



Office of the City Clerk

City Hall
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Legislation Details (With Text)

File #: SO2012-7253
Type: Ordinance **Status:** Passed
File created: 10/31/2012 **In control:** City Council
Final action: 3/13/2013
Title: Zoning Reclassification Map No. 17-1 at 6601-6653 N Kedzie Ave, 3046-3154 W Albion Ave, 3046-3154 W Wallen Ave and 3047-3155 W Wallen Ave
Sponsors: Silverstein, Debra L.
Indexes: Map No. 17-1
Attachments: 1. O2012-7253.pdf, 2. SO2012-7253.pdf

Date	Ver.	Action By	Action	Result
3/13/2013	1	City Council	Passed as Substitute	Pass
2/26/2013	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	Pass
2/11/2013	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	
11/29/2012	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
10/31/2012	1	City Council	Referred	

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ORDINANCE ^-n^i

, Y y V £>:BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO

-.S.ECJION 1: Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance is hereby amended by changing all the Residential Planned Development No. 826 symbols and indications as shown on Map No. 17-1 in area bounded by:

A line 548.23 feet north of and parallel to West Albion Avenue; a line 330.20 feet east of and parallel to North Kedzie Avenue; a line 30823 feet north of and parallel to West Albion Avenue; the public alley next east of and parallel to North Kedzie Avenue; West Albion Avenue; North Kedzie Avenue

to the designation of RT4 Residential Two-Flat, Townhouse, and Multi-Unit District.

SECTION 2: Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance is hereby amended by changing-all the RT4 Residential Two-Flat, Townhouse, and Multi-Unit District symbols and indications as shown on Map No. 17-1 in area bounded by:

A line 548.23 feet north of and parallel to West Albion Avenue; a line 330.20 feet east of and parallel to North Kedzie Avenue; a line 308.23 feet north of and parallel to West Albion Avenue; the public alley next east of and parallel to North Kedzie Avenue; West Albion Avenue; North Kedzie Avenue

to the designation of Residential Planned Development No. 826, as amended, 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 thereof and to no others.

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

Common addresses of the property: 6601 - 6653 North Kedzie Avenue;
3046 - 3154 West Albion Avenue;

Alderman, 50th Ward

3046 - 3154 West Wallen Avenue (private); and
3047 - 3155 West Wallen Avenue (private)

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RESIDENTIAL PLANNED DEVELOPMENT No. 826, as amended

PLAN OF DEVELOPMENT

STATEMENTS

1. The area delineated herein as Planned Development Number 826, as amended, ("Planned Development") consists of approximately 309,130 square feet (7.10 acres) of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). The Planned Development is divided

into two subareas, Subarea A and Subarea B.

2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the owners, their successors and assigns and, if different than the owners, the legal title holders and any ground lessors. All rights granted hereunder to the owners shall inure to the benefit of the owners' successors and assigns and, if different than the owners, the legal title holder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, 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 owners or their 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 Department of Transportation on behalf of the owners or their successors, assigns or grantees.

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

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

•All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in

Applicant: Alderman Debra L. Silverstein (50th Ward)
Address: 6601 - 6653 N. Kedzie Avenue; 3046 - 3154 VV. Albion Avenue;
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compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by the Department of Transportation.

4. This Plan of Development consists of these sixteen (16) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary, Property Line and Subarea Map; a Subarea B Lot Map; and a Grant of Perpetual Easements and Declaration of Restrictions, executed March 8, 2004, and recorded August 3, 2004. 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 thereto, 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 Planned Development:
Subarea A: Single-family detached house, townhouse, accessory uses, and accessory parking;
Subarea B: Single-family detached house (all lots), townhouse (Lots 14-18, only), 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 the Department of Housing and Economic Development. 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 site shall be in accordance with the attached Bulk Regulations Table. The maximum Floor Area Ratio on any one building site in Subarea B is 1.32. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 309,130 square feet.
9. To create building sites, lots in Subarea B may be combined and/or divided upon the review and approval of the Zoning Administrator. On Lots 1-13 and 19-36, the minimum building site width shall be 30 feet; on Lots 14-18, the minimum building site width shall be 26 feet.

In Subarea B, driveway access to Lots 19-36 shall be from either West Albion Avenue or the alley next west of North Whipple Street. Driveway access to Lots 1-11 in Subarea B shall be

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provided from an easement along the south edge of Subarea A. Driveway access to Lots 12 . and 13 in Subarea B shall be from West Wallen Avenue (private). Driveway access to Lots 14-18 may only be from an 18-foot wide common drive along the north edge of the lots.

10. 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 the Department of Housing and Economic Development. 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.
11. 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 the Department of Housing and Economic Development. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.

All building sites in Subarea B shall front on West Wallen Avenue (private). Along the north side of West Wallen Avenue (private) (Lots 1-18), the minimum front yard setback shall be fifteen (15) feet. Along the south side of West Wallen Avenue (private) (Lots 19-36), the front yard setback shall be at least ten (10) feet, but no more than eleven (11) feet.

In Subarea B, all principal entrance doors shall face West Wallen Avenue (private) and shall be located at the first floor above grade. Front entry doors below sidewalk grade are not allowed.

In Subarea B, all front facades shall be either masonry face brick (standard or modular sizes), cut natural stone, or manufactured stone. Front facade materials shall extend back from the front facades a minimum of eight (8) feet on both side elevations. Side and rear elevations shall be clad in either masonry face brick (standard, modular or utility sizes), cut natural stone, manufactured stone, horizontal lap siding (wood, fiber cement, vinyl, or aluminum) with a maximum four (4) inch lap, or panels (prefinished metal or fiber cement). Side elevations facing N. Kedzie Avenue shall be either masonry face brick (standard or modular sizes), cut natural stone, or manufactured stone. Exposed concrete, exposed concrete masonry units and synthetic stucco (E.I.F.S.) shall not be allowed on any elevation.

12. Prior to any Part II Approval (per Section 17-13-0610 of the Zoning Ordinance) in Subarea A, the owner shall submit a site plan, landscape plan and building elevations for the entire Subarea for review and approval by the Department of Housing and Economic Development. Review and approval by the Department of Housing and Economic Development is intended to assure that specific development components substantially conform with the Planned Development and to assist the City in monitoring ongoing development.

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No Part II Approval for any portion of the Property in Subarea A shall be granted until a Subarea Site Plan

Approval has been granted. Following approval by the Department of Housing and Economic Development, the approved Subarea Site Plan Approval submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the Planned Development.

After approval of the Subarea Site Plan, changes or modifications may be made pursuant to the provisions of Statement 14. In the event of any inconsistency between approved plans and the terms of the Planned Development, the terms of the Planned Development shall govern. Any Subarea Site Plan Approval submittals shall, at a minimum, provide the following information:

- fully-dimensioned site plan (including a footprint of the proposed improvements);
- fully-dimensioned building elevations, indicating heights and materials;
- fully-dimensioned landscape plan(s); and,
- statistical information applicable to the subject Subarea, including floor area, the applicable FAR, uses to be established, building heights and setbacks.

Subarea Site Plan Approval submittals shall include all other information necessary to illustrate substantial conformance to the Planned Development.

13. The owners 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.
14. 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. Notwithstanding the provisions of section 17-13-0611-A of the Zoning Ordinance, the Zoning Administrator may reduce the required periphery setbacks and minimum distance between structures within Subarea B.
15. Since 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.

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16. Since 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, all improvements on the Property shall comply with the City of Chicago Sustainable Development Policy in effect at the time of Part II review.

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Planned Development No. 826, as amended Bulk

Regulations and Data Table

Gross Site Area:

Subarea A: Subarea B:

355,755 s.f.

87,120 s.f. 268,635 s.f.

Area to Remain in Public Right-of-way:

Subarea A: Subarea B:

46,625 s.f.

7,920 s.f. 38,705 s.f.

Subarea A: Subarea B:

Net Site Area, including private streets and alleys: 309,130 s.f.

79,200 s.f. 229,930 s.f.

Maximum Floor Area Ratio:

Subarea A: Subarea B:

1.03 0.90

1.11 (see note a)

Maximum Number of Residential Units:

Subarea A: Subarea B:

85 36

49 (with lot division; see note b)

Minimum Accessory Parking: Subarea A: Subarea B:

Minimum Bicycle Storage:

Subarea A: Subarea B:

Maximum Height:**Setbacks:**

Subarea A:

Single-family detached homes: Townhouses:

. 1 per dwelling unit 2 per dwelling unit

1 per required parking space 1 per required parking space

38 feet

as per RS3 requirements
as per § 17-2-0500 of the Chicago
Zoning Ordinance (CZO)

1

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Subarea B:

Single-family detached homes:

Front:
Rear:
Side: Townhouses:

15 feet and 10 feet (see note c) 28% of lot depth (see note d) as per RT4 requirements (see note e) as per §17-2-0500 of CZO

Rear Yard/Open Space:

Subarea A:

Single-family detached homes:
Townhouses: Subarea B:
Single-family homes:
Townhouses:

as per RS3 requirements as per §17-2-0500 of CZO

as per RT4 requirements as per §17-2-0500 of CZO

NOTES:

- a) Although the overall maximum F.A.R. in Subarea B is 1.11, the maximum F.A.R. on any one building site shall be 1.32.

- b) See Statement No. 9 concerning combination and division of lots.
- c) Fifteen (15) feet on the north side of West Wallen Avenue (private) and ten (10) feet on the south side of West Wallen Avenue (private). (See Statement No. 11.)
- d) Garage doors facing West Albion Avenue shall be set back at least twenty (20) feet from the rear property line.
- e) On building sites adjacent to North Kedzie Avenue, the minimum side setback shall be at least 12 feet from North Kedzie Avenue.

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Applicant: Alderman Debra L. Silverstein (50th Ward):
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Avenue; 3046 - 3154 W. Wallen Avenue (private); and 3047 -
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(private)
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Applicant: Address:

Introduced Date:

Plan Commission Date:

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--rL e- EXISTING LAND USE MAP

Alderman Debra L. Silverstein (50th Ward)
6601 - 6653 N. Kedzie Avenue; 3046 - 3154 W. Albion
Avenue; 3046 - 3154 W. Wallen Avenue (private); and 3047
3155 W. Wallen Avenue (private)
October 31, 2012
December 20, 2012

N. Whipple Street

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LEGEND ■ PD Boundary Property Line Sub-area Boundary

N. Albany Avenue

North

05
O

240.0'

N. Troy Street

CO CD
CO

§> Subarea A

CO

° Subarea B

CO

308.2'

CO CO
CO
CO

PLANNED DEVELOPMENT BOUNDARY, PROPERTY LINE AND SUBAREA MAP

Applicant: Alderman Debra L. Silverstein (50th Ward)
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Date Introduced: October 31, 2012
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N. Kedzie Avenue

SUBAREA B LOT MAP

Applicant: Addresses:

Introduced Date:
Plan Commission Date:
Alderman Debra L. Silverstein (50th Ward)
6601 - 6653 N. Kedzie Avenue; 3046 - 3154 W. Albion Avenue;
3046 - 3154 W. Wallen Avenue (private); and 3047 - 3155 W. Wallen
Avenue (private)
October 31, 2012
December 20, 2012

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GRANT OF PERPETUAL EASEMENTS AND
DECLARATION OF RESTRICTIONS BY REGENT
PARK CITY HOMES II. LX.C.
IN PAYOR OF THE ESTATES OF REGENT
PARK. LLC

Prepared By and After Recording Return To:
Michael Z. Margolies 5301 West Dempster Suite 200
Skokie, Dlinois 60077

333-CT1

GRANT OF PERPETUAL EASEMENTS AND DECLARATION OF RESTRICTIONS

THIS GRANT OF PERPETUAL EASEMENTS AND DECLARATION OF RESTRICTIONS is made as of the Tft. day of March, 2004, by REGENT PARK CITY HOMES n, L.L.C., an Illinois limited liability company ("Grantor"), having an address of 2711 W. Howard Street, Chicago, Illinois 60645, in favor of THE ESTATES OF REGENT PARK, LLC, an Illinois limited liability company ("Grantee"), having an address of 2711 W. Howard Street, Chicago, Illinois.

RECITALS

A. Grantor owns that certain parcel of real estate more particularly described on Exhibit "A" hereto ("Parcel A").

B. Grantee owns that certain parcel of real estate more particularly described on Exhibit "B" hereto ("Parcel B")

C. Grantee wishes to acquire certain access easements over, under, upon and across that portion of Parcel A described on Exhibit C attached hereto (such portion is referred to herein as the "Easement Area") for the benefit of Parcel B, which easements will run with the land, and requires certain restrictions on the use of Parcel A in order to protect the value of said easements to Parcel B.

D. Grantor is willing to grant such easements to Grantee and to impose such restrictions in connection therewith as further set forth below.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The recitals set forth above are incorporated herein and made a part hereof.

2. Grantor does hereby grant to Grantee (its successors and assigns, including each owner of each of the Lots described on Exhibit "B" hereto) a perpetual easement on, over and across the Easement Area for pedestrian and vehicular (including, but not limited to moving trucks and vans; waste, garbage and trash vehicles; and personal vehicles) access by the owners and occupants of Parcel B (and their guests, invitees and business invitees) to and from Parcel B (including each separate lot thereof) and the street and/or public right-of-way west of and adjacent to Parcel A and commonly known as Kedzie Avenue. Grantor shall have the one time right to hereafter change the location of the easement over Parcel A created hereby to another path to be selected by Grantor in its reasonable but sole discretion, provided such path shall be convenient and sufficient to provide the pedestrian and vehicular access described above. Grantor and Grantee agree to prepare and record an amendment hereto describing such amended path of the easement as the "Easement Area," whereupon all of the easements granted herein shall apply and be limited to said "Easement Area."

3. Grantor (and its successors in interest) may also use the Easement Area for access for any

and all dwelling units on Parcel A in the manner as permitted to Grantee (and its successors), but for no other use. Grantor may establish, however, reasonable rules and regulations for the use

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of the Easement Area, provided that the same do not limit, restrict or interfere with Grantee's use as provided herein and do not impose a greater burden on use by Grantee than by Grantor.

4. (a) Grantor and its successors in interest shall:

- 1) construct a temporary and permanent paved roadway ("Pavement Area") on the Easement Area for the use and enjoyment of the easements herein granted;
- 2) keep the Pavement Area in good repair and condition, providing all maintenance, repairs and replacement; and
- 3) promptly remove all snow and ice accumulations from the Pavement Area.

(b) Grantee (or its successors in interest) shall reimburse certain amounts to Grantor (or its successors in interest) as provided in Section 7(a) below.

5. Neither Grantor, Grantee, nor any successor in interest to either shall obstruct or interfere with the intended use of the Easement Area, except:

- a) in the case of and as necessitated by emergency;
- b) temporarily and in such manner as to minimize such obstruction or interference as is necessary in connection with the permitted uses or obligations hereunder.

6. If Grantor (or its successors in interest) fails to fulfill its obligations under Section 4 above, Grantee (or any of its successors after authorization by the owners of at least 6 of the lots comprising Parcel B) may, following 30 days prior notice to Grantor (or its successors in interest, or, if a homeowner or similar association is formed with respect to Parcel A to which is delegated the responsibilities of Grantor set forth in Section 4, then to such Association), perform such installation, repair, maintenance or replacement and recover from Grantor (or its successors in interest) that portion of the costs which are Grantor's responsibility. Notwithstanding the foregoing notice period, Grantee need provide only two days notice with respect to snow and ice removal. Further, in the event Grantor fails on two or more occasions during any 6 consecutive month period to promptly remove snow and ice from the Pavement Area (i.e. removal within 48 hours of such accumulation), Grantee may thereafter, at its sole election, upon written notice to Grantor (its successor or assigns or, if applicable, the Association), remove snow and ice accumulation during the remainder of such winter season and Grantor shall promptly reimburse Grantee for its pro rata share of the cost thereof.

7. Additional Terms.

- (a) Each of the owners, from time to time, of Lots 1 through 10 of Parcel B shall reimburse Grantor (or its successors in interest) that fractional portion of

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Grantor's expenses in meeting its obligations under Sections 4(a)(2) and (3) above equal to the amount of such expense, multiplied by a fraction, the numerator of which is one (1) and the denominator of which is the sum of the total number of individual dwelling units permitted on Parcel A plus 10.

- b) Notwithstanding anything to the contrary herein, all provisions of this Grant of Perpetual Easements and Declaration of Restrictions shall be deemed easements appurtenant coupled with an interest, shall run with the land and are binding upon and shall inure to the benefit of the heirs, legal representatives, assigns, successors, and tenants of Grantee and Grantor.
- c) Grantor or its successors, shall be responsible for the payment of all ad valorem taxes, mechanic's or materialmen's liens assessed against Parcel A and, in particular, the Easement Parcel. If Grantor fails to pay the taxes or assessments for which it is responsible, Grantee shall have the right, but not the obligation, to pay such taxes and/or assessments on behalf of the Grantor and to be reimbursed therefor on demand.
- d) This Grant of Perpetual Easements and Declaration of Restrictions shall be governed exclusively by the provisions hereof and by the laws of the State of Illinois.
- e) If any term or provision of this agreement or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this agreement, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this agreement shall be valid and enforceable to the fullest extent permitted by law.
- f) If any legal action or proceeding arising out of or relating to this Grant of Perpetual Easements and Declaration of Restrictions is brought by either party hereto, the prevailing party shall be entitled to receive from the other party, in addition to any other relief that may be granted, their reasonable attorneys' fees, costs and other expenses incurred in the action or proceeding by the prevailing party.
- g) This Grant of Perpetual Easements and Declaration of Restrictions constitutes the entire agreement between Grantor and Grantee relating to the easement described herein, and any prior agreement, promises, negotiations, or representations not expressly set forth in this Grant of Perpetual Easements and Declaration of Restrictions are of no force and effect. Any amendment to this Grant of Perpetual Easements and Declaration of

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Restrictions shall be of no force and effect unless it is in writing and signed by the Grantor and Grantee (or their successors in interest). In the event Grantor or Grantee has conveyed any portion of Parcel A or Parcel B, respectively, then any amendment hereof shall require a majority of the separate owners of Parcel A (by number of lots or, if Parcel A has not then been further subdivided, by acreage) and a separate majority of the owners of Parcel B (by number of lots).

(h) All notices and demands to be given by one party to the other party (or their successors) under this Agreement shall be given in writing, mailed or delivered to Grantor or Grantee, as the case may be, at the address set forth above (or their successors, at the address of the particular lot or unit). Notices shall be delivered by hand or by United States certified or registered mail, postage prepaid, return receipt requested, or by a nationally recognized overnight air courier service. Notices shall be considered to have been given upon the earlier to occur of actual receipt (or refusal of receipt) or two (2) business days after posting in the United States mail.

(i) The Grantee agrees to support any development plan submitted by Grantor with respect to the initial development of Parcel A so long as such plan does not materially impair the access contemplated by this easement

IN WITNESS WHEREOF, this Grant of Perpetual Easements and Declaration of Restrictions has been executed as of this 9th day of March, 2004.

GRANTOR.

REGENT PARK CITY HOMES II,LLC.

By: Its:

GRANTEE:

THE ESTATES OF REGENT PARK, LLC By:
Its: fyvT~<1/U4^

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ACKNOWLEDGMENTS

STATE OF ILLINOIS COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Ben Weinschneider, personally known to me to be the Manager of Regent Park City Homes H, L.L.C., an Illinois limited liability Company, and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she signed, sealed and delivered the said instrument in his/her said capacity and as his/her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this day of March, 2004

My Commission Expires.

STATE OF ILLINOIS COUNTY OF COOK

"OFFICIAL SEAL

tfiADYLE BLAND NOTARY PUBLIC STATE OF ILLINOIS

I, the undersigned, a. Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Ben Weinschneider, personally known to me to be the Manager of The Estates of Regent Park, LLC, an Illinois Limited liability company, and the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she signed, sealed and delivered the said instrument in his/her said capacity and as his/her free and voluntary act, for the uses and purposes therein set forth.

My Cormmission Expires.

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S FR AOYLE BLAND

I NOTARY PUBLIC STATE OF ILLINOIS

\$ My Commission Expires 05/07/2005

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CONSENT AND SUBORDINATION OF MORTGAGEE

Brickyard Bank, as holder of a mortgage dated M*/<,U \, 2004, and recorded in the office of the Recorder of Deeds of Cook County, Illinois, on /i*-<^ A- , 2004, as Document No. O^OLASTdAi as amended, with respect to the rffernises described therein, hereby consents to the recording of this Grant of Perpetual Easements to which this Consent is attached and agrees that its mortgage shall be subject to me terms of this Declaration.

Dated: March Jl . 2004

BRICKYARD B

Its: ^tf*J^^^QI^i^

ATTEST:

By:.
Its:

STATE OF ILLINOIS COUNTY OF COOK

)
) SS.)
I, the undersigned, a Noi
id for said County and State, do hereby certify that
.appeared before

taryJPublic in-ahd

Bank, as such V'P- and
me this day in person and acknowledged that they signed, sealed and delivered said instrument as
their free and voluntary act, and as the free and voluntary act of , for
the uses and purposes therein set forth.
day of March, 2004.

GIVEN under my hand and Notarial Seal this
Notary Public

OFFIC1AL SEALKATHY PARRISH

NOTARY PUBLIC. STATE Of ILLINOIS 1 MY COMftSSaOM «rtHeSsC6tt2/0© I. .» v\^l-,w.MIVV>*WiA-ViS»-*

My Commission Expires:.

EXHIBIT A LEGAL DESCRIPTION OF PARCEL A

THAT PART OF LOT 2 (EXCEPT THE WEST 66 FEET THEREOF) IN THE SUBDIVISION OF THE WEST 1/4 (IN AREA) OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 36, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE INDIAN BOUNDARY LINE, IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE SOUTH 89 DEGREES 51 MINUTES 56 SECONDS WEST ON THE SOUTH LINE OF SAID LOT 2, 408.81 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 51 MINUTES 56 SECONDS WEST ON THE SOUTH LINE OF SAID LOT 2, 330.00 FEET, MORE OR LESS, TO THE EASTERLY LINE OF KEDZIE AVENUE; THENCE NORTH 01 DEGREES 35 MINUTES 45 SECONDS EAST ON THE EASTERLY LINE OF KEDZIE AVENUE, 240.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 56 SECONDS EAST, 330.00 FEET; THENCE SOUTH 01 DEGREES 35 MINUTES 45 SECONDS WEST, 240.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: PART OF 10-36-300-004-0000

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EXHIBIT B

LEGAL DESCRIPTION OF PARCEL B

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 AND 10 OF REGENTS PARK SUBDIVISION, BEING A SUBDIVISION DM THE WEST HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 36, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBERS: 10-36-300-007-0000
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0415533188 Page: 10 of 10

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EXHIBIT C

LEGAL DESCRIPTION OF EASEMENT AREA

THAT PART OF LOT 2 (EXCEPT THE WEST 66 FEET THEREOF) IN THE SUBDIVISION OF THE WEST V% (IN AREA) OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 36, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE INDIAN BOUNDARY LINE, DESCRIBED AS FOLLOWS:

BEGINNING AT INTERSECTION OF THE EAST LINE OF NORTH KEDZIE AVENUE AND THE SOUTH LINE OF LOT 2 AFORESAID; THENCE NORTH 01° 33' 25" EAST, ALONG THE EAST LINE OF NORTH KEDZIE AVENUE, 16.01 FEET TO A LINE 16.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 2 AFORESAID; THENCE NORTH 89° 50' 43" EAST, ALONG AFORESAID PARALLEL LINE, 330.00 FEET; THENCE SOUTH 01° 33' 25" WEST 16.01 FEET TO THE SOUTH LINE OF LOT 2 AFORESAID; THENCE SOUTH 89° 50' 43" WEST, ALONG THE SOUTH LINE OF LOT 2 AFORESAID, 330.00 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

PERMANENT INDEX NUMBER: PART OF 10-36-300-004-0000

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Department of Housing and Economic Development

CITY OF CHICAGO

MEMORANDUM

Alderman Daniel S. Solis
Chairman, City Council Committee on Zoning

Andrew J. Mooney Secretary / Chicago Plan Commission

December 21, 2012

RE: Proposed Amendment to Residential Planned Development No. 826 for property generally located at 6601-6653 North Kedzie Avenue, 3046 - 3154 West Albion Avenue and 3046-3154 and 3047-3155 West Wallen Avenue (private).

On December 20, 2012, the Chicago Plan Commission recommended approval of the proposed amendment submitted by Alderman Debra L. Silverstein. A copy of the proposed amendment is attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning hearing.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Housing and Economic Development, bureau of Planning and Zoning recommendation and a copy of the Resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-5777.

cc: Steve Valenziano
PD Master File (Original PD, copy of memo)

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12/17/2012

Chicago Plan Commission

December 20, 2012

Regent Park 6601 - 6653 North Kedzie Avenue Residential Planned Development No. 826

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Final

**REPORT to the
CHICAGO PLAN COMMISSION from
DEPARTMENT OF HOUSING AND ECONOMIC DEVELOPMENT**

DECEMBER 20, 2012

PROPOSED AMENDMENT TO RESIDENTIAL PLANNED DEVELOPMENT No. 826

ALDERMAN DEBRA L SILVERSTEIN (50TH WARD)

**6601 - 6653 NORTH KEDZIE AVENUE; 3046 - 3154 WEST ALBION AVENUE;
3046 - 3054 WEST WALLEN AVENUE (private); and
3047 - 3055 WEST WALLEN AVENUE (private); CHICAGO, ILLINOIS**

Pursuant to the provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, the Department of Housing and Economic Development hereby submits this report and

recommendation on a proposed amendment to Residential Planned Development No. 826 for your review and recommendation to the Chicago City Council. The application for this amendment to the Chicago Zoning Ordinance was introduced into the City Council on October 31, 2012. Notice of the public hearing was published in the Chicago Sun-Times on December 5, 2012. The applicant was separately notified of this public hearing.

The application proposes to amend Residential Planned Development No. 826, located in the West Ridge Community on the City's Far North Side. The application proposes to amend the Planned Development to require administrative site plan approval for development of Subarea A, add Townhouse to the permitted uses on Lots 14 -18 of Subarea B and adjust the required setbacks in Subarea B to conform to the pattern of existing development.

BACKGROUND AND AREA DESCRIPTION

Residential Planned Development No. 826 was approved by the Chicago City Council May 1, 2002. The approximately 7.01-acre site lies at the northeast corner of North Kedzie Avenue and West Albion Avenue. The aL@ shaped site is bounded on the west by North Kedzie Avenue, on the south by West Albion Avenue, on the east by a public alley and on the north by a Peoples Gas facility.

Page 1 of 3

To the south and east of the site are single family houses except for the frontage along Kedzie Avenue which includes townhouses and small apartment buildings. North of the site is the CPS' new West Ridge Elementary School, and north of the Peoples Gas facility is a former grocery store which has been converted into a private school and a residential development with 40 single-family houses. On the north side of Pratt Avenue is the Winston Towers condominium development (RPD No.11) which consists of five 14 to 16-story buildings and a series of townhouses. Within easy walking distance of the site are two public parks - Chippewa Park to the east and Lerner Park to the north. The west side of N. Kedzie Avenue is the North Shore Channel with adjacent open space which is located in suburban Lincolnwood.

The 2002 Planned Development divided the site into two subareas, Subarea B (approximately 5.28 acres) at the corner of N. Kedzie Avenue and W. Albion Avenue and Subarea A (approximately 1.82 acres) to the north, fronting on N. Kedzie Avenue. The 2002 plan called for 38 townhouses on Subarea A and 36 single-family detached houses on Subarea B. In addition, 33 feet along the W. Albion Avenue frontage was to be dedicated to the City for the widening of W. Albion Avenue from 33 feet to 66 feet, and a 50-foot wide private street (W. Wallen Avenue) was to be constructed through the middle of Subarea B. Both of these street improvements have been made.

On September 27, 2007, the Planned Development was amended. On Subarea A, it reduced the number of townhouses from 38 to 14 and added a five-story senior building with 150 units. On Subarea B, the number of single-family detached houses was reduced from 36 to 24, and 59 townhouses were added.

By summer 2012, none of the housing contemplated by the 2007 Planned Development amendment had been constructed except for thirteen single-family detached houses. Therefore, on July 25, 2012, the City Council approved an ordinance introduced by Alderman Debra L. Silverstein (50th Ward) to

repeal the 2007 amendment to Residential Planned Development No. 826 and reinstate the original 2002 Planned Development.

PROPOSAL DESCRIPTION

The application proposes to amend Residential Planned Development No. 826 as approved May 1, 2002, to allow up to 36 single-family detached and/or townhouse units in Subarea A subject to administrative site plan approval.

In Subarea B, the amendment would restrict development to a maximum of 49 residential units. Single-family detached houses would be permitted on all lots; Lots 14 -18 could also be developed with townhouses. The amendment would require all housing to front on W. Wallen Avenue (private) with driveway access from W. Albion Avenue, the alley east of N. Kedzie Avenue, or private alleys along the north side of Subarea B. To ensure development consistent with that already in place, the proposed amendment would require a minimum front setback of 15' on the north side of W. Wallen Avenue (private) and would require a front setback on the south side of W. Wallen Avenue (private) of no less than 10' and no more than 11'.

Page 2 of 3

Unless otherwise specified in the proposed amendment, development of single-family detached houses in Subarea A would be subject to the requirements of the RS3 Residential Single-Family Detached District and development of single-family detached houses in Subarea B would be subject to the requirements of the RT4 Residential Two-Flat, Townhouse and Multi-Unit District. Townhouse development in both subareas would be controlled by the townhouse requirements of the Zoning Code (§17-2-0500).

RECOMMENDATION

The Department of Housing and Economic Development has reviewed the project materials submitted by the applicant and has concluded that the proposed amendment to Residential Planned Development No. 826 would be appropriate for the site for the following reasons:

1. The project meets the criteria and objectives set forth in Section 17-13-0900 of the Zoning Ordinance and its adoption would not have any adverse impact on the public's health, safety, or welfare.
2. The maximum Floor Area Ratio (FAR) of 1.03 is a reduction from the 1.32 FAR permitted in the 2002 Planned Development. The maximum permitted number of residential units is increased from 74 to 85, but remains far below the 309 units permissible under the RT4 Residential Two-Flat, Townhouse and Multi-Unit base zoning district.
3. The proposed amended Planned Development is compatible with the character of the surrounding area in terms of uses, density and building scale.
4. The standards and procedures set forth in the amended Planned Development should facilitate a smoother, yet compatible, development of the site.

Based on the foregoing, it is the recommendation of the Department of Housing and Economic

Development that the revised application for an amended Residential Planned Development be approved and that the recommendation to the City Council Committee on Zoning, Landmarks and Building Standards be: "As Revised, Passage Recommended."

Department of Housing and Economic Development

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Department of Housing and Economic Development

city of chicago

**INSTITUTIONAL PLANNED DEVELOPMENT No. 826, as amended (6601 - 6653
NORTH KEDZIE AVENUE; 3046 - 3154 WEST ALBION AVENUE;
3046 - 3054 WEST WALLEN AVENUE (private); and
3047 - 3055 WEST WALLEN AVENUE (private))**

RESOLUTION

WHEREAS, Alderman Debra L. Silverstein (50th Ward) has introduced an ordinance to amend Residential Planned Development No. 826, located in the West Ridge Community Area; and

WHEREAS, the application proposes to require administrative site plan approval for development of Subarea A, add Townhouse to the permitted uses on Lots 14-18 of Subarea B and adjust the required setbacks in Subarea B to conform to the pattern of existing development; and

WHEREAS, an ordinance amending Residential Planned Development No. 826 was introduced into the City Council on October 31, 2012; and

WHEREAS, notice of the public hearing to consider the application was published in the Chicago Sun-Times on December 5, 2012; the applicant was notified of the hearing; and the proposed Planned Development application was considered at a public hearing by this Plan Commission on December 20, 2012; and

WHEREAS, this Plan Commission has reviewed the application with respect to the Planned Development provisions of the Chicago Zoning Ordinance and finds that the proposal would be consistent with that ordinance; and

WHEREAS, the Department of Housing and Economic Development recommended approval of the application, which recommendation and the reasons therefore are contained in the Department's written report dated December 20, 2012, a copy of which is attached hereto and made a part hereof; and

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WHEREAS, the Chicago Plan Commission has fully reviewed the application and all information submissions associated with the proposed development, the report and recommendation of the Department of Housing and Economic Development, and all other testimony presented at the public hearing held on December 20, 2012, giving due consideration to the Planned Development Standards and Guidelines contained in the Chicago Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED BY THE CHICAGO PLAN COMMISSION:

THAT this Plan Commission recommend approval of the attached amended Planned Development Ordinance to the City Council Committee on Zoning, Landmarks and Building Standards and forward the Report of the Department of Housing and Economic Development, dated December 20, 2012, as the findings of this Plan Commission regarding same.

Martin Cabrera, Jr., Chairman Chicago Plan
Commission

Approved: December 20, 2012

RPD No. 826, as amended