



# Office of the City Clerk

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

## Legislation Text

File #: SO2014-8044, Version: 1

# 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 B3-1 Community Shopping District and RS-3 Residential Single Unit (Detached House) District symbols and indications as shown on Map 9-K in the area bounded by:

West Irving Park Road; North Avondale; a 61.09 feet southwesterly line perpendicular to North Avondale Avenue (starting at a point 247.86 feet southeast of the south line of West Irving Park Road as measured along the southwest boundary line of North Avondale Avenue and ending at a point 174.31 feet east of the east boundary line of North Keeler Avenue and 202.16 feet south of the south line of West Irving Park Road); the public alley next east of and parallel to North Keeler Avenue; a line 227.18 feet south of and parallel to West Irving Park Road; North Keeler Avenue.

to those of a B2-1.5 Neighborhood Mixed-Use District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the B2-1.5 Neighborhood Mixed-Use District symbols and indications as shown on Map 9-K in the area bounded by:

West Irving Park Road; North Avondale; a 61.09 feet southwesterly line perpendicular to North Avondale Avenue (starting at a point 247.86 feet southeast of the south line of West Irving Park Road as measured along the southwest boundary line of North Avondale Avenue and ending at a point 174.31 feet east of the east boundary line of North Keeler Avenue and 202.16 feet south of the south line of West Irving Park Road); the public alley next east of and parallel to North Keeler Avenue; a line 227.18 feet south of and parallel to West Irving Park Road; North Keeler 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 34,537 net square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). NRG Irving Park, LLC, is the applicant ("Applicant") for this planned development pursuant to authorization of the owner of the Property.
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.
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 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 15 Statements, a Bulk Regulations and Data Table, and the following plans prepared by Hirsch Associates LLC and dated December 18, 2014 (collectively, the "Plans"): Existing Zoning Map, Existing Land Use Map, Planned

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Applicant: NRG Irving Park, LLC  
Address: 4179 West Irving Park Road, 3937-3955 North Keeler Avenue and 3968-3988 North Avondale Avenue, Chicago, Illinois 60641  
Introduced: October 8, 2014  
Plan Commission: December 18, 2014  
EAST83057936.2

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Development Property Line and Boundary Map, Site Plan, Ground Plan, Proposed 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. In case of conflict between the terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses shall be permitted in this Planned Development: multi-unit residential dwelling units on 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; multi-family dwelling units above the ground floor; 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 34,537 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.

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## FINAL FOR PUBLICATION

11. The terms and conditions of development under this Planned Development ordinance 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.
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 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 B3-land RS-3 to the B2-1.5 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 3 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?"), pr 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

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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.

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 B2-1.5 Neighborhood Mixed-Use District.

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Applicant: Address:

Introduced:

Plan Commission:

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NRG Irving Park, LLC

4179 West Irving Park Road, 3937-3955 North Keeler Avenue and 3968-3988 North Avondale Avenue, Chicago, Illinois 60641

October 8, 2014 December 18, 2014

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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: Minimum Off-Street Parking Spaces: Minimum Bicycle Parking  
Spaces: Minimum Off-Street Loading Spaces: Maximum Building Height: Minimum Setbacks:

56,739

22,202

34,537

1.5

30

38

15 residential; 5 retail 0

50'

In substantial conformance with the Plans

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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: [Wlarcla.Baxtsr@cityofchicago.org](mailto:Wlarcla.Baxtsr@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\* December 18, 2014

### SECTION 1: DEVELOPMENT INFORMATION

Development Name: 4179 West Irving Park Development

Address: 4179 west Irving Park Ward: 45th

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

Type of City involvement: Land write-down

(check all that apply) Financial Assistance (If receiving tif assistance, will TIF funds be used for housing construction? \*) \*if yes, please provide copy of the TIF Eligible Expenses  Zoning increase, PD, or City Land purchase

### SECTION 2: DEVELOPER INFORMATION

Developer Name: NRG Irving Park, LLC

Developer Contact (Project Coordinator): Graham Palmer

Developer Address: 225 West Hubbard Street, Suite 400, Chicago, IL 60654 / s.

Email address: [gpalmer@centrumpartners.net](mailto:gpalmer@centrumpartners.net) <<mailto:gpalmer@centrumpartners.net>> May we use email to contact you? f Yes ) No Telephone Number: 312-279-2682 V\_\_ ^X

### SECTION 3: DEVELOPMENT INFORMATION

a) Affordable units required

For ARO projects:  $30 \times 10\% = 3$  (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) <<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): N/A Cooking gas electric  
 gas heat electric heat other (describe on back)

Is parking included in the rent for the: affordable units? yes (po) market-rate units? yes (ncT")

If parking is not included, what is the monthly cost per spaceV-^ N/A v-

Estimated date for the commencement of marketing: n/a

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•Rent amounts updated annually In the "City of Chicago's Maximum Affordable Monthly Rent Chart" SECTION 4: PAYMENT IN

LIEU OF UNITS

When do you expect to make the payment -in-lieu? " Summer 2015 (est.)  
 (typically corresponds with issuance of building permits) Month/Year

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

Estimated date for completion of construction of the affordable units: N/A For each unit

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

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?
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Affordable Units

Market Rate Units

N/A N/A  
 N/A N/A  
 N/A N/A

X \$100.000 = \$ 300,000

Number of total units in development



(round up to nearest whole number) •

X10% =  
Amount owed

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

Bonus Floor Area (sq ft)	x 80% x \$ median price per base FAR foot	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

Authorisation to Proceed (to be completed by Department of HED)  
Department of Planning &

*María Baxter,* & r-m^v^p  
Department of Planning & Development

Developer/Project Manager