



# Office of the City Clerk

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

## Legislation Text

File #: SO2021-2638, Version: 1

### Final for Publication

#### ORDINANCE

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, is hereby amended by changing all of the RT-4 Residential Two-Flat, Townhouse and Multi-Unit District symbols and indications as shown on Map No. 11-F in the area bounded by:

A line 232.69 feet north of West Irving Park Road; a line 312.96 feet west of North Marine Drive as measured along the south line of West Bittersweet Place; West Bittersweet Place; North Marine Drive; West Irving Park Road and a line 467.54 feet west of North Marine Drive as measured along the north line of West Irving Park Road

to those of a RM-6 Residential Multi-Unit District which is hereby established in the area described above.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the current RM-6 Residential Multi-Unit District symbols and indications as shown on Map No. 11-F in the area bounded by:

A line 232.69 feet north of West Irving Park Road; a line 312.96 feet west of North Marine Drive as measured along the west line of North Marine Drive at its intersection with the south line of West Bittersweet Place; West Bittersweet Place; North Marine Drive; West Irving Park Road and a line 467.54 feet west of North Marine Drive as measured along the west line of North Marine Drive at its intersection with the north line of West Irving Park Road

to those of a Residential Planned Development which is hereby established in the area described above.

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

Property Address: 4030 North Marine Drive/640 West Irving Park Road

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#### RESIDENTIAL PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Residential Planned Development Number \_\_\_\_\_, ("Planned Development") consists of approximately 143,536.76 square feet of property which is depicted on the attached Planned Development Boundary, Property Line and Sub-Area Map ("Property") and is owned or controlled by the Applicant, KGiles LLC, Inc.

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 titleholder 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 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:

- 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 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

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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.

All exterior pedestrian connections, as indicated on the Right of Way Adjustment Map if any, throughout the site will remain open to the public and accessible during the typical Chicago Park District hours of operation, which are currently from 6am to 11pm daily.

The Department of Transportation reserves the right to remove the standing zone depicted on the approved site plan, if necessary, to implement changes pursuant to future streetscape design changes for the area.

4. This Plan of Development consists of sixteen (16) Statements: a Bulk Regulations Table; an Existing Zoning Map; an Existing Land-Use Map; a Planned Development Boundary, Property Line and Sub-Area Map; a Site/Landscape Plan; and Sub-Area B Building Elevations submitted herein. No significant modifications of the exterior of the Sub-Area A Building is anticipated as the Building is a Chicago Landmark. 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 terms of this Planned Development Ordinance and the Zoning Ordinance, this Planned Development Ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Business Planned Development:

Sub-Area A: Residential units; accessory and non-accessory parking and accessory uses.

Sub-Area B: Residential units; Elderly Housing, Assisted Living and accessory and non-accessory parking and accessory uses.

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 Applicant acknowledges and agrees that the rezoning of the Property from RT-4 Residential Two-Flat, Townhouse and Multi-Unit District, to RM-6 Residential Multi-Unit District, and then to this Residential Planned Development ("PD") No. \_\_\_\_\_ is an "entitlement" that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the "ARO"). The PD is located in a "community preservation area" within the meaning of the ARO and permits the construction of

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245 dwelling units in Subarea A and 100 dwelling units in Subarea B. The Applicant intends to rehabilitate an existing building to contain 245 rental units within Subarea A and a Senior Building with 100 rental senior independent living dwelling units in Subarea B (collectively the "Project").

Developers of rental projects in community preservation areas must provide between 10% and 20% of the units in the residential development as affordable units, depending on the average depth of affordability provided, as described in subsection (F)(2) of the ARO. Regardless of the applicable percentage of affordable units in the rental project, developers must construct at least 25% of the affordable units on-site and another 25% on-site or off-site (collectively, the "Required Units"), and may satisfy the balance of their affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of on-site or off-site affordable units; or (c) any combination thereof. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. All off-site affordable units must have at least two bedrooms and must be located in a downtown district, inclusionary housing area, or community preservation area. Whether on-site or off-site, developers must give preference in leasing affordable units of two bedrooms or more to multi-person households, as specified in the ARO rules. If a residential project is located in a transit-served location, off-site units must be located in a substantially comparable transit-served location.

*The Applicant has elected the 20% option as set forth in the chart in subsection (F)(2) of the ARO. As a result, the Applicant's affordable housing obligation is 69 affordable units (20% of 345), with the ARO units being calculated by Subarea based on the number of total dwelling units within each Subarea, and half of those affordable units are Required Units. The Applicant has agreed to satisfy its affordable housing obligation by providing all 69 affordable units in the rental buildings in the PD, as set forth in the Affordable Housing Profile (AHP) attached hereto. The Applicant agrees that the affordable rental units must be affordable to households with a range of incomes averaging 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually, provided that (x) the maximum income level for any affordable unit may not exceed 80% of the AMI, (y) at least one-third (or 23) must be affordable to households at or below 50% of the AMI, of which one-sixth (or 4 of the 23 units) must be affordable to households at or below 40% of the AMI, and (z) all income levels must be multiples of 10% of the AMI.*

If the Applicant requests any material change to its method of compliance with the ARO, such as locating affordable units off-site instead of on-site or changing the target affordability level after the passage of this PD, DOH may adjust the AHP as requested, in accordance with the ARO, without amending the PD, provided however, the Applicant must update and resubmit the revised AHP to DOH for review and approval and, at DOH's request, provide an informational presentation to Plan Commission on such change. Prior to the issuance of any building permits for any residential building in the PD, including, without limitation, excavation or foundation permits, the Applicant must execute and record an Inclusionary Housing Agreement ("IHA") in accordance with subsection (N) of the ARO. The terms of the IHA and any

amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against each Subarea of the PD, and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 8, including any breach of any IHA, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

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This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this PD. In the event of any conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

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 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 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. For improvements within the Planned Development, 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 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

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

16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. 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 a RM-6 Residential Multi-Unit District.

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### RESIDENTIAL PLANNED DEVELOPMENT PLAN OF DEVELOPMENT BULK REGULATIONS AND DATA TABLE

Net Site Area:	143,536.76 sq.ft.
Sub-Area A:	100,158.65 sq.ft.
Sub-Area B:	43,378.11 sq.ft.
Area remaining in the public right-of-way:	35,746.77 sq. ft.
Sub-Area A:	33,676.77 sq. ft.
Sub-Area B:	2,070.00 sq. ft.
GROSS SITE AREA:	179,283.53 sq.ft.
Sub Area A:	133,835.42 sq. ft.
Sub Area B:	45,448.11 sq. ft.
MAXIMUM FLOOR AREA RATIO:	3.03
Sub-Area A:	1.58
Sub-Area B:	6.38
MAXIMUM NUMBER OF DWELLING UNITS:	
Sub-Area A:	245
Sub-Area B:	192

MAXIMUM BUILDING FIEIGHT:

Sub-Area A: 55.00 feet (existing)  
Sub-Area B: 250.00 feet (main roof)

MINIMUM NUMBER OF ACCESSORY OFF-STREET PARKING:

Sub-Area A: 17  
Sub-Area B: 56

MAXIMUM NUMBER OF NON-ACCESSORY PARKING:

Sub-Area A: 5  
Sub-Area B: 40

MINIMUM NUMBER OF OFF-STREET LOADING BERTHS:

Sub-Area A: 1  
Sub-Area B: 1

MINIMUM NUMBER OF BICYCLE PARKING SPACES:

Sub-Area A: 145  
Sub-Area B: 89

MINIMUM SETBACKS FROM PROPERTY LINE: In accordance with the Site Plan

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### ARO Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the ARO or Pilsen/Little Village Pilot Ordinances. More information is online at [www.cityofchicago.gov/ARO](http://www.cityofchicago.gov/ARO) <<http://www.cityofchicago.gov/ARO>>. Submit the completed form to the Department of Housing (DOH), 121 N LaSalle Street, 10th Floor, Chicago IL 60602 E-mail: [ARO@cityofchicago.org](mailto:ARO@cityofchicago.org) <<mailto:ARO@cityofchicago.org>>.

Date: 6-29-22 DEVELOPMENT INFORMATION

Development Name Immacula Redevelopment  
Development Address- 4030 N. Marine Drive  
Zoning Application Number, if applicable' 20753 Ward 46th  
If you are working with a Planner at the City, what is his/her name? Cynthia Roubik

Type of City Involvement C City Land [J Planned Development (PD)  
check all that apply Q Financial Assistance rj Transit Served Location (TSL) project  
[X] Zoning increase

REQUIRED ATTACHMENTS the AHP will not be reviewed until all required docs are received 0

ARO Web Form completed and attached - or submitted online on

0 ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel)

[ ] TBD If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdf)

rj If ARO units proposed are off-site, required attachments are included (see next page)

Q If ARO units are CHA/Authorized Agency units, signed acceptance letter is attached (pdf)

#### DEVELOPER INFORMATION

Developer Name KGiles LLC. Inc.

Developer Contact Keith Giles

Developer Address 1030 W. Chicago Ave., 3rd FL, Chicago, IL 60642

Email rolando@acostaezgur.com <mailto:rolando@acostaezgur.com> Developer Phone

Attorney Name Rolando R. Acosta Attorney Phone 312-636-6937

#### TIMING

Estimated date marketing will begin Spring 2024

Estimated date of building permit\* January 2023

Estimated date ARO units will be complete Spring / Summer 2024

"the in-lieu fee, recorded covenant and \$5.000 per unit administration fee (for off-site units) are required prior to the issuance of any building permits, including the foundation permit

#### PROPOSAL DUE DATES MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)

Developer or their agent . Date

./ 06/30/2022 ARO Project Manager. DOH

Date

Scale: NTS ®

EXISTING ZONING MAP

PERKINS EASTMAN

Applicant: KGiles LLC, Inc.

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Scale: NTS (Unscaled)  
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**PERKINS EASTMAN**

**EXISTING LAND USE MAP**

Applicant: KGiles LLC, Inc.

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IRVING PARK ROAD

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## PLANNED DEVELOPMENT BOUNDARY, PROPERTY LINE. & SUB-AREA MAP

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\_T 0. MECH SCREEN (open to sky) +260'-6"

--XCLLEUEL22

WINDOW WALL MULLION  
WINDOW WALL GLAZING  
OPERABLE WINDOWS  
GLASS RAILING  
+25CT-0"

COLUMN

EAST ELEVATION

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DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF  
CHICAGO

**MEMORANDUM**

To: Alderman Tom Tunney  
Chairman, City Council Committee on Zoning

From: *-• ;/"--^-. -•■"V ■:■/■'*  
Maurice D. Cox Chicago Plan  
Commission

Date: July 21, 2022

Re: Proposed Residential Planned Development - 640 W. Irving Park Road and 4030 N. Marine Drive

On July 21, 2022, the Chicago Plan Commission recommended approval of the proposed Residential Planned Development and a Lake Michigan and Chicago Lakefront Protection Ordinance application, submitted by KGiles LLC, Inc., for the property generally located at 640 West Irving Park Road and 4030 North Marine Drive. The property is currently zoned RT-4 and is within the Private Use Zone of the Lake Michigan and Chicago Lakefront Protection District. The applicant proposes to change the zoning designation from RT-4 to RM-6 and then to a Residential Planned Development. The applicant proposes the rehabilitation of the existing buildings in accordance with applicable landmark requirements and the construction of a new 23-story senior living residential building. A copy of the proposed ordinance, planned development statements, bulk table and exhibits are 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 recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact Cindy Roubik at 312-744-0012.

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

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