



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** SO2014-4183  
**Type:** Ordinance **Status:** Passed  
**File created:** 5/28/2014 **In control:** City Council  
**Final action:** 10/8/2014  
**Title:** Zoning Reclassification Map No. 5-H at 1647-1657 N Milwaukee Ave - App No. 18052  
**Sponsors:** Misc. Transmittal  
**Indexes:** Map No. 5-H  
**Attachments:** 1. O2014-4183.pdf, 2. SO2014-4183.pdf

Date	Ver.	Action By	Action	Result
10/8/2014	1	City Council	Passed as Substitute	Pass
9/30/2014	1	Committee on Zoning, Landmarks and Building Standards	Substituted in Committee	Pass
7/24/2014	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
5/28/2014	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 the current tsi 1 -2 Limited Manufacturing/Business Park District symbols and indications as shown on Map No. 5-H in the area bounded by:

A line 308.50 feet south of West Wabansia Avenue as measured along the northeasterly line of North Milwaukee Avenue; the public alley next northeast of North Milwaukee Avenue; a line 428.71 feet south of West Wabansia Avenue as measured along the northeasterly line of North Milwaukee Avenue; and North Milwaukee Avenue

to those of a B3-3 Community Shopping District which is hereby established in the area described above.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all the current B3-3 Community Shopping District symbols and indications as shown on Map No. 5-H in the area bounded by:

A line 308.50 feet south of West Wabansia Avenue as measured along the northeasterly line of North Milwaukee Avenue; the public alley next northeast of North Milwaukee Avenue; a line 428.71 feet south of West Wabansia Avenue as measured along the northeasterly line of North Milwaukee Avenue;

and North Milwaukee Avenue

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

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

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## RESIDENTIAL BUSINESS PLANNED DEVELOPMENT

### PLAN OF DEVELOPMENT BULK REGULATIONS

### AND DATA TABLE

Gross Site Area	16,949.59 sq. ft. (0.39 acres)
Net Site Area	12,020.98 sq. ft. (0.28 acres)
Area Remaining in Public Right of Way	4,928.61 sq. ft. (0.11 acres)
Maximum Floor Area Ratio	3.50
Minimum Setbacks	Per Site Plan
Maximum Number of Units	36
Minimum Number of Accessory Off-Street Parking	11 spaces
Minimum Number of Off-Street Loading	One berth
Minimum Number of Bicycle Parking	36
Maximum Building Height	70' 4"

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## RESIDENTIAL- BUSINESS PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number \_\_\_\_\_, ("Planned Development") consists of approximately 12,020.98 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Applicant, LG Development Group, LLC.
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 titleholder 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 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 Department of Transportation on behalf of the Applicant or its successors, assign or grantees. Any requests for grant 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 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.

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 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 sixteen (16) Statements: a Bulk Regulations Table; an Existing Land-Use Map; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site/Landscape Plan; a Green Roof Plan and Building Elevations submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development

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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 Business Planned Development: Residential Units; Day Care; Children's Play Center; General Retail Sales; Offices (including medical and veterinary); Service Uses (including Banks, ATM facilities and Personal Services); Artist Work Space; Eating and Drinking Establishments (including incidental sales of

alcoholic beverages); Roof-top Outdoor Patio; Wireless Communications Facilities; and accessory uses.

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 Planning and 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. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted Floor Area Ratio identified in the Bulk Regulations Table has been determined using a Net Site Area of 12,020.98 square feet and a base FAR of 3.5.

9. The Applicant acknowledges and agrees that the rezoning of the Property from MI-2 to B3-3 for construction of this Planned Development triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance ("Residential Project") must: (i) develop affordable housing units as part of the Residential Project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). In accordance with these requirements and the Affordable Housing Profile Form attached hereto as Exhibit A, the Applicant has agreed to provide four affordable housing units in the Residential Project for households earning up to 60% of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units"), or make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$400,000 ("Cash Payment"). At the time of each Part II review for the Residential Project, Applicant may update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval. If the Applicant subsequently reduces the number of dwelling units in the Residential Project, DPD may adjust the requirements of this Statement 9 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without

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amending the Planned Development. Prior to the issuance of any building permits for the Residential Project, including, without limitation, excavation or foundation permits, the Applicant must either make the required Cash Payment, or execute an Affordable Housing Agreement in accordance with Section 2-45-110(i)(2). The terms of the Affordable Housing Agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the Affordable Housing Agreement will be recorded against the Residential Project and will constitute a lien against each Affordable Unit. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit. The Commissioner of DPD may enforce remedies for breach of the Affordable Housing Agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the Planned Development.

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

12. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

13. 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.

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 to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.

15. 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

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costs and conserves energy and natural resources. The applicant has agreed to provide a 50% green roof over the net roof area as depicted in the attached Landscape Plan and Green Roof and achieve Certification under applicable programs (LEED, Energy Star or Green Globes) to comply with the City of Chicago's Sustainable Matrix.

16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of the Department of Planning and Development shall initiate a Zoning Map Amendment to rezone the property to a B3-3 Community Shopping District.

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