



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Text

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File #: SO2014-2335, Version: 1

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**FINAL FOR  
PUBLICATION**

### **SUBSTITUTE 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 CI-2 Neighborhood Commercial District symbols and indications as shown on Map 3-G in the area bounded by:

North Milwaukee Avenue; the south line of Lot 13 in Harbine and Roman's Subdivision of that part of the Southeast Quarter lying southwest of Milwaukee Avenue in Section 5, Township 39 North, Range 14; the public alley southwest of and parallel to North Milwaukee Avenue; the north line of Lot 8 in Harbine and Roman's Subdivision of that part of the Southeast Quarter lying southwest of Milwaukee Avenue in Section 5, Township 39 North, Range 14;

to those of a CI-3 Neighborhood Commercial District.

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

North Milwaukee Avenue; the south line of Lot 13 in Harbine and Roman's Subdivision of that part of the Southeast Quarter lying southwest of Milwaukee Avenue in Section 5, Township 39 North, Range 14; the public alley southwest of and parallel to North Milwaukee Avenue; the north line of Lot 8 in Harbine and Roman's Subdivision of that part of the Southeast Quarter lying southwest of Milwaukee Avenue in Section 5, Township 39 North, Range 14;

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 15,831 net square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). The Applicant, AP 830 N. Milwaukee Property, LLC, is the owner of the Property.

At the time of implementation of this Planned Development, the site has been zoned C1-3 and is located within 600 feet of an entrance to the CTA Blue Line's Chicago station. Because the application reduces the number of parking spaces by 50% from the minimum otherwise required, it is eligible for increased Floor Area Ratio (Section 17-3-0403-B), reduced Minimum Lot Area per Unit (Section 17-3-0402-B), and increased height (Section 17-3-0408-B). Due to the increase in Floor Area Ratio, the project is required to be a mandatory planned development pursuant to Sec. 17-3-403-B.

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.
3. All applicable official reviews, approvals or pennits 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 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.

Applicant: AP 830 N Milwaukee Property, LLC  
Address: 822-834 N. Milwaukee Avenue, Chicago, IL 60642  
Introduced: April 2, 2014  
Plan Commission: December 18, 2014  
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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 JI approval, the submitted plans must be approved by the Department of Transportation.

4. This Plan of Development consists of 16 Statements, a Bulk Regulations and Data Table, and the following plans prepared by bKL Architecture and dated December 18, 2014 (collectively, the "Plans"): Existing Zoning and Land Use Map, Planned Development Boundary and Property Line Map, Site Plan, Landscape/Green Roof Plan, and Building Elevations. Full-sized copies of the Plans are on file with the Department of Planning and Development ("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: dwelling units located above the ground floor, eating and drinking establishments, bank, savings bank, savings and loan association, automated teller machines facility, food and beverage retail sales, medical service, office, personal service, general retail sales, artist work or sales space, business equipment sales and service, 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 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 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 15,831 square feet.
9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by DPD. The fee, as determined by staff at the time, is final and binding on the Applicant and must be paid to the Department of Revenue prior to the issuance of any Part II approval.
10. The 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

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

11. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the Applicant, its successors and assigns and, if different than the Applicant, the legal title holders and any ground lessors.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for

persons with disabilities and to promote the highest standard of accessibility.

14. The Applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall seek LEED certification and shall provide either a combination of green roof and solar panels meeting the Sustainable Development Policy matrix in effect as of the date of this Planned Development (approximately 2,200 sf green roof and 865 sf solar panels) or, alternatively, a green roof of not less than 50% of the net roof area (approximately 5,650 sf) (based on a net roof area of approximately 11,300 sf).
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 Cl-2 Neighborhood Commercial District.
16. The Applicant acknowledges and agrees that the rezoning of the Property from Cl-2 to Cl-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 an exhibit, the Applicant has agreed to provide five (5) affordable housing units in the Residential Project for households earning up to 60% of

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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 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 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 16 (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 pennits 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.

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**RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.  
BULK REGULATIONS AND DATA TABLE**

Gross Site Area (sf): Area of Public Rights-of-Way (sf): Net Site Area (sf): Maximum Floor Area Ratio:  
Maximum Number of Dwelling Units: Maximum Off-Street Parking Spaces: Minimum Bicycle Parking  
Spaces: Minimum Off-Street Loading Spaces: Maximum Building Height: Minimum Setbacks:

Front (Milwaukee):

Side (Southeast):

Side (Northwest):

Rear (Alley):

21,839

6,008

15,831

3.50

47\*

24 (per 17-10-0102-B. 1) 35 (per 17-10-0102-B.3) 1 (10' x25') 69'(per 17-17-0311)

None None 3 feet

In substantial conformance with the Plans.

Max. 35% efficiency units.

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EXISTING LAND USE AND ZONING MAP /T\  
Scale: N.T.S. ( 1 )

PERIMETER: 507' - 8"

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RES (3)

(#): EXISTING NUMBER OF FLOORS

APPLICANT: AP 830 N. MILWAUKEE PROPERTY LLC ADDRESS 822-834 N. MILWAUKEE AVENUE CHICAGO IL 60642 DATE OF INTRODUCTION: APRIL 2 2014 UH\AA\j\01 .L 60642 DATE OF PLAN COMMISSION. DECEMBER 18, 2014

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CHICAGO AVENUE

PLANNED DEVELOPMENT BOUNDARY AND PROPERTY LINE MAP Scale: N.T.S.

APPLICANT: AP 830 N. MILWAUKEE PROPERTY, LLC ADDRESS: 822-834 N. MILWAUKEE AVENUE, CHICAGO, IL 60642 DATE OF INTRODUCTION: APRIL 2, 2014 DATE OF PLAN COMMISSION: DECEMBER 18, 2014

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SITE PLAN Scale: N.T.S.

APPLICANT: AP 830 N. MILWAUKEE PROPERTY, LLC ADDRESS: 822-834 N MILWAUKEE AVENUE, CHICAGO, IL 60642 DATE OF INTRODUCTION: APRIL 2, 2014  
DATE OF PLAN COMMISSION: DECEMBER 18, 2014 <sup>M1</sup>

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143' ■ 10 5/8"  
- TO REMAIN      EXISTING      STREET      LIGHTS

OPEN TO BELOW

LANDSCAPING TO  
COVER 50% OF TOTAL  
NET ROOF AREA (INCLUDING L2 ROOF)-

OPENTO BELOW

SURFACE PARKING LOT

**LANDSCAPE/ROOF**  
Scale: N.T.S.

**PLAN**

**LANDSCAPE / ROOF PLAN ALTERNATE Scale: N.T.S.**

**APPLICANT: AP 830 N. MILWAUKEE PROPERTY, LLC ADDRESS: 822-834 N. MILWAUKEE AVENUE, CHICAGO, IL 60642 DATE OF INTRODUCTION. APRIL 2, 2014 DATE OF PLAN COMMISSION: DECEMBER 18, 2014**

**NOTE: Sidewalk in public R.O.W. is less than 9ft wide therefore no street trees are required.**



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NORTH  
ELEVATION Scale: N.T.S.

BUILDING

APPLICANT: AP 830 N. MILWAUKEE PROPERTY, LLC ADDRESS: 822-  
834 N. MILWAUKEE AVENUE, CHICAGO, IL 60642 DATE OF  
INTRODUCTION: APRIL 2, 2014 DATE OF PLAN COMMISSION:  
DECEMBER 18, 2014

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PROPERTY LINE

BRICK VENEER

INSULATED GLASS WITH PRE-FINISHED ALUMINUM FRAMING, TYP

BRICK VENEER  
SECTIONAL OVERHEAD DOOR

SOUTH  
N.T.S.

BUILDING

ELEVATION

Scale:

APPLICANT: AP 830 N. MILWAUKEE PROPERTY, LLC ADDRESS: 822-834 N.  
MILWAUKEE AVENUE, CHICAGO, IL 60642 DATE OF INTRODUCTION: APRIL  
2, 2014 DATE OF PLAN COMMISSION: DECEMBER 18, 2014

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INSULATED GLASS WITH PRE-FINISHED ALUMINUM FRAMING, TYP  
-y-i  
5' - 0" SETBACK-

WEST  
NTS.

BUILDING

ELEVATION

Scale:

APPLICANT: AP830 N. MILWAUKEE PROPERTY, LLC ADDRESS: 822-834 N.  
MILWAUKEE AVENUE, CHICAGO, IL 60642 DATE OF INTRODUCTION: APRIL 2,  
2014  
DATE OF PLAN COMMISSION: DECEMBER 18, 2014 <sup>B\*1</sup>

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INSULATED  
GLASS  
FINISHED

WITH

PRE-

EAST  
N.T.S.

BUILDING

ELEVATION

Scale:

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## Affordable Housing Profile Form (Rental)

Submit this form to the Department of Planning & Development for each project that triggers an affordability requirement (including CPAN, ARO, and the Density Bonus).

This completed form should be returned (via e-mail, fax, postal service or interoffice mail), to: Marcia Baxter, Department of Planning & Development, 121 N. LaSalle Street, Chicago, IL 60602. E-mail: Marcia.Baxter@cityofchicago.org <mailto:Marcia.Baxter@cityofchicago.org>; Telephone: (312) 744-0696.

For information on these programs/requirements, visit

[www.cityofchicago.org/dpd](http://www.cityofchicago.org/dpd) <<http://www.cityofchicago.org/dpd>> Date: 11/12/2014

### SECTION 1: DEVELOPMENT INFORMATION

Development Name: ,

Development Address: Q ^A\|W4Vr£££^

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

Type of City involvement:  
(check all that apply)

Land write-down  
Financial Assistance (If receiving TIF assistance, will TIF funds be used for housing construction? \*) \*if yes, please provide copy of tft&'TIF FJifljbjetexgenses X Zoning ino^Is|fp&> or City Land purchase

SECTION 2: DEVELOPER INFORMATION

Developer Name: AP 830 N. Milwaukee Property, LLC c/o Akara Partners, LLC
Developer Contact (Project Coordinator): Stephen G. Bus, Senior VP
Developer Address: 640 N. LaSalle Street, Suite 275. Chicago, IL 60654
Email address: sbus@akarapartners.com <mailto:sbus@akarapartners.com> May we use email to contact you?
(Y^es) No
Telephone Number: 312-445-9093

SECTION 3: DEVELOPMENT INFORMATION

a) Affordable units required

For ARO projects: 47 x 10%\* = 5 (always round up)
Total units total affordable units required
\*20% if TIF assistance is provided

For Density Bonus projects: X 25% =
Bonus Square Footage\* Affordable sq. footage required

\*Note that the maximum allowed bonus is 20% of base FAR in dash-5; 25% in dash-7 or -10; and 30% of base FAR in dash-12 or -16 (www.cityofchicago.org/zoning <http://www.cityofchicago.org/zoning> for zoning info).

b) building details

In addition to water, which of the following utilities will be included in the rent (circle applicable): Cooking gas
electric gas heat electric heat other (describe on back)

Is parking included in the rent for the: affordable units? yes (jno) market-rate units? yes .(nd)

If parking is not included, what is the monthly cost per space? \$75

Estimated date for the commencement of marketing:

1

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1,175

\$3,200 • April 2015

Estimated date for completion of construction of the affordable units: For each unit configuration,

fill out a separate row, as applicable (see example).

Table with 8 columns: Unit Type\*, Number of Units, Number of Bedrooms/Unit, Total Square Footage/Unit, Expected Market Rent, Proposed Affordable Rent\*, Proposed Level of Affordability (60% or less of AMI), Unit Mix OK to proceed?

W

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£j

Affordable  
Units

Market Rate Studio	16	-	450	\$1,300	N/A	N/A
Units						
1BR	11	1	650	\$1,600	N/A	N/A
2BR	12	2	925	\$2,400	N/A	N/A

3BR 8 3

SECTION 4: PAYMENT IN LIEU OF UNITS

When do you expect to make the payment -in-lieu?  
(typically corresponds with issuance of building permits) Month/Year

For ARO projects, use the following formula to calculate payment owed:

$$47 \times \frac{\text{Number of total units in development}}{\$500,000} = \$500,000$$

(round up to nearest whole number)

For Oensity Bonus projects, use the following formula to calculate payment owed:

= \$ \_

$$\text{Bonus Floor Area (sq ft)} \times 80\% \times \text{median price per base FAR foot} = \text{Amount owed}$$

Submarket (Table for use with the Density Bonus fees-in-lieu calculations)	Median Land Price . per Base FAR Foot
Loop: Chicago River on north/west; Congress on south; Lake Shore Dr on east	\$31
North: Division on north; Chicago River on south/west; Lake Shore Dr. on east	\$43
South: Congress on north; Stevenson on south; Chicago River on west; Lake Shore Dr. on east	\$22
West: Lake on north; Congress on south; Chicago River on east; Racine on west	\$29

Authorization to Proceed (to be completed by Department of HED)

II- /7- / H-

Date  
Tarcie Baxter, Department of Planning & Development

Date