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Legislation Details (With Text)

File #: SO2015-5371
Type: Ordinance
Status: Passed
File created: 7/29/2015
In control: City Council
Final action: 9/24/2015
Title: Zoning Reclassification Map No. 5-H at 1749-1769 N Milwaukee Ave and 1733-1745 N Leavitt Ave - App No. 18470
Sponsors: Misc. Transmittal
Indexes: Map No. 5-H
Attachments: 1. SO2015-5371.pdf, 2. O2015-5371.pdf

Date	Ver.	Action By	Action	Result
9/24/2015	1	City Council	Passed as Substitute	Pass
9/21/2015	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	Pass
9/14/2015	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	Pass
7/29/2015	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 Bl-1 Neighborhood Shopping District symbols and indications as shown on Map 5-H in the area bounded by:

North Leavitt Street; the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at a point 243.00 feet east of North Leavitt Street as measured along the southerly line of the former C. M. St. P. & P. RR right-of-way extending to a point 42.00 south of and almost perpendicular to the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at last said point and extending 143.70 feet south to a point 25 feet northwest of the public alley next southwesterly of and perpendicular to North Wilmot Avenue; a line beginning at said last point and extending 25 feet to a point 71.58 feet southwest of the intersection of the public alley next southwesterly of and perpendicular to North Wilmot Avenue as measured along the northwesterly line of said public alley; the public alley next southwesterly of and perpendicular to North Wilmot Avenue; the public alley next northeasterly of and almost parallel to North Milwaukee Avenue; a line 239.90 feet southeast of the intersection of North Milwaukee Avenue and North Leavitt Avenue as measured along the . . . northeasterly line of North Milwaukee Avenue and perpendicular thereto; and North Milwaukee Avenue;

to those of a 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-H in the area bounded by:

North Leavitt Street; the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at a point 243.00 feet east of North Leavitt Street as measured along the southerly line of the former C. M. St. P. & P. RR right-of-way extending to a point 42.00 south of and almost perpendicular to the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at last said point and extending 143.07 feet south to a point 25 feet northwest of the public alley next southwesterly of and perpendicular to North Wilmot Avenue; a line . beginning at said last point and extending 25 feet to a point 71.58 feet southwest of the intersection of the public alley next southwesterly of and perpendicular to North Wilmot Avenue and North Wilmot Avenue as measured along the northwesterly line of said public alley; the public alley next southwesterly of and perpendicular to North Wilmot Avenue; the public alley next northeasterly of and almost parallel to North Milwaukee Avenue; a line 239 feet south of the intersection of North Milwaukee Avenue and North Leavitt Avenue as measured

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along the northeasterly line of North Milwaukee Avenue and perpendicular thereto; and North Milwaukee 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.

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.

PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number _____ ("Planned Development") consists of approximately 58,984 net square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). The owner of the Property, NRG Milwaukee Leavitt, LLC, is the applicant ("Applicant") 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 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 in effect as of the date of this Planned Development.

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 Plans.

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

All work proposed in the public way must be designed and constructed in accordance with the CDOT 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 CDOT.

4. This Plan of Development consists of 15 Statements, a Bulk Regulations and Data Table, and the following plans prepared by Hirsch Associates LLC and dated September 17, 2015 (collectively, the "Plans"): Existing Zoning Map, Existing Land Use Map, Planned

1

Applicant: NRG Milwaukee Leavitt, LLC
Address: 1749-1769 North Milwaukee Avenue, 1733-1745 North Leavitt Street, Chicago, IL 60647
Introduced: July 29, 2015
Plan Commission: September 17, 2015
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Development Property "Line and Boundary Map, Site Plan, Proposed Landscape/Green Roof Plan, and Building Elevations. Full-sized copies of the Plans are on file with DPD. 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. These and no other zoning controls shall apply to the Property.

5. The following uses shall be permitted in this Planned Development: multi-unit residential dwelling

units above the ground floor, artist work or sales space; dry cleaner; restaurant; outdoor patio (at grade level or on a rooftop); food and beverage retail sales (provided any sale of liquor shall be accessory only); financial services (except drive-through facilities, payday/title secured loan stores and pawn shops); general retail sales; medical service; offices; personal services (including, without limitation, yoga and fitness studios); hair salon, nail salon or barber shop; and accessory parking.

6. 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.
7. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted overall FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 58,984 square feet. • ;■
8. 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.
9. The 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 DPD. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
10. 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.
11. 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

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Applicant: NRG Milwaukee Leavitt, LLC
Address: 1749-1769 North Milwaukee Avenue, 1733-1745 North Leavitt Street, Chicago, IL 60647
Introduced: July 29, 2015
Plan Commission: September 17, 2015
EASTM 01193308.4

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the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.

12. 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.

13. 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 seek LEED or Energy Star certification and a green roof of not less than 50% of the net roof area shall be provided.
14. The Applicant acknowledges and agrees that the change of zoning of the underlying zoning district of this Planned Development No. _____ from the B1-1 Neighborhood Shopping District to the B3-3 Community Shopping District 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 10 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 \$100,000 per required affordable unit ("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 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 14 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without 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

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Introduced: July 29, 2015
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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.

15. 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: NRG Milwaukee Leavitt, LLC
Address: 1749-1769 North Milwaukee Avenue, 1733-1745 North Leavitt Street, Chicago, IL 60647
Introduced: July 29, 2015
Plan Commission: September 17, 2015
EASTU 01193308.4

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RESIDENTIAL BUSINESS PLANNED DEVELOPMENT NO.

BULK REGULATIONS AND DATA TABLE

Gross Site Area (sf):	72,224
Area of Public Rights-of-Way (sf):	13,240
Net Site Area (sf):	58,984
Maximum Floor Area Ratio:	2.2
Maximum Number of Dwelling Units:	95
Minimum Off-Street Parking Spaces:	116
Minimum Bicycle Parking Spaces:	87
Minimum Off-Street Loading Spaces:	1 (10' x 50'); 1 (10' x 25')
Maximum Building Height:	80'0"
Minimum Setbacks:	In conformance with the Plans

1

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Department of Planning and Development
CITY OF CHICAGO

MEMORANDUM

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

David L. Reifman Acting Secretary Chicago Plan Commission

September 18, 2015

RE: Proposed Residential Business Planned Development for property generally located at
1749 N. Milwaukee Avenue.

On September 17, 2015, the Chicago Plan Commission recommended approval of the proposed planned development submitted by NRG Milwaukee Leavitt, LLC,. A copy of the proposed planned development 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 Planning and 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)

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

Chicago Plan Commission

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

SEPTEMBER 17, 2015

**PROPOSED PLANNED
DEVELOPMENT (APPLICATION NO. 18470)**

NRG MILWAUKEE LEAVITT, LLC

1749 NORTH MILWAUKEE AVENUE

Pursuant to the provisions of the Chicago Zoning Ordinance, Title 17 of the Municipal Code of Chicago, the Department of Planning and Development hereby submits this report and recommendation on a proposed Planned Development for your review and recommendation to the Chicago City Council. The application was introduced to the Chicago City Council on July 29, 2015. Notice of this public hearing was published in the Chicago Sun-Times on September 2, 2015. The Applicant was separately notified of this public hearing.

The property is identified as 1749 N. Milwaukee Avenue and is generally located at the northeast corner of North Leavitt Avenue and North Milwaukee Avenue. The applicant, NRG Milwaukee Leavitt, LLC, proposes to construct a six-story 95 dwelling unit building with retail and restaurant use at the ground floor; additionally the proposal would provide interior parking that would accommodate 56 vehicles on the basement level of the building and 60 vehicles on a surface parking lot behind the building.

This request is being submitted as a mandatory planned development, pursuant to Section 17-08-0513-A, due to the fact that the proposed project exceeds the unit-count threshold of 60 units in a dash 3 underlying zoning designation.

SITE AND AREA DESCRIPTION

The subject property is located at the northeast corner of North Leavitt Avenue and North Milwaukee Avenue and is located adjacent to business, commercial, light manufacturing and residential uses. East of the site lie parcels of land zoned RT-4 Residential Two-Flat, Townhouse and Multi-Unit District, B3-2 Community Shopping District, B2-3 Neighborhood Mixed-Use District and M1-2 Limited Manufacturing / Business Park District. North of the site is the Bloomingdale Trail also known as the "606", the trail is a dedicated public walking, jogging, and bicycling trail; beyond that embankment to the north are parcels of land zoned as Residential Planned Development #744. West of the site are parcels of land zoned RT-4 Residential Two-Flat, Townhouse and Multi-Unit District, B1-1

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Neighborhood Shopping, B3-3 Community Shopping District, and POS-2 Park and Open Space - Neighborhood Park, Mini-Park or Play Lot District. South of the site is land zoned C1-2, Neighborhood Commercial District and M1-2 Limited Manufacturing / Business Park District. The site is not in the Lake Michigan and Chicago Lakefront Protection District. The site is not located within a designated Tax Increment Financing (TIF) District. The site is not located within the boundaries of a Chicago Landmark District and it does not contain any designated local or national landmark structures or sites.

The CTA has bus routes #49 (Western); #50 (Damen); #56 (Milwaukee); #72 (North); and #73 (Armitage); all running on a route within a half-mile of the site. The Western Avenue and Damen avenue stations on the O'Hare branch of the CTA Blue Line are located just over 1/2 mile from the subject site.

PROJECT BACKGROUND AND DESCRIPTION

The site consists of approximately 59,026 square feet (1.36 acres) and is currently improved with an existing one-story Aldi grocery store. The applicant proposes to demolish and remove the grocery store and will propose to construct a six-story mixed use building on the site. The proposed building will have retail and commercial use on the first floor, 56 parking spaces dedicated to the residential units on the basement level, and 95 units on floors 2 through 6. A surface parking lot will be located behind the first floor and will provide 60 parking spaces for the retail customers.

DESIGN

The proposed project will be primarily finished with metal and glass panels and each elevation will have a multitude of aluminum frame windows as well as a standard storefront system at the ground floor level. The building proposes to locate active uses immediately adjacent to the street edge along both Milwaukee and Leavitt avenue, they have proposed an outdoor seating area along the Leavitt street frontage incidentally this area is immediately across the street from a public access point to the "606" trail. The proposed color palette includes earth tone browns, white, silver or gray, and blue.

LANDSCAPING AND SUSTAINABILITY

The entire planned development will be compliant with the requirements of the Chicago Landscape Ordinance specifically in terms of parkway trees,

The subject site will be designed to be in compliance with the current City of Chicago Sustainable Development policy and will provide a vegetated roof totaling a minimum of 50% of the net roof area which equates to 8,907 square feet of area. Additionally the subject building will obtain a LEED certification.

ACCESS / CIRCULATION

Access to the site is provided by way of a driveway located along North Milwaukee Avenue; this driveway takes vehicles underneath an overhang and behind the building. Trucks that enter the site can complete a one way loop of

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the parking lot and back into a loading berth provided specifically for the retail users, vehicles driven by customers of Aldi can park in the surface parking stalls and people who reside in the building and/or their visitors can enter the residential parking garage and loading area. The bicycle parking for the building uses is provided adjacent to the residential core area and can be access both from the building lobby and the rear parking area. All vehicle parking, bicycle parking/storage and,loading docks will be designed to be compliant with Chapter 10 ofthe Chicago "Zoning Ordinance.

BULK/USE/DENSITY

The current maximum allowable Floor Area Ratio (FAR) for the proposed underlying zoning district (B3-3) is 3.0; however, the proposed planned development is designed for and will be limited to a maximum FAR of 2.2. The proposed planned development will maintain setbacks that are in compliance with the requirements ofthe B3-3 zoning designation. All remaining bulk, use and density items will be in substantial compliance with the stipulations of Section 17-3-0400 for B3-3 zoning districts.

RECOMMENDATION

The Department of Planning and Development has reviewed the project materials submitted by the Applicant and compared this proposal to the requirements of the Chicago Zoning Ordinance and existing development in the community. The area around this project is composed of manufacturing uses and is accessible from public transit. Based on that analysis,'DPD has concluded that this proposal is appropriate for this site and supports this development for the following reasons:

1. Promotes unified planning and development (per 17-8-0102), as evidenced through the project design which strives to maintain a balance between the retail functions of the street level with the residential uses of the floors above as well as proposing a design that will further build on the success of the 606 trail, this is achieved through providing adequate access via car and bicycle to the property, providing bicycle amenities that provide easy access to the 606 trail via the public entrance point to the northwest across Leavitt Avenue while at the same time making sure the property is inviting to the pedestrian traffic along Milwaukee and Leavitt Avenues;
2. Promotes economically beneficial development patterns that are compatible with the character of existing neighborhood (per 17-8-0103), as evidenced by the design of the project, and the fact that the proposed uses are in context with the character of the adjacent properties and also meet the needs ofthe immediate community;
3. Promotes transit, pedestrian and bicycle use, ensures accessibility for persons with disabilities and minimizes conflicts with existing traffic patterns in the vicinity (per 17-8-0904-1-2, 3 & 4), as evidenced by the site's close proximity to public transit in the form of various CTA bus lines as well as the Western Avenue and Damen Avenue blue line

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stops; the accessibility accommodations made on-site for the building users; pedestrian and bicycle ingress and egress options provided to the building users in the form of 90 bicycle parking stalls and lastly ensuring that the design of the site works within the confines of the current existing traffic patterns at the site and creates little or no adverse impact to those patterns.

4. Building Orientation and Massing (per 17-8-0906-B), as evidenced by the project design which brings the edge of the building up to the street frontage and provides large transparent store front windows to create an active building wall;
5. All sides and areas of the buildings that are visible to the public should be treated with materials, finishes, and architectural details that are of high-quality and appropriate for use on primary public-right-of-way-facing facade (per 17-8-0907-A-4), as evidenced through the information contained within this report, the proposed material is to be metal panels along with aluminum window systems and standard storefront system as shown on the elevations in the exhibits for this planned development, and the corresponding proposal renderings;

The project meets the purpose and criteria set forth in the Chicago Zoning Ordinance and its adoption would not have any adverse impact on the public's health, safety or welfare:

- 1. Per 17-13-0308-C, the proposed development is compatible with surrounding commercial, retail, and residential developments in terms of land use, as well as, the density and scale of the physical structure.
2. Per 17-13-0308-D, the proposed underlying zoning for this planned development (B3-3) and is consistent with other zoning districts, both adjacent to this site and in the immediate area.
3. Per 17-13-0308-E, the public infrastructure facilities and City services will be adequate to serve the proposed development at the time of occupancy and the project will comply with the requirements for access in case of fire and other emergencies. The proposed project has been reviewed by the Mayor's Office for People with Disabilities and the Department of Transportation and all requested changes have been made. Copies of this application have been circulated to other City departments and agencies and no comments have been received which have not been addressed in the application.

Based on the foregoing, it is the recommendation of the Department of Planning and Development that this application for the establishment of a Planned Development be approved and that the recommendation to the City Council Committee on Zoning Landmarks and Building Standards be "Passage Recommended".

Bureau of Planning and Zoning
Department of Planning and Development

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Department of Planning and Development city of chicago

**1749 NORTH MILWAUKEE AVENUE PROPOSED RESIDENTIAL BUSINESS
PLANNED DEVELOPMENT
(APPLICATION NO. 18470)**

RESOLUTION

WHEREAS, the applicant, NRG Milwaukee Leavitt LLC, has submitted an application to establish a planned development; and,

WHEREAS, the Applicant is proposing to construct a six story mixed use building with commercial use on the ground floor and 95 dwelling units on the floors above, the applicant will provide 56 parking stalls in the basement level of the building to serve the residential units and 60 parking stalls on a surface lot to serve the commercial uses; and,

WHEREAS, the Applicant is proposing to rezone the property from B1-1 (Neighborhood Shopping District) to a B3-3 (Community Shopping District) and then to a Residential Business Planned Development; and,

WHEREAS, the Applicant's request to rezone the property was introduced to the City Council on July 29, 2015; and,

WHEREAS, proper legal notice of the hearing for this application before the Plan Commission was published in the Chicago Sun-Times on September 2, 2015 and the Applicant was separately notified of this hearing; and,

WHEREAS, the proposed zoning application was considered at a public hearing by this Plan Commission on September 17, 2015; and,

WHEREAS, the Department of Planning and Development recommended approval of the application, with the recommendation and explanation contained in the written report dated September 17, 2015, a copy of which is attached hereto and made a part hereof; and,

WHEREAS, the Plan Commission has fully reviewed the application and all associated informational submissions, the report and recommendation of the Department of Planning Development and all other testimony presented at the public hearing held on September 17, 2015, giving consideration to the

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

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applicable provisions of the Zoning Ordinance.

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

1. THAT the above-stated recitals to this resolution together with the report of the Department of Planning and Development be adopted as the findings of fact of the Plan Commission regarding this zoning map amendment application; and,
2. *THAT this Plan Commission recommends approval to the City Council Committee on Zoning, Landmarks and Building Standards of the final zoning map amendment application dated July 29, 2015, as being in conformance with the provisions, terms and conditions of the Zoning Ordinance. /]*

PD No.:

Approved: September 17, 2015

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

CITY OF CHICAGO

APPLICATION FOR AN AMENDMENT TO THE CHICAGO ZONING
ORDINANCE

1. ADDRESS of the property Applicant is seeking to rezone:

1749-1769 North Milwaukee Avenue. 1733-1745 North Leavitt Street, Chicago, IL 60647

2. Ward Number that property is located in: 32nd Ward

3. APPLICANT NRG Milwaukee Leavitt. LLC ADDRESS 225

West Hubbard Street, Suite 400

CITY Chicago STATE IL ZIP CODE 60654

PHONE 312-279-2689 CONTACT PERSON Stephanie T. Bengtsson

4. Is the applicant the owner of the property? YES ☒ NO ☐
If the applicant is not the owner of the property, please provide the following information regarding the owner and attach written authorization from the owner allowing the applicant to proceed.

OWNER Same as Applicant

ADDRESS,

CITY STATE ZIP CODE

PHONE CONTACT PERSON

5. If the Applicant/Owner of the property has obtained a lawyer as their representative for the rezoning, please provide the following information:

ATTORNEY Richard F. Klawiter & Katie Jahnke Dale - DLA Piper LLP (US)

ADDRESS 203 N. LaSalle Street, Suite 1900

CITY Chicago STATE IL ZIP CODE 60601

PHONE (312) 368-7243 /-2153 FAX (312) 630-7337

EMAIL richard.klawiter / katie.dale@dlapiper.com

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6. If the applicant is a legal entity (Corporation, LLC, Partnership, etc.) please provide the names of all owners as disclosed on the Economic Disclosure Statements:
See attached Economic Disclosure Statements

7. On what date did the owner acquire legal title to the subject property? July 2015
8. Has the present owner previously rezoned this property? If yes, when? No
9. Present Zoning District Bl-1 Neighborhood Shopping District
Proposed Zoning District B3-3 Community Shopping District, then to a Residential-Business Planned Development
10. Lot size in square feet (or dimensions) +/- 59,026 square feet
11. Current Use of the Property Retail and surface parking
12. Reason for rezoning the property Mandatory planned development pursuant to Section 17-8-0513-A of the Zoning Ordinance (Large Residential Developments)
13. Describe the proposed use of the property after the rezoning. -Indicate the number of dwelling units; number of parking spaces; approximate square footage of any commercial space; and height of the proposed building. (BE SPECIFIC)

The Applicant requests a rezoning of the subject property from Bl-1 to B3-3 and then to Residential-Business Planned Development to allow for construction of a +/- 69'4" mixed-use commercial and residential building containing up to 2.2 FAR, up to 95 dwelling units, accessory parking, a +/- 18,000 square foot grocery store and +/- 5,000 square feet of other commercial uses on the ground floor, and accessory and incidental parking and uses. A Planned Development is mandatory because the proposed development contains more than 60 dwelling units in the B3-3 Community Shopping District.

14. On May 14th, 2007, the Chicago City Council passed the Affordable Requirements Ordinance (ARO) that requires on-site affordable housing units or a financial contribution if residential housing projects receive a zoning change under certain circumstances. Based on the lot size of the project in question and the proposed zoning classification, is this project subject to the Affordable Requirements Ordinance? (See fact Sheet for more information)

YES X NO

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COUNTY OF ILLINOIS OF COOK STATE

, authorized signatory of NRG Milwaukee Leavitt, LLC, being first duly sworn on oath, states "that all of the above statements and the statements contained in the documents submitted herewith are true and correct.

Signature of Applicant

Subscribed and Sworn to before me this
day of , 2015.

Notary Public

For Office Use Only

1 1 <

Date of Introduction:

File Number:

Ward:

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