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121 N. LaSalle St.
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Legislation Details (With Text)

File #: SO2016-6342
Type: Ordinance
Status: Passed
File created: 9/14/2016
In control: City Council
Final action: 4/10/2019
Title: Zoning Reclassification Map No. 3-H at 1628 W Division St - App No. 18947T1
Sponsors: Misc. Transmittal
Indexes: Map No. 3-H
Attachments: 1. SO2016-6342.pdf, 2. O2016-6342.pdf

Date	Ver.	Action By	Action	Result
4/10/2019		City Council	Passed as Substitute	Pass
4/18/2018	1	Committee on Zoning, Landmarks and Building Standards	Held in Committee	
4/12/2018	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
9/14/2016	1	City Council	Referred	

FINAL FOR PUBLICATION * J¹ r' -T

SUBSTITUTE ORDINANCE

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Title 17, of the Municipal Code of Chicago, the Chicago Zoning Ordinance be amended by changing all the B3-2 Community Shopping District symbols and indications as shown on Map No. 3-H in the area bounded by

beginning at the alley next southwest of and parallel to North Milwaukee Avenue; the alley next west of North Ashland Avenue and perpendicular to North Milwaukee Avenue; the alley next north of and parallel to West Division Street; a line 123 feet west of and parallel to North Ashland Avenue; West Division Street; a line 273.44 feet west of and parallel to North Ashland Avenue; a line 108 feet north of and parallel to West Division Street; the alley second west of and parallel to North Ashland Avenue and the centerline of said alley if extended northwest; a line 390 feet southwest of and parallel to North Paulina Street; a line 306.5 feet southwest of and parallel to North Milwaukee

Avenue; and a line 318 feet southeast of and parallel to North Paulina Street running northwest to the point of beginning,

to those of a B3-5 Community Shopping District and a corresponding use district is hereby established in the area above described.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all the B3-5 Community Shopping District symbols and indications within the area herein above described to the designation of Residential-Business Planned Development No. _____, 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.

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

Common address of property:

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.
PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential Business Planned Development No. ("Planned Development") consists of forty-eight thousand five hundred and seventy square feet (48,570 SF) or one point eleven hundredths acres (1.11) of properly ("Property"), which is depicted on the attached Planned Development Boundary and Property Line Map and which is owned and/or controlled by the Applicant - 1200 Ashland 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 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.
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, 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:

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Introduced: September 14, 2016 Plan Commission: March 15, 2018

- 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 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 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 seventeen (17) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Site Plan; Floor Plans; a Landscape Plan; a Green Roof Plan; and Building Elevations (North, South, East and West) - prepared by Wallin Gomez Architects Ltd. and dated March 15, 2018, and an Affordable Housing Profile Form - all of which are 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 conforms to the intent and purpose of the Chicago 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,Chicago Zoning Ordinance, this Planned Development shall control
5. The following uses are permitted in the area delineated herein as the Residential-Business
5. Planned Development: dwelling units (above the 1st Floor), commercial, retail, office,
5. personal service - and accessory uses, as well as accessory and non-accessory off-street
5. parking and loading. ".*
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

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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 Chicago 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 forty-eight thousand five hundred and seventy square feet (48,570 SF) and a maximum base FAR of 4.0.
9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, 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.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines, including Section 17-13-0800. 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.
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 13-32-085, or any other provision of the Municipal Code of Chicago.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A, by the Zoning Administrator upon the application "for such a modification by the Applicant, its successors and assigns and, if different, in the Applicant, the legal title holders and any ground lessors. W
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.

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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 and agrees that the rezoning of the Property from B3-2 to B3-5, and then to this Residential-Business Planned Development, for construction of the Planned Development triggers the requirements of Section 2-45-115 of the Municipal Code (the "Affordable Requirements Ordinance" or the "ARO"). The Applicant further acknowledges and agrees that the Property is located in the Milwaukee Corridor Pilot Area, pursuant to Section 2-45-119 of the Municipal Code (the "Milwaukee Corridor ARO Pilot Area Ordinance" or the "Pilot") and as a result, the percentage of units in a residential housing project required to be affordable for a period of 30 years, whether rental or for-sale, is increased from 10% to 15% - if units are located on-site, or, with the approval of the Commissioner of the Department of Planning and Development (the "Commissioner"), from 10% to 20% - if the units are located in an off-site location within the Pilot. The Planned Development has a total of 154 housing units, including 33 existing units and 121 new units. The existing units will not be further "developed" within the meaning of the ARO (i.e., undergo substantial rehabilitation or conversion to condominiums), and, therefore, the ARO requirements apply only to the 121 new units in the Planned Development. The Applicant has agreed to satisfy its affordable housing obligation by providing all required affordable units on-site (15% of 121, rounded down = 18), as set forth in the Affordable Housing Profile Form attached hereto. In accordance with the Pilot, the Applicant is required to lease the affordable units to households earning up to 80% of the Chicago Primary Metropolitan Statistical Area Median Income ("AMI"), at prices affordable to households earning up to 60% AMI. If the Applicant subsequently reduces (or increases) the number of housing units in the Planned Development, including by "developing" (i.e., substantially rehabilitating or converting "I to condos) the existing 33 units, or elects to build, a for-sale project instead of a rental ^J. project, or (with the Commissioner's approval) elects to construct off-site units instead of \r. on-site units, the Applicant shall update and resubmit the Affordable Housing Profile Form, to the Department of Planning and Development ("DPD"), for review and . approval. DPD may adjust the requirements to reflect any such change without amending >,, ' > the Planned Development. Prior to the< issuance, of any building permits for any residential building in the Planned Development, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in accordance with Section 2-45-115(L). 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

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recorded against the Planned Development, or the applicable portion thereof, and will constitute a lien against such property.

The Commissioner may enforce remedies for any breach of this Statement 15, including any breach of any 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.

16. 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 MAVBE 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 may request such additional information as the department determines may be necessary, or useful in evaluating the 'rr extent to which M/WBEs and city residents are'-iinfoimed 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.

17. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development ordinance lapse, the Commissioner of the Department of Planning

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and Development shall initiate a Zoning Map Amendment to rezone the property to a B~ 5 Community Shopping District.

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RESIDENTIAL-IJUSINESS PLANNED DEVELOPMENT NO. HULK REGULATIONS AND DATA

TABLE

Gross Site Area: Area of Public R.O.W. Net Site Area:

Permitted Floor Area Ratio:

Maximum Number of Dwelling Units:

Number of Off-Street Parking Spaces:

Minimum Number of Bicycle Parking Spaces:

Minimum Off-Street Loading Spaces: Setbacks from Property Line:

58,867 square feet (1.36 acres) 10,927 square feet (0.25 acres) 48,570 square feet (1.11 acres)

4.0

154 residential dwelling units

141 total parking spaces

124 bicycle spaces 1 loading space

In substantial compliance with the attached Site Plan

Maximum Building Height:

2015 Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the 2015 ARO (all projects submitted to City Council after October 13, 2015). More information is online at www.cityofchicago.org/ARO <<http://www.cityofchicago.org/ARO>>.

This completed form should be returned to: Kara Breems, Department of Planning & Development (DPD), 121 N. LaSalle Street, Chicago, IL 60602. E-mail: kara.breems@cityofchicago.org <<mailto:kara.breems@cityofchicago.org>>

Date: 3/7/2018

DEVELOPMENT INFORMATION

Development Name: Vision 2

Development Address: 1628 W Division St, Chicago, IL 60622

Zoning Application Number, if applicable; 18947

Ward: 1st

If you are working with a Planner at the City, what is his/her name? Noah Szafraniec

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 documents are received 11/ [ARO Web Form completed and attached - or submitted online on

[^]/[ARQ "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) [✓] If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdf) | | If ARO units proposed are off-site, required attachments are included (see next page) | | If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)

DEVELOPER INFORMATION

Developer Name RDM Development

Developer Contact Jim Panella

Developer Address 1200 N Ashland Ave, Chicago, IL

Email jpanella@rdmhomes.com <<mailto:jpanella@rdmhomes.com>> Developer Phone 773-529-3200

Attorney Name Sara Barnes

Attorney Phone 312-782-1983

TIMING

Estimated date marketing will begin 6/1/2019 Estimated date of building permit*

■) / 2019 Estimated date ARO units will be complete 3/-/2020

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

PROPOSED to NITS MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)
Developer/Project Manager

Date
Dali

ARO Web Form

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Applicant Contact Information

Name: Jim Panella

Email: jpanella@rdmhomes.com <mailto:jpanella@rdmhomes.com>

Development Information

Submitted Date: 03/07/2018

Number From: 1624 Street name: Division St
Direction: W Postal Code: 60622

Development Name

Vision 2

Are you rezoning to downtown?: No

Is your project subject to the ARO Pilots?: PILOTS APPLY

Information

Ward: 1 ARO Zone: Higher Income Pilot Area: Milwaukee Corridor

Details

ARO trigger: Zoning change Total units: 121 Development
type: Rent

Requirements

Onsite Units: 18 Off-Site units: 24

How do you intend to meet your ARO Unit obligations?

On-Site: 18

Off-Site: 0

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 18

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