

# PD 1077

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9/5/2007

REPORTS OF COMMITTEES

15853  
7419

Numbers 16298, 16277, 16309, 16295, 16310, 16289, 15999, 16095 and 16099 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 ordinances and substitute ordinances transmitted with the foregoing committee report were *Passed* by yeas and nays as follows:

*Yeas* -- Aldermen Flores, Fioretti, Dowell, Freckwinkle, Hairston, Lyle, Jackson, Harris, Beale, Pope, Balcer, Cárdenas, Olivo, Burke, Foulkes, Thompson, Thomas, Lane, Rugai, Cochran, Brookins, Muñoz, Zalewski, Dixon, Solis, Ocasio, Burnett, E. Smith, Carothers, Reboyras, Suarez, Waguespack, Mell, Austin, Colón, Banks, Mitts, Allan, Laurino, O'Connor, Doherty, Reilly, Daley, Tunney, Levar, Shiller, Schuller, Moore, Stone -- 49.

*Nays* -- None.

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

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 Number 1-H.*  
(As Amended)

(Application Number 15853) RBPD 1077

*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 RT4 Residential Two-Flat, Townhouse and Multi-Unit District and B1-3 Neighborhood Shopping District symbols and indications as shown on Map Number 1-H in the area bounded by:

West Warren Boulevard; North Damen Avenue; the east/west public alley south of and parallel to West Warren Boulevard; and a line 327.23 feet west of and parallel to North Damen Avenue,

to those of a B1-3 Neighborhood Shopping District and a corresponding use district is hereby established in the area above described.

SECTION 2. In the area above described, the City Zoning Ordinance be amended by changing all of B1-3 Neighborhood Shopping District symbols to those of a

Business-Residential Planned Development and a corresponding use is hereby established.

SECTION 3. 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-Business Planned Development Number 1077.*

*Plan Of Development Statements.*

1. The area delineated herein as a Residential-Business Planned Development consists of a net site area of approximately forty thousand nine hundred twenty (40,920) square feet ("Property") which is controlled by Warren Damen Development, L.L.C. ("Applicant") for purposes of this Residential-Business 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 right-of-ways 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.
3. 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 titleholders and any ground lessees except as provided herein. All rights granted hereunder to Applicant 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 single designated control. Single designated control for purposes of this paragraph shall mean that any application to the City for any amendment to this planned development shall be made by the Applicant, the owners of all the property within the planned development or any homeowners association(s) formed to succeed the Applicant for purposes of control and management of any portion of the planned development. No amendment may be sought without written approval by the homeowners association unless the right to do so has been retained by the Applicant and its successors in title documents. 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 fourteen (14) 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; a Landscape Plan; a Green Roof Plan; a North Elevation; West and East Elevations; and a South Elevation, all dated August 16, 2007, prepared by Hartshorne Plunkard Architecture, 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 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 the E1-3 Neighborhood Shopping District; accessory parking; open space uses; accessory uses; temporary sales centers; and related uses.
6. Identification and 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. Off-Premises 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. 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. The building shall be set back from the Property lines along both West Warren Boulevard and along North Damen Avenue, as depicted on the Site Plan, to provide expanded pedestrian paths and parkway trees along both streets. The setback along West Warren Boulevard shall measure approximately four (4) feet, zero (0) inch at the west end and approximately sixteen (16) feet, two (2) inches at the east end of the Property; the setback along North Damen Avenue shall measure approximately twelve (12) feet, three (3) inches. These pedestrian setbacks shall remain free and clear of obstruction except for the canopy and support columns illustrated on the Site Plan and Elevations; and they shall be open to the public at all times after completion of construction for purposes of pedestrian access. 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 City of 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, the Site Plan and the Building Elevations attached hereto and made a part hereof. Landscaping and a twenty-five percent (25%) of net roof area green roof approximately seventeen thousand six hundred seventy (17,670) square feet 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.
11. 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.

12. 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. Therefore, at the time building permits are sought, the 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.
13. 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 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.
14. Unless substantial construction of at least one (1) 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 a B1-3 Neighborhood Shopping District and RT4 Residential Two-Flat, Townhouse and Multi-Unit 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 Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Site Plan; Landscape Plan; Green Roof Plan and Building Elevations referred to in these Plan of Development Statements printed on pages 7425 through 7433 of this Journal.]

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

*Residential-Business Planned Development Number 1077*

*Bulk Regulations And Data Table*

Net Site Area:	40,920 square feet (0.94 acre)
Maximum Floor Area Ratio:	3.0

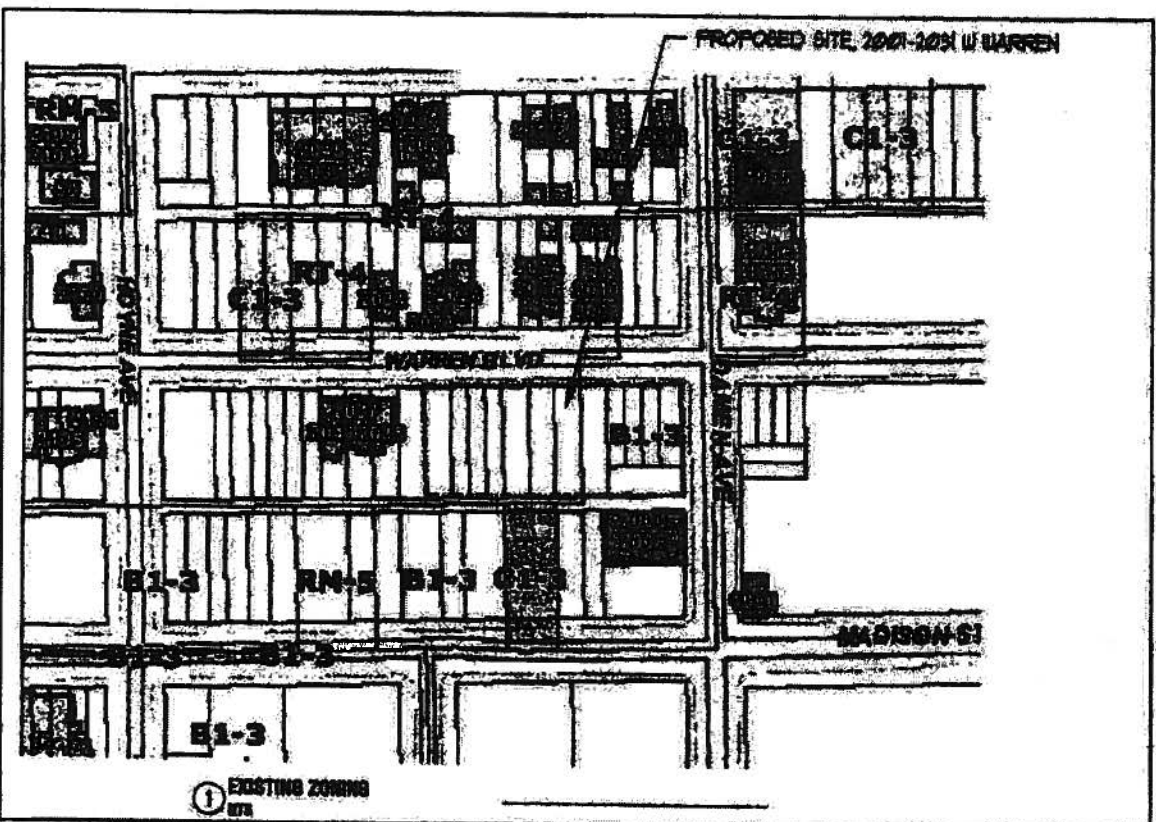
<b>Permitted Uses:</b>	Uses as permitted in the B1-3 Neighborhood Shopping District; accessory parking; open space uses; accessory uses; temporary sales centers and related uses
<b>Maximum Ground Floor Commercial Area:</b>	9,999 square feet
<b>Maximum Number of Residential Units:</b>	80 units
<b>Maximum Site Coverage:</b>	In accordance with the Site Plan
<b>Maximum Number of Accessory Off-Street Parking Spaces:</b>	80 parking spaces to serve residential use. None proposed or required to serve commercial use  Note: If the number of residential units are reduced, the number of parking spaces may be reduced so long as the 1-to-1 ratio remains the same; and additional parking may be provided as accessory parking and not be counted against allowable F.A.R.
<b>Minimum Number of Off-Street Loading Docks:</b>	1 space to serve residential use. None proposed or required to serve commercial use
<b>Minimum Bicycle Parking:</b>	40 spaces
<b>Minimum Building Setbacks:</b>	
<b>West:</b>	0 feet, 0 inches at 1 <sup>st</sup> floor; 26 feet, 0 inches above 1 <sup>st</sup> floor
<b>East (North Damen Avenue):</b>	12 feet, 0 inches
<b>North (West Warren Boulevard):</b>	4 feet, 0 inches to 16 feet, 2 inches at 1 <sup>st</sup> floor; 19 feet, 0 inches above 1 <sup>st</sup> floor
<b>South:</b>	18 feet, 0 inches
<b>Maximum Building Height:</b>	68 feet, 0 inches

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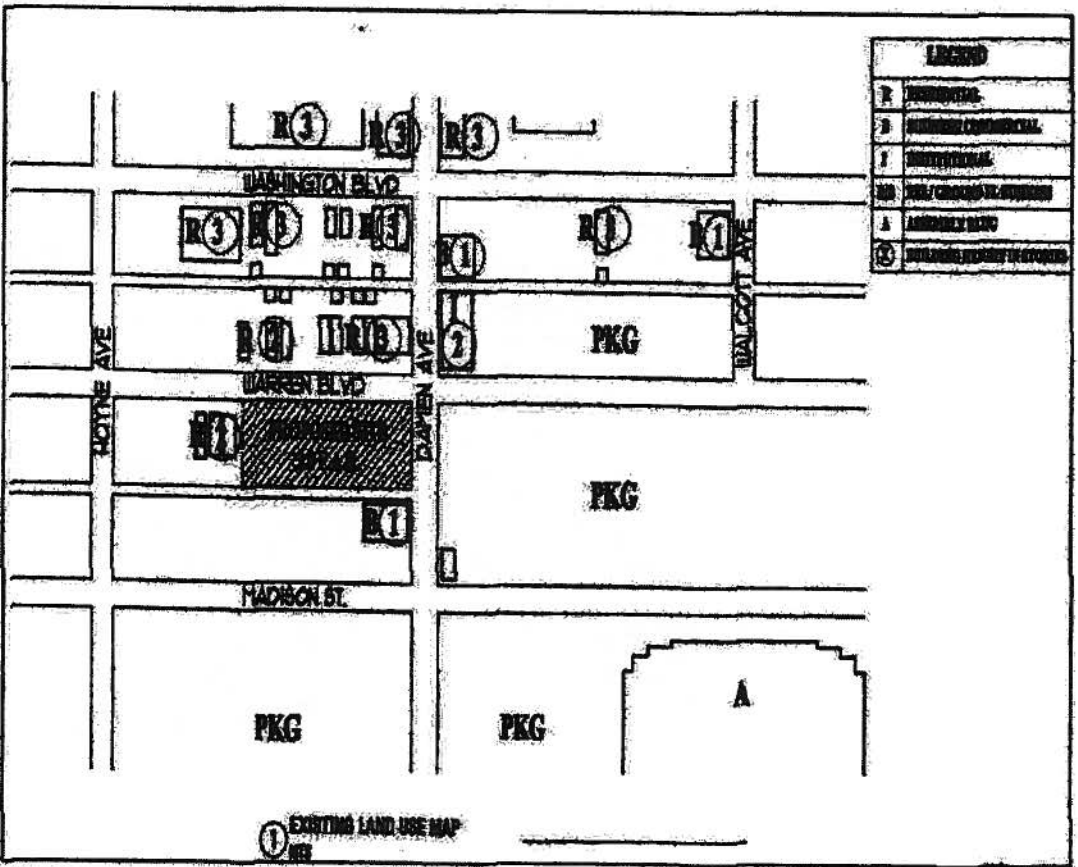
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Existing Zoning Map.



Existing Land-Use Map.

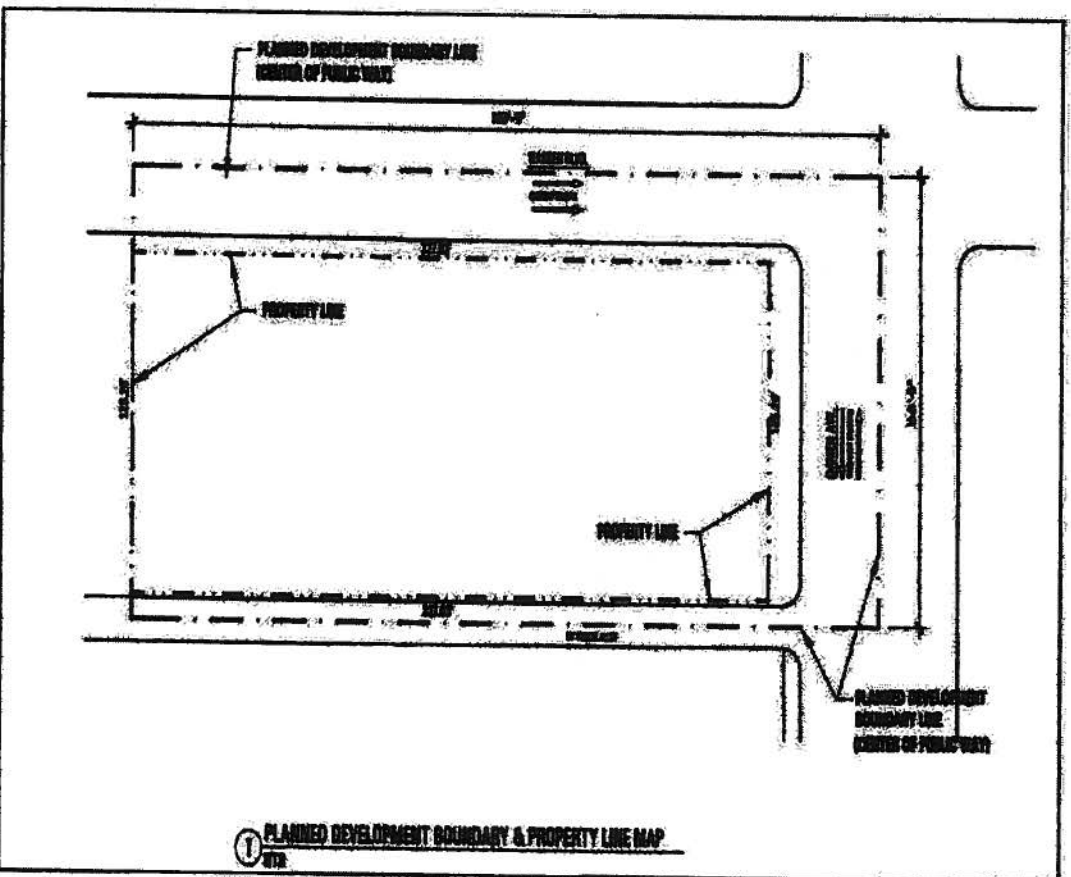


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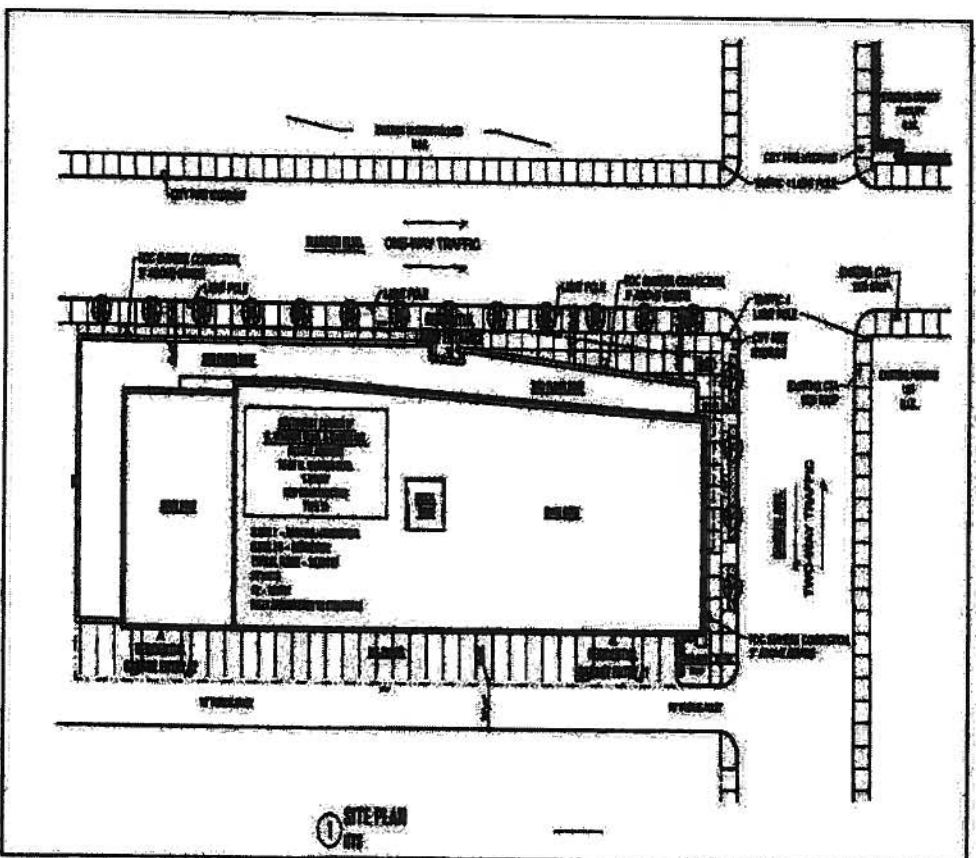
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**Planned Development Boundary  
And Property Line Map**

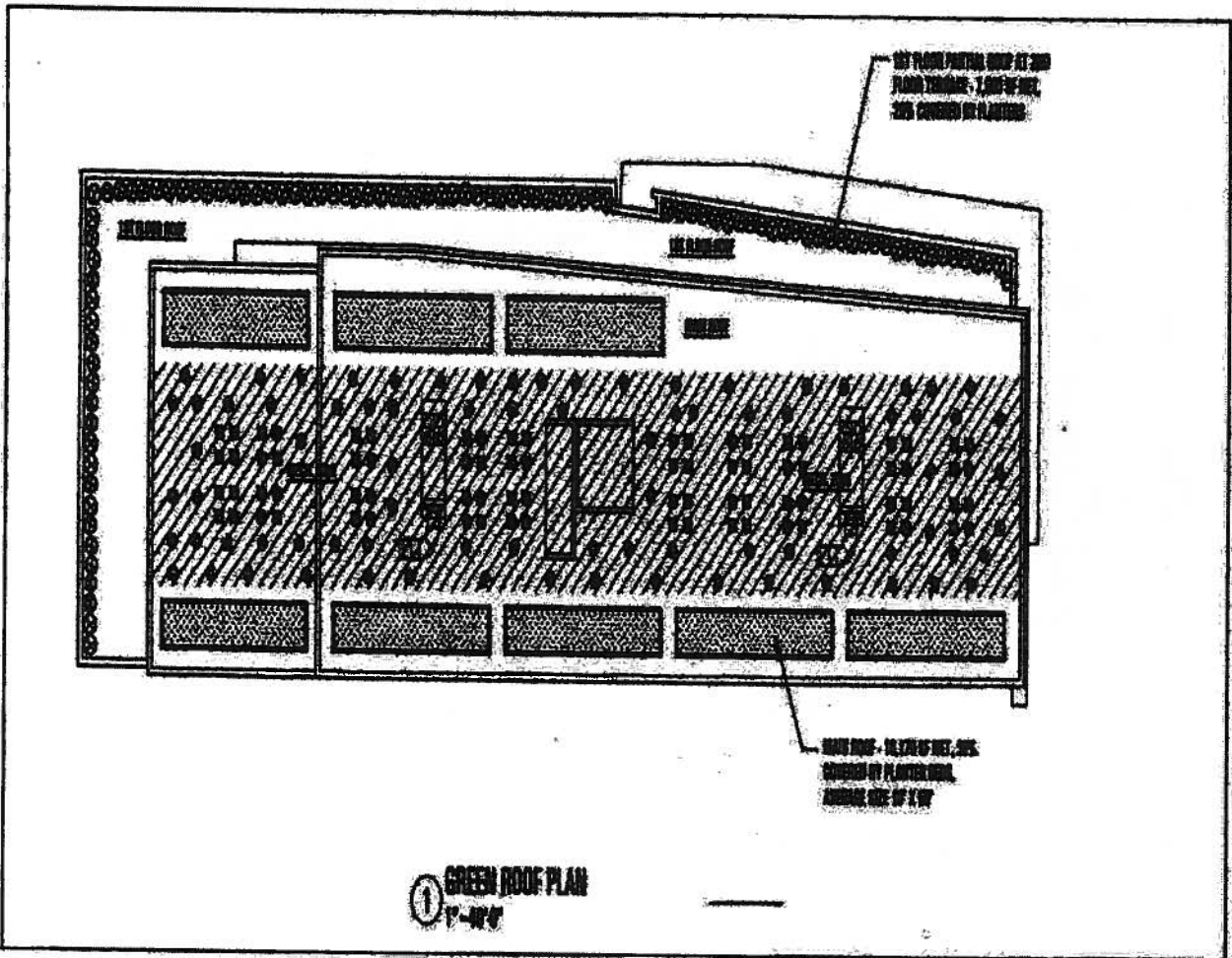


Site Plan.





Green Roof Plan.

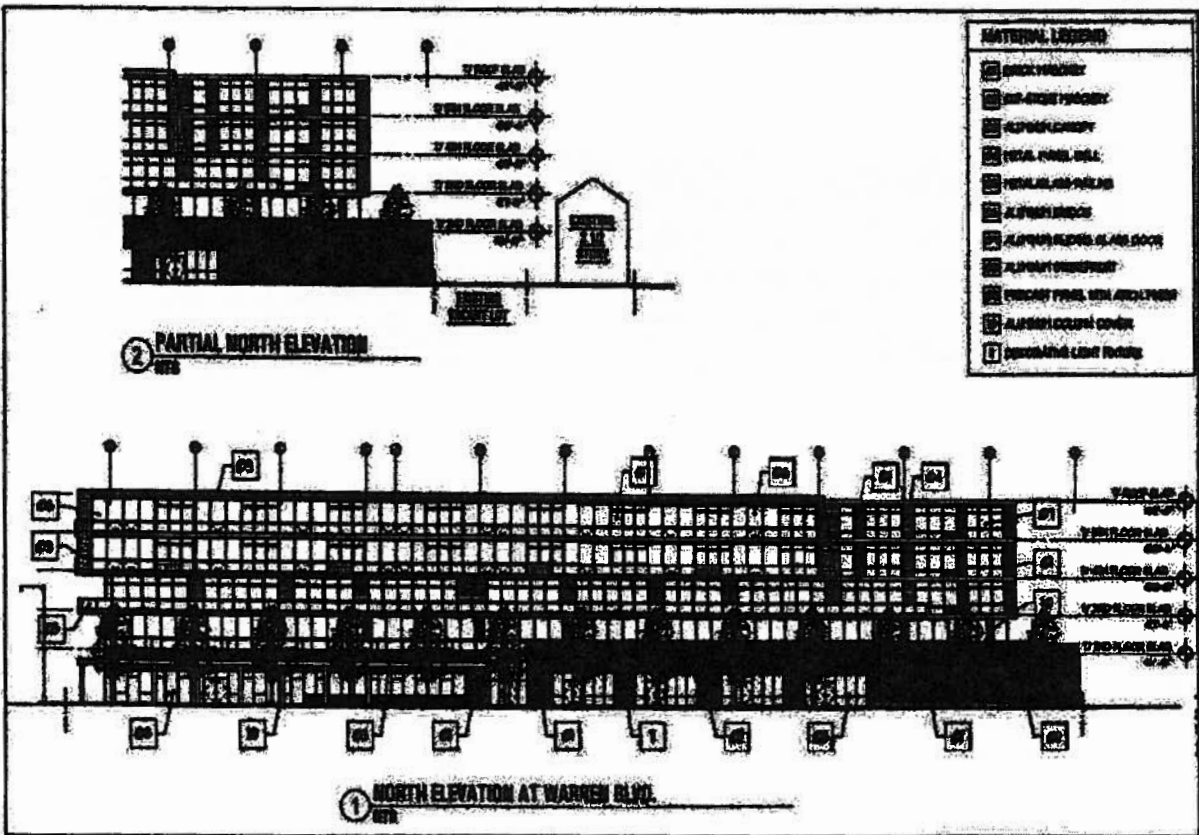


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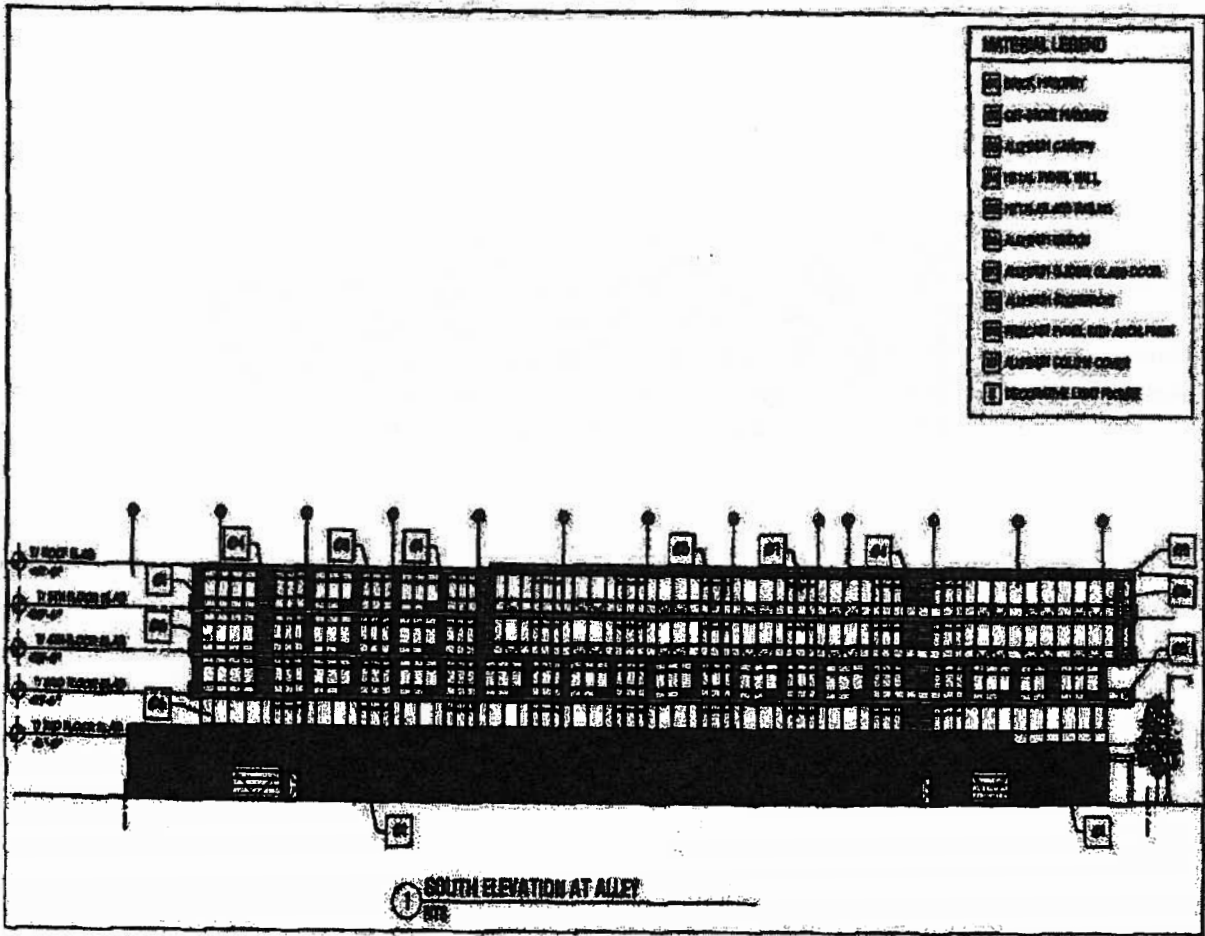
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North Elevation.



South Elevation.



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East And West Elevations.

