



# Office of the City Clerk

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

## Legislation Text

File #: SO2018-1835, Version: 1

# FINAL FOR PUBLICATION

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Application No. 19559

## SUBSTITUTE ORDINANCE

*BE IT ORDAINED B Y THE CITY COUNCIL OF THE CITY OF CHICA GO:*

SECTION 1. Title 17, of the Municipal Code of Chicago, the Chicago Zoning Ordinance be amended by changing all the Cl-2 Neighborhood Commercial District, MI-1 Limited Manufacturing/Business Park District and MI-2 Limited Manufacturing/ Business Park District symbols and indications as shown on Map No. 5-1 in the area bounded by

beginning at the north line of the vacated south 6 feet of West Bloomingdale Avenue; North Western Avenue; a line 220 feet south of the north line of the vacated south 6 feet of West Bloomingdale Avenue; the alley next west of and parallel to North Western Avenue; a line 78 feet south of the north line of the vacated south 6 feet of West Bloomingdale Avenue; a line 125.45 feet west of and parallel to North Western Avenue; a line 54 feet south of north line of the vacated south 6 feet of West Bloomingdale Avenue; and North Artesian Avenue running north to the point of beginning,

to those of a B3-3 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 B3-3 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 ho others.

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

Common address of property:

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### RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential-Business Planned Development No. \_\_\_\_\_, ("Planned Development"), consists of approximately thirty-one thousand nine hundred and seventy-eight (31,978) square feet or zero point seven three four (0.734) acres of real property (the "Subject Property"), as shown, which is depicted on the attached Planned Development Boundary and Property Line Map. The Applicant - GW Property Group LLC, an Illinois Limited Liability Company, has filed this application on its own behalf and upon its own volition, with the consent of the Property Owner - 1750 N Western Corp.
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, 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 Subject 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 Chicago Zoning Ordinance.]
3. All applicable official reviews, approvals or permits are required to be obtained by the Applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the Applicant or its successors, 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

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limited to, the following as shall be reviewed and determined by the Department of Transportation's Division of Infrastructure Management:

- 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 executed prior to any Department of i 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 (18) Statements: a Bulk Regulations and Data Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary and Property Line Map; a Site Plan; Enlarged Second Floor Partial Plan; and Building Elevations, all of which were prepared by NORR Architects Inc. and dated September 13, 2018, and which are submitted and referenced herein -accordingly.

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 a conflict between the tenets of this Planned

Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are allowed in the area delineated herein as Residential-Business Planned Development No. \_\_\_\_\_, and shall include the following: multi-unit residential; financial services; office; retail sales; general food and beverage retail sales; eating and drinking establishments (including tavern); accessory off-street parking and loading; non-accessory off-street parking; and related accessory uses.

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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 (DPD). Off-premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height calculations and measurements, the definitions' in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations established by the Federal Aviation Administration (FAA).
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 purposes 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 31,978 square feet and a base FAR of 3.00.
- The Applicant acknowledges that the project has received an FAR increase of 1.00, pursuant to Sections 17-3-0403-B and 17-3-0403-C of the Zoning Ordinance. As a result, the maximum allowed FAR is 4.00.
9. Upon review and determination, and pursuant to section 17-13-0610 of the Zoning Ordinance, Part II Review shall be assessed a fee, by the Department of Planning and Development (DPD). The fee, as determined by Staff at the time of submission, is final and binding on the Applicant and must be paid to the Chicago 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 corresponding regulations and guidelines, including Section 17-13-0880 of the Zoning Ordinance.

Final landscape plan review and approval will be by the Department of Planning and Development (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 13-32-085, 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 of the Zoning Ordinance, by the Zoning Administrator, upon written application for such modification, by the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessors.

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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 Subject Property. Plans for all buildings and improvements, within the Planned Development Boundary, shall be reviewed and approved by the Mayor's Office for People with Disabilities (MOPD), 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 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 an MI-1 District and an MI-2 District and a CI-2 District to a B3-5 District, 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 109 new housing units. Because

the Planned Development received a floor area ratio increase under Section 17-3-0403-C of the Chicago Zoning Ordinance (Additional FAR Increase for On-Site Affordable Housing Units in Transit-Served Locations), the Applicant is required to satisfy its affordable housing obligation by providing all of the required affordable units on-site (15% of 109, rounded down = 16), 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 or elects to build a for-sale project instead of a rental project, 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

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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 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 M/WBE 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 extent to which M/WBEs and city residents are informed 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

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to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

17. The subject property is located directly adjacent to "The 606" elevated recreational trail, which is owned by the City of Chicago and operated by the Chicago Park District. The Applicant wishes to create a direct connection to The 606 via the second floor terrace on the northern elevation of the proposed building, as depicted in the Planned Development Exhibits (the "Terrace"). The City and the Chicago Park District are willing to grant the Applicant permission to connect to The 606, subject to the terms and conditions of an agreement to be entered into between the three parties (the "Tri-Party Agreement"). The Tri-Party Agreement shall, among other matters, require the Applicant, at its sole cost and expense, to: (a) provide three public restrooms within the building that are accessible to the public directly from the Terrace and are available free of charge (the "Public Restrooms"); (b) construct the Terrace and the Public Restrooms in accordance with plans approved by the City and the Park District, and complete construction of the Terrace and Public Restrooms prior to the issuance of a final certificate of occupancy for the building; (c) operate and maintain the Terrace and the Public Restrooms as a trail amenity open to the public during the hours of operation of The 606; (d) provide parking for at least ten (10) bicycles; (e) install a lockable security gate to The 606, and lock and unlock the gate when the trail opens and closes; (f) install security lighting and 24-hour security cameras; (g) install a public drinking fountain/bottle-filler/dog-fountain on the Terrace; (h) keep all fixtures, furnishings and improvements on the Terrace and in the Public Restrooms (i.e., benches, tables, trash cans, water fountains, toilets and sinks) in clean and safe condition, well-lit and clear of litter and debris, and repair and replace said fixtures, furnishings and improvements as necessary; (i) clean the Public Restrooms at least once daily; (j) provide trash pickup and disposal services and remove snow, leaves, litter, debris and other waste materials, provided the Applicant may not use The 606 for loading, trash removal or any maintenance or

operations; (l) maintain general liability insurance, naming the City and the Chicago Park District as additional insureds, insuring against claims for personal injury, death or property damage occurring in, on or about the Terrace and the Public Restrooms arising out of the ownership, maintenance, operation or use of the Terrace and the Public Restrooms by the public in an amount satisfactory to the City and the Park District; (m) indemnify, defend and hold the City and the Chicago Park District harmless from and against any losses, costs, damages, liabilities, claims, suits, actions, causes of action and expenses (including, without limitation, attorneys' fees and court costs) suffered or incurred by the City or the Park District arising from or in connection with the maintenance or use of the Terrace and the Public Restrooms. The Tri-Party Agreement shall permit any duly authorized representative of the City or the Park District to inspect the Terrace and the Public Restrooms at all reasonable times for the purpose of confirming Applicant's compliance with its obligations thereunder. The Applicant must execute and record the Tri-Party Agreement prior to Part II Review, and said agreement shall run with the subject property and be binding upon the Applicant and

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any successor in title to the subject property, or any portion thereof. The terms of the Tri- ■■ Party Agreement and any amendments thereto are incorporated herein by this reference.

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



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### RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO.

### BULK REGULATIONS AND DATA TABLE

1750 North Western Avenue

Gross Site Area: Area in Public ROW:

Net Site Area:

Maximum Floor Area Ratio for PD:  
31,978 square feet (0.734 acres) 0 square feet

31,978 square feet.

4.00 FAR

Maximum Residential Units for PD:

Total Number of Vehicular Off-Street Parking Spaces to be provided within PD:

Number of Bicycle Parking Spaces to be Provided within PD:

Number of Off-Street Loading Spaces to be provided within PD:

Setbacks from Property Line:

109 dwelling units

42 spaces

119 spaces

1 loading spaces

In substantial compliance with the attached Site Plan/Survey.

Maximum Building Height allowed within PD:

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## 2015 ARO 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) <<http://www.cityofchicago.org/ARO>>.

This completed form should be returned to: Kara Breems, Department of Planning & Development (DPD), 121 W. Lake Street, Chicago, IL 60662. Email: [kara.breems@cityofchicago.org](mailto:kara.breems@cityofchicago.org) <<mailto:kara.breems@cityofchicago.org>>

### DEVELOPMENT INFORMATION

Development Name: 1750 N- Western

Development Address: 1750 N. Western, Chicago, IL

Zoning Application Number, if applicable: Ward: 01

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

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 docs are received

- ☐ ARO Web Form completed and attached - or submitted online on
- ☐ ARO "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 GW Property Group, LLC Developer Contact Brian  
Giles

248-225-5578 (cell)

Developer Phone Attorney Phone 312-782-1983

Developer Address 2211 N. Elston, Chicago, IL 60614 Email [brian@gwproperties.com](mailto:brian@gwproperties.com)  
<<mailto:brian@gwproperties.com>> Attorney Name Sara Barnes

### TIMING

Estimated date marketing will begin January 1, 2020

Estimated date of building permit\* October 1, 2018

Estimated date ARO units will be complete March 1, 2020

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

AFFORDABLE REQUIREMENTS ORDINANCE

## ARO Web Form

AFFORDABLE REQUIREMENTS ORDINANCE

**Applicant Contact Information**

Name: Mitch Goltz

Email: mitch@gwproperties.com <mailto:mitch@gwproperties.com>

**Development Information**

**Address**

**Submitted Date:** 08/07/2018

Number From: 1750

Number To: N/A

Direction: N

Street name: Western Avenue

Postal Code: 60647

**Development Name**

TBD

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 and planned development Total units: 109 Development type: Rent

**Requirements**

Onsite Units: 16 Off-Site units: 22

**How do you intend to meet your ARO**

On-Site: 16

On-Site to CHA or Authorized agency: 0 Total Units: 16

**Unit obligations?**

Off-Site: 0

Off-Site to CHA or Authorized agency: 0

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LOADING ZONE

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**SITE PLAN SCALF 1" = 50-0"**

0' 25' 50'

APPLICANT: GW PROPERTIES  
ADDRESS: 1750 WESTERN AVE  
INTRO DATE: FEBRUARY 28, 2018  
PLAN COMMISSION DATE: SEPTEMBER 13, 2018

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332'-10 205/256"

PLANNED DEVELOPMENT BOUNDARY & PROPERTY LINE SCALE 1" = 50'-0"

0' 25' 50'

APPLICANT: GW PROPERTIES  
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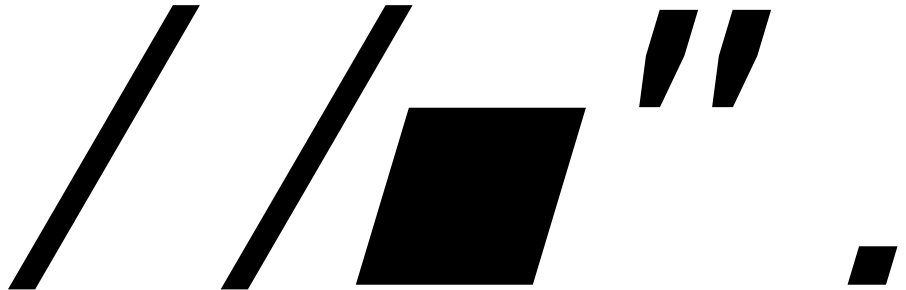
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•1751 WESTERN  
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EXISTING LAND USE MAP SCALE 1" = 80'-0"

0' 40' 80' 160'

APPLICANT: GW PROPERTIES  
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/ PROJECT LOCATION  
/ 1.750 N WESTERN AVENUE

APPLICANT: GW PROPERTIES  
ADDRESS: 1750 WESTERN AVE  
INTRO DATE: FEBRUARY 28, 2018  
PLAN COMMISSION DATE SEPTEMBER 13. 2018

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

To: *Alderman Daniel S. Sotiar*  
Chairman, City Coundl Committee on Zoning

From: *//ff*  
David L. Renrrran Chicago Plan  
Commission

Date: September 13, 2018

Re: Proposed Planned Development for the property generally located at 1750 North Western Avenue

On September 13, 2018, the Chicago Plan Commission recommended approval of the proposed planned development submitted by GW Property Group 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.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning and Land Use recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-0756.

Cc: PD Master File (Original PD, copy of memo)

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