

4/24/2012

REPORTS OF COMMITTEES

17416
25075

On motion of Alderman Solis, the said proposed ordinances transmitted with the foregoing committee report were *Passed* by yeas and nays as follows:

Yeas -- Aldermen Moreno, Fioretti, Dowell, Burns, Hairston, Sawyer, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Quinn, Foulkes, Thomas, Lane, O'Shea, Cochran, Muñoz, Zalewski, Solis, Burnett, Ervin, Graham, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Sposato, Mitts, Cullerton, Laurino, P. O'Connor, M. O'Connor, Reilly, Smith, Tunney, Arena, Cappleman, Pawar, Osterman, Moore, Silverstein -- 45.

Nays -- None.

Alderman Pope moved to reconsider the foregoing vote. The motion was lost.

Alderman Burke invoked Rule 14 of the City Council Rules of Order and Procedure, disclosing that he had represented parties to these ordinances in previous and unrelated matters.

The following are said ordinances as passed (the italic heading in each case not being a part of the ordinance):

Reclassification Of Area Shown On Map No. 2-F.
(Application No. 17416)
(Common Address: 800 -- 888 S. Clark St.)

DX7

[O2012-600]

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the Planned Development Number 1022 symbols and indications as shown on Map Number 2-F in the area bounded by:

West Polk Street; South Clark Street; West 9th Street (as extended where no street exists); and the easterly right-of-way of the Metra railway,

to the designation of DX7 Downtown Mixed-Use District, which is hereby established in the area described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.



City of Chicago
Richard M. Daley, Mayor

Department of Housing
and Economic Development

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4190 (Voice)
(312) 744-2271 (FAX)
(312) 744-2578 (TTY)
<http://www.cityofchicago.org>

January 28, 2011

Mr. Walter A. Rebenson, CEO
Applied Real Estate Group LLC
912 W. Lake Street
Chicago, Illinois 60607

Re: **Administrative Relief request for Residential Planned Development
No. 1022, 824 South Clark Street and 139 West Polk Street**

Dear Mr. Rebenson:

Please be advised that your request for a minor change to Residential Planned Development No. 1022 has been considered by the Department of Housing and Economic Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 11 of the Planned Development.

The Planned Development was approved by the City Council on May 14, 2008 and states that if within twenty-four (24) months of passage of this ordinance the applicant has not applied for a Part II approval, they must improve the existing, operating parking lot in conformance with the City of Chicago Landscape Ordinance. During the time period prior to the expiration of the twenty-four (24) month period, they shall be permitted to lease the existing surface parking lot to the public without constructing any additional landscaping improvements. The twenty-four (24) month time period for applying for a Part II approval expired on May 14, 2010.

On November 19, 2010, you were denied a six-year extension to apply for a Part II approval, a four-year extension to complete final landscape improvements and up to a four-year extension to start substantial construction.

You are now requesting to extend the time period for applying for a Part II approval for four-years, from May 14, 2010 to May 14, 2014, and to amend the language allowing the applicant to operate and lease the existing surface parking lot without construction of any additional landscaping improvements.

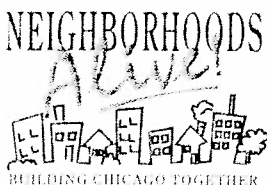
With regard to your request, the Department of Housing and Economic Development has determined that allowing an 18-month extension from the date of this letter to submit and apply for a Part II approval and to amend the language so that during this 18-month extension the applicant can continue to operate and lease the existing parking lot without construction of any additional landscaping improvements, would not create an adverse impact on the Planned Development and the surrounding neighborhood, would not change the character of the development, and therefore, would constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Planned Development No. 1022, I hereby approve this Administrative Relief request.

Sincerely,

Patricia A. Scudiero
Zoning Administrator

PAS:HGT:m
c: Mike Marmo, Erik Glass, Ron Daye, Main file





City of Chicago
Richard M. Daley, Mayor

Department of Zoning and
Land Use Planning

Patricia A. Scudiero
Commissioner

City Hall, Room 905
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-5777 (Voice)
(312) 744-6552 (FAX)
(312) 744-2950 (TTY)

<http://www.cityofchicago.org>

November 19, 2010

Mr. Walter A. Rebenson, CEO
Applied Real Estate Group LLC
912 W. Lake Street
Chicago, Illinois 60607

Re: **Administrative Relief request for Residential Planned Development
No. 1022, 824 South Clark Street and 139 West Polk Street**

Dear Mr. Rebenson:

Please be advised that your request for a minor change to Residential Planned Development No. 1022 has been considered by the Department of Zoning and Land Use Planning pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 11 of the Planned Development (PD).

The PD was approved by the City Council on May 14, 2008 and Statement 10 states "...If within twenty-four (24) months of passage of this ordinance the Applicant has not applied for a Part II approval, the Applicant must improve the existing, operating parking lot in conformance with the City of Chicago Landscape Ordinance. During the time period prior to the expiration of the existing surface parking lot to the public without constructing any additional landscaping improvements...The installation of the Final Landscape Improvements, including improvements to the Staging Area, shall be completed upon the earlier of either the completion of both building or within six (6) years of the passage of this Planned Development, as amended."

Statement 15 of the PD states, "Unless substantial construction of at least one (1) building has begun within the Planned Development, as amended, within six (6) years of the date of passage of the Planned Development, as amended, the zoning of the Property shall revert to DX-7 Downtown Mixed-Use District. The six (6) year period may be extended for one (1) additional year if, before expiration, the Commissioner of the Department of Planning and Development determines that there is good cause for such an extension."

You are requesting to:

- Amend the time the owner has to submit and apply for its Part II approval from May 14, 2010 to May 14, 2016.
- Amend the language allowing the Owner to operate and lease the existing surface parking lot to the public without construction of any additional landscaping improvements.
- Amend the requirement to complete the planned Final Landscape Improvements from the earlier of either completion of both buildings or



by May 14, 2014 to the later of completion of both buildings or 8 years from the date of this administrative relief letter.


· Amend the requirement to start substantial construction of at least one building from six (6) years from May 14, 2008 to eight (8) years from this same date and also allow a further extension of up to two years if there is good cause for such an extension.

With regard to your request, the Department of Zoning and Land Use Planning has determined that allowing these modifications would create an adverse impact on the Planned Development and the surrounding neighborhood and therefore, would not constitute a minor change. In addition, most of the time extensions requested still have several years before they expire therefore, it is premature and not necessary at this time to grant extensions.

If a one year extension to the six year construction period is needed in the beginning of 2014, please submit for an extension at that time. At this time, please submit a Part II for the required landscape improvements.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Planned Development No. 1022, I hereby deny this Administrative Relief request.

Sincerely,


Patricia A. Scudiero
Commissioner

PAS:HG:tm

c: Mike Marmo, Erik Glass, Main file



City of Chicago
Richard M. Daley, Mayor

Department of Planning and
Development

Arnold L. Randall
Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
312 744-4190
312 744-2271 (FAX)
312 744-2578 (TTY)

<http://www.cityofchicago.org>

January 2, 2008

Ms. Jessica Marie Boudreau
Schain, Burney, Ross & Citron, Ltd.
222 North LaSalle Street
Suite 1910
Chicago, Illinois 60601-1102

**Re: Administrative Relief request for Residential Planned Development
No. 1022, 824 South Clark Street/139 West Polk Street**

Dear Ms. Boudreau:

Please be advised that your request for a minor change to Residential Planned Development No. 1022 has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 10 of the Planned Development.

Specifically, you requested a reduction from three residential towers to two residential towers and a corresponding reduction in subareas. Additional, this reduction would result in: a reduction of loading berths from six to four berths; a reduction of residential units from 1,000 to 984 units; an increase in the parking ratio from .70 to .95 spaces per unit; and the relocation of the green roofs from the roofs of the towers to the roofs of the parking garage.

With regard to your request, the Department of Planning and Development has determined that allowing a reduction from three residential towers to two residential towers would result in a change in the character of the development and therefore, would not be considered a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Planned Development No. 1022, I hereby deny the foregoing change to this Planned Development.

Sincerely,

Arnold L. Randall
Commissioner

ALR:SA:tm

cc: Terri Haymaker, Mike Marmo, Pat Haynes, Erik Glass, DPD files



5/14/2008

REPORTS OF COMMITTEES

16514
28185

AMENDMENT OF TITLE 17 OF MUNICIPAL CODE OF CHICAGO
(CHICAGO ZONING ORDINANCE) BY RECLASSIFICATION
OF AREA SHOWN ON MAP NUMBER 2-F.

(As Amended)
(Application Number 16514)

RPD 10 22,009

The Committee on Zoning submitted the following report:

CHICAGO, May 14, 2008.

To the President and Members of the City Council:

Reporting for your Committee on Zoning, for which a meeting was held on April 24, 2008, I beg leave to recommend that Your Honorable Body *Pass* various ordinances transmitted herewith for the purpose of reclassifying particular areas.

I beg leave to recommend the passage of six ordinances which were corrected and amended in their amended form. They are Application Numbers 16549, 16550, 16514, 15919, 15445 and A-7321.

Please let the record reflect that one text amendment Number TAD-406 passed, inserting language regarding public and private schools.

Application Number A-7341 was withdrawn by Alderman Fredrenna Lyle.

Application A-7343 was deferred as per Alderman Waguespack and Alderman Mell.

At this time, I move for passage of the substitute ordinance transmitted herewith.

Please let the record reflect that I, William J. P. Banks, abstained from voting and recused myself on Application Numbers 16555 and 16557 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

Respectfully submitted.

(Signed) WILLIAM J. P. BANKS,
Chairman.

On motion of Alderman Banks, the said proposed substitute ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Flores, Fioretti, Dowell, Preckwinkle, Hairston, Lyle, Harris, Beale, Pope, Balcer, Cardenas, Olivo, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colon, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schulter, Moore, Stone -- 47.

Nays -- None.

Alderman Carothers moved to reconsider the foregoing vote. The motion was lost.

Alderman Burke invoked Rule 14 of the City Council's Rules of Order and Procedure, disclosing that he had represented parties to this ordinance in previous and unrelated matters.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the R.P.D. Number 1022, Residential Planned Development Number 1022 District symbols and indications as shown on Map Number 2-F in the area bounded by:

West Polk Street; South Clark Street; a line 464.44 feet south of and parallel to West Polk Street; and the elevated Metra train tracks,

to those of R.P.D. Number 1022, Residential Planned Development Number 1022, as amended, District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Plan of Development Statements attached to this ordinance read as follows:

Residential Planned Development Number 1022, As Amended.

Plan Of Development Statements.

1. The area delineated herein as a Residential Planned Development consists of a net site area of approximately one hundred fifty-two thousand forty (152,040) square feet (three and forty-nine hundredths (3.49) acres) ("Property") which is controlled by Avalon Clark and Polk, L.L.C. ("Applicant") for purposes of this amendment to Residential Planned Development Number 1022 (hereinafter referred to as "Planned Development, as amended").

2. The Applicant shall obtain all applicable official reviews, approvals or permits which are necessary to implement this plan of development. Any dedication or vacation of streets or alleys or easements or adjustments of rights-of-way or consolidation or resubdivision of parcels shall require separate submittal on behalf of the Applicant or its successors, assignees or grantees and approval by the City Council. All conveyance of property to the City for public right-of-way shall be through the City's dedication process.
3. The requirements, obligations and conditions with respect to each subarea contained within this Planned Development, as amended, shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessees except as provided herein. All rights granted hereunder to Applicant for each of the two (2) subareas shall inure to the benefit of Applicant's successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessees and their respective successors and assignees. The Property, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, as amended, are made, shall be under single ownership or under single designated control if the change has a material adverse effect on one (1) or more other subareas. A change shall be deemed to have a material adverse effect if it results in, or would result in, any of the following (i) any limitation, restriction or diminution in the allowable uses, floor area, floor area ratio, density or other development entitlements of another subarea as they exist under this Planned Development, as amended, or the Chicago Zoning Ordinance; (ii) any increase in another subarea owner's obligations with regard to, or cost of, the development or maintenance of the improvements located, or which may in the future be located, in the subarea owned by such other owner; (iii) any imposition of changes, conditions or requirements upon the use, development, construction or maintenance of the other owner's subarea, the improvements located or to be located thereon or thereunder, which changes, conditions or requirements are not contained in this Planned Development, as amended, or (iv) any change in law sought by a subarea owner which would result in any portion of the Property owned by another or the improvements located thereon becoming nonconforming. Single designated control for purposes of this statement shall mean that any application to the City for any amendment to this Planned Development, as amended, or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the owners of the Property and any ground lessors of the Property. If an amendment, modification or change (administrative, legislative or otherwise) does not have a material adverse effect, the amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development, as amended, applicable to or in a given subarea need only be made or authorized by the owners and/or ground lessees of such subarea. Moreover, where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein. Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein. Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of

the Property so transferred, the term "Applicant" shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder.

4. This plan of development consists of these fifteen (15) statements; a Bulk Regulations and Data Table; an Existing Zoning and Land-Use Map; a Planned Development Boundary, Property Line, Right-of-way Adjustment and Subarea Map; a Site and Landscape Plan; a Ground Floor Plan; and Building Elevations: East Elevation -- Clark Street, South Elevation -- 9th Street, West Elevation -- Metra Railroad Yard, North Elevation -- Polk Street, East Elevation -- Garage, South Elevation -- Tower "A", West Elevation -- Towers "A and "B", North Elevation -- Tower "B", and Enlarged Tower "A" Elevations; all dated April 17, 2008, prepared by Fitzgerald Associates Architects, which are all incorporated herein. Full-size sets of the Site and Landscape Plan, and Elevations are on file with the Department of Planning and Development. This plan of development, as amended, is in conformity with the intent and purposes of the Chicago Zoning Ordinance (Title 17 of the Municipal Code in Chicago) and all requirements thereof and satisfies the established criteria for approval of a planned development. These and no other zoning controls shall apply to the area delineated herein. In any instance where a provision of the Planned Development conflicts with the Chicago Building Code, the Building Code shall control.
5. The following uses shall be permitted within the areas delineated herein: uses as permitted in Residential Planned Development Number 1022; multi-family dwelling units; uses as permitted in the DX-7 Downtown Mixed-Use District; accessory and non-accessory parking; open space uses; surface public parking lot uses; accessory uses; and related uses.
6. On-premise business identification signs shall be permitted within the Planned Development, as amended, subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted within the Planned Development, as amended, subject to review and approval of the Department of Planning and Development. Off-premise signs shall not be permitted in the Planned Development.
7. Any service drives or other ingress or egress including emergency vehicle access shall be adequately designed, constructed and paved in accordance with the Municipal Code of Chicago and the regulations of the Department of Transportation in effect at the time of construction. At the direction of the City, the Applicant shall dedicate that portion of land along the south side of West Polk as shown on the Planned Development Boundary, Property Line, Right-of-way Adjustment and Subarea Map incorporated herein. Ingress and egress shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation. All work in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in accordance with the Municipal Code of the City of Chicago. Off-street parking and off-street loading facilities shall be provided in

compliance with this plan of development subject to review of the Departments of Transportation and Planning and Development.

8. For purposes of building height measurement and calculation, the definitions in the Chicago Zoning Ordinance shall apply. In addition to the maximum height of any building or any appurtenance attached thereto, the height of any improvement shall also be subject to height limitations as approved by the Federal Aviation Administration.
9. The maximum permitted floor area ratio shall be in accordance with the attached Bulk Regulations and Data Table. For purposes of floor area ratio calculations and floor area measurements, the definition in the Chicago Zoning Ordinance shall apply.
10. Improvements of the Property, including landscaping and all entrances and exits shall be designed, installed and maintained in substantial conformance with the Bulk Regulations and Data Table and the Site and Landscape Plan attached hereto and made a part hereof. Balconies which do not overhang the public way will be permitted. If within twenty-four (24) months of passage of this ordinance the Applicant has not applied for a Part II approval, the Applicant must improve the existing, operating parking lot in conformance with the City of Chicago Landscape Ordinance. During the time period prior to the expiration of the twenty-four (24) month period, Applicant shall be permitted to lease the existing surface parking lot to the public without constructing any additional landscaping improvements. Landscaping and a green roof for Subarea A shall be installed and maintained at all times in accordance with the Site Landscape Plan and Green Roof Plan and the Parkway Tree Provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. A fifty percent (50%) net green roof shall be required for Subareas A and B. Until such time as Subarea B is developed, the designated area may continue to be used as a surface parking lot.

The Applicant shall construct all required landscaping and open space in two (2) phases to ensure appropriate area for staging and construction equipment remains available for use in the development of Subarea B (hereinafter referred to as "Staging Area"). Ultimately, the Applicant will be responsible for installing the street trees along Clark Street and making improvements to the on-site open space, except to the Staging Area, before obtaining a certificate of occupancy for the residential building in Subarea A ("Temporary Landscape Improvements"). Temporary Landscape Improvements shall be defined as design, mass grading and installation of grass upon the on-site open space. The Applicant shall submit design and detailed landscape plans ("Final Landscape Improvements") to the Department of Planning and Development for its reasonable review and approval. The Applicant, or its designee, shall be granted credit for the value of the "Final Landscape Improvements" on-site open space plan at the time of permit application for Subarea A. When the Applicant or its designee applies for a permit for the building planned in Subarea B, the Applicant's open space impact fees shall be waived until the credit runs out. The installation of the Final Landscape Improvements, including improvement to the Staging Area, shall be completed upon the earlier of either the completion of both buildings or within six (6) years of the passage of this Planned Development, as amended. The credit shall only be granted to the Applicant or its designee.

The Applicant agrees to construct and maintain the private open space along South Clark Street in a manner that is open and accessible to the public during normal park district hours. The pool and the dog run will be maintained for the exclusive use of the residents of the development.

11. The terms, conditions and exhibits of this Planned Development ordinance, as amended, may be modified, administratively, by the Commissioner of the Department of Planning and Development upon the written request for such modification by the Applicant and after a determination by the Commissioner of the Department of Planning and Development, that such a modification is minor, appropriate and is consistent with the nature of the improvements contemplated in this Planned Development, as amended. Any such modification of the requirements of this statement by the Commissioner of the Department of Planning and Development shall be deemed to be a minor change in the Planned Development, as amended, as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
12. The City of Chicago established a Part II Review Fee in the amount of twenty-five cents (\$0.25) per square foot for the total buildable square feet (floor area). The Part II Review Fee will be assessed by the Department of Planning and Development during the actual Part II Review. The fee as determined by the Department of Planning and Development staff at that time is final and binding on the Applicant and must be paid to the Department of Planning and Development prior to the issuance of any Part II approval.
13. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings 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 ("M.O.P.D.") 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 and renovate all buildings in a manner that provides healthier environments, reduces operating costs and conserves energy and resources. The Applicant shall design, construct and maintain all buildings located within the Planned Development as L.E.E.D.-certified buildings.

The Applicant shall provide a vegetated ("green") roof on at least fifty percent (50%) of the net roof area of each Subarea A and Subarea B (approximately seventeen thousand seven hundred twenty-two (17,722) square feet). "Net roof area" is defined as total roof area minus any required perimeter setbacks, rooftop structures and roof-mounted equipment.

15. Unless substantial construction of at least one (1) building has begun within the Planned Development, as amended, within six (6) years of the date of passage of the Planned Development, as amended, the zoning of that Property shall revert to DX-7 Downtown Mixed-Use District. The six (6) year period may be extended for one (1) additional year if, before expiration, the Commissioner of the Department of Planning and Development determines that there is good cause for such an extension.

[Existing Zoning and Land-Use Map; Planned Development Boundary, Property Line, Right-of-way Adjustment and Subarea Map; Site and Landscape Plan; Ground Floor Plan; and Elevation Drawings referred to in these Plan of Development Statements printed on pages 28194 through 28206 of this *Journal*.]

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Residential Planned Development Number 1022, As Amended.

Bulk Regulations And Data Table.

Net Site Area:

Subarea A:	127,920 square feet (2.94 acres)
Subarea B:	24,120 square feet (.55 acre)
Overall Total:	152,040 square feet (3.49 acres)

Maximum Floor Area Ratio:

Subarea A:	4.50
Subarea B:	20.25
Blended Total:	7.00

Area to be Dedicated:

Subarea A:	Total Area in public rights-of-way = 2,002 square feet (.05 acres)
Subarea B:	Total Area in public right-of-way = alleys and parks = 0 square feet (0 acre)
Overall Total:	Total Area in public rights-of-way, alleys and parks to be dedicated = 2,002 square feet

Permitted Uses:

Uses as permitted in Residential Planned Development Number 1022; multi-family dwelling units; uses as permitted in the DX-7 Downtown Mixed-Use District; accessory and non-accessory parking; open space uses; surface public parking lot uses; accessory uses; temporary sales pavilions as further set forth herein; and related uses

Maximum Number of Residential Units:

Subarea A:	500 Units
Subarea B:	500 Units
Overall Total:	1,000 Units

The maximum number of dwelling units of any individual subarea may be increased so long as the total number of dwelling units does not exceed the total number allowed for the entire site

Maximum Site Coverage:

In accordance with the Site Plan

Minimum Number of Accessory and Non-Accessory Off-Street Parking Space:

.95 to 1 dwelling unit

Maximum Number of Accessory
Off-Street Parking Spaces: 1.1 to 1 dwelling unit

Minimum Number of Off-Street
Loading Docks:

Subarea A: 4

Subarea B: 0

Overall Total: 4

Minimum Building Setbacks from
the Property Line:

Overall North: 37 feet

Overall East: 24 feet

Overall South: 6 feet

Overall West: 10 feet

Maximum Building Height:

Subarea A: 433 feet

Subarea B: 433 feet

Overall Height: 433 feet

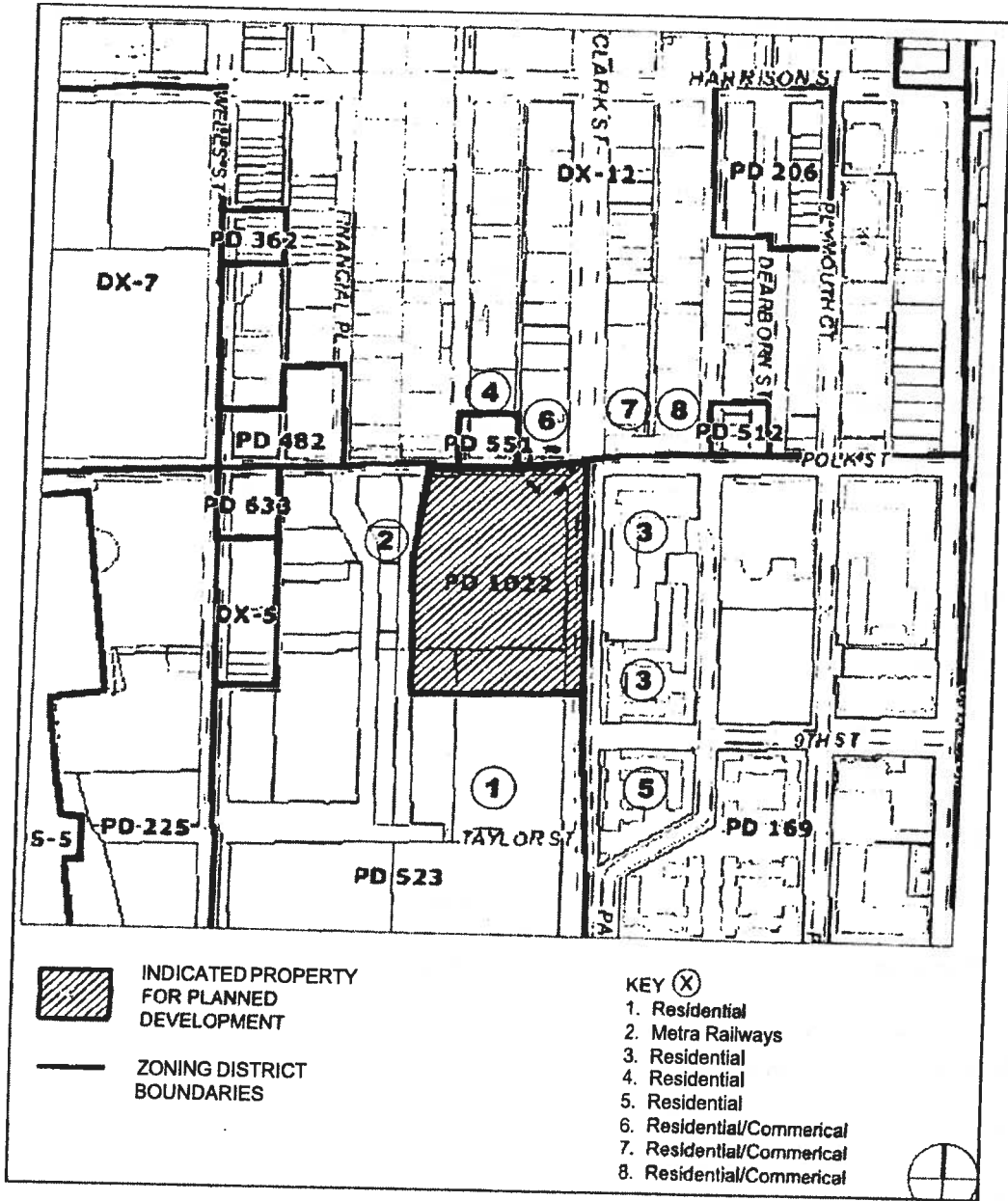
Minimum Green Roof Coverage:

Subarea A: 50%

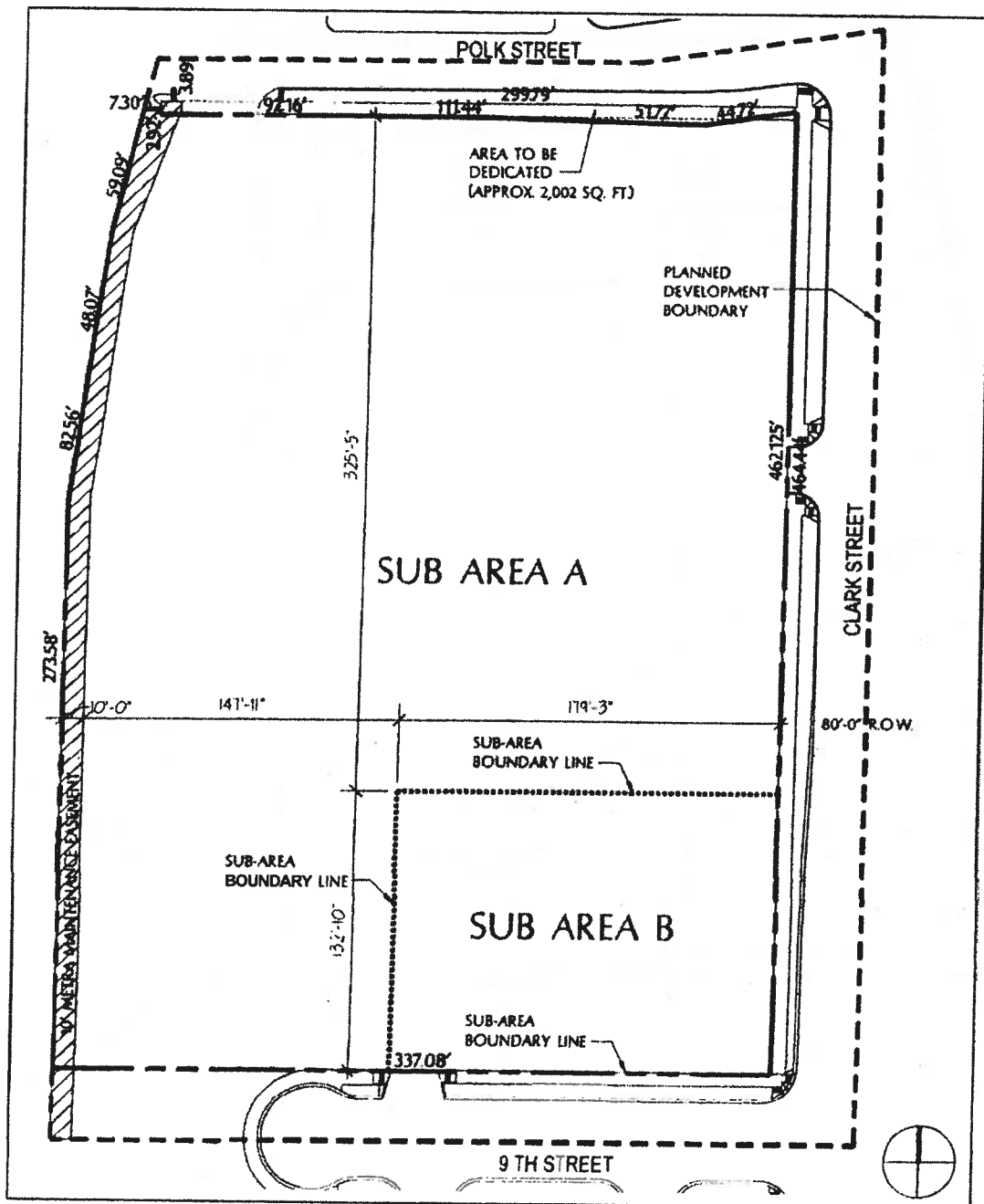
Subarea B: 50%

Blended Total: 50%

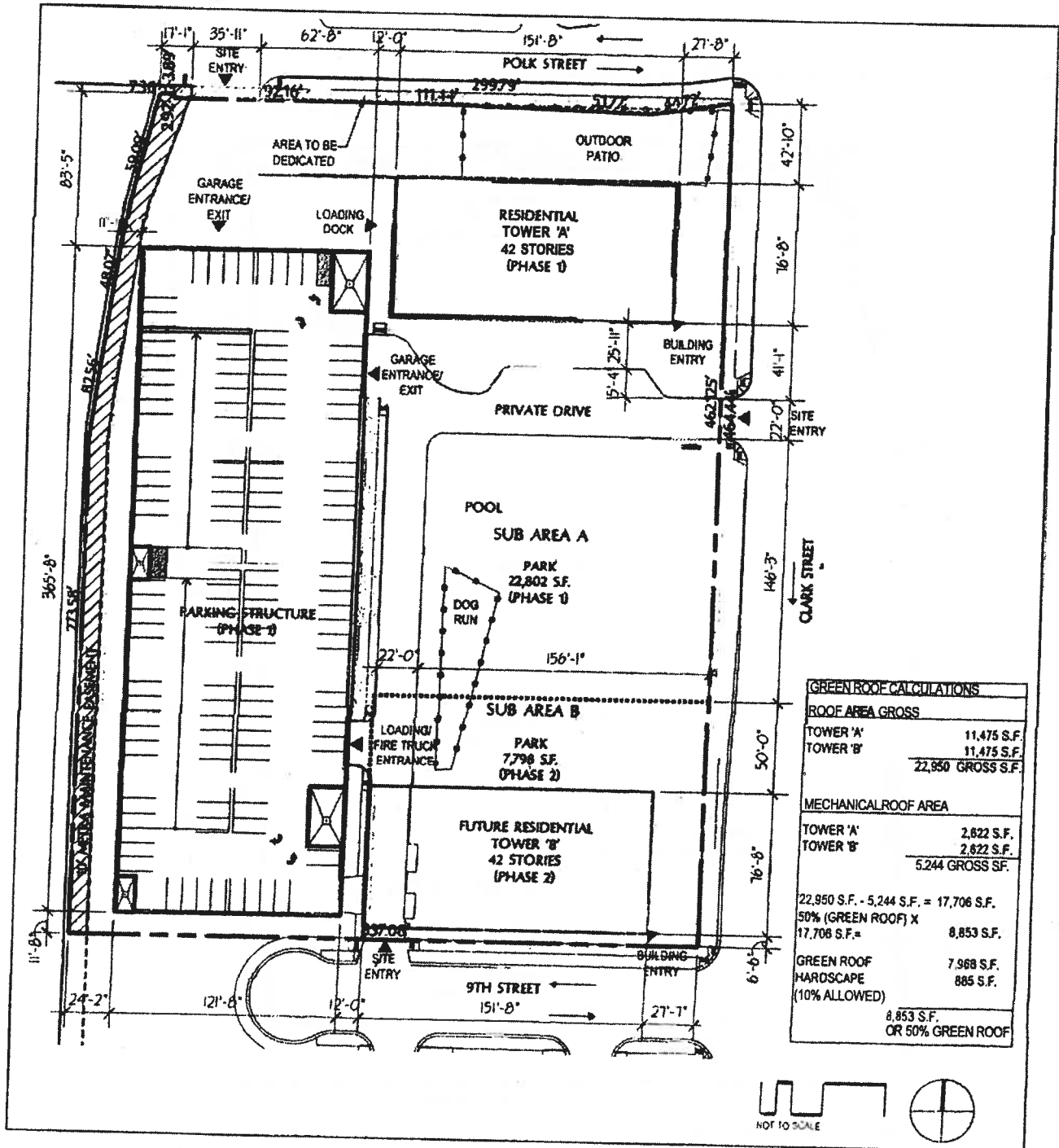
Existing Zoning And Land-Use Map.



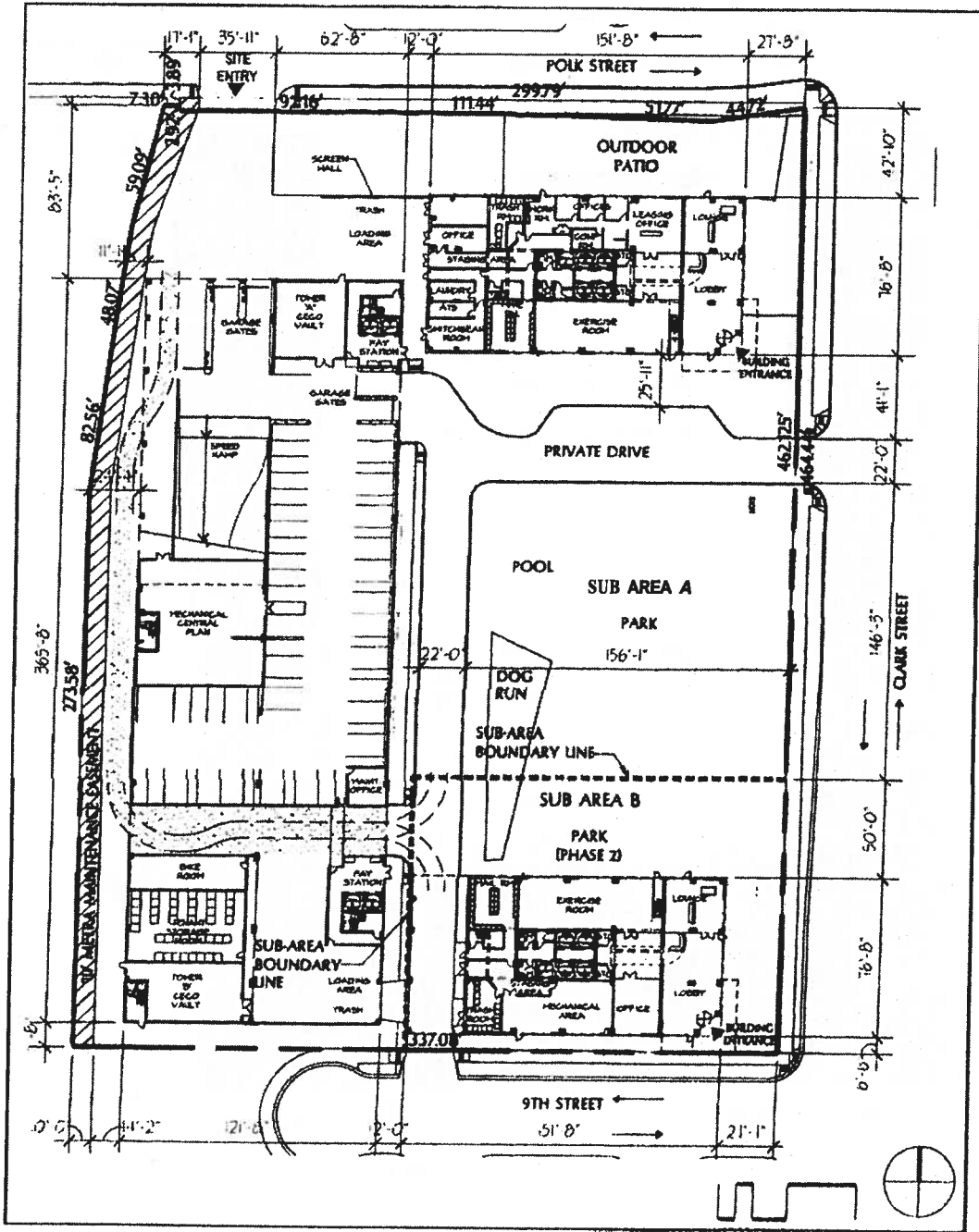
Planned Development Boundary, Property Line, Right-of-way Adjustment And Subarea Map.



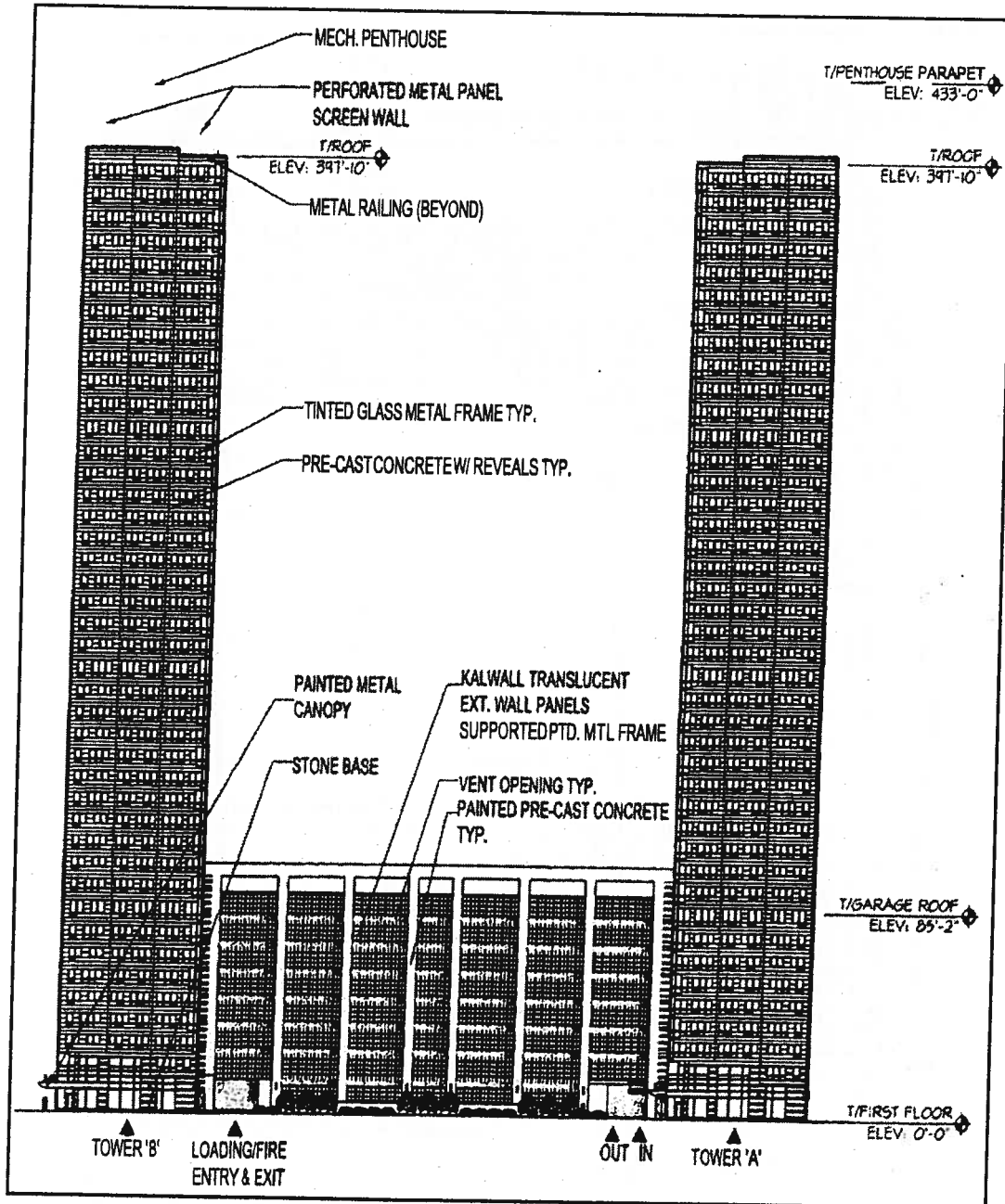
Site And Landscape Plan.



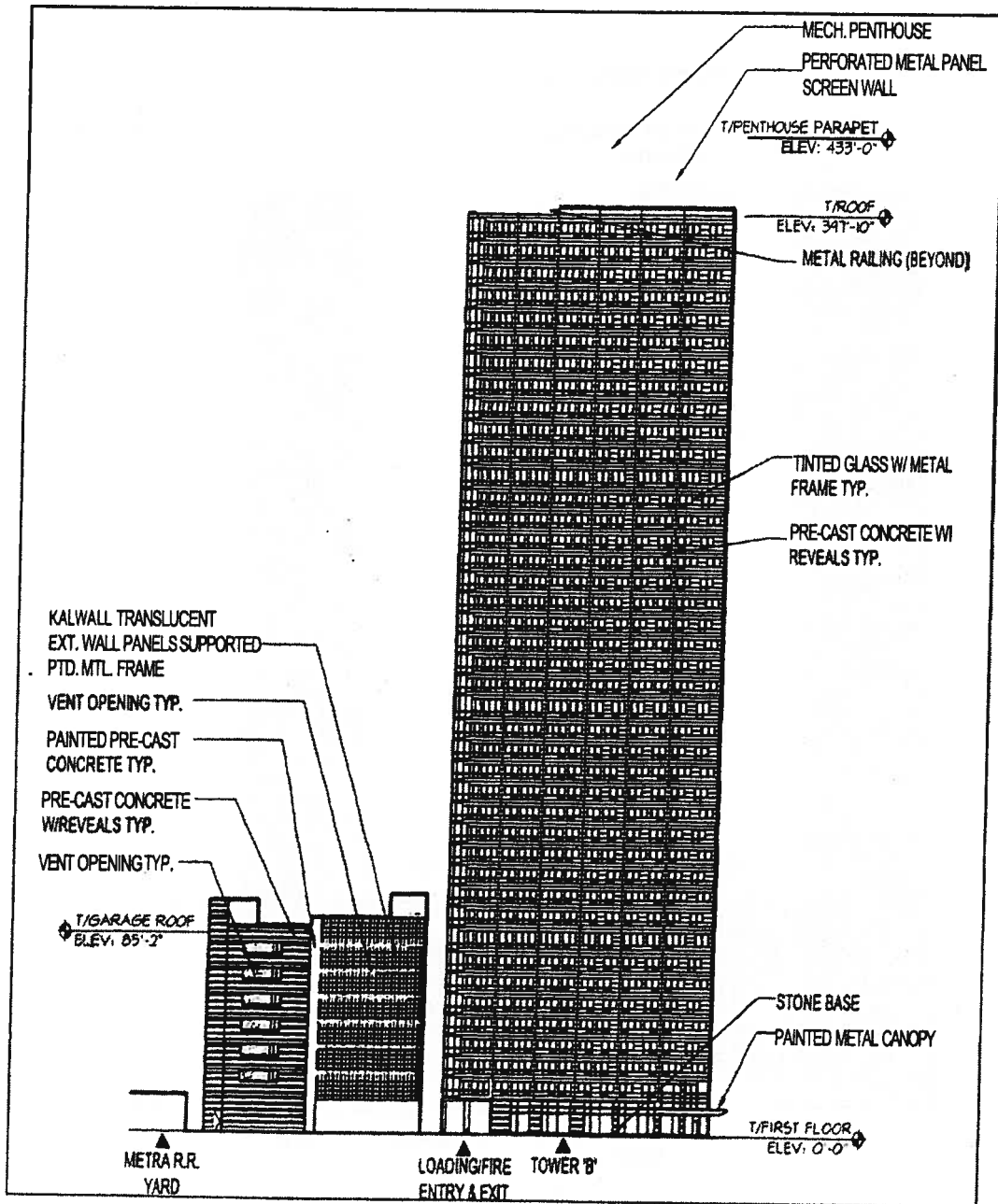
Ground Floor Plan.



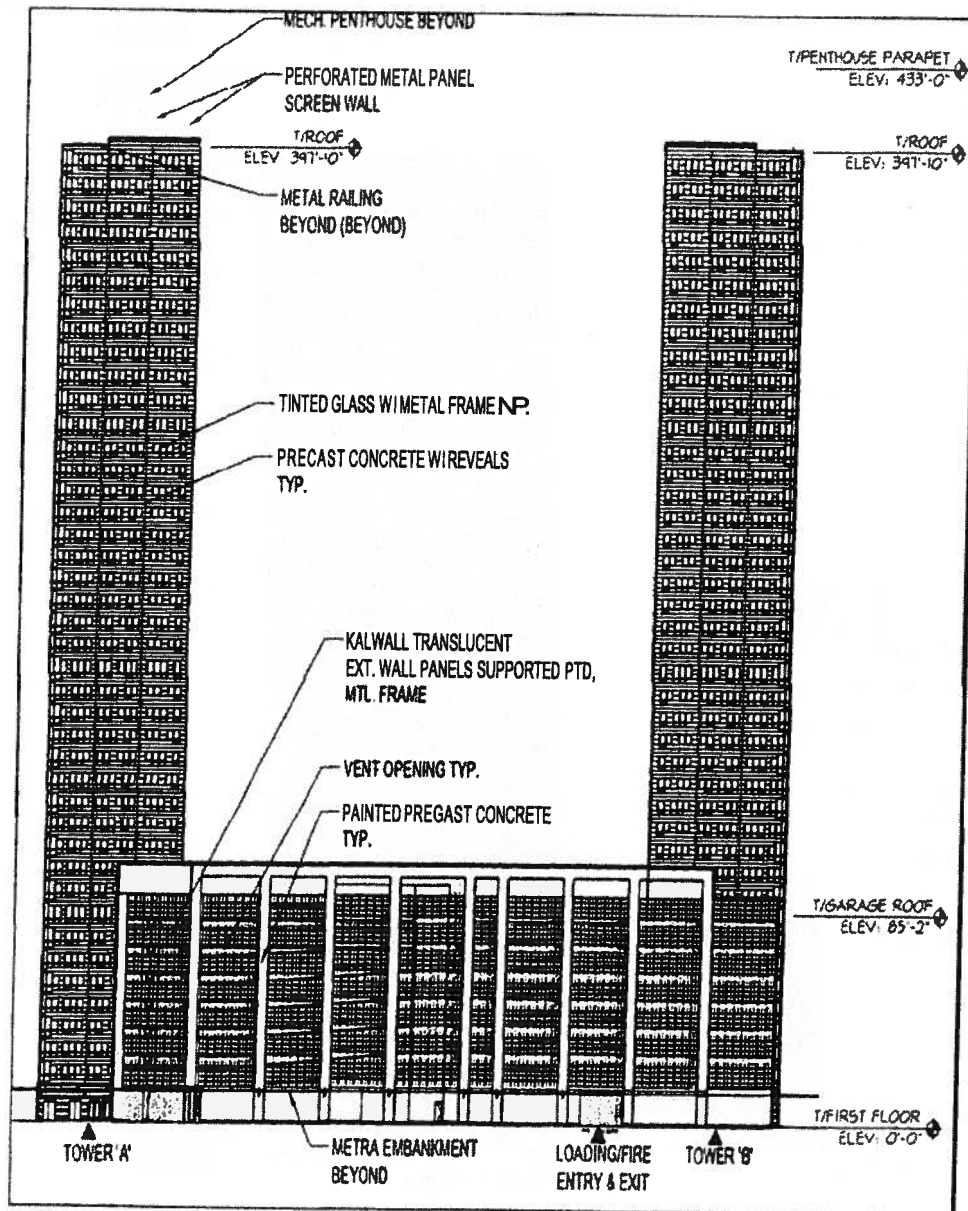
East Elevation -- South Clark Street.



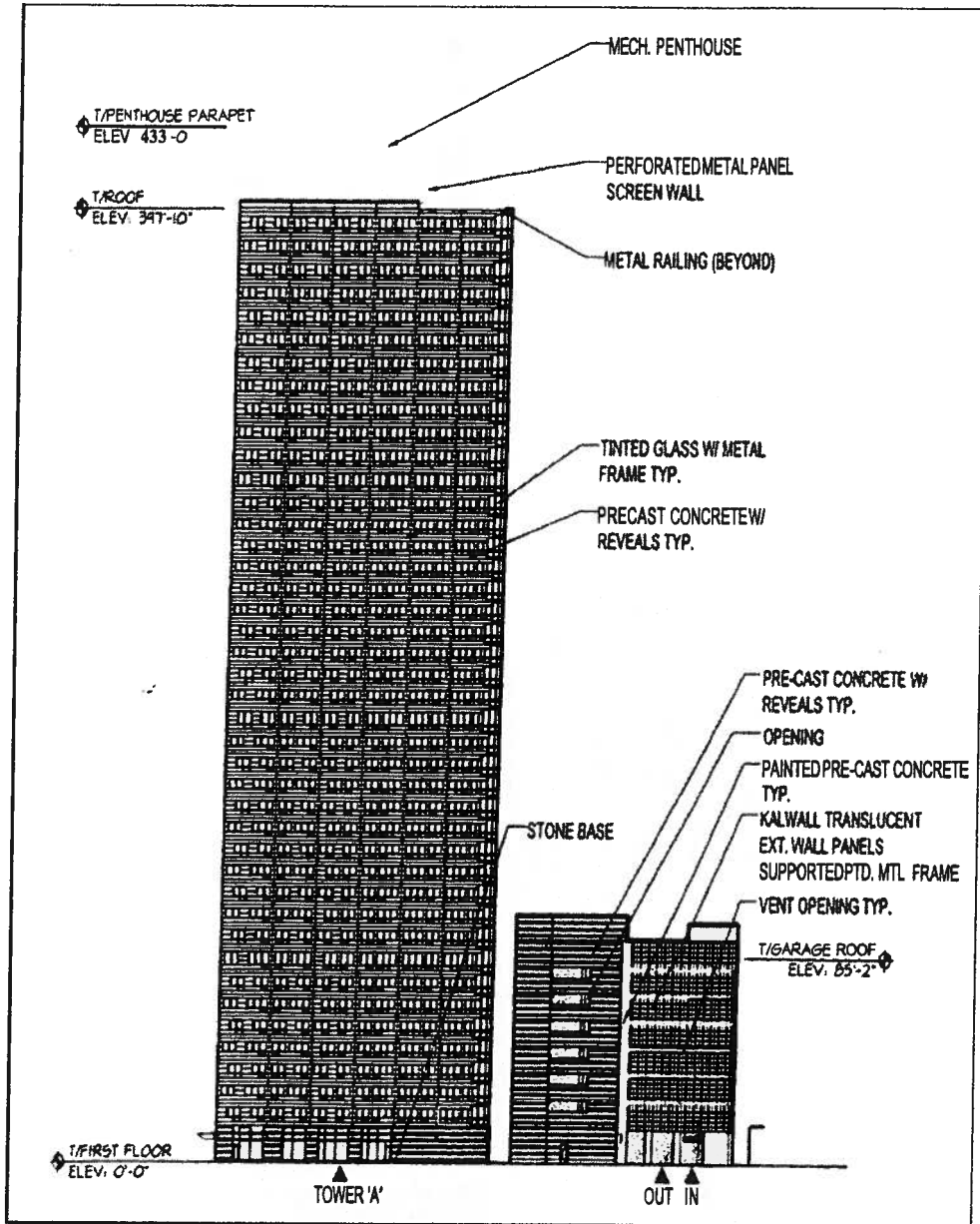
South Elevation -- West 9th Street.



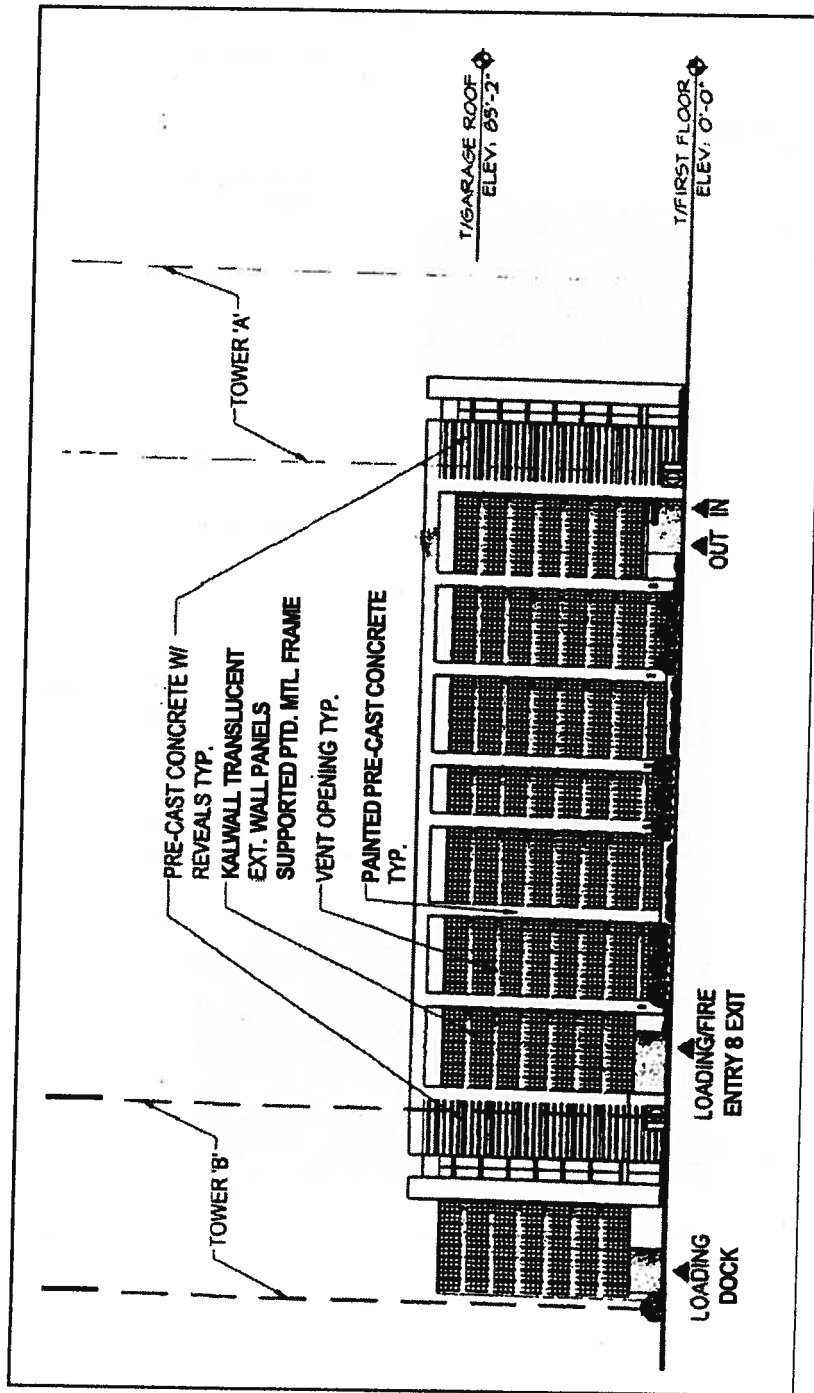
West Elevation -- Metra Railroad Yard.



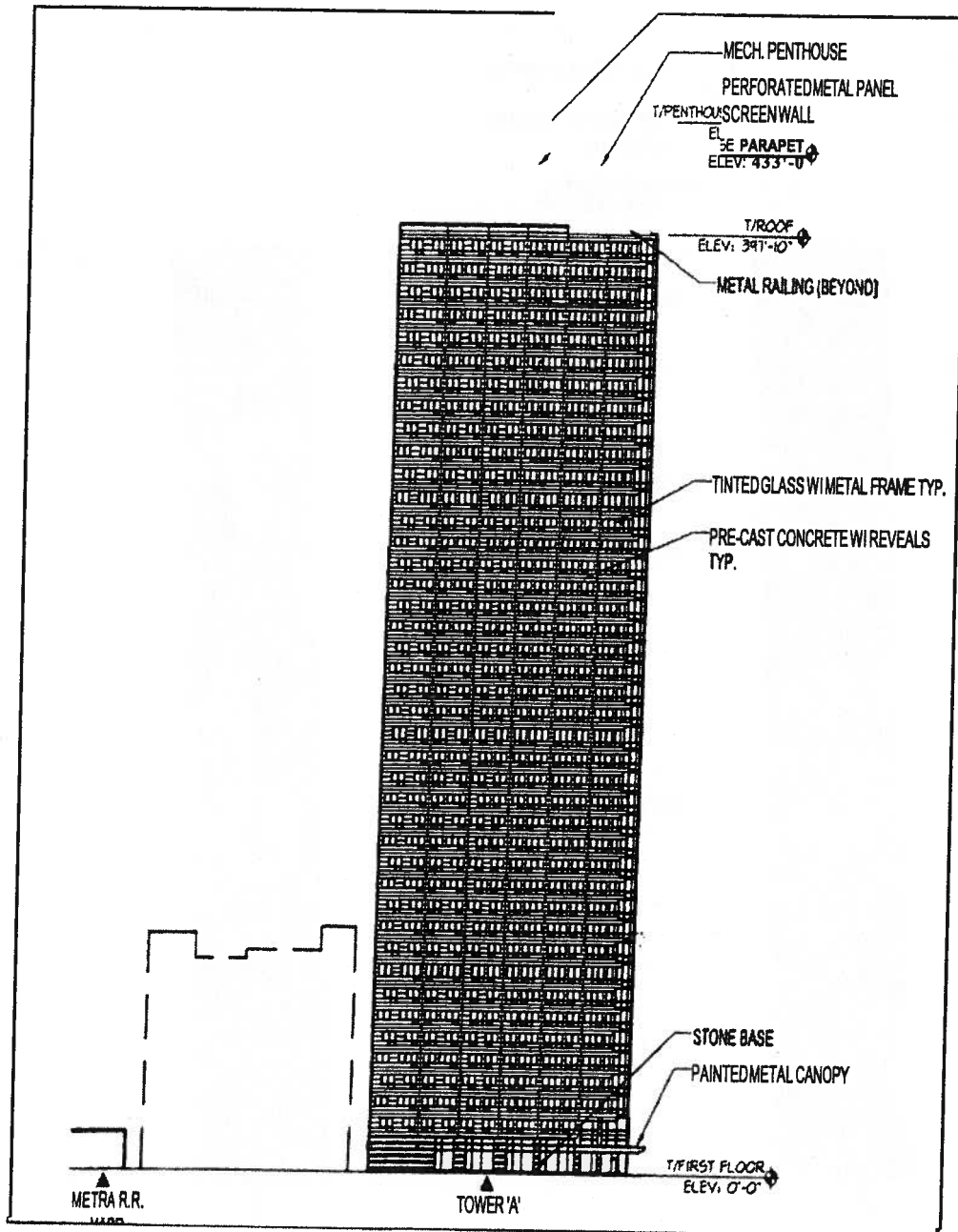
North Elevation -- West Polk Street.



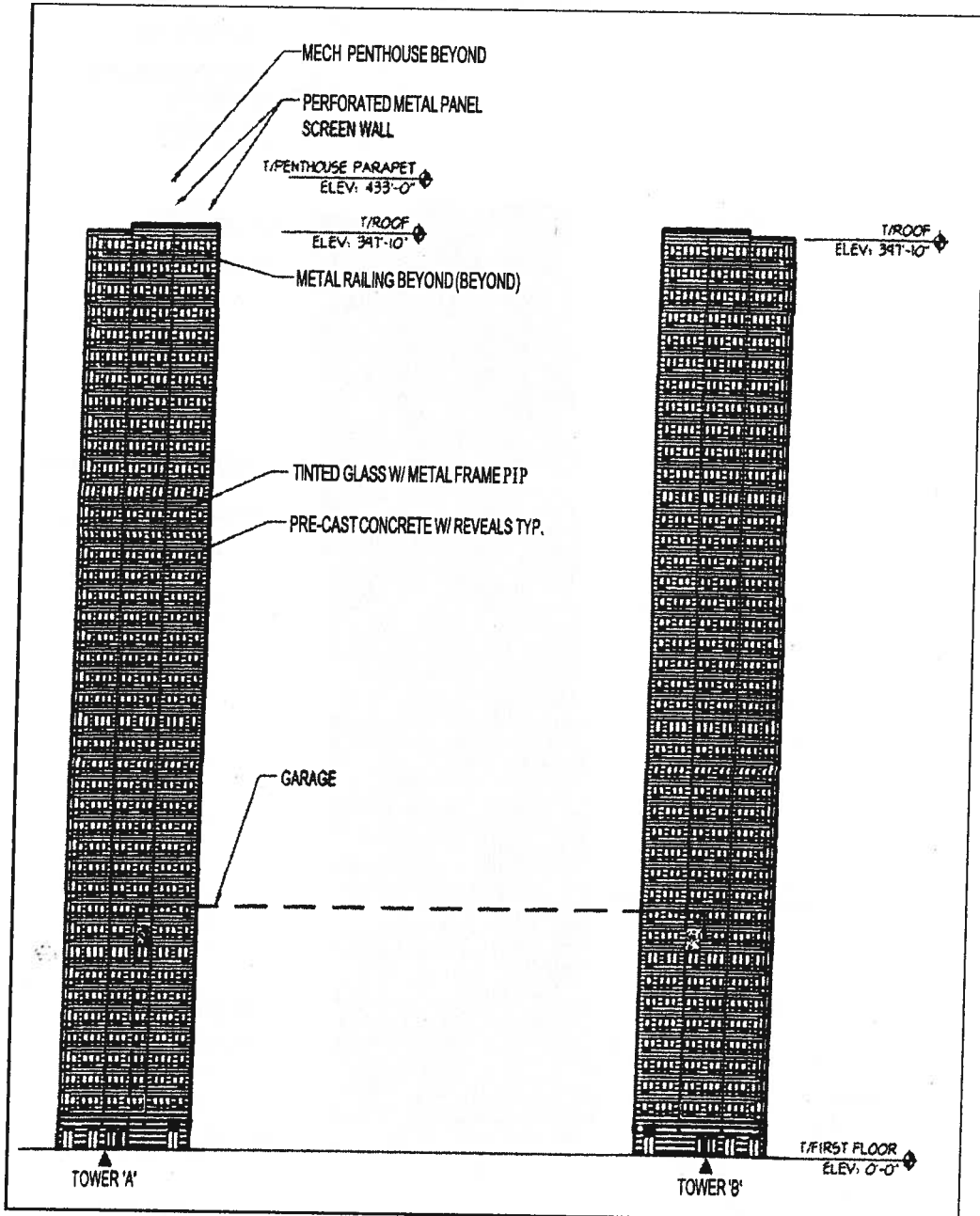
East Elevation -- Garage.



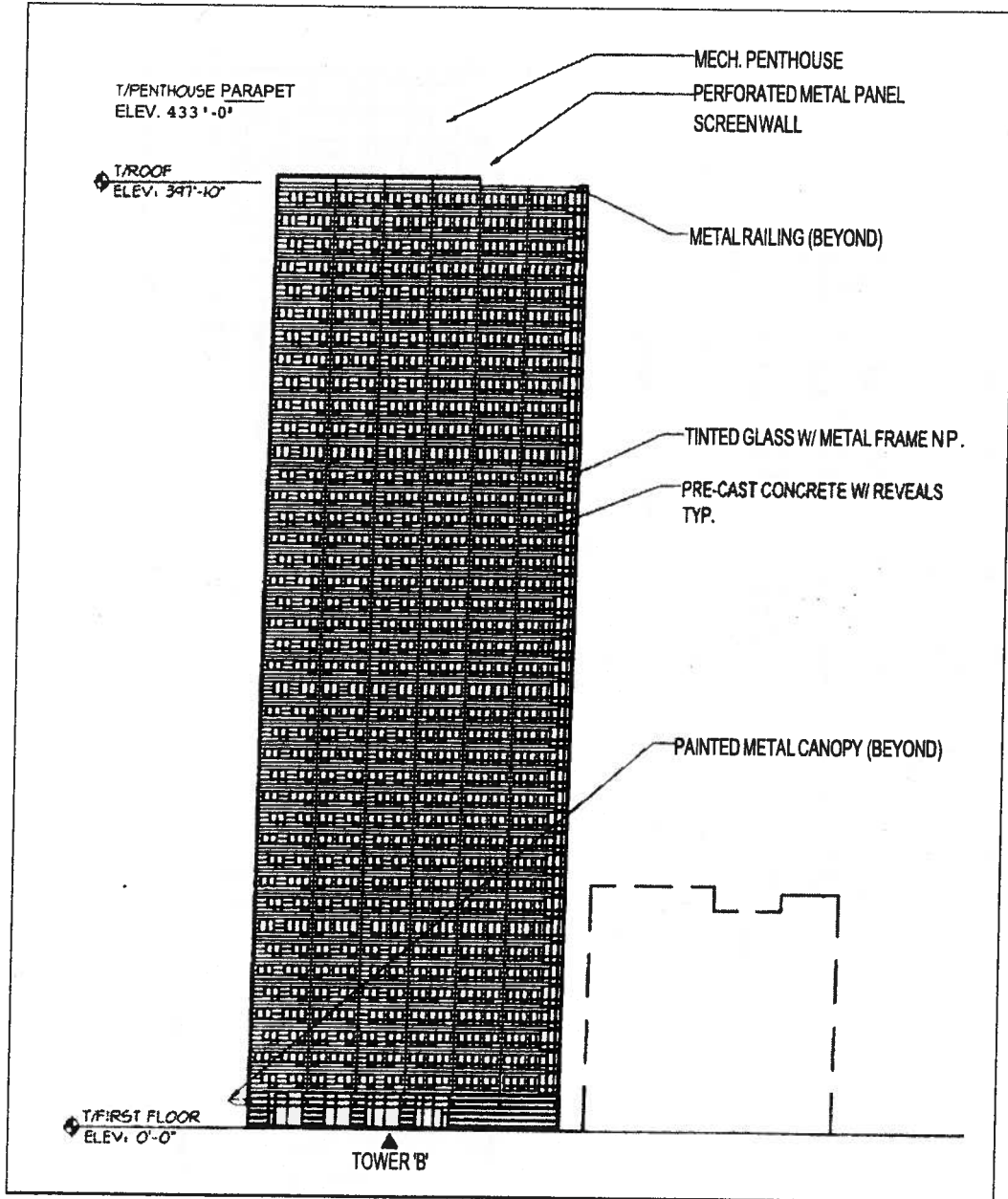
South Elevation -- Tower "A."



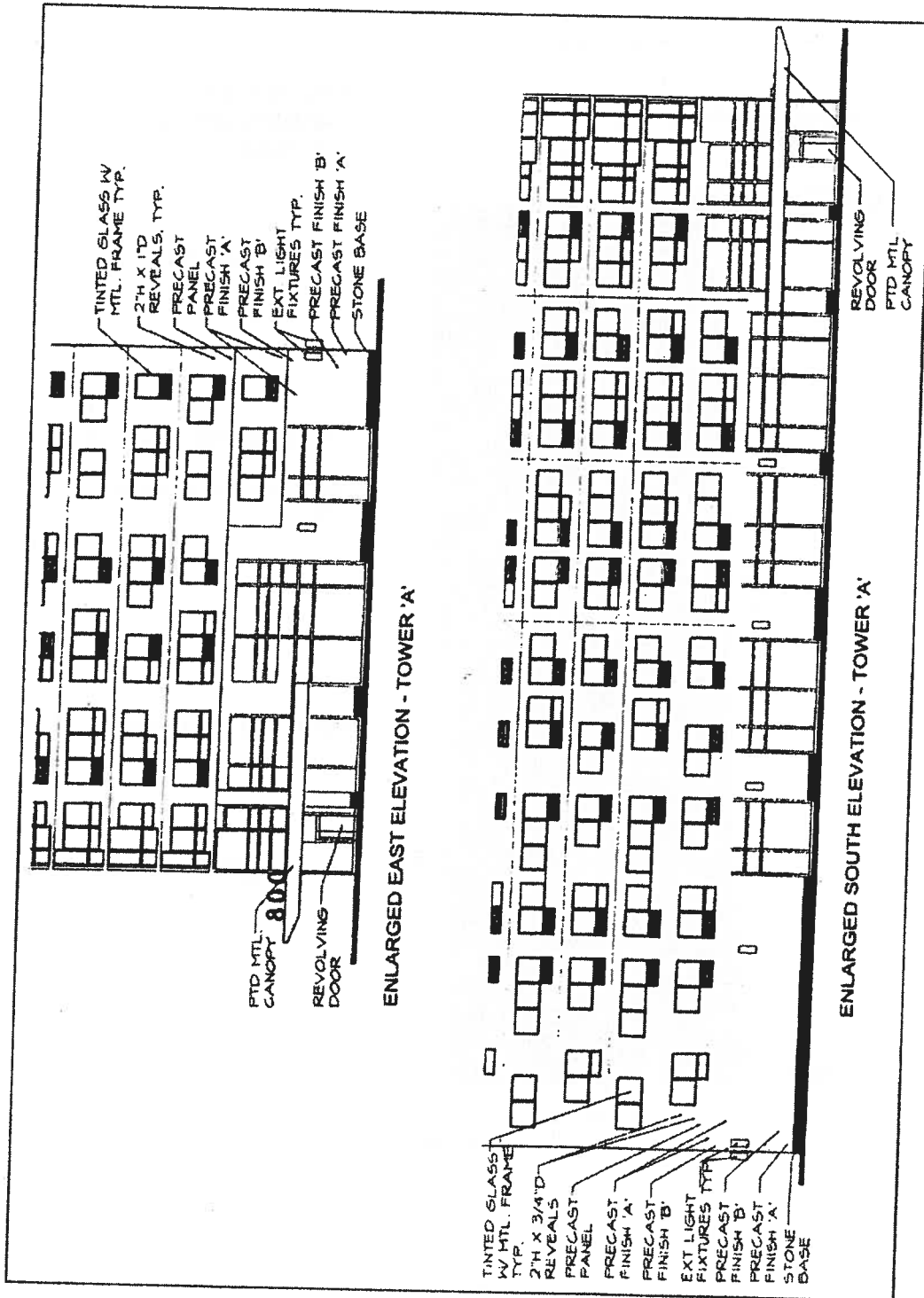
West Elevation -- Towers "A and "B".



North Elevation -- Tower "B"



Enlarged Tower "A Elevations





City of Chicago
Richard M. Daley, Mayor

Department of Planning
and Development

Lori T. Healey
Commissioner

City Hall, Room 1000
121 North LaSalle Street
Chicago, Illinois 60602
(312) 744-4190
(312) 744-2271 (FAX)
(312) 744-2578 (TTY)

<http://www.cityofchicago.org>

March 8, 2007

Ms. Caroline A. Nash
Schain, Burney, Ross & Citron, Ltd.
Suite 1910
222 North LaSalle Street
Chicago, IL 60601-1102

Re: **Administrative Relief request for Residential Planned Development
No. 1022, Subarea A, 824 South Clark Street/139 West Polk Street**

Dear Ms. Nash:

Please be advised that your request for a minor change to Residential Planned Development No. 1022 has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No.10 of the Planned Development.

Specifically, you requested to remove a portion of the rear driveway along the west property line adjacent to the Metra rail line as a result of further site engineering. The revised access to West 9th Street is shown on the following drawings, prepared by Solomon Cordwell and Buenz Architects:

- Site Plan (Subparcel A), revised November 7, 2006
- Site Plan (Subparcels A, B, + C), revised November 7, 2006
- Site Plan B, revised October 23, 2006

With regard to your request, the Department of Planning and Development has reviewed the request and has determined that this revision will not create an adverse impact on the Planned Development or surrounding neighborhood and would constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Planned Development No. 1022, I hereby approve the foregoing minor change, but no other changes to this Planned Development.

Sincerely,

Lori T. Healey
Commissioner

LTH:MRD:tm

cc: Kathleen Nelson, Terri Haymaker, Mike Marmo, Pat Haynes, DPD files



80022

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the alley next north of and parallel to West Belmont Avenue; a line 96 feet west of and parallel to North Kimball Avenue; West Belmont Avenue; and a line 417.08 feet west of and parallel to North Kimball Avenue,

to those of a C1-1 Neighborhood Commercial District and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

AMENDMENT OF TITLE 17 OF MUNICIPAL CODE OF
CHICAGO (CHICAGO ZONING ORDINANCE) BY
RECLASSIFICATION OF AREA SHOWN
ON MAP NUMBER 2-F.

(As Amended)
(Application Number 15388)

RPD 1022

(Committee Meeting Held June 8, 2006)

The Committee on Zoning submitted the following report:

CHICAGO, June 28, 2006.

To the President and Members of the City Council:

Reporting for your Committee on Zoning, for which a meeting was held on June 8, 2006, I beg leave to recommend that Your Honorable Body *Pass* various ordinances transmitted herewith for the purpose of reclassifying particular areas.

I beg leave to recommend the passage of four ordinances which were corrected and amended in their amended form. They are Application Numbers 15388, A-5697, 15367 and 15473.

Please let the record reflect that I, William J. P. Banks, abstained from voting and recused myself on Application Numbers 15583, 15585, 15573, 15567, 15584, 15592, 15586, 15609, 15566, 15587, 15081, 15473, 15495 and 15376 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

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At this time, I move for passage of the substitute ordinance transmitted herewith.

Again, please let the record reflect that I abstain from voting on Application Numbers 15583, 15585, 15573, 15567, 15584, 15592, 15586, 15609, 15566, 15587, 15081, 15473, 15495 and 15376 under the provisions of Rule 14 of the City Council's Rules of Order and Procedure.

Respectfully submitted,

(Signed) WILLIAM J. P. BANKS,
Chairman.

On motion of Alderman Banks, the said proposed substitute ordinance transmitted with the foregoing committee report was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Flores, Haithcock, Tillman, Preckwinkle, Hairston, Lyle, Beavers, Stroger, Beale, Pope, Balcer, Cárdenas, Olivo, T. Thomas, Coleman, L. Thomas, Murphy, Rugai, Troutman, Brookins, Muñoz, Zalewski, Chandler, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Matlak, Mell, Austin, Colón, Banks, Mitts, Allen, Laurino, O'Connor, Doherty, Natarus, Daley, Tunney, Levar, Shiller, M. Smith, Moore, Stone -- 48.

Nays -- None.

Alderman Beavers moved to reconsider the foregoing vote. The motion was lost.

Alderman Burke invoked Rule 14 of the City Council's Rules of Order and Procedure, disclosing that he had represented parties to this ordinance in previous and unrelated matters.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Chicago Zoning Ordinance be amended by changing all the DX-7 Downtown Mixed-Use District symbols and indications as shown on Map Number 2-F in area bounded by:

West Polk Street; South Clark Street; a line 332.64 feet west of and parallel to South Clark Street; and the 10 foot wide Metra Maintenance Easement on the east side of the Metra-Rock Island District railroad,

to those of a Residential Planned Development and a corresponding use district is hereby established in the area above described.

SECTION 2. This ordinance shall be in force and effect from and after its passage and due publication.

Plan of Development Statement attached to this ordinance reads as follows:

Residential Planned Development Number 1022.

Plan Of Development Statements

1. The area delineated herein as a Residential Planned Development consists of a net site area of approximately three and forty-six hundredths (3.46) acres (one hundred fifty thousand eight hundred thirty-nine (150,839) square feet) ("Property") which is controlled by Lennar Communities of Chicago, L.L.C. ("Applicant") for purposes of this Residential Planned Development.
2. The Applicant shall obtain all applicable official reviews, approvals or permits which are necessary to implement this plan of development. Any dedication or vacation of streets or alleys or easements or adjustments of rights-of-way or consolidation or resubdivision of parcels shall require separate submittal on behalf of the Applicant or its successors, assignees or grantees and approval by the City Council. All conveyance of property to the City for public right-of-way shall be through the City's dedication process.
3. The requirements, obligations and conditions with respect to each subarea contained within this planned development shall be binding upon the Applicant, its successors and assigns and, if different than the Applicant, the legal titleholders and any ground lessees except as provided herein. All rights granted hereunder to Applicant for each of the three (3) subareas shall inure to the benefit of Applicant's successors and assignees and, if different than the Applicant, the legal titleholders and any ground lessees and their respective successors and assignees. The property, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this planned development are made, shall be under single ownership or under single designated control if the change has a material adverse effect on one (1) or more other

subareas. A change shall be deemed to have a material adverse effect if it results in, or would result in, any of the following (i) any limitation, restriction or diminution in the allowable uses, floor area, floor area ratio, density or other development entitlements of another subarea as they exist under this planned development or the Chicago Zoning Ordinance; (ii) any increase in another subarea owner's obligations with regard to, or cost of, the development or maintenance of the improvements located, or which may in the future be located, in the subarea owned by such other owner; (iii) any imposition of changes, conditions or requirements upon the use, development, construction or maintenance of the other owner's subarea, the improvements located or to be located thereon or thereunder, which changes, conditions or requirements are not contained in this planned development; or (iv) any change in law sought by a subarea owner which would result in any portion of the Property owner by another or the improvements located thereon becoming non-conforming. Single designated control for purposes of this statement shall mean that any application to the City for any amendment to this planned development or any other modification or change thereto (administrative, legislative or otherwise) shall be made or authorized by all the owners of the Property and any ground lessors of the Property. If an amendment, modification or change (administrative, legislative or otherwise) does not have a material adverse effect, the amendments, modifications or changes (administrative, legislative or otherwise) to this planned development applicable to or in a given subarea designated pursuant to Statement Number 5 below need only be made or authorized by the owners and/or ground lessees of such subarea. Moreover, where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein. Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein. Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of the Property so transferred, the term "Applicant" shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder.

4. This plan of development consists of these thirteen (13) statements; a Bulk Regulations and Data Table; an Existing Zoning Map; a Planned

Development Boundary, Property Line, Subarea and Right-of-Way Adjustment Map; a Site/Landscape Plan; a Subarea A Site Plan and Landscape Plan; a Subarea A West Elevation; a Subarea A South Elevation; a Subarea A East Elevation; a Subarea A North Elevation; a Subarea A North Elevation Base Plan; and a Subarea A Green Roof Plan; all dated May 18, 2006, prepared by Solomon Cordwell Buenz, which are all incorporated herein. Full-size sets of the Site/Landscape Plan and Building Elevations are on file with the Department of Planning and Development. This plan of development is in conformity with the intent and purposes of the Chicago Zoning Ordinance (Title 17 of the Municipal Code of Chicago) and all requirements thereof and satisfies the established criteria for approval of a planned development. These and no other zoning controls shall apply to the area delineated herein. In any instance where a provision of the planned development conflicts with the Chicago Building Code, the Building Code shall control.

5. The following uses shall be permitted within the areas delineated herein: multi-family dwelling units; uses as permitted in the DX-7 Downtown Mixed-Use District; accessory parking; open space uses; surface public parking lot uses; accessory uses; temporary sales pavilions as further set forth herein; and related uses.
6. Identification and on-site business signs shall be permitted within the planned development subject to the review and approval of the Department of Planning and Development. Temporary signs, such as construction and marketing signs shall be permitted within the planned development subject to review and approval of the Department of Planning and Development.
7. Any service drives or other ingress or egress including emergency vehicle access shall be adequately designed, constructed and paved in accordance with the Municipal Code of Chicago and the regulations of the Department of Transportation in effect at the time of construction. Ingress and egress shall be subject to the review and approval of the Department of Transportation and the Department of Planning and Development. All work in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in accordance with the Municipal Code of the City of Chicago. Off-street parking and off-street loading facilities shall be provided in compliance with this plan of development subject to review of the Departments of Transportation and Planning and Development.

8. In addition to the maximum height of any building or any appurtenance attached thereto, the height of any improvement shall also be subject to height limitations as approved by the Federal Aviation Administration.
9. The maximum permitted floor area ratio shall be in accordance with the attached Bulk Regulations and Data Table. For purposes of F.A.R. calculations and floor area measurements, the definition in the 2004 City of Chicago Zoning Ordinance shall apply. Improvements of the Property, including landscaping and all entrances and exits shall be designed, installed and maintained in substantial conformance with the Bulk Regulations and Data Table and the Site Plan attached hereto and made a part hereof. At such time that the Developer chooses to move forward with the development of Subareas B and C, the site plan, the elevations and materials shall be required to undergo site plan review in accordance with Bulk Regulations established in the bulk table and the May 18, 2006 site plan. Balconies which do not overhang the public way will be permitted. If within twenty-four (24) months of passage of this ordinance the Applicant has not applied for a Part II approval for either Subarea B or Subarea C, the Applicant must improve the existing parking lot in conformance with the City of Chicago Landscape Ordinance. During the time period prior to the expiration of the twenty-four (24) month period, Applicant shall be permitted to lease the existing surface parking lot to the public without constructing any additional landscaping improvements. Landscaping and a twenty-five percent (25%) green roof for Subarea A shall be installed and maintained at all times in accordance with the Site Landscape Plan and Green Roof Plan and the Parkway Tree Provisions of the Chicago Zoning Ordinance and corresponding regulations and guidelines. A twenty-five (25%) net green roof shall be required for Subareas B and C. Until such time as Subareas B and C are developed, they may continue to be used as a surface parking lot.

The Applicant will be responsible for installing the street trees along Clark Street and making improvements to the on-site open space before obtaining a certificate of occupancy for the residential building in Subarea A ("Temporary Landscape Improvements"). Temporary Landscape Improvements shall be defined as design, mass grading and installation of grass upon the on-site open space. The Applicant shall submit design and detailed landscape plans ("Final Landscape Improvements") to the Department of Planning and Development for its reasonable review and approval. The Applicant, or its designee, shall be granted credit for the value of the "Final Landscape Improvements" on-site open space plan at the time of permit application for Subarea A. When the Applicant or its designee applies for a permit for the building planned in Subarea B, the Applicant's open space impact fees shall be waived until the credit runs

out. The installation of the Final Landscape Improvements shall be completed upon the earlier of either the completion of all three (3) buildings or within six (6) years of the passage of this planned development. The credit shall only be granted to the Applicant or its designee.

10. The terms, conditions and exhibits of this planned development ordinance may be modified, administratively, by the Commissioner of the Department of Planning and Development upon the written request for such modification by the Applicant and after a determination by the Commissioner of the Department of Planning and Development, that such a modification is minor, appropriate and is consistent with the nature of the improvements contemplated in this planned development. Any such modification of the requirements of this planned development by the Commissioner of the Department of Planning and Development shall be deemed to be a minor change in the planned development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance.
11. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings 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 ("M.O.P.D.") to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
12. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner, which promotes and maximizes the conservation of energy resources. The Applicant shall use commercially reasonable efforts to design, construct and maintain all buildings located within this planned development in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating.
13. Unless substantial construction of at least one building has begun within the planned development within six (6) years of the date of passage of the planned development, the zoning of that Property shall revert to the DX-7 Downtown Mixed Use District. The six (6) year period may be extended for one (1) additional year if, before expiration, the Commissioner of the

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Department of Planning and Development determines that there is good cause for such an extension.

[Existing Zoning Map; Planned Development, Boundary, Property Line, Subarea and Right-of-Way Adjustment Map; Site/Landscape Plans; Building Elevations; and Green Roof Area referred to in these Plan of Development Statements printed on pages 80032 through 80041 of this Journal.]

Bulk Regulations and Data Table referred to in these Plan of Development Statements reads as follows:

Residential Planned Development Number 1022.

Bulk Regulations And Data Table.

Net Site Area:

Total:	150,839 square feet (+/- 3.46 acres)
Subarea A:	51,349 square feet
Subarea B:	56,943 square feet
Subarea C:	42,947 square feet

Maximum Floor Area Ratio:

Subarea A:	6.75
Subarea B:	6.5
Subarea C:	9.0

Blended Total: 7.0

The maximum floor area ratio of any individual subarea may exceed 7.0 as long as the total floor area ratio for the entire site does not exceed 7.0.

Note: Pursuant to Statement 13, there may be a temporary increase of the floor area ratio to provide for temporary sales trailers.

Maximum Number of Residential Units:

Subarea A:	275 units
Subarea B:	395 units
Subarea C:	330 units
TOTAL:	1,000 units

The maximum number of dwelling units of any individual subarea may be increased as long as the total number of dwelling units is not exceeded for the entire site.

Maximum Site Coverage: In accordance with the Site Plan

Minimum Number of Accessory Off-Street Parking Spaces:

Subarea A:	0.7 to 1 dwelling unit
Subarea B:	0.7 to 1 dwelling unit
Subarea C:	0.7 to 1 dwelling unit

**Maximum Number of Accessory
Off-Street Parking Spaces:**

Subarea A:	1.1 to 1 dwelling unit
Subarea B:	1.1 to 1 dwelling unit
Subarea C:	1.1 to 1 dwelling unit

**Minimum Number of Off-Street
Loading Docks:**

Subarea A:	2
Subarea B:	2
Subarea C:	2

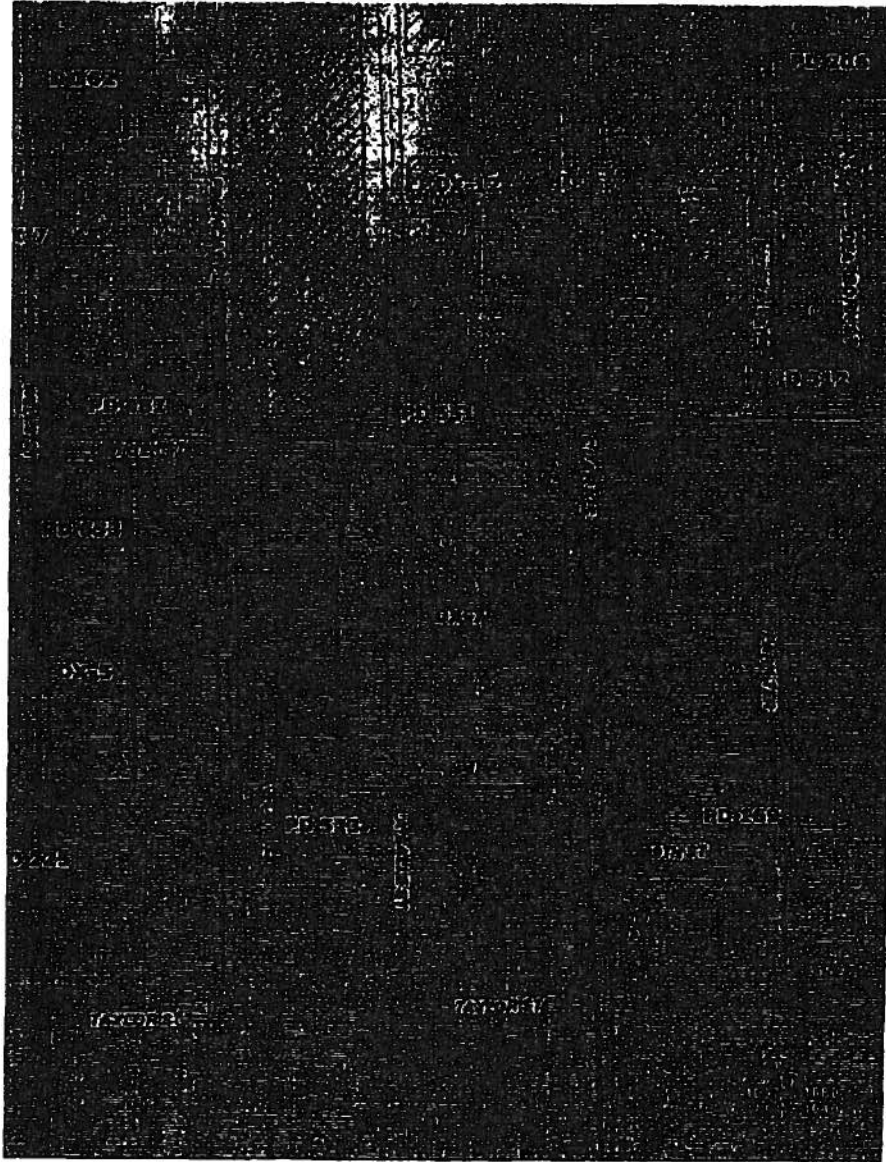
**Minimum Building Setbacks
from the Property Line:**

Building A:	North setback 6 feet, 5 inches East setback 14 feet, 6 inches West setback 15 feet
Building B:	East setback 180 feet West setback 5 feet, 8 inches
Building C:	West setback 27 feet South setback 0 feet East setback 12 feet, 5 inches

Maximum Building Height:

Subarea A:	365 feet
Subarea B:	450 feet
Subarea C:	425 feet

Existing Zoning Map.



not to scale

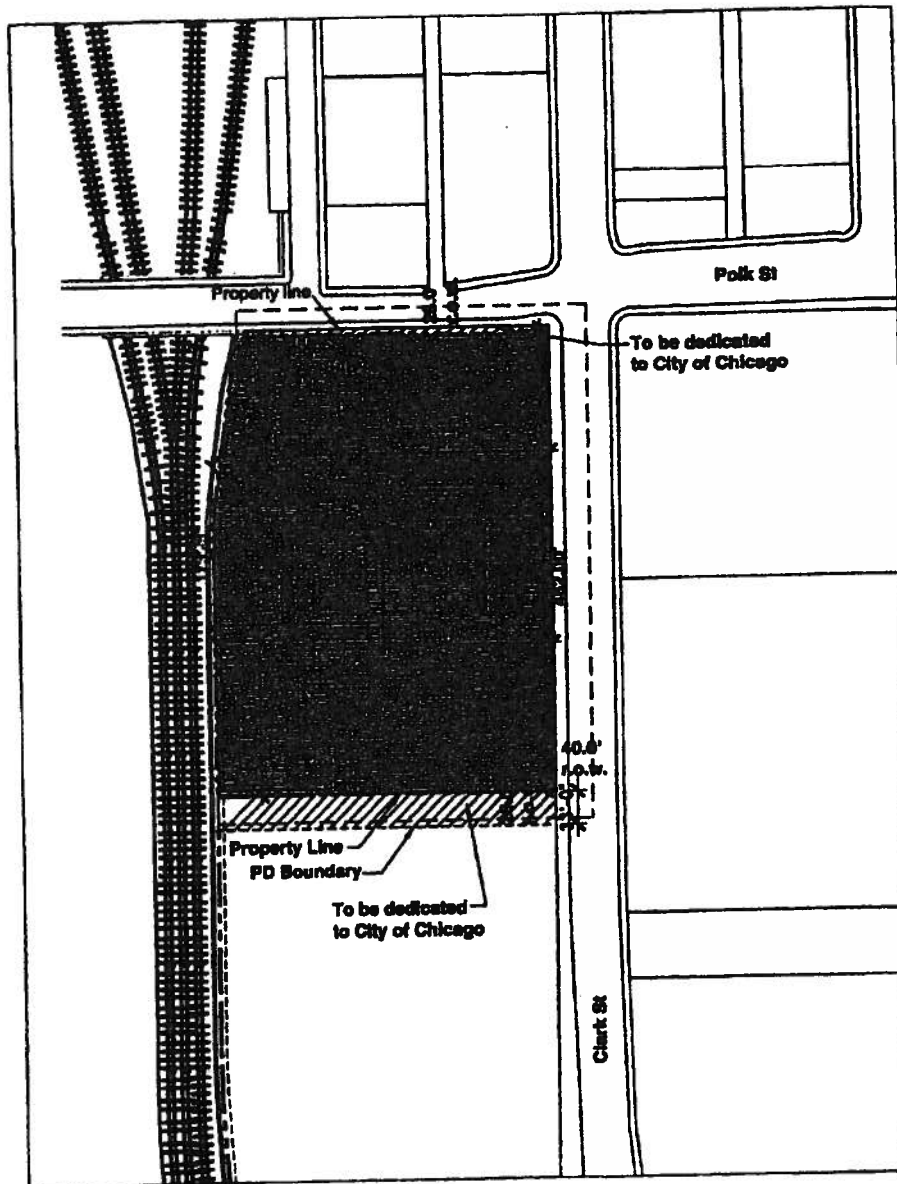


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EXISTING ZONING MAP

Applicant: Lennar Communities of Chicago
850 West Jackson Street
Project: 824 South Clark Street / 139 West Polk Street
Date: 01.11.2006 **Revised :** 05.18.2006

Planned Development Boundary, Property Line, Subarea And Right-Of-Way Adjustment Map.



not to scale

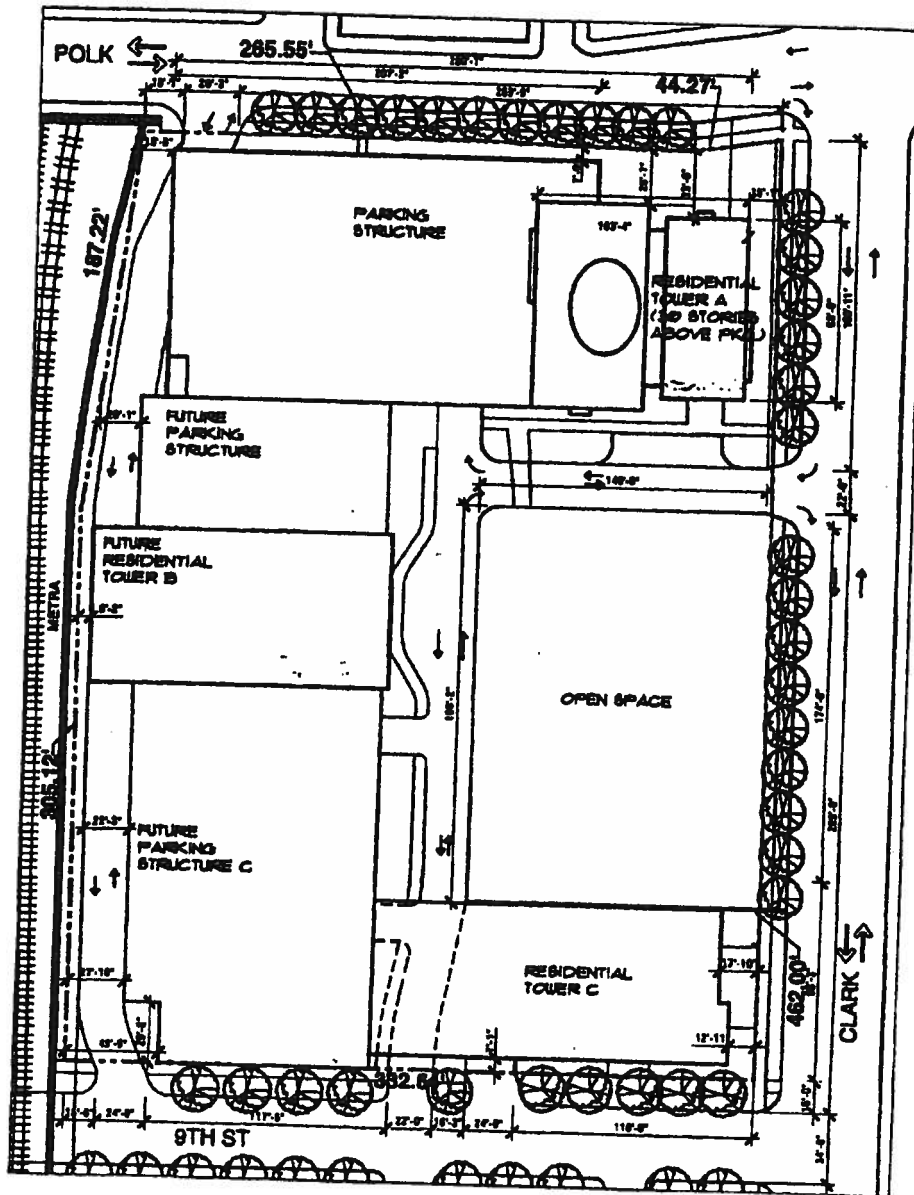


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PLANNED DEV. BOUNDARY, PROPERTY LINE, SUB-AREA + RIGHT OF WAY ADJUSTMENT MAP

Applicant: Lennar Communities of Chicago
 850 West Jackson Street
 Project: 824 South Clark Street / 139 West Polk Street
 Date: 01.11.2006 Revised: 05.18.2006

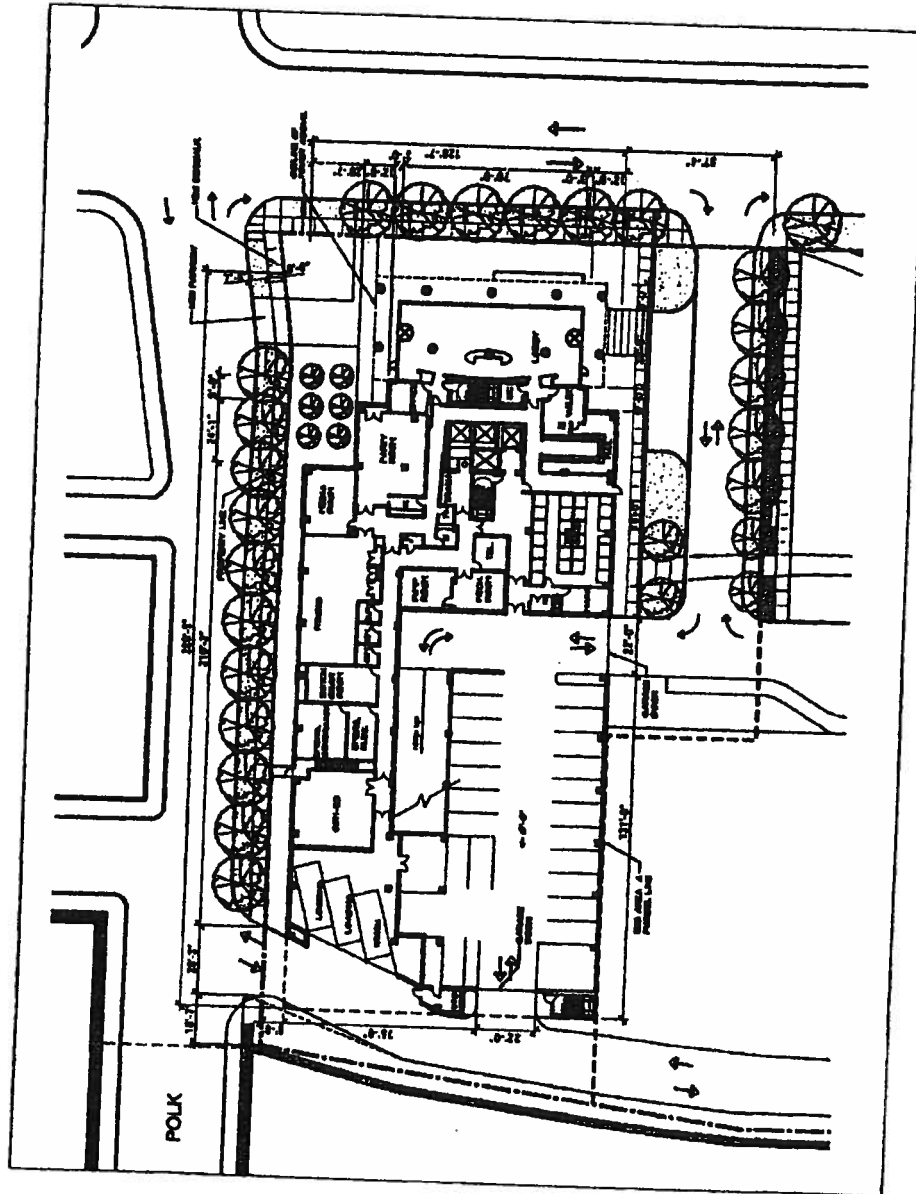
Site/Landscape Plan.



GRAPH SCALE
0 32 64'
© 2006 Solomon Cordwell Buenz

SITE / LANDSCAPE PLAN
 Applicant: Lerner Communities of Chicago
 850 West Jackson Street
 Project: 824 South Clark Street / 139 West Polk Street
 Date: 01.11.2008 Revised: 05.18.2006

Subarea A Site Plan And Landscape Plan.



N.T.S.



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SUBAREA A SITE PLAN AND LANDSCAPE PLAN

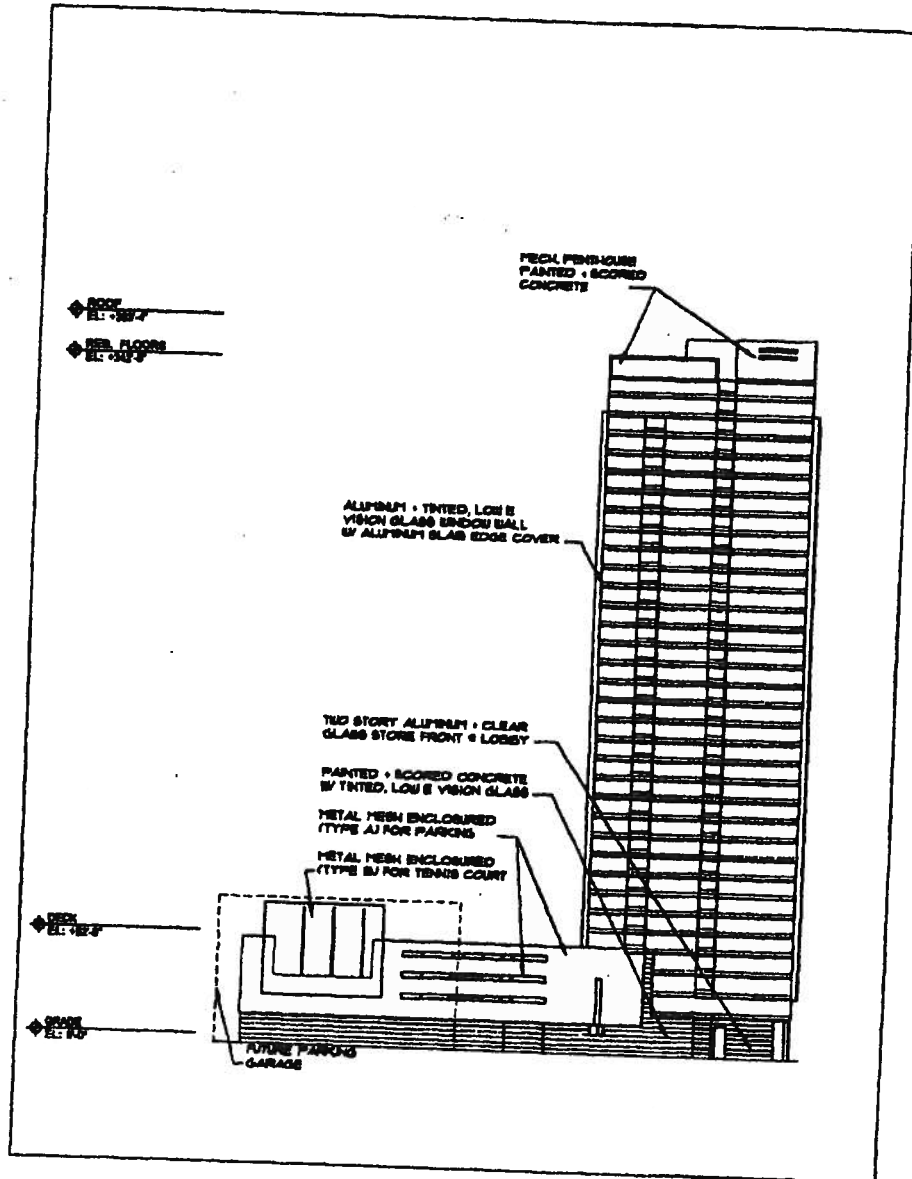
Applicant: Lennar Communities of Chicago
850 West Jackson Street
Project: 824 South Clark Street / 139 West Polk Street
Date: 01.11.2008 **Revised :** 05.18.2008

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Subarea A -- South Elevation.



0 32' 64'

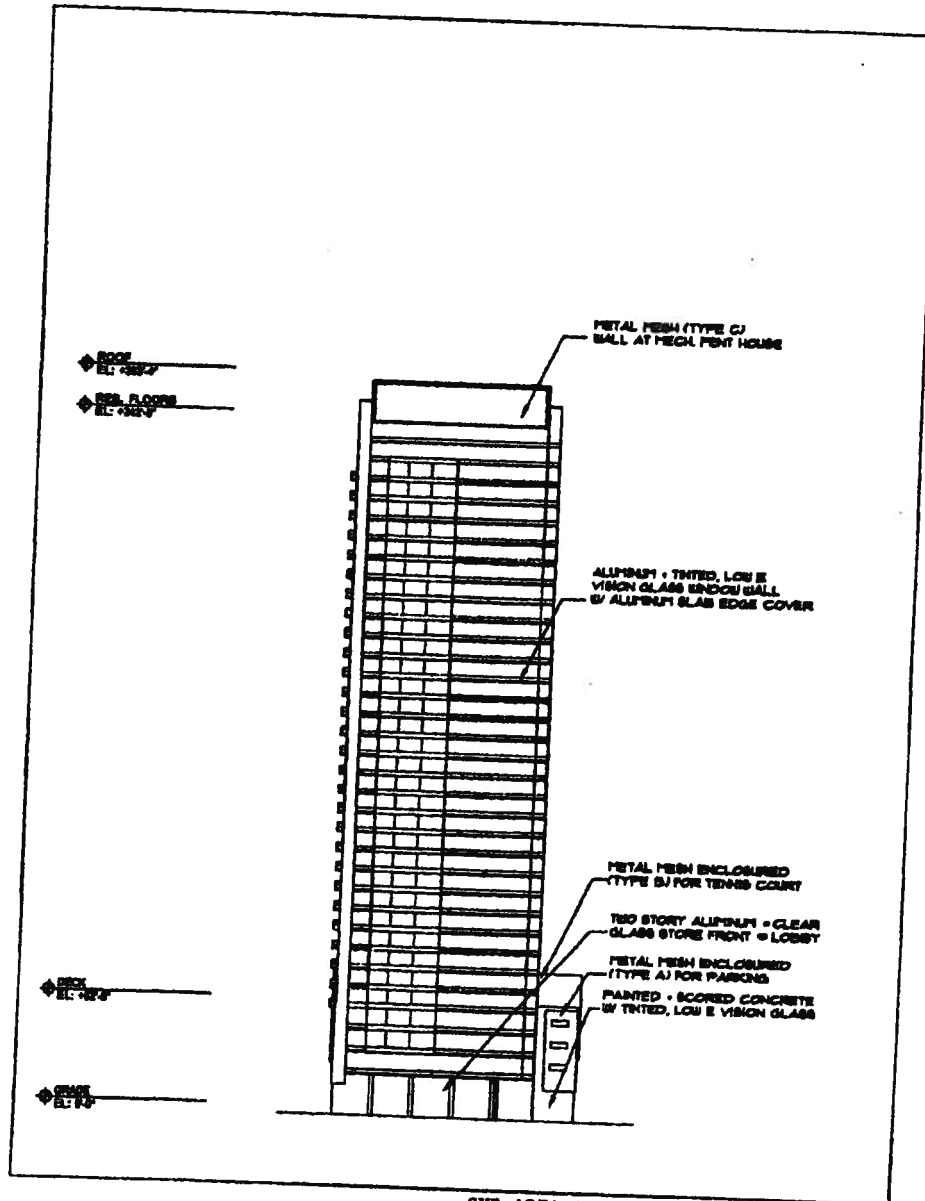


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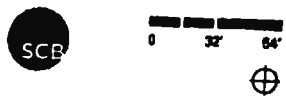
SUB AREA A
SOUTH ELEVATION

Applicant: Lennar Communities of Chicago
850 West Jackson Street
Project: 824 South Clark Street / 139 West Polk Street
Date: 01.11.2006 Revised: 05.18.2006

Subarea A -- East Elevation.



SUB AREA A
EAST ELEVATION



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Applicant: Lennar Communities of Chicago
 850 West Jackson Street
 Project: 824 South Clark Street / 139 West Polk Street
 Date: 01.11.2008 Revised: 05.18.2008

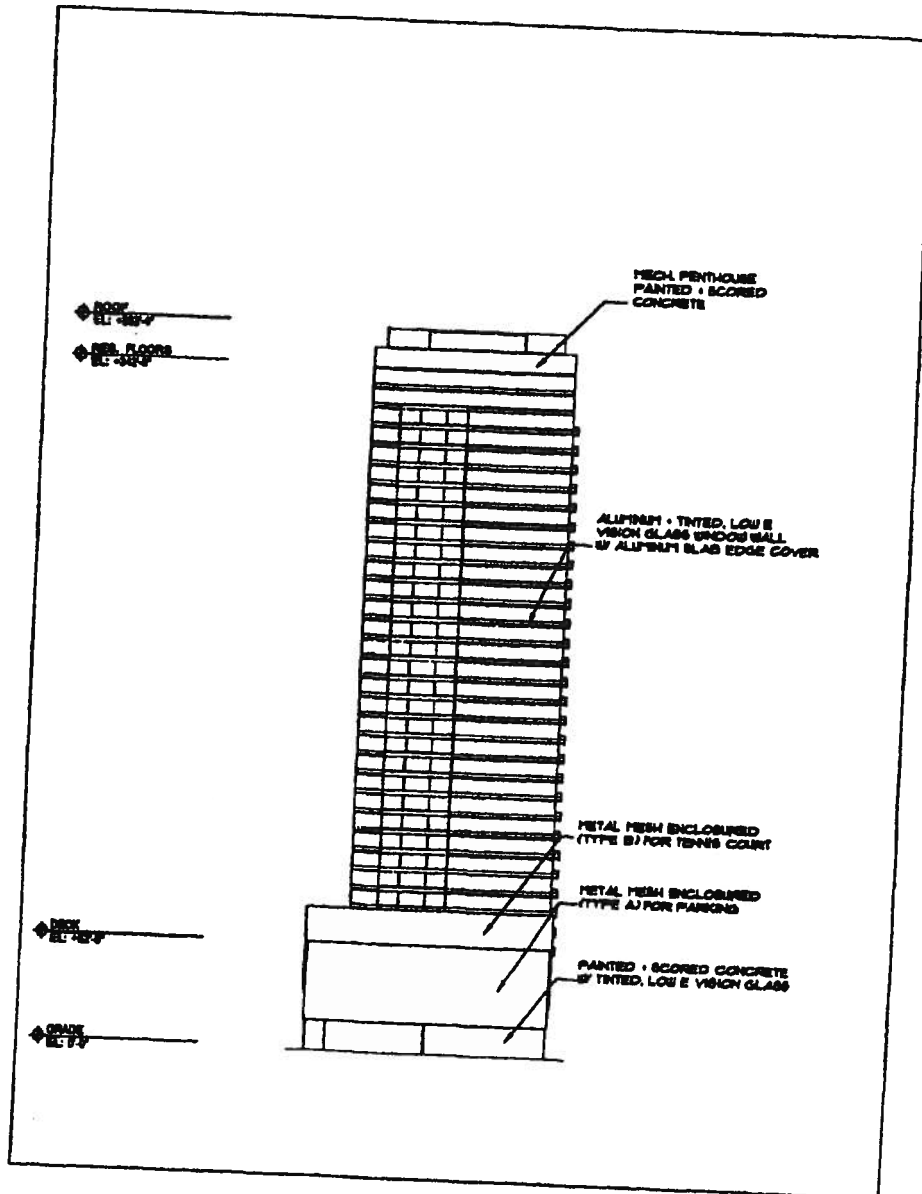


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Subarea A -- West Elevation.



0 32' 64'

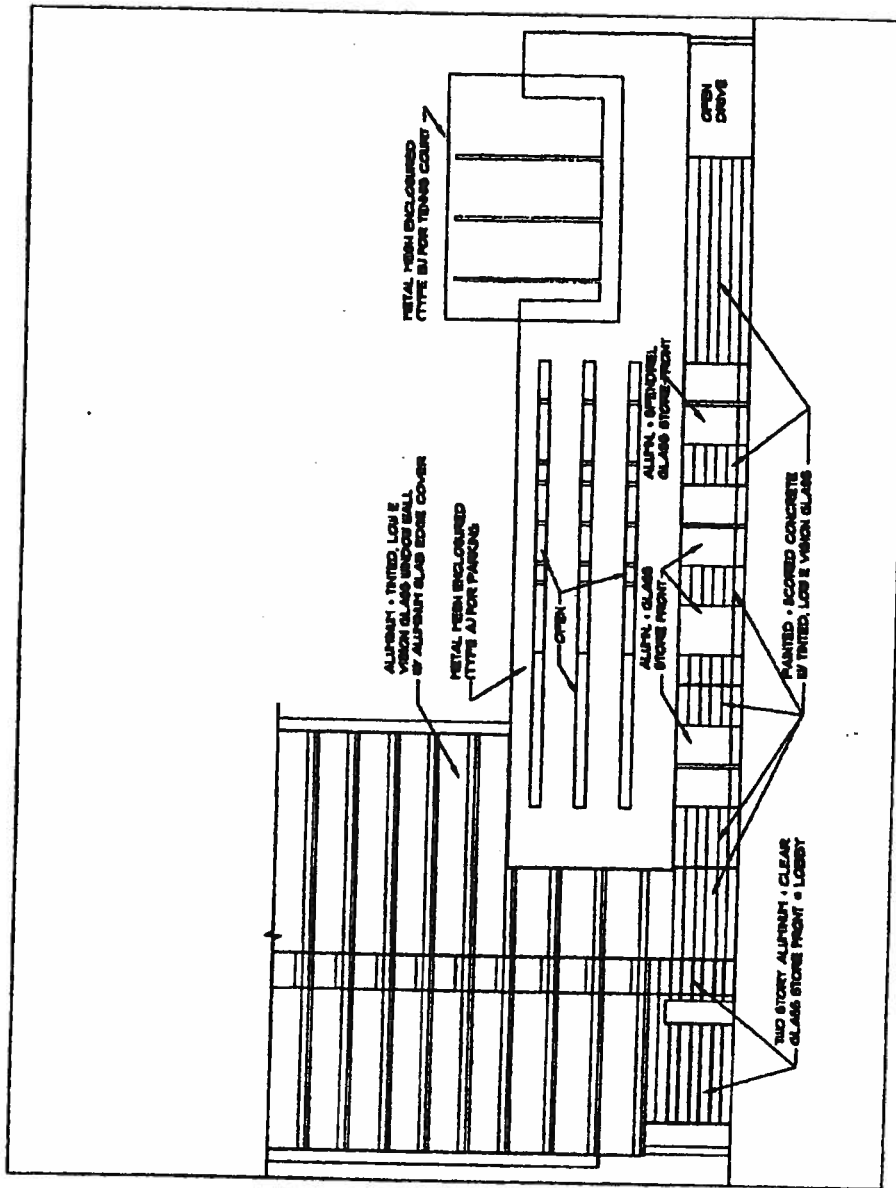


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SUB AREA A
WEST ELEVATION

Applicant: Lennar Communities of Chicago
880 West Jackson Street
Project: 824 South Clark Street / 139 West Polk Street
Date: 01.11.2006 Revised: 05.18.2008

Subarea A -- North Elevation Base.



SUB AREA A
NORTH ELEVATION BASE



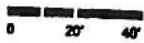
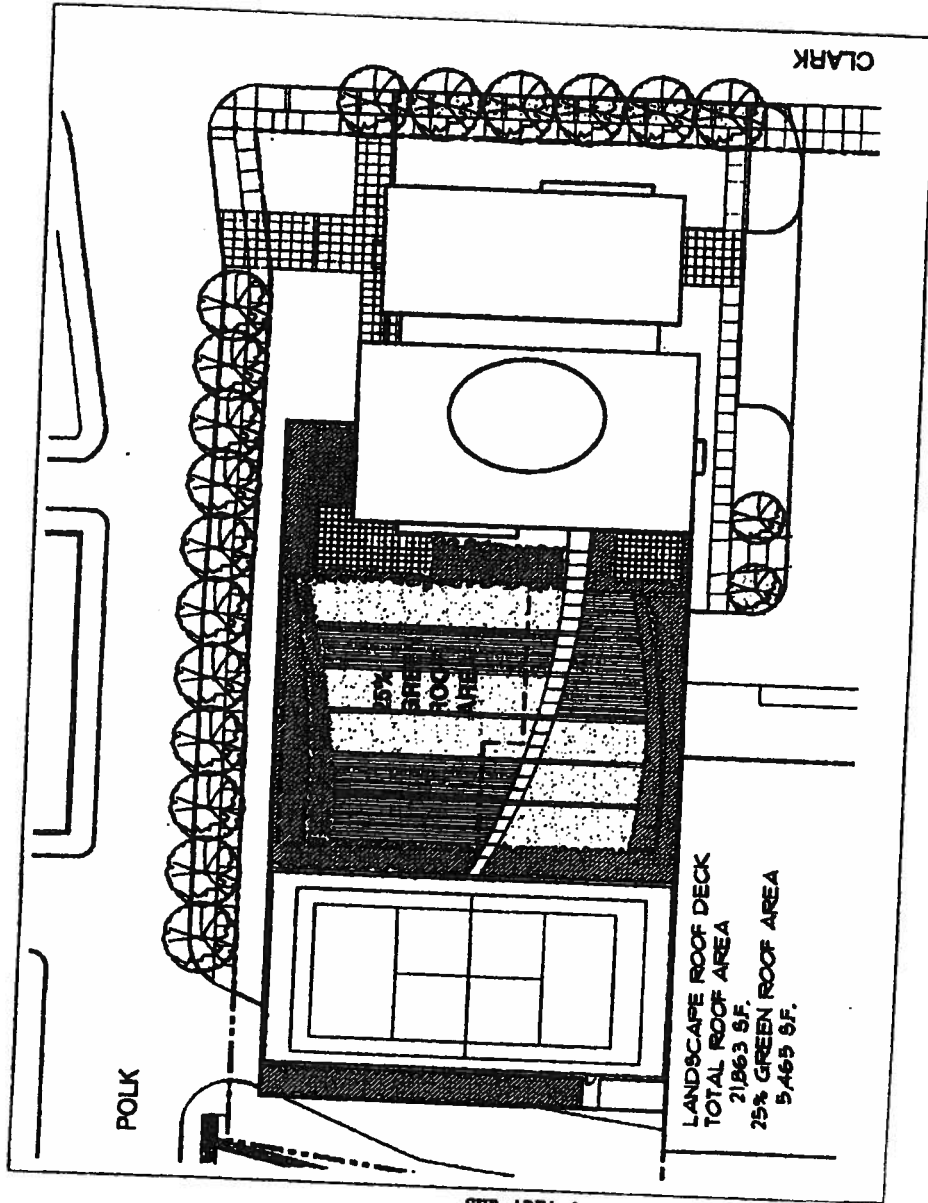
GRAPHIC SCALE
0 16' 32'



© 2006 Robinson Commercial Group

Applicant: Lerner Communities of Chicago
850 West Jackson Street
Project: 824 South Clark Street / 139 West Polk Street
Date: 01.11.2006 Revised: 06.19.2006

Subarea A -- Green Roof Area.



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**SUB AREA A
GREEN ROOF AREA**

Applicant: Lennar Communities of Chicago
850 West Jackson Street

Project: 824 South Clark Street / 138 West Polk Street

Date: 01.11.2008 **Revised :** 05.18.2008