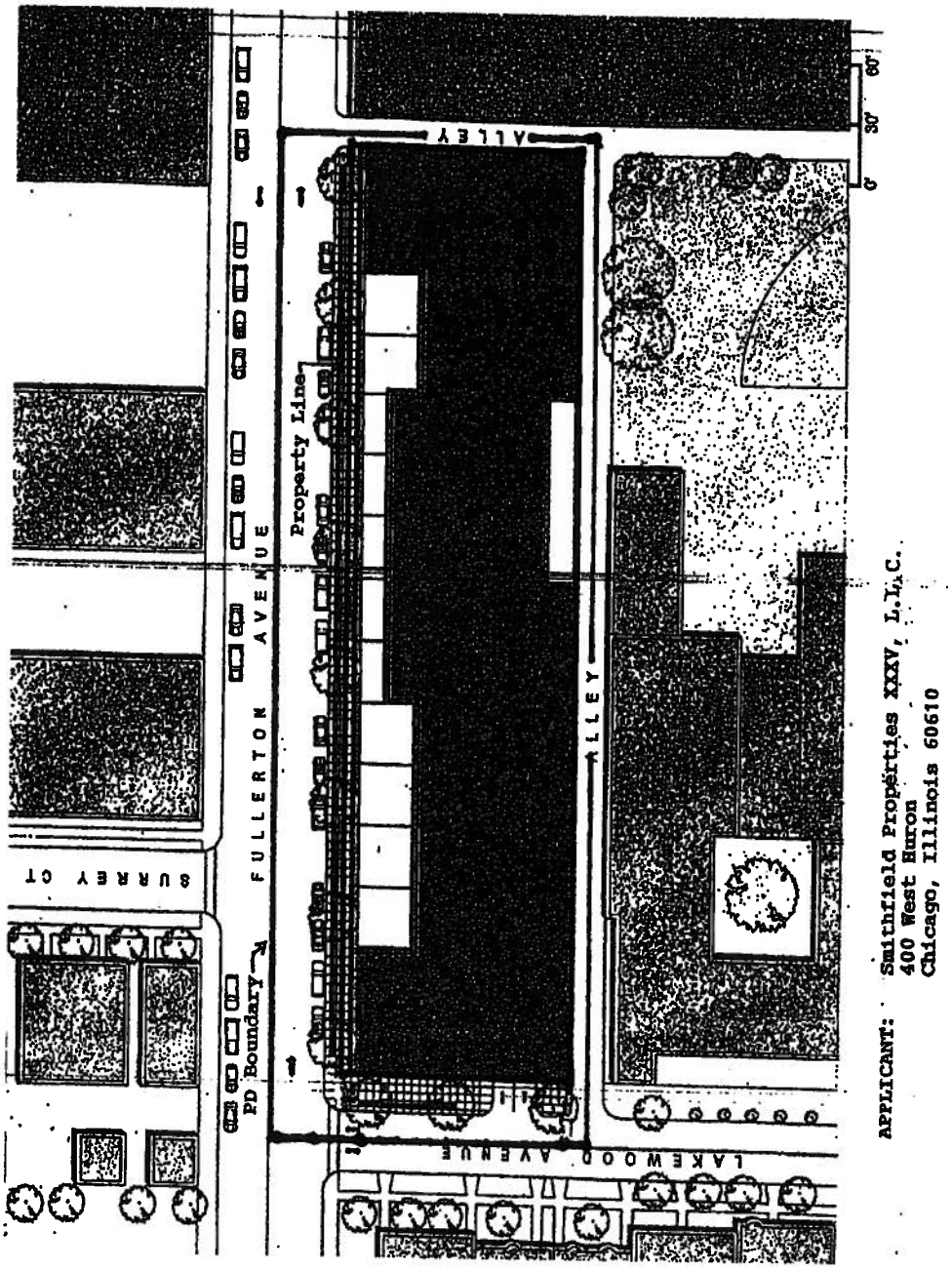
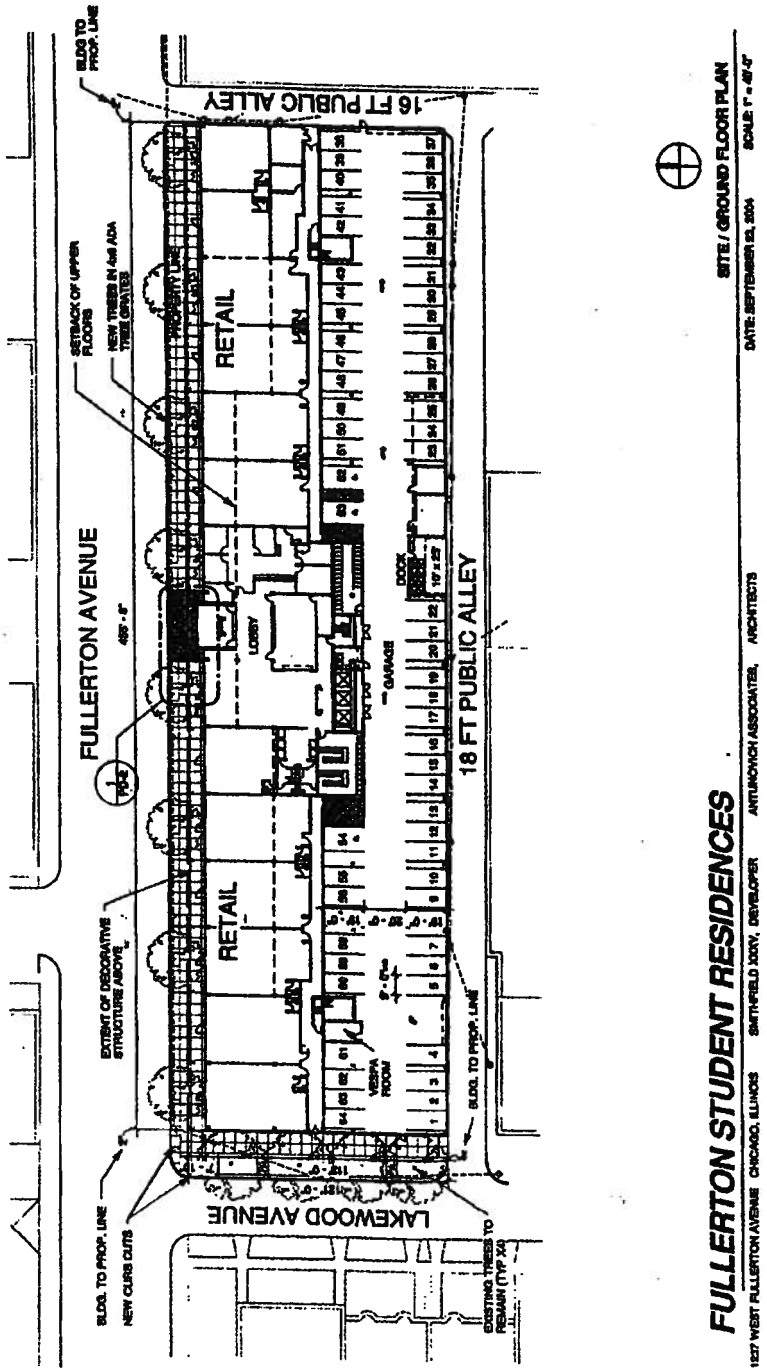
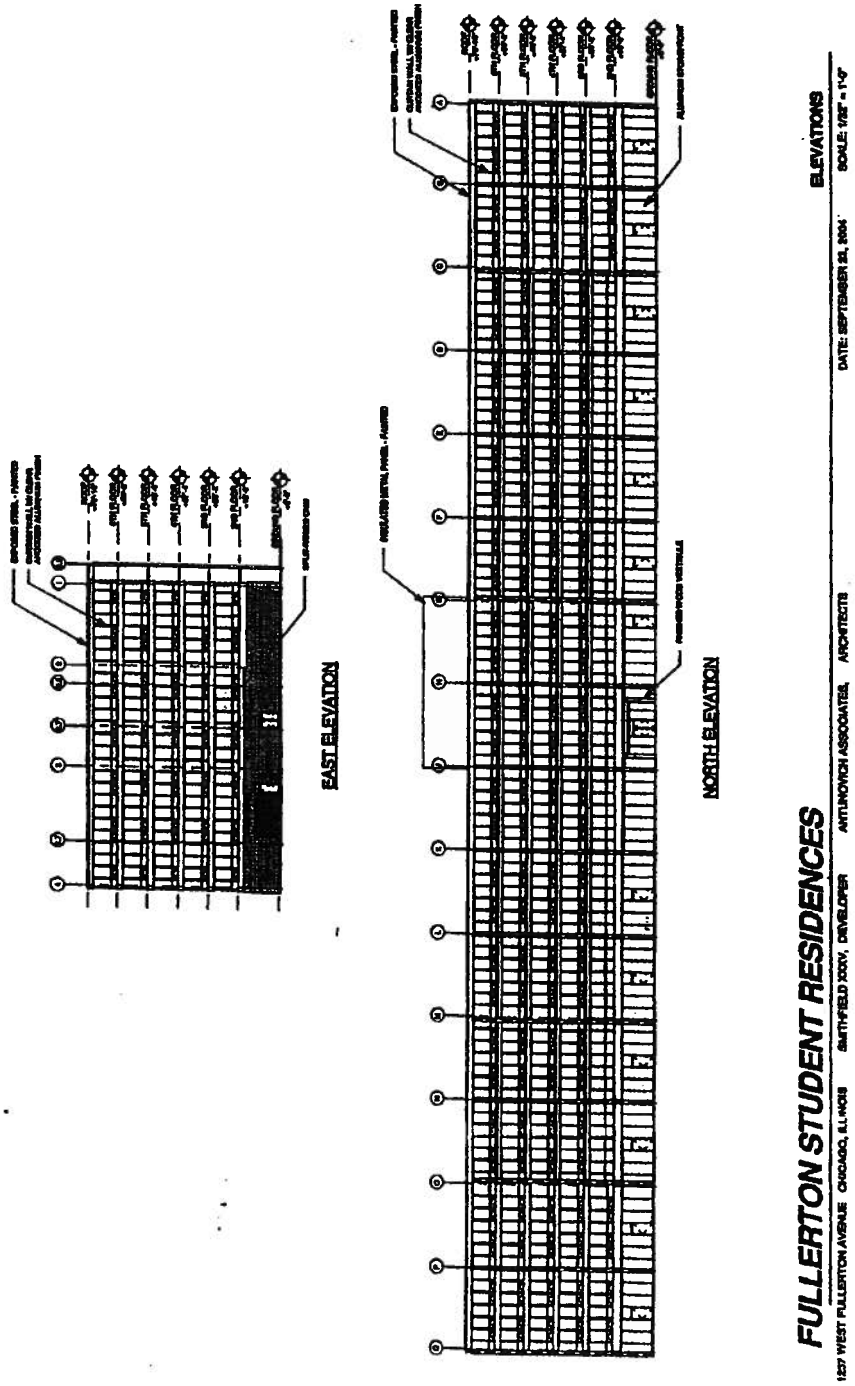
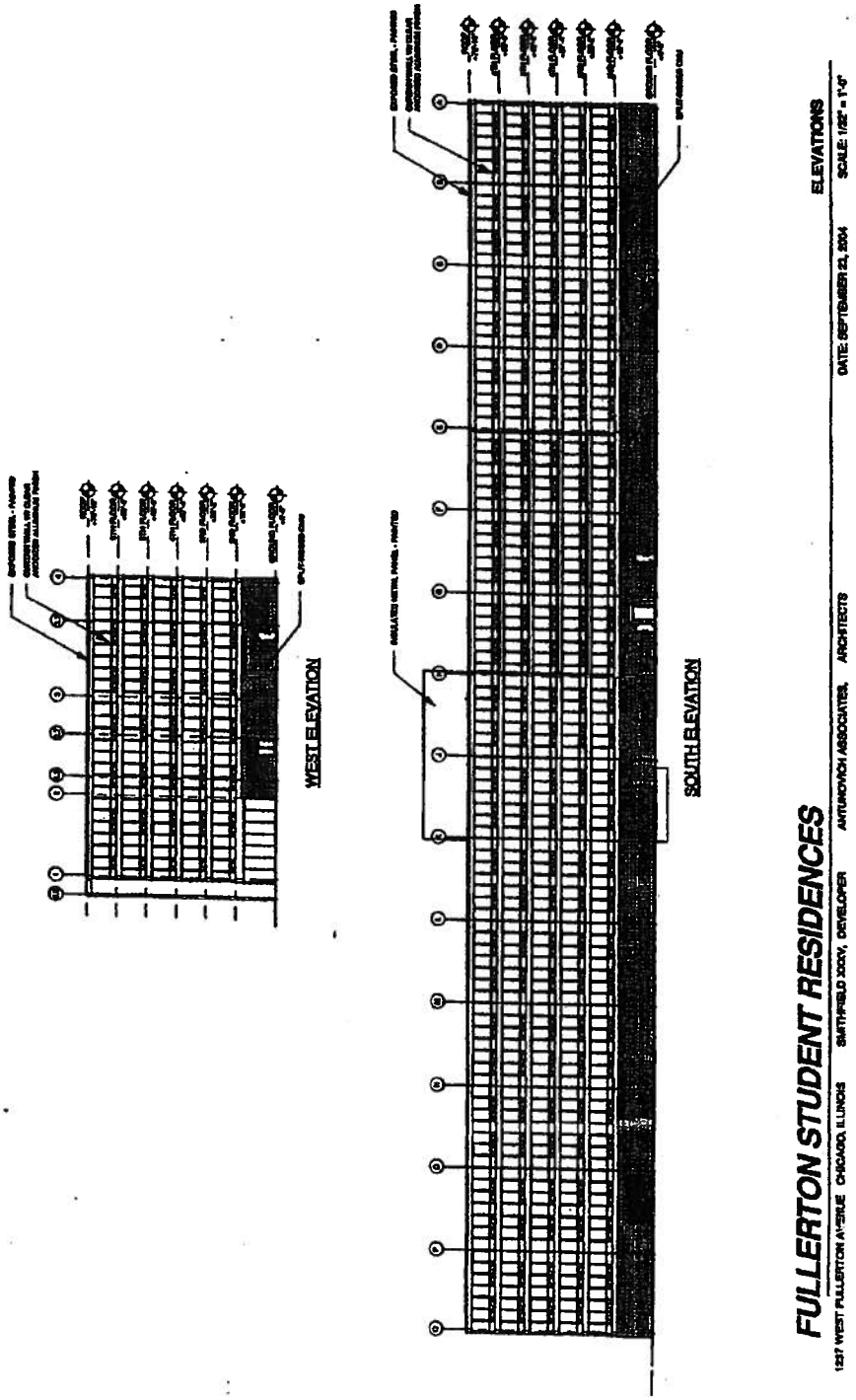
Property Line And Planned Development
Boundary Map.



Site/Ground Floor Plan.



East And North Elevations.



West And South Elevations.