



Office of the City Clerk

City Hall
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Chicago, IL 60602
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Legislation Details (With Text)

File #: SO2021-4579
Type: Ordinance **Status:** Passed
File created: 10/14/2021 **In control:** City Council
Final action: 12/15/2021

Title: Zoning Reclassification Map No. 5-G at 2032 N Clybourn Ave - App No. 20854
Sponsors: Misc. Transmittal
Indexes: Map No. 5-G
Attachments: 1. O2021-4579.pdf, 2. SO2021-4579.pdf

Date	Ver.	Action By	Action	Result
12/15/2021		City Council	Passed as Substitute	Pass
12/14/2021	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
10/14/2021	1	City Council	Referred	

FINAL FOR PUBLICATION

ORDINANCE

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 M1-2 Limited Manufacturing/Business Park District and M2-2 Light Industry District symbols and indications as shown on Map 5-G in the area bounded by:

North Clybourn Avenue; West Magnolia Avenue; North Kingsbury Street; a line 95.97' north of and parallel to W. Magnolia Avenue; a line commencing 95.97' northwest of West Magnolia Avenue as measured along North Kingsbury Street and extending 26.6' northeast to a point 9' northeasterly of the southerly corner of Lot 39; a line commencing 9' northeasterly of the southerly corner of Lot 39 and extending 25.37' northeast to a point 17.2' from the southerly corner of Lot 38; northeast 142.88' on a curve convex to the southwest with a radius of 400.3' to a point 91.7 feet from the southerly corner of Lot 33; a line commencing 91.7' from the southerly corner of Lot 33 and extending 34.52' northeast to a point 115.5' from the southerly corner of Lot 32; a line commencing 115.5' from the southerly corner of Lot 32 and extending 27.8' to the public alley southwest of and parallel to North Clybourn Avenue; a line 315.9' northwest of and parallel to West Magnolia Avenue; northeast 55.42' on a curve to the left with a radius of 469.84' to a point 143.03' south of Clybourn Avenue along a line with an angle of 44°31'15" with the southerly line of Clybourn Avenue; and northeast 143.03' along a line with an angle of 44° 31' 15" with the southerly line of Clybourn Avenue;

to those of the B3-3 Community Shopping District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the B3-3 Community Shopping District symbols and indications as shown on Map 5-G in the area bounded by:

North Clybourn Avenue; West Magnolia Avenue; North Kingsbury Street; a line 95.97' north of and parallel to W. Magnolia Avenue; a line commencing 95.97' northwest of West Magnolia Avenue as measured along North Kingsbury Street and extending 26.6' northeast to a point 9' northeasterly of the southerly corner of Lot 39; a line commencing 9' northeasterly of the southerly corner of Lot 39 and extending 25.37' northeast to a point 17.2' from the southerly corner of Lot 38; northeast 142.88' on a curve convex to the southwest with a radius of 400.3' to a point 91.7 feet from the southerly corner of Lot 33; a line commencing 91.7' from the southerly corner of Lot 33 and extending 34.52' northeast

to a point 115.5' from the southerly corner of Lot 32; a line commencing 115.5' from the southerly corner of Lot 32 and extending 27.8' to the public alley southwest of and parallel to North Clybourn Avenue; a line 315.9' northwest of and parallel to West Magnolia Avenue; northeast 55.42' on a curve to the left with a radius of 469.84' to a point 143.03' south of Clybourn Avenue along a line ; with an angle of 44°31'15" with the southerly line of Clybourn Avenue; and northeast 143.03' along a line with an angle of 44° 31' 15" with the southerly line of Clybourn Avenue;

to those of a Residential-Business Planned Development.

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

Address: 2032 N. Clybourn, Chicago, IL

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development Number _____, ("Planned Development") consists of approximately 83,696 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). Annexation LLC is the "Applicant" and property owner for this Planned Development.
2. 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 title holders 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 title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance (the "Zoning Ordinance"), the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Planned Development.

Ingress or egress shall be pursuant to the Planned Development and may be subject to the review and approval of the Departments of Planning and Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

Pursuant to a negotiated and executed Perimeter Restoration Agreement ("Agreement") by and between the Department of Transportation's Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply

Applicant: Annexation LLC
Address: 2032 N. Clybourn, Chicago, IL
Introduced: October 14, 2021
Plan Commission: November 18, 2021

EASTM 85184859.5

FINAL FOR PUBLICATION

with current Rules and Regulations and must be designed and constructed in accordance with the Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the Department of Transportation's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by the Department of Transportation.

4. This Plan of Development consists of these 18 Statements; a Bulk Regulations and Data Table and the following exhibits and plans attached hereto prepared by GREC Architects and dated November 18, 2021 (the "Plans"): an Existing Zoning Map; a PD Boundary & Property Line Map; an Existing Land Use Map; a Site Plan; a Landscape Plan; an Enlarged Landscape Plan (2 sheets); a Ground Floor Plan; a Roof Deck Plan; and Building Elevations (15 sheets). In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereof, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.
5. The following uses are permitted in the area delineated herein as a Residential-Business Planned Development:

Dwelling Units on and above the Ground Floor, Artist LiveAVork Space located on the ground floor, General and Limited Restaurant, Tavern, Outdoor Patio (on and above grade), General Retail, Food and Beverage Retail Sales, Liquor Sales (as an accessory use), Medical Service, Office, Personal Service, incidental and accessory uses and accessory parking.
6. On-Premise signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of DPD. Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The maximum permitted floor area ratio (FAR) for the Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations and Data Table has been determined using a net site area of 83,696 square feet and an FAR of 2.3.
9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by DPD. 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.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by

Applicant: Annexation LLC
Address: 2032 N. Clybourn, Chicago, IL

Introduced: October 14, 2021
Plan Commission: November 18, 2021

EASTM 85184859.5

FINAL FOR PUBLICATION

DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.

11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities 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. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.
15. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and : the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the forgoing, DPD

Applicant: Annexation LLC
Address: 2032 N. Clybourn, Chicago, IL
Introduced: October 14, 2021
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EASTM 85184859.5

FINAL FOR PUBLICATION

may request such additional information as the department determines may be necessary or useful in evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

16. The Applicant acknowledges and agrees that the rezoning of the Property from the M1-2 Limited Manufacturing/Business Park District/M2-2 Light Industry to the B3-3 Community Shopping District and then to this Planned Development ("PD") No. _____ is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The PD is located in an inclusionary housing area within the meaning of the ARO and permits the construction of 136 dwelling units. The Applicant intends to construct a 136-unit rental building.

Developers of rental projects in inclusionary housing areas with 30 or more units must provide between 10% and 20% of the units in the residential development as affordable units, depending on the average depth of affordability provided, as described in subsection (F)(2) of the ARO. Regardless of the applicable percentage of affordable units in the rental project, developers must construct at least 25% of the affordable units on-site and another 25% on-site or off-site (collectively, the "Required Units"), and may satisfy the balance of their affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of on-site or off-site affordable units; or (c) any combination thereof. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. All off-site affordable units must have at least two bedrooms and must be located in a downtown district, inclusionary housing area, or community preservation area. Whether on-site or off-site, developers must give preference in leasing affordable units of two bedrooms or more to multi-person households, as specified in the ARO rules. If a residential project is located in a transit-served location, off-site units must be located in a substantially comparable transit-served location.

The Applicant has elected the 10% option as set forth in the chart in subsection (F)(2) of the ARO. As a result, the Applicant's affordable housing obligation is 13.6 affordable units (10% of 136) and half of those affordable units are Required Units. Pursuant to subsection (T) of the ARO, the Applicant must provide an additional unit to satisfy the fractional obligation of 0.5 or greater. The Applicant has agreed to satisfy its affordable housing obligation by providing seven (7) affordable units in the rental building in the PD and making a payment to the Affordable Housing Opportunity Fund in lieu of the establishment of seven (7) affordable units in the amount of \$268,484 per unit for a total payment of \$1,879,388, as set forth in the Affordable Housing Profile (AHP) attached hereto. The Applicant agrees that the affordable rental units must be affordable to households at 30% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually.

If the Applicant requests to change its method of compliance with the ARO after the passage of this PD, the Applicant shall update and resubmit the AHP to DOH for review and approval. DOH may adjust the AHP in accordance with the ARO without amending the PD, provided however, any request to relocate affordable units from on-site to an off-site location requires an informational presentation to the Plan Commission. Prior to the issuance of any building permits for any residential building in the PD, including, without limitation, excavation or foundation permits, the Applicant must make the required

Applicant: Annexation LLC
Address: 2032 N. Clybourn, Chicago, IL
Introduced: October 14, 2021
Plan Commission: November 18, 2021

EASTM 85184859.5

FINAL FOR PUBLICATION

Cash Payment and execute and record an Inclusionary Housing Agreement ("IHA") in accordance with subsection (N) of the ARO. The Cash Payment will be recalculated at the time of payment and may be adjusted based on changes in the consumer price index in accordance with the ARO. The terms of the IHA and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against the PD, and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 16, including any breach of any IH A, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this PD. In the event of any conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

17. Pursuant to the Chicago Zoning Ordinance (Section 17-8-0911), a Planned Development (PD) gives priority to the preservation and adaptive reuse of Chicago Landmark buildings. The PD includes the Ludlow Typograph Company Building, identified as a Character Building in the North Branch Framework Plan, which the Applicant consents to and will diligently pursue landmark designation. Work to designated Chicago Landmarks is subject to the review and approval of the Commission on Chicago Landmarks pursuant to the Chicago Landmarks Ordinance, Section 2-120-740. Once the building is landmarked the project is eligible to receive a parking exemption per 17-10-0102-A-1 in the Chicago Zoning Ordinance. No Part II permit shall be released until the building receives landmark designation approved through City Council or the Applicant shall provide the minimum 132 accessory parking spaces and 66 bicycle parking spaces per Section 17-10-0207 in the Chicago Zoning Ordinance.
18. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a Zoning Map Amendment to rezone the property to the B3-3 Community Shopping District.

Applicant: Annexation LLC
Address: 2032 N. Clybourn, Chicago, IL
Introduced: October 14, 2021
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EASTM 85184859.5

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.

BULK REGULATIONS AND DATA TABLE

Gross Site Area (sf):	117,500
Area of Public Rights-of-Way (sf):	33,804
Net Site Area (sf):	83,696
Maximum Floor Area Ratio:	2.3
Maximum Dwelling Unit Count:	136
Minimum Off-Street Parking Spaces:	86
Maximum Bicycle Parking Spaces:	69
Minimum Off-Street Loading Spaces:	1 (10'x25')
Maximum Building Height:	67'0"
Minimum Setbacks:	In conformance with the Plans

Applicant: Annexation LLC
Address: 2032 N. Clybourn, Chicago, IL
Introduced: October 14, 2021
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EASTM 85184859.5

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ARO Affordable Housing Profile Form (AHP)

this completed form should be returned to: Department of Housing (DOH), 121 N. LaSalle Street, Chicago, IL 60602. More information is online at www.cityofchicago.org/ARO <<http://www.cityofchicago.org/ARO>>.

DEVELOPMENT INFORMATION

Development Name: Renovation

Development Address: 2032 N Clybourn Ave., Chicago, IL 60614

Zoning Application Number, if applicable:

Ward: 2 - Hopkins

If you are working with a Planner at the City, what is his/her name? r£mjly Jhrun

Type of City Involvement

City Land

Planned Development (PD)

check all that apply

Financial Assistance

Transit Served Location (TSL) project

Zoning increase

REQUIRED ATTACHMENTS: the AHP will not be reviewed until all required docs are received 0 ARO Web Form completed and attached - or submitted online on 10/18/2021 0 ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) 0 If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdf) D If ARO units proposed are off-site, required attachments are included (see next page) D If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)

DEVELOPER INFORMATION

Developer Name Annexation LLC

Developer Contact Matthew Ferrino/Jon Morgan

Developer Address 350 N Clark Suite 500 Chicago, IL

708-704-8480

Email matt.ferrino@gmail.com <<mailto:matt.ferrino@gmail.com>>, jon@interrarealty.com <<mailto:jon@interrarealty.com>>

Developer Phone

Attorney Name Katie Jahnke Dale

Attorney Phone 312-368-2153

TIMING

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May - 2023

Estimated date marketing will begin

Estimated date of building permit* July - 2022

Estimated date ARO units will be complete July - 2023

*the in-lieu fee and recorded covenant are required prior to the issuance of any building permits, including the foundation permit

PROPOSED UNITS MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager) ^

10/25/2021

ARO Project Manager, qpH ^_Date

Developer/Project Managjajr ^ /] Date

10-25-21

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AFFORDABLE REQUIREMENTS ORDINANCE

Applicant Contact Information

Name: Matthew Ferrino

Email: matt.ferrino@mfdevelopmentco.com <mailto:matt.ferrino@mfdevelopmentco.com>

Development Information

Are you rezoning to downtown?: No

Is your project subject to the ARO Pilots?: 2021 ARO REQUIREMENTS APPLY

Address

Submitted Date: 10/18/2021

Number From :2032 Number To: N/A Direction: N

Street NumberClybourn

Postal Code: 60614

Development Name

Clybourn Lofts

Information

Ward :2

ARO Zone: Inclusionary Housing Area

Details

ARO trigger :Zoning change

Total units: 136

Development type: Rent

TSL Project: TSL-or FAR doesn't exceed 3.5

Submitted date: 10/18/2021

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Requirements PUBLICATION

Affordable units :14 (10% of 136 total DUs), as set forth in subsection (F)(2) of the ARO How do you intend to meet your required obligation

On-Site: 7 ARO Units affordable to households at a weighted average of 30% AMI Off-Site: 0 On-Site to CHA or

Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 7 In-Lieu Fee Owed: \$1,879,388

(\$268,484 x 7 ARO units)

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Project Name Zoning Application number, if applicable

Address

Is this a For Sale or Rental Project? Anticipated average psf rent/price

Total Units in Project Total Affordable units							
Summary							
market rate				ARO			
unit type	how many?	% of total	avg . square footage	how many?*	% of total	avg square footage	affordable) market square .foc
studio	45	35X	385	2	29%	440 ■	114**.
one-bed	61	47*	629	2	29% *	714	• ; 113%
two-bed	17	13%	925	■ 2 ¹	• 29*	1,035	• 112* "
three-bed	6	5%	1,122	1 ■	14%	1,151	10396
>. four-bed	0 ■	0%	0.	0 .	OK	0 ..	0% .

All projects with proposed ARO units must complete this tab

	Market Rate Units	Affordable Units
Parking	Yes	Yes .
Laundry	In Unit	In Unit
Appliances		
Refrigerator <i>age/EnergyStar/make/model/color</i>	Stainless - Whirlpool	Stainless - Whirlpool
Dishwasher <i>age/EnergyStar/make/model/color</i>	Stainless-Whirlpool -	Stainless -Whirlpool -
Stove/Oven <i>age/EnergyStar/make/model/color</i>	Stainless - Whirlpool	Stainless-Whirlpool
Microwave <i>age/EnergyStar/make/model/color</i>	Stainless-Whirlpool	Stainless-Whirlpool
Bathroom(s) <i>how many? Half bath? Full bath?</i>	All full baths for every bedroom	all full baths for every bedroom ¹
Kitchen countertops <i>material</i>	Granite	Granite
Flooring <i>material</i>	Luxury vinyl plank	Luxury vinyl plank
HVAC	VRF Unit	VRF Unit
Other		

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Application # 20854 To: Clerk

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To: Alderman Tom Tunney
Chairman, City Council Committee on Zoning

From: ^
Maurice D. Cox /

Chicago Plan Commission Date: November

18,2021

Re: Proposed Residential Business Planned Development and Industrial Corridor Map Amendment - 2032 N. Clybourn

Avenue

On November 18, 2021, the Chicago Plan Commission recommended approval of the proposed Residential Business Planned Development and Industrial Corridor Map Amendment within the North Branch Industrial Corridor, submitted by Annexation LLC, for the property generally located at 2032 North Clybourn Avenue. The applicant proposes to rezone the site from MI-2 (Limited Manufacturing/Business Park District) and M2-2 (Light Industry District) to B3-3 (Community Shopping District) and then to a Residential Business Planned Development to permit the reuse of the existing 5-story building with 136 residential units, approximately 9,000 square feet of retail/commercial, and 86 accessory parking spaces. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Emily Thrun at 312-744-0756.

Cc: PD Master File (Original PD, copy of memo)

121 NORTH LASALLE STREET, ROOM 1000, CHICAGO, ILLINOIS 60602