

# PD 1259

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DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF CHICAGO

November 25, 2014

Scott R. Bornstein  
Neal & Leroy, LLC  
120 North LaSalle Street  
Suite 2600  
Chicago, IL 60602

**Re: Administrative Relief request for Residential Business Planned Development No. 1259  
2211 North Milwaukee Avenue, Solar photovoltaic roof installation**

Dear Mr. Bornstein:


Please be advised that your request for a minor change to Residential Business Planned Development No. 1259 ("PD 1259"), has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement No. 13 of PD 1259.

Your client and the owner of all of the property within PD 1259, PMG LS Investments, LLC, is seeking administrative relief to allow for the substitution of the green roof with a solar photovoltaic installation covering 25% of the required green roof, and as allowed pursuant to the City's Sustainable Development Policy. The revised Landscape and PV Installation Roof Plan, dated November 11, 2014, shall be inserted into the main file.

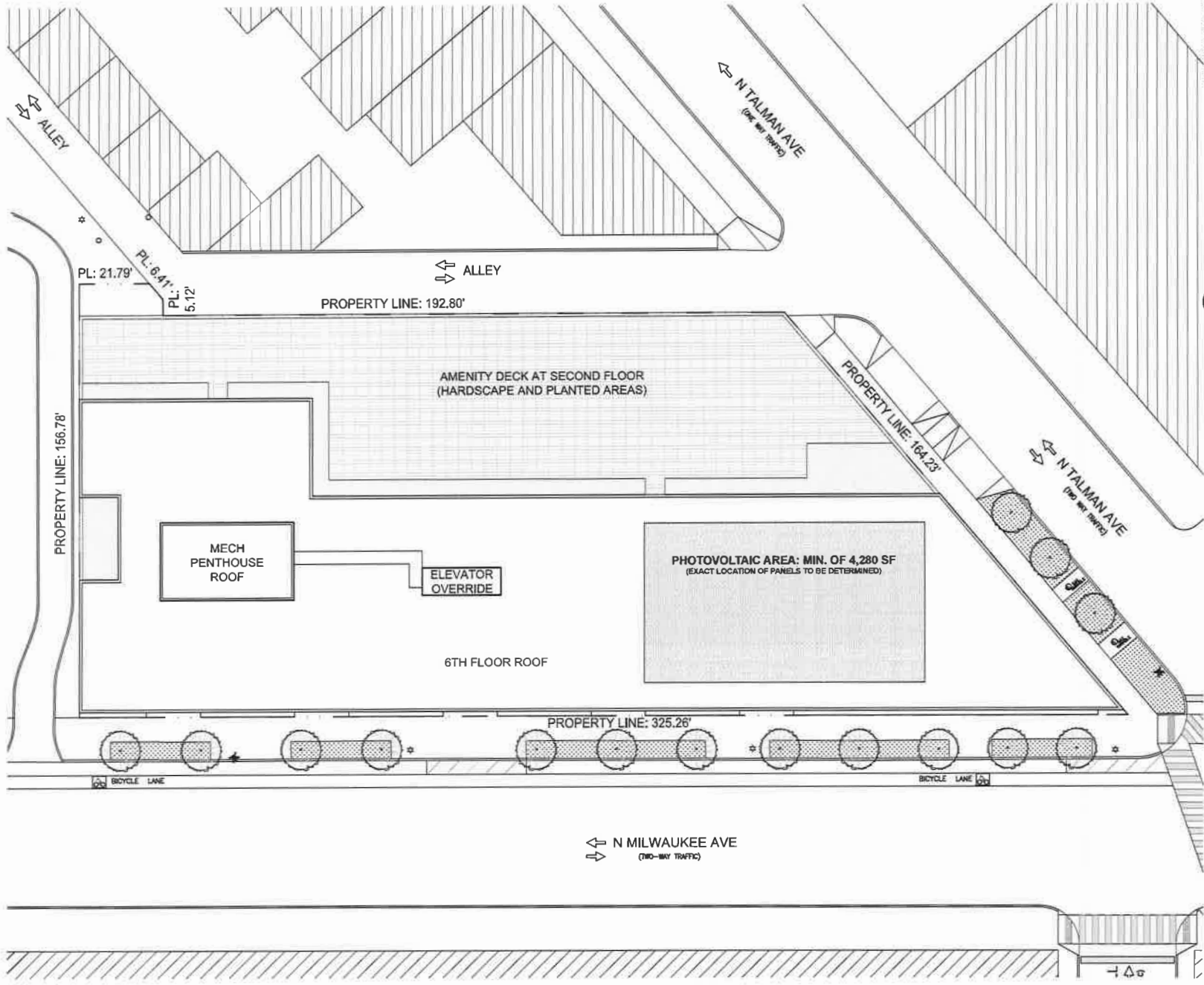
With regard to your request, the Department of Planning and Development has determined that allowing this proposed substitution will not create an adverse impact on the Planned Development or surrounding neighborhood, will not result in an increase in the bulk or density, and will not change the character of the development, and therefore, would constitute a minor change.

Accordingly, pursuant to the authority granted by the Chicago Zoning Ordinance and Residential Business Planned Development No. 1259, I hereby approve the foregoing minor change, but no other changes to this Planned Development. This minor change is valid for twelve (12) months from the date of this letter unless action to implement the minor change is commenced within such time period and thereafter diligently pursued to completion, including, if applicable, construction consistent with the minor change as authorized by a building permit. If action to implement the minor change, including construction, does not begin within the time set forth, or does not proceed with reasonable diligence, then the approval will lapse and become null and void.

Sincerely,

  
Patricia A. Scudiero  
Zoning Administrator

C: Mike Marmo, Erik Glass, Main file



LANDSCAPE AND PV INSTALLATION  
 ROOF PLAN  
 Scale: NTS

PHOTOVOLTAIC AREA: MIN. OF 4,280 SF

2211 NORTH MILWAUKEE AVE  
 Applicant: PMG LS Investments, Inc.  
 Address: 935 W. Chestnut St., Suite 430  
 Chicago, IL 60642  
 Introduced: April 30, 2014  
 Plan Commission: July 17th, 2014  
 Revised: November 11th, 2014

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18024

10/8/2014

REPORTS OF COMMITTEES

93237

*Reclassification Of Area Shown On Map No. 5-1.*  
(As Amended)  
(Application No. 18024)  
(Common Address: 2201 -- 2231 N. Milwaukee Ave.  
And 2142 -- 2158 N. Talman Ave.)

RB PD 1259

[SO2014-3304]

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

SECTION 1. That the Chicago Zoning Ordinance be, and is hereby amended by changing all the C1-1 Neighborhood Commercial District symbols and indications as shown on Map Number 5-1 in the area bounded by:

North Milwaukee Avenue; a line 325.26 feet northwest of North Talman Avenue as measured along the north line of and perpendicular to North Milwaukee Avenue; a line 135 feet northeast of and parallel to North Milwaukee Avenue; the alley immediately northeast and parallel to North Milwaukee Avenue; and North Talman Avenue,

to those of a C1-3 Neighborhood Commercial District.

SECTION 2. That the Chicago Zoning Ordinance be, and is hereby amended by changing all the C1-3 Neighborhood Commercial District symbols and indications as shown on Map Number 5-1 in the area bounded by:

North Milwaukee Avenue; a line 325.26 feet northwest of North Talman Avenue as measured along the north line of and perpendicular to North Milwaukee Avenue; a line 135 feet northeast of and parallel to North Milwaukee Avenue; the alley immediately northeast and parallel to North Milwaukee Avenue; and North Talman Avenue,

to those of Residential-Business Planned Development Number 1259, which is hereby established in the area above described, subject to such use and bulk regulations as set forth in the plan of development herewith attached and made a part hereof and to no others.

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

Plan of Development Statements referred to in this ordinance read as follows:

*Residential-Business Planned Development No. 1259.*

*Plan Of Development Statements.*

1. The area delineated herein as Residential-Business Planned Development Number 1259 consists of property commonly known as 2201 -- 2231 North Milwaukee Avenue and 2142 -- 2158 North Talman Avenue, Chicago Illinois (the "Property"). The Property consists of approximately 34.250 square feet (.78 acre), which is depicted on the attached Planned Development Boundary and Property Line Map. PMG LS Investments LLC, is the Applicant (the "Applicant") and controls the Property.
2. 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 easements, or adjustments of right-of-way, or consolidation or resubdivision of parcels, shall require a separate submittal on behalf of the Applicant or its successors, assignees, or grantees and approval by the City Council. Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans, and subject to review and approval by the Department of Business Affairs and Consumer Protection.
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 lessors. All rights granted hereunder to the Applicant shall inure to the benefit of the Applicant's successors and assigns and, if different then to the owners of record title to all of the Property and to any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Zoning Ordinance, 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. Single designated control for purposes of this paragraph 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.
4. This plan of development consists of seventeen (17) statements; Bulk Regulations and Data Table; Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Site Plan, Landscape and Green Roof Plan and Building Elevations prepared by Brininstool & Lynch and dated July 17, 2014. Full size sets of the Site Plan, Landscape and Green Roof Plan and Building Elevations are on file with the Department of Planning and Development. The planned development is applicable to the area delineated hereto and these and no other zoning controls shall apply.

5. The following uses shall be permitted within the planned development: residential dwelling units located above the ground floor, retail sales (general), co-located wireless facilities and all other uses permitted in the Commercial Use Group in the C1-3 Neighborhood District. The following uses are excluded; entertainment and spectator sports, undertaking, urban farm, lodging, and non-accessory parking,
6. On-premises business identification 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, subject to the review and approval of the Department of Planning and Development. No off-premises signs shall be permitted.
7. Ingress and egress shall be subject to the review and approval of the Department of Transportation Bureau of Traffic, and the Department of Planning and Development. All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code. 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 Department of Transportation.
8. For the purposes of measuring height, the definition in the Zoning Ordinance shall apply. In addition to the maximum height of the building and any appurtenance thereto prescribed in this planned development, the height of any improvement shall also be subject to height limitations approved by the Federal Aviation Administration.
9. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 34,250 square feet and a base FAR of 3.5.
10. The Applicant will comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioner of the Streets and Sanitation, the Commissioner of the Environment and the Commissioner of Buildings under Section 13-32-125 of the Municipal Code or any other provision of that Code.
11. The City of Chicago established a Part II Review fee in the amount of Zero and 25/100 Dollars (\$0.25) per square foot of the total buildable square footage (floor area). The Part II Review fee will be assessed by the Department of Planning and Development during the actual Part II Review of each subarea. 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 the Part II Approval of each subarea.

12. The improvements on the Property shall be designed, installed and maintained in substantial conformance with the Site Plan, Landscape and Green Roof Plan and Building Elevations and in accordance with the parkway tree provisions of the Zoning Ordinance and corresponding regulations and guidelines.

Notwithstanding any statement to the contrary, this planned development shall be subject to the provisions of Chapter 17-11 of the Zoning Ordinance governing landscaping and screening. In any instance where a provision of this planned development conflicts with landscape and screening provisions of the Zoning Ordinance, the Zoning Ordinance shall control. Nothing in this planned development is intended to waive the applicability of the landscape and screening provisions of the Zoning Ordinance.

13. The terms, conditions and exhibits of this planned development ordinance may be modified administratively pursuant to Section 17-13-0611 of the Zoning Ordinance by the Commissioner of the Department of Planning and Development, upon the application for such a 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 consistent with the nature of the improvements contemplated in this planned development and the purposes underlying the provisions hereof. 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 contemplated by Section 17-13-0611 of the Zoning Ordinance.
14. The Applicant acknowledges that it is in the public interest to design, construct and maintain all buildings in a manner that promotes and maximizes the conservation of natural resources. The Applicant shall construct the building under the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The Applicant shall provide a vegetated ("green") roof of fifty percent (50%) of the building's net roof area in the amount of 17,125 square feet. "Net roof area" is defined as total roof area minus any required perimeter setbacks, pool, roof top structures, and roof-mounted equipment.
15. 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 new buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities (MOPD) to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of

accessibility. No approvals shall be granted pursuant to Section 17-13-0610 of the Zoning Ordinance until the Director of MOPD has approved detailed construction drawings for each building or improvement.

16. The Applicant acknowledges and agrees that the rezoning of the Property from the C1-1 designation to C1-3 and then to a Transit Oriented Residential Business Planned Development Number 1259 for construction of the residential units contemplated by this Plan of Development ("Residential Project") triggers the requirements of Section 2-45-110 of the Municipal Code (the "Affordable Housing Ordinance"). Any developer of a "residential housing project" within the meaning of the Affordable Housing Ordinance must: (i) develop affordable housing units as part of the residential housing project; (ii) pay a fee in lieu of the development of affordable housing units; or (iii) any combination of (i) and (ii). In accordance with these requirements and the Affordable Housing Profile Form attached hereto as Exhibit A, the Applicant has agreed to provide either 12 affordable housing units for households earning 60 percent of the Chicago Primary Metropolitan Statistical Area median income (the "Affordable Units"), or make a cash payment to the Affordable Housing Opportunity Fund in the amount of \$100,000 per required affordable unit ("Cash Payment"). At the time of each Part II Review for the Residential Project, Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval. If the Applicant subsequently reduces the number of dwelling units in the Residential Project, DOPD may adjust the requirements of this Statement 16 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending this planned development. Prior to the issuance of any building permit for the Residential Project, including without limitation, excavation or foundation permits, the Applicant must either make the required Cash Payment, or execute an Affordable Housing Agreement in accordance with Section 2-45-110(i)(2). The terms of the Affordable Housing Agreement and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the Affordable Housing Agreement will be recorded against the Residential Project and will constitute a lien against each Affordable Unit. The City shall execute partial releases of the Affordable Housing Agreement prior to or at the time of the sale of each Affordable Unit to an income-eligible buyer at an affordable price, subject to the simultaneous execution and recording of a mortgage, restrictive covenant or similar instrument against such Affordable Unit, or upon receipt of the per unit Cash Payment. The Commissioner of DOPD may enforce remedies for breach of the Affordable Housing Agreement, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending this planned development.
17. Unless substantial construction has commenced within six years following adoption of this planned development, and unless completion is thereafter diligently pursued, then this planned development shall expire. If this planned development expires under the

provisions of this section, then the zoning of the Property within the planned development shall automatically convert to that of the C1-3 Neighborhood Commercial District.

[Exhibit "A" -- Affordable Housing Profile Form referred to in these Plan of Development Statements unavailable at time of printing.]

[Existing Zoning Map; Existing Land-Use Map; Boundary and Property Line Map; Landscape and Green Roof Plan; Site Plan; and Building Elevations referred to in these Plan of Development Statements printed on pages 93243 through 93251 of this *Journal*.]

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

*Residential-Business Planned Development No. 1259.*

*Plan Of Development Statements.*

Gross Site Area:	56,057 square feet
Area in the Right-of-Way:	21,807 square feet
Net Site Area:	34,250 square feet
Maximum Floor Area Ratio:	3.5
Minimum Number of Off-Street Loading Spaces:	1
Maximum Number of Dwelling Units:	120
Minimum Number of Off-Street (accessory) Parking Spaces:	67
Minimum Number of Bicycle Parking Spaces:	211
Maximum Building Height:	70 feet, 0 inches
Minimum Required Setback:	Per Site Plan



reflects all ordinances passed  
and City Council meeting.

Legend

----- Property Line

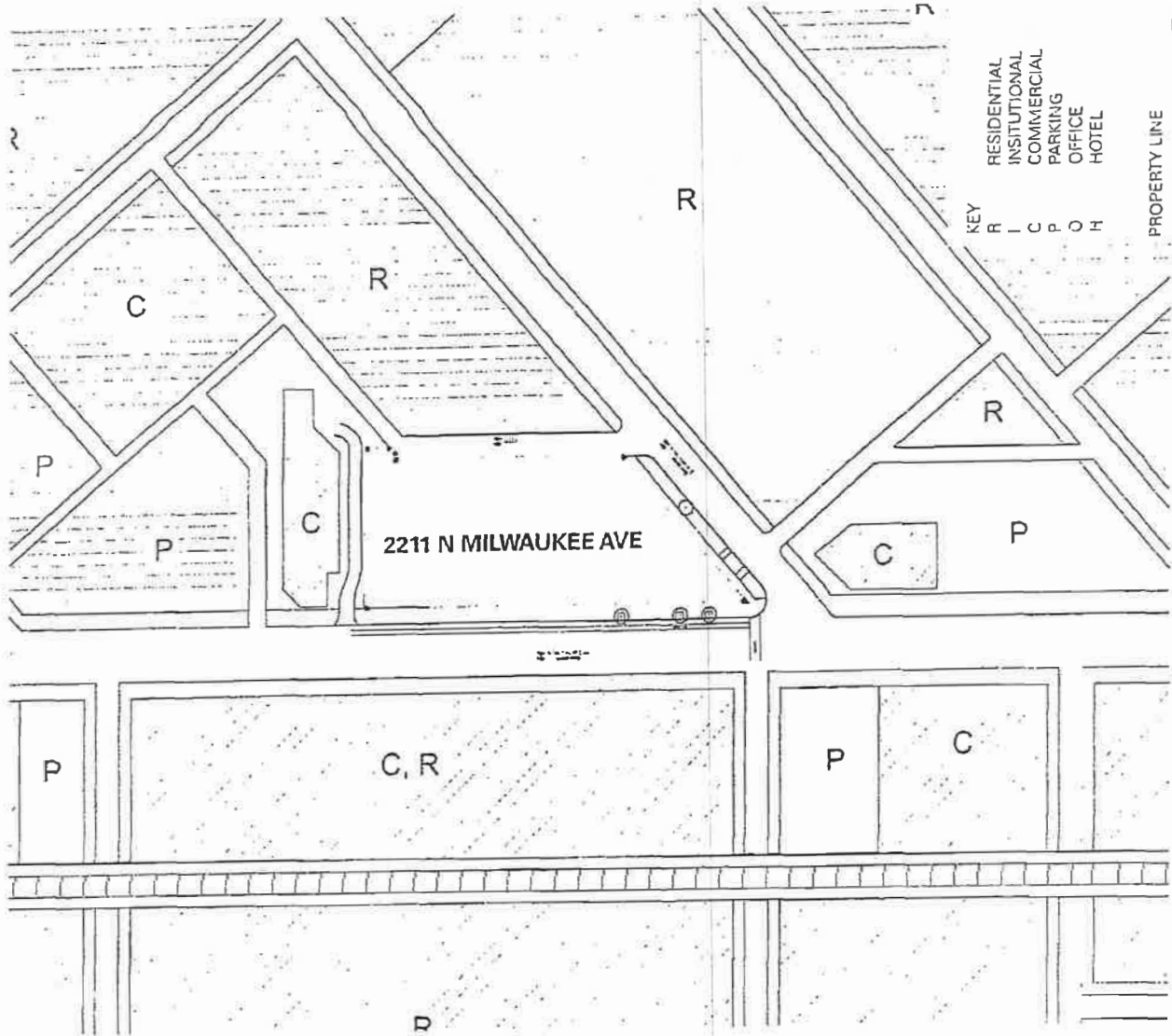
2211 NORTH MILWAUKEE AVE  
Applicant: PMG LS Investments, Inc.  
Address.

Introduced April 30, 2014  
Plan Commission: July 17th, 2014



EXISTING ZONING MAP  
Scale: NTS

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KEY  
 R RESIDENTIAL INSTITUTIONAL  
 C COMMERCIAL  
 P PARKING  
 O OFFICE  
 H HOTEL

PROPERTY LINE

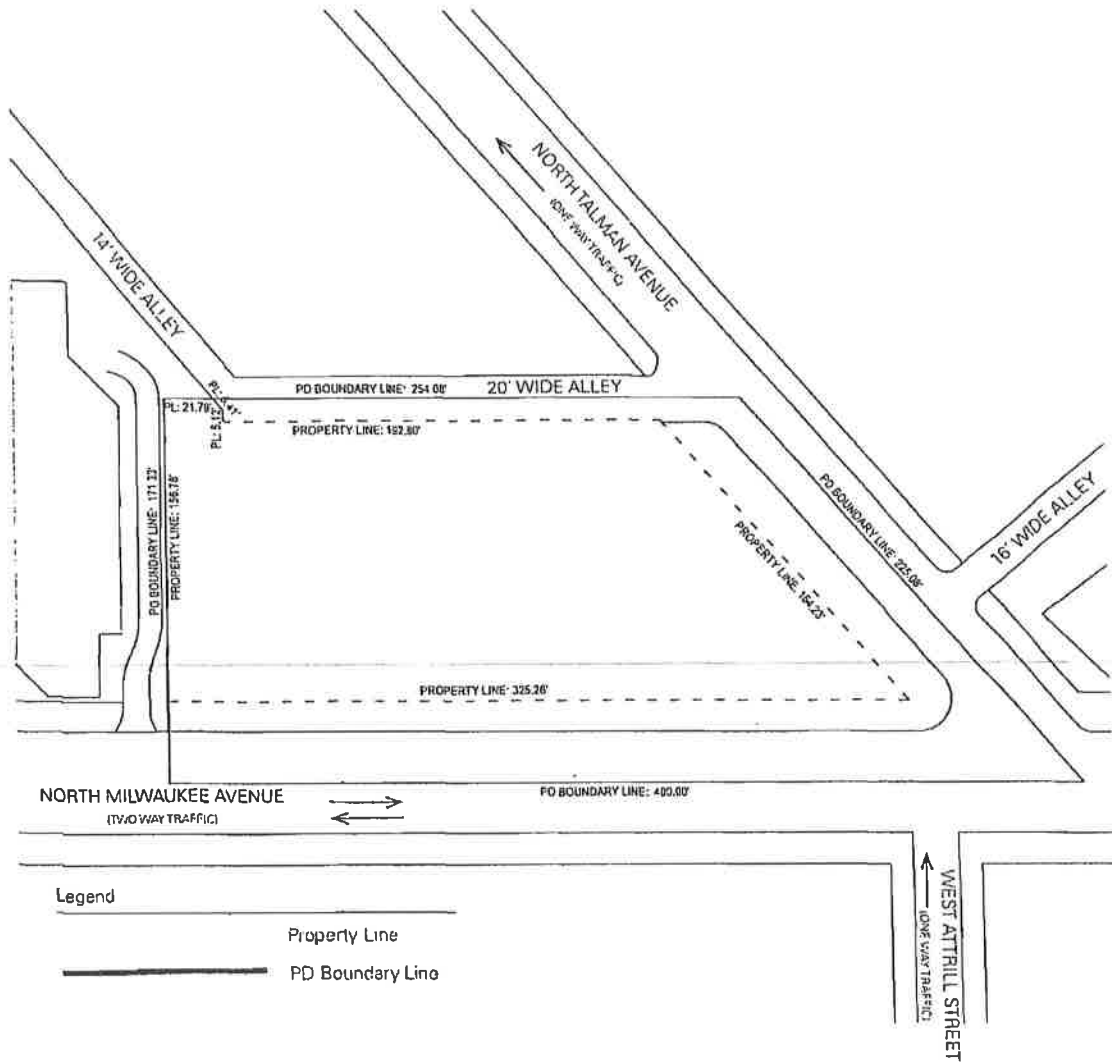


EXISTING LAND USE MAP  
 Scale: N.T.S.

2211 NORTH MILWAUKEE AVE  
 Applicant: PMG LS Investments, Inc.  
 Address:

Introduced: April 30, 2014  
 Plan Commission: July 17th, 2014

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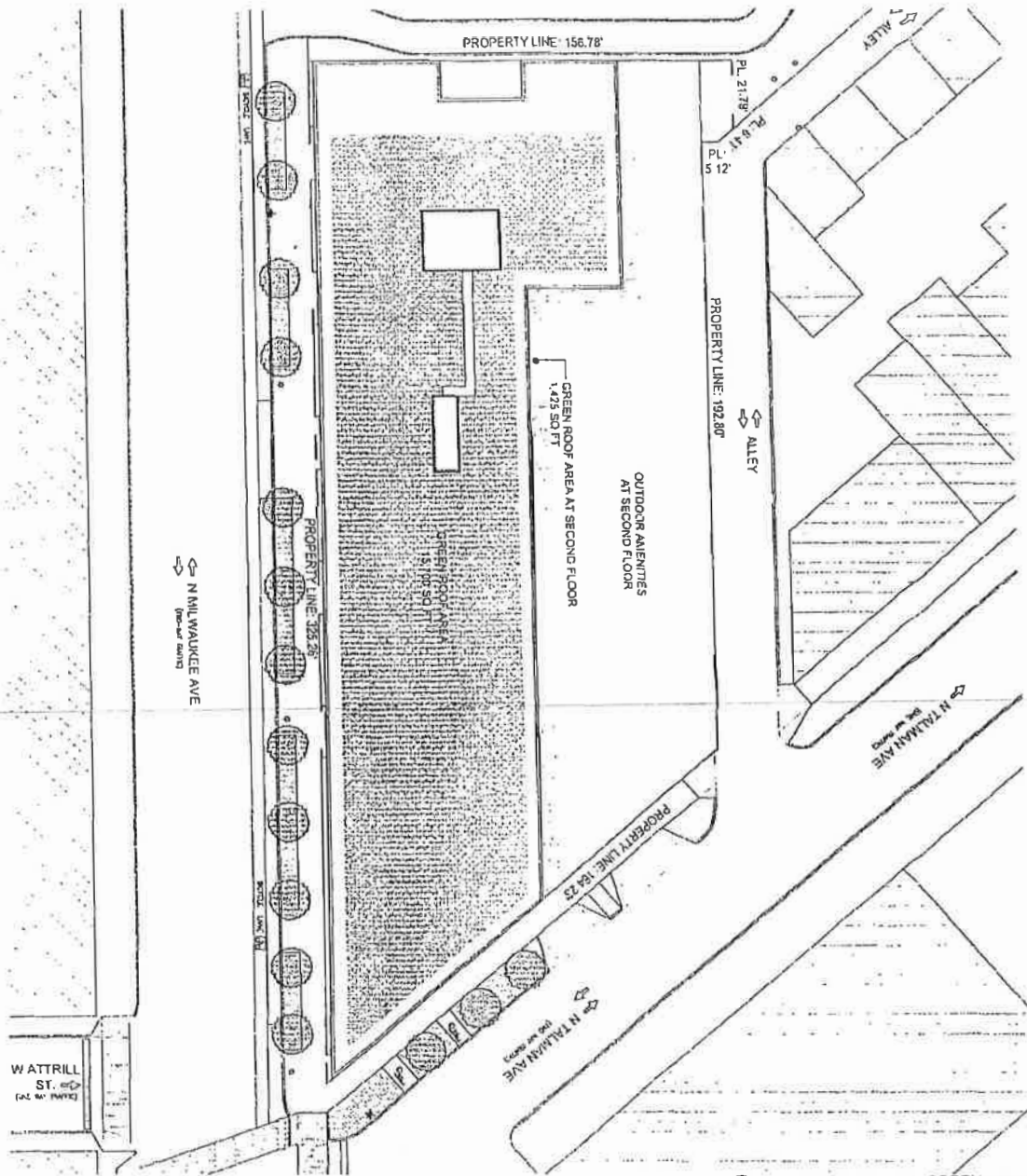


2211 NORTH MILWAUKEE AVE  
 Applicant: PMG LS Investments, Inc.  
 Address:

Introduced: April 30, 2014  
 Plan Commission: July 17th, 2014


  
 PLANNED DEVELOPMENT BOUNDARY  
 AND PROPERTY LINE  
 Scale: 1/64" = 1'-0"

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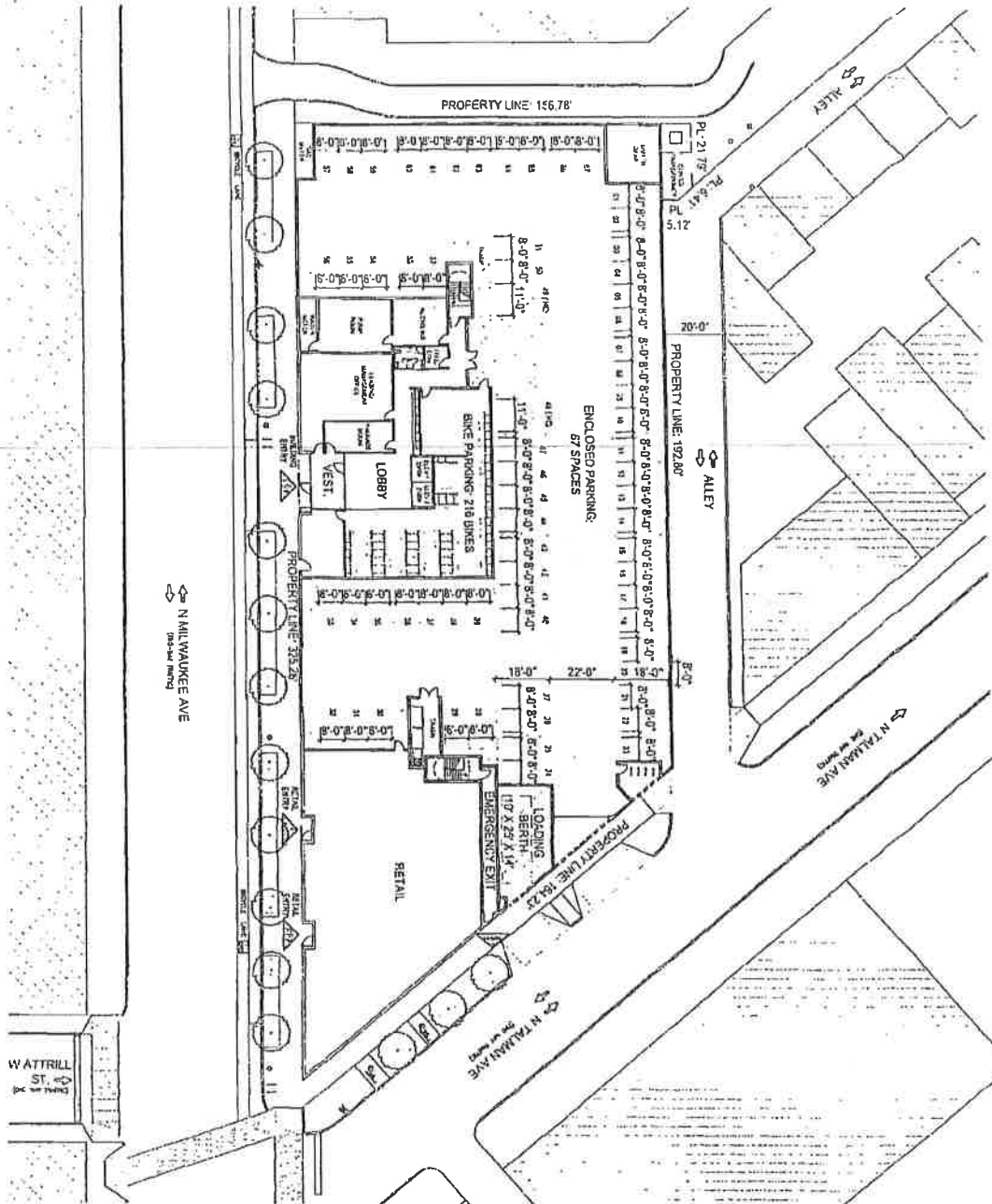


2211 NORTH MILWAUKEE AVE  
 Applicant PMG LS Investments, Inc.  
 Address

Introduced April 30, 2014  
 Plan Commission July 17th, 2014

 LANDSCAPE AND GREEN ROOF  
 Scale NTS  
 BUILDING FOOTPRINT AREA: 34,250 SF  
 50% GREEN ROOF REQ'D: 17,125 SF  
 PROVIDED GREEN ROOF: 17,125 SF

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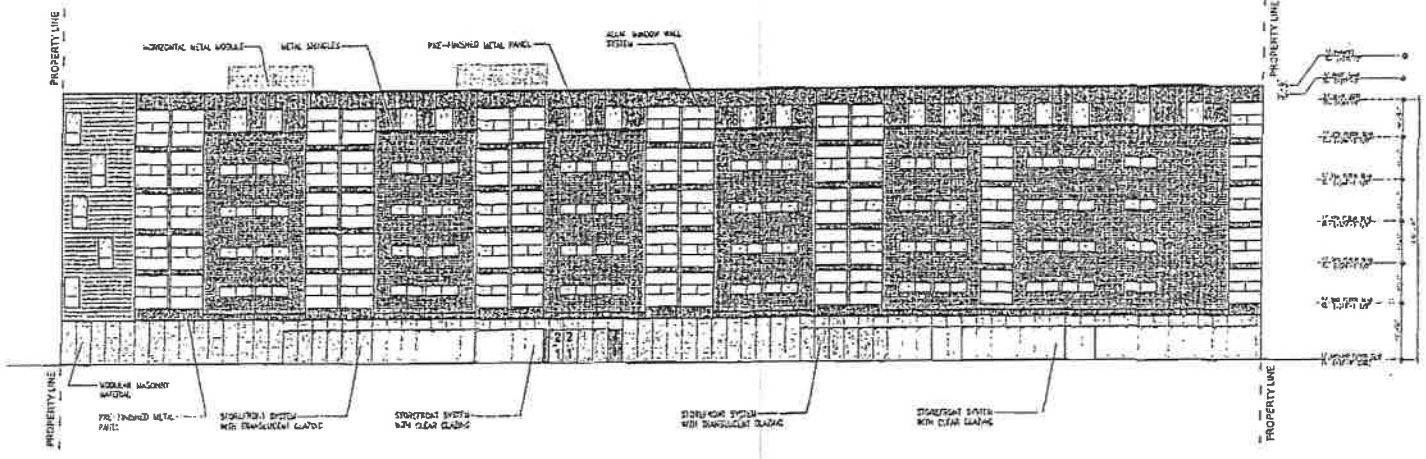


2211 NORTH MILWAUKEE AVE  
 Applicant: PMG LS Investments, Inc.  
 Address.

Introduced: April 30, 2014  
 Plan Commission: July 17th, 2014

 SITE PLAN  
 Scale: NTS

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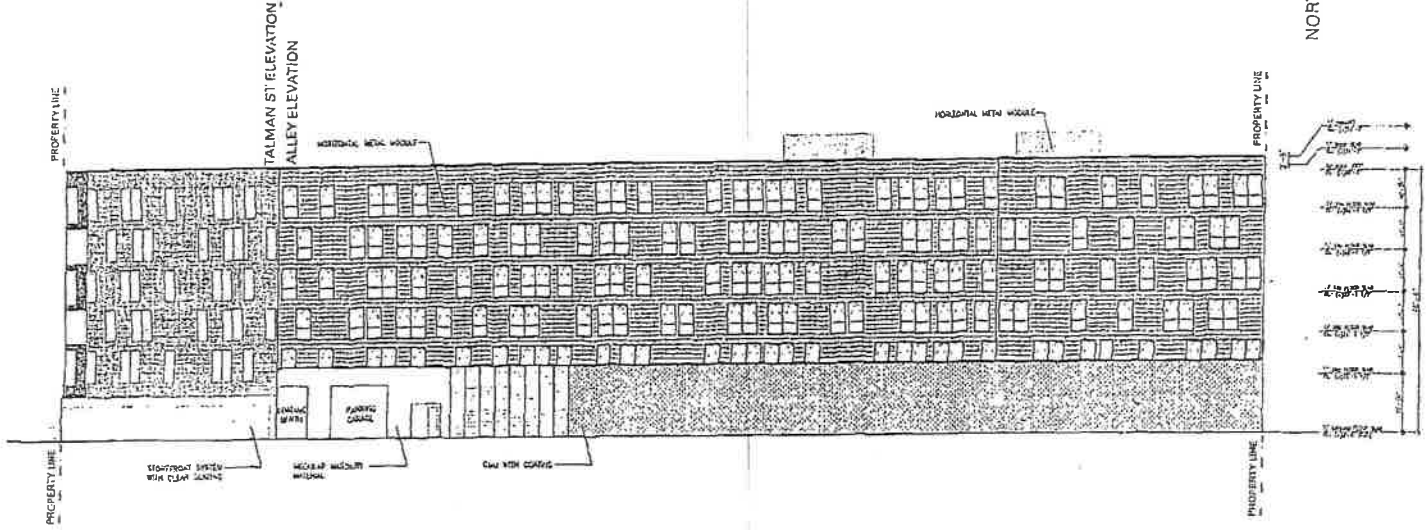
2211 NORTH MILWAUKEE AVE  
 Applicant: PMG LS Investments, Inc.  
 Address: C

Introduced: April 30, 2014  
 Plan Commission: July 17th, 2014

SOUTHWEST ELEVATION  
 (MILWAUKEE AVE.)  
 Scale: NTS

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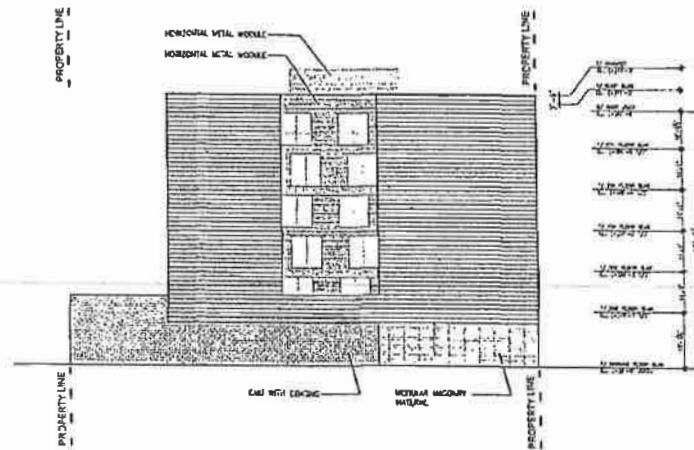


2211 NORTH MIDWAUKEE AVE  
 Applicant: PMG LS Investments, Inc.  
 Address:

Introduced: April 30, 2014  
 Plan Commission: July 17th, 2014

NORTHEAST ELEVATION (ALLEY)  
 Scale: NTS

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NORTHWEST ELEVATION  
Scale: NTS

2211 NORTH MILWAUKEE AVE  
Applicant: PMG LS Investments, Inc.  
Address

Introduced April 30, 2014  
Plan Commission July 17th, 2014

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