

PD 1265

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18043

100890

JOURNAL--CITY COUNCIL--CHICAGO

12/10/2014

Reclassification Of Area Shown On Map No. 3-H.

(As Amended)

(Application No. 18043)

(Common Address: 1237 -- 1253 N. Milwaukee Ave./
1230 -- 1240 N. Ashland Ave.)

RBP 1265

[SO2014-4174]

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 current B1-3 Neighborhood Shopping District symbols and indications as shown on Map Number 3-H in the area bounded by:

a line perpendicular to the northeast line of North Milwaukee Avenue and 565.51 feet southeast of North Paulina Street, as measured from the east line of North Paulina Street along the northeast line of North Milwaukee Avenue; the public alley next northeast of North Milwaukee Avenue; North Ashland Avenue; a line from a point 101.78 feet south of the southwest line of the public alley next northeast of North Milwaukee Avenue, as measured along the west line of North Ashland Avenue, running in a southwesterly direction for a distance of 24.01 feet to a point 754.43 feet southeast of North Paulina Street, as measured from the east line of North Paulina Street along the northeast line of North Milwaukee Avenue; and North Milwaukee Avenue,

to those of a B3-5 Community Shopping District which is hereby established in the area described above.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all the current B3-5 Neighborhood Shopping District symbols and indications as shown on Map Number 3-H in the area bounded by:

a line perpendicular to the northeast line of North Milwaukee Avenue and 565.51 feet southeast of North Paulina Street, as measured from the east line of North Paulina Street along the northeast line of North Milwaukee Avenue; the public alley next northeast of North Milwaukee Avenue; North Ashland Avenue; a line from a point 101.78 feet south of the southwest line of the public alley next northeast of North Milwaukee Avenue, as measured along the west line of North Ashland Avenue, running in a southwesterly direction for a distance of 24.01 feet to a point 754.43 feet southeast of North Paulina Street, as measured from the east line of North Paulina Street along the northeast line of North Milwaukee Avenue; and North Milwaukee Avenue,

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

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

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

Residential-Business Planned Development Statements.

1. The area delineated herein as Planned Development Number 1265 ("Planned Development") consists of approximately 16,337 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the applicant, 1237 North Milwaukee LLC.
2. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the applicant, its successors and assigns and, if different than the applicant, the legal 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 than the applicant, the legal titleholder and any ground lessors. Furthermore, pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time of application for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or designated control. Single designated control is defined in Section 17-8-0400 of the Zoning Ordinance.
3. All applicable official reviews, approvals or permits are required to be obtained by the applicant or its successors, assignees or grantees. Any dedication or vacation of streets or alleys or grants of easements or any adjustment of the right-of-way shall require a separate submittal to the Department of Transportation on behalf of the applicant or its successors, assign or grantees. Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the plans.

Ingress or egress shall be pursuant to the plans and may be subject to the review and approval of the Departments of Planning and Development and Transportation. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of the Department of Transportation.

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 of the City of Chicago. Prior to the issuance of any Part II Approval, the submitted plans must be approved by the Department of Transportation.

4. This plan of development consists of sixteen (16) Statements; a Bulk Regulations Table; an Existing Land-Use Map; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site/Landscape Plan; a Basement Plan; a

First Floor Plan; a Green Roof Plan and Building Elevations submitted herein. Full-sized copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development conforms to the intent and purpose of the Zoning Ordinance, and all requirements thereto, and satisfies the established criteria for approval as a Planned Development. In case of a conflict between the terms of this Planned Development ordinance and the zoning ordinance, this Planned Development ordinance shall control.

5. The following uses are permitted in the area delineated herein as a Residential-Business Planned Development: Residential Units; Animal Services, Sales and Grooming, Veterinary; Artist Work or Sales Space, Business Equipment Sales and Services, Communication Services Establishments; Restaurants, Limited and General; Financial Services, Bank, Savings Bank, Savings and Loan Associations, Credit Unions; Food and Beverage Retail Sales with Liquor Sales as accessory use; Medical Service; Office; Repair or Laundry Service, Consumer; Retail Sales, General; Auto Supply/Accessory Sales; Wireless Communications Facilities; and accessory uses, and accessory parking.
6. On-premises signs and temporary signs, such as construction and marketing signs, shall be permitted within the Planned Development, subject to the review and approval of the Department of Planning and Development. Off-premises signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Zoning Ordinance shall apply. The height of any building shall also be subject to height limitations, if any, established by the Federal Aviation Administration.
8. The 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 Floor Area Ratio identified in the Bulk Regulations Table has been determined using a Net Site Area of 16,337 square feet and a base FAR of 5.0.
9. The applicant acknowledges and agrees that the rezoning of the Property from B1-3 to B3-5 for construction of this Planned Development 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 ("Residential Project") must: (i) develop affordable housing units as part of the Residential 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 six affordable housing units in the Residential Project for households earning up to 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 \$600,000 ("Cash Payment"). At the time of each Part II Review for the Residential Project, applicant may 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, DPD may adjust the requirements of this statement 9 (i.e., number of Affordable Units and/or amount of Cash Payment) accordingly without amending the Planned Development. Prior to the issuance of any building permits 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. The Commissioner of DPD 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 the Planned Development.

10. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review fee shall be assessed by the Department of Planning and Development. The fee, as determined by staff at the time, is final and binding on the applicant and must be paid to the Department of Revenue prior to the issuance of any Part II Approval.
11. The Site and Landscape plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by the Department of Planning and Development. Any interim reviews associated with site plan review or Part II Reviews, are conditional until final Part II Approval.
12. The applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

13. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance by the Zoning Administrator upon the application for such a modification by the applicant, its successors and assigns and, if different than the applicant, the legal titleholders and any ground lessors.
14. The applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enables and maximizes universal access throughout the Property. Plans for all buildings and improvements on the Property shall be reviewed and approved by the Mayor's Office for People with Disabilities to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility.
15. The applicant acknowledges that it is in the public interest to design, construct, renovate and maintain all buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The applicant has agreed to provide a 50 percent green roof over the net roof area and achieve Building Certification to comply with the City of Chicago's Sustainable Development Policy.
16. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of the Department of Planning and Development shall initiate a zoning map amendment to rezone the Property to a B1-3 Neighborhood Shopping District.

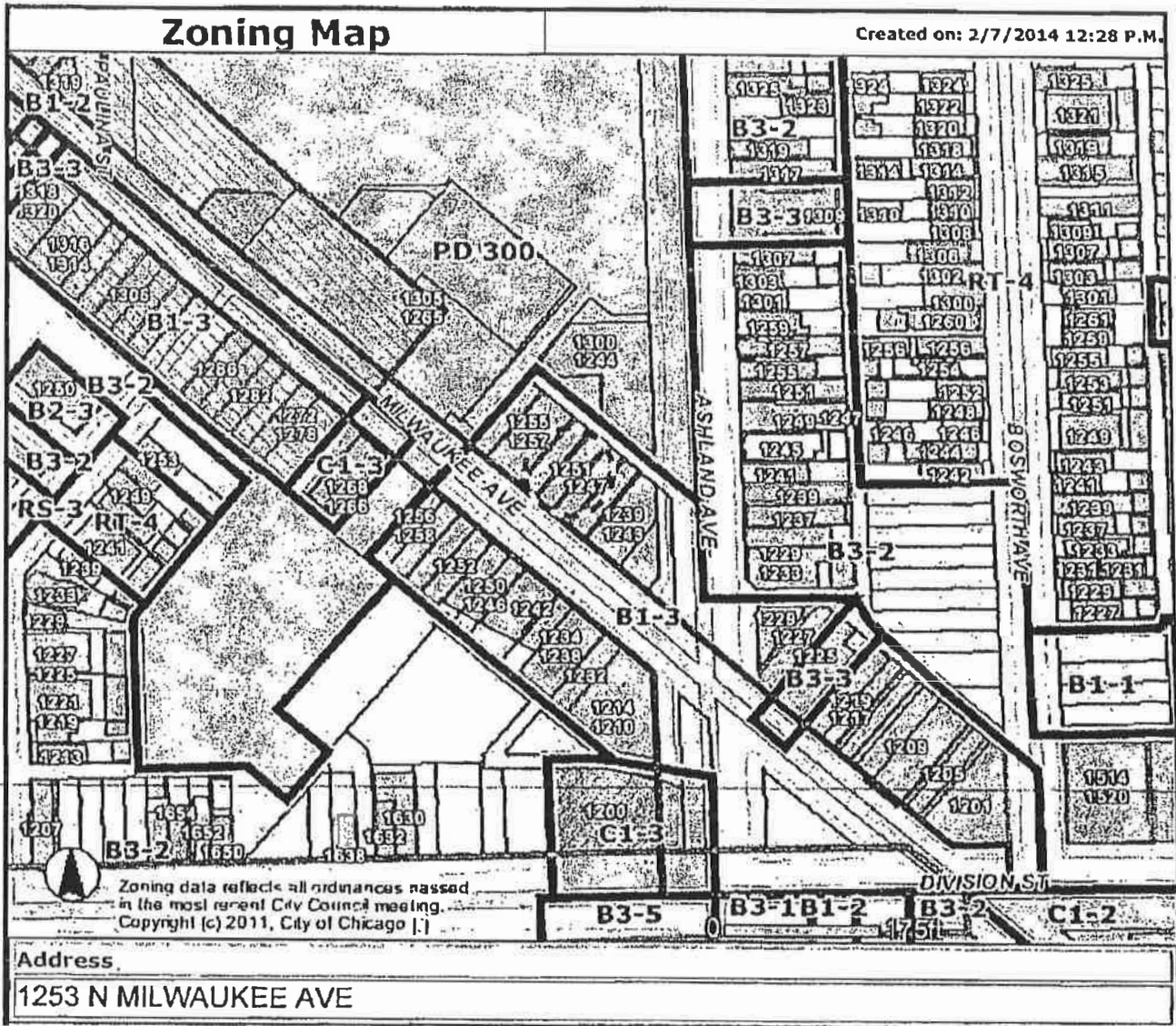
[Exhibit "A" -- Affordable Housing Profile Form referred to in these Plan of Development Statements unavailable at time of printing.]

[Existing Zoning Map; Existing Land-Use Map; Site/Landscape Plan; Basement Plan; First Floor Plan; Green Roof Plans; and Northeast, Northwest and Southwest Building Elevations referred to in these Plan of Development Statements printed on pages 100896 through 100905 of this *Journal*.]

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

*Residential-Business Planned Development 1265**Plan Of Development**Bulk Regulations And Data Table.*

Gross Site Area:	25,174.00 square feet (0.58 acre)
Net Site Area:	16,337.00 square feet (0.38 acre)
Area Remaining in Public Right-of-Way:	8,837.00 square feet (0.20 acre)
Maximum Floor Area Ratio:	5.00
Minimum Setbacks:	Per Site Plan
Maximum Number of Dwelling Units:	60
Minimum Number of Accessory Off-Street Parking:	16 spaces
Minimum Number of Off-Street Loading:	
One Berth:	10 feet by 25 feet
Minimum Number of Bicycle Parking:	60
Maximum Building Height:	96 feet, 6 inches



EXISTING ZONING MAP

jSa

jonathan SPLITT architects ltd.

4001 north ravenwood avenue
suite 601

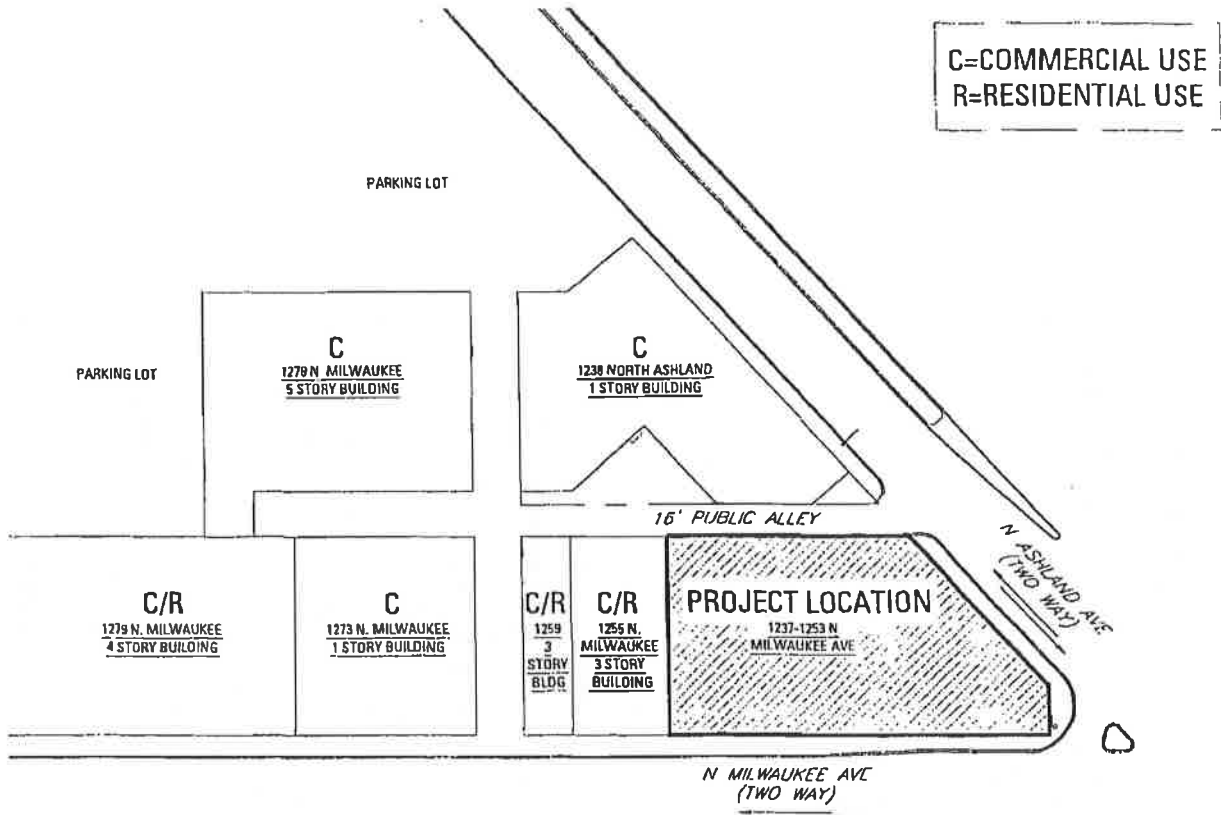
chicago illinois 60613-2576
773 883 1017 fax 773 883 3081

Applicant: 1237 North Milwaukee, LLC

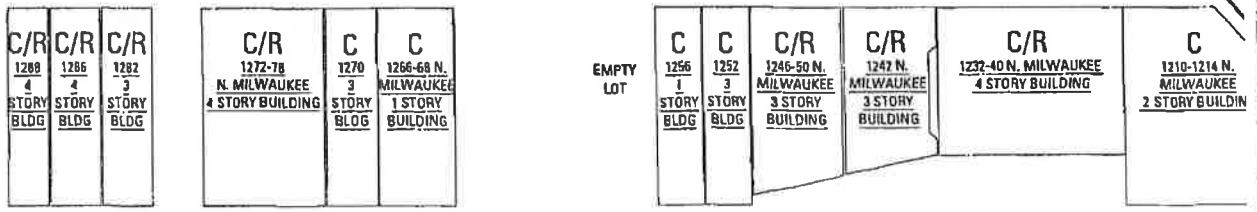
Address: 1237-53 N. Milwaukee Ave./
1230-40 N. Ashland Ave.

Intro Date: May 21, 2014

Plan Commission Date: November 20, 2014



C=COMMERCIAL USE
R=RESIDENTIAL USE

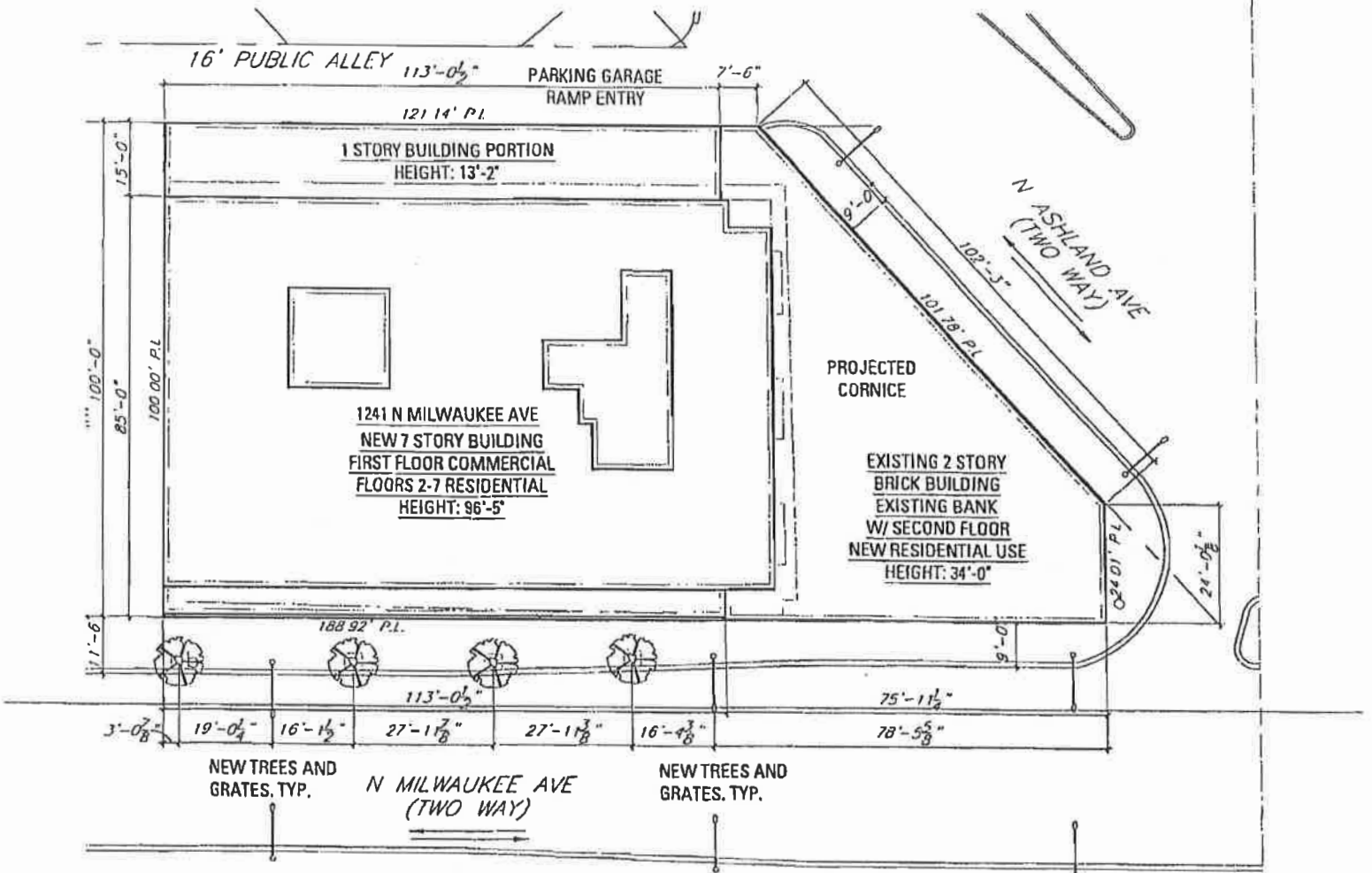


EXISTING LAND USE MAP

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 jonathan SPLITT architects ltd.
 4001 north ravenswood avenue
 suite 601
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 773 883 1017 fax 773 883 3081

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 Address: 1237-53 N. Milwaukee Ave./
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SITE / LANDSCAPE PLAN

jsa

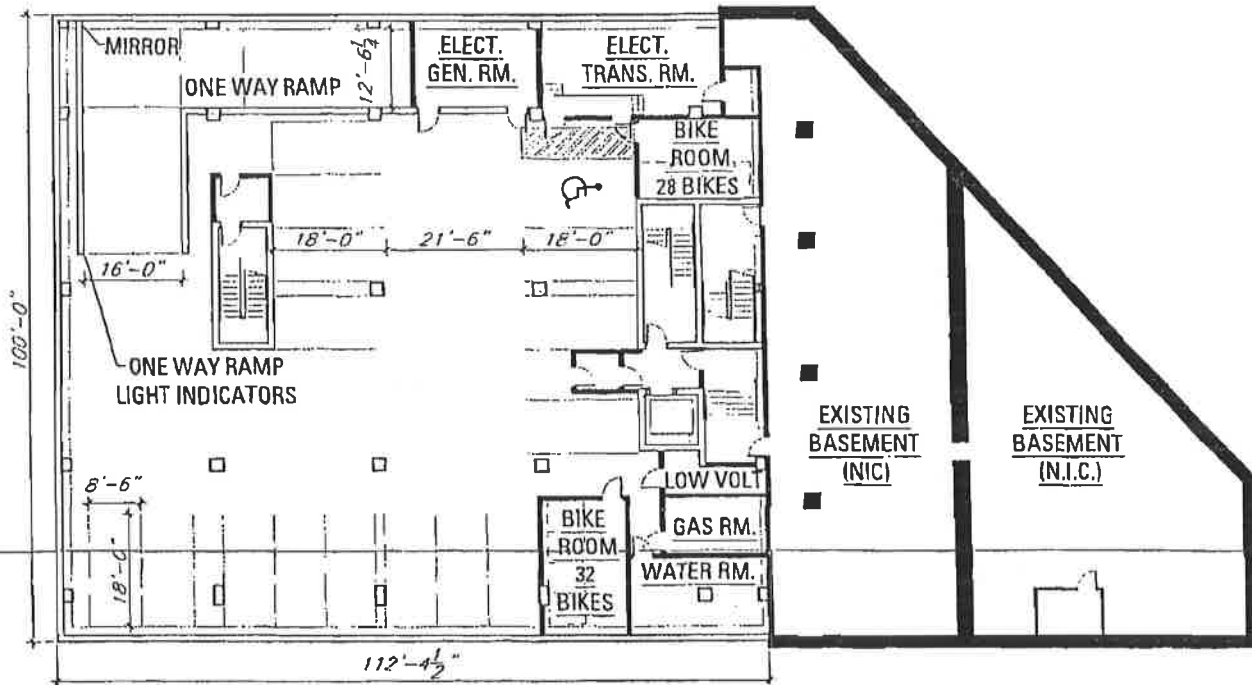
Jonathan SPLITT architects ltd.

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BASEMENT PLAN

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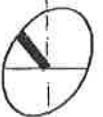
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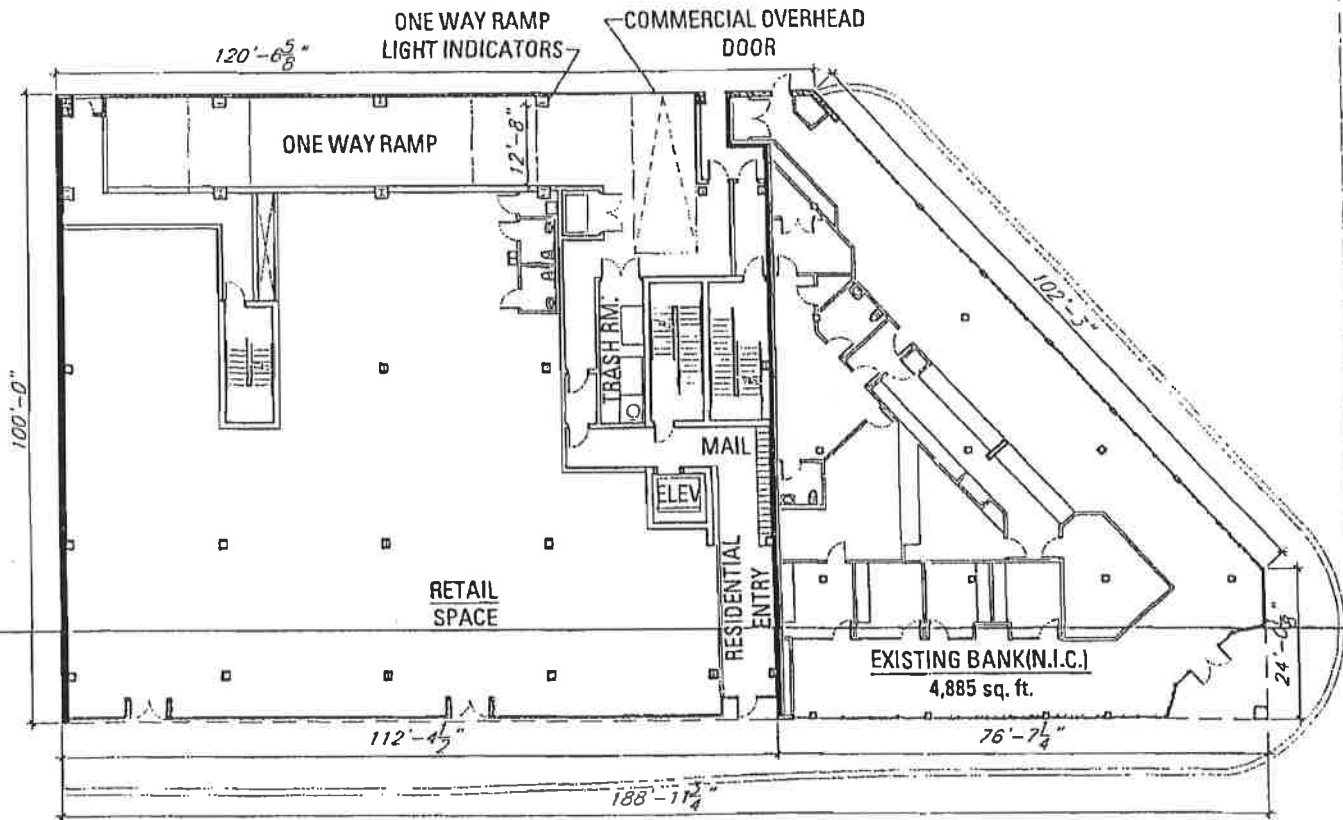
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FIRST FLOOR PLAN

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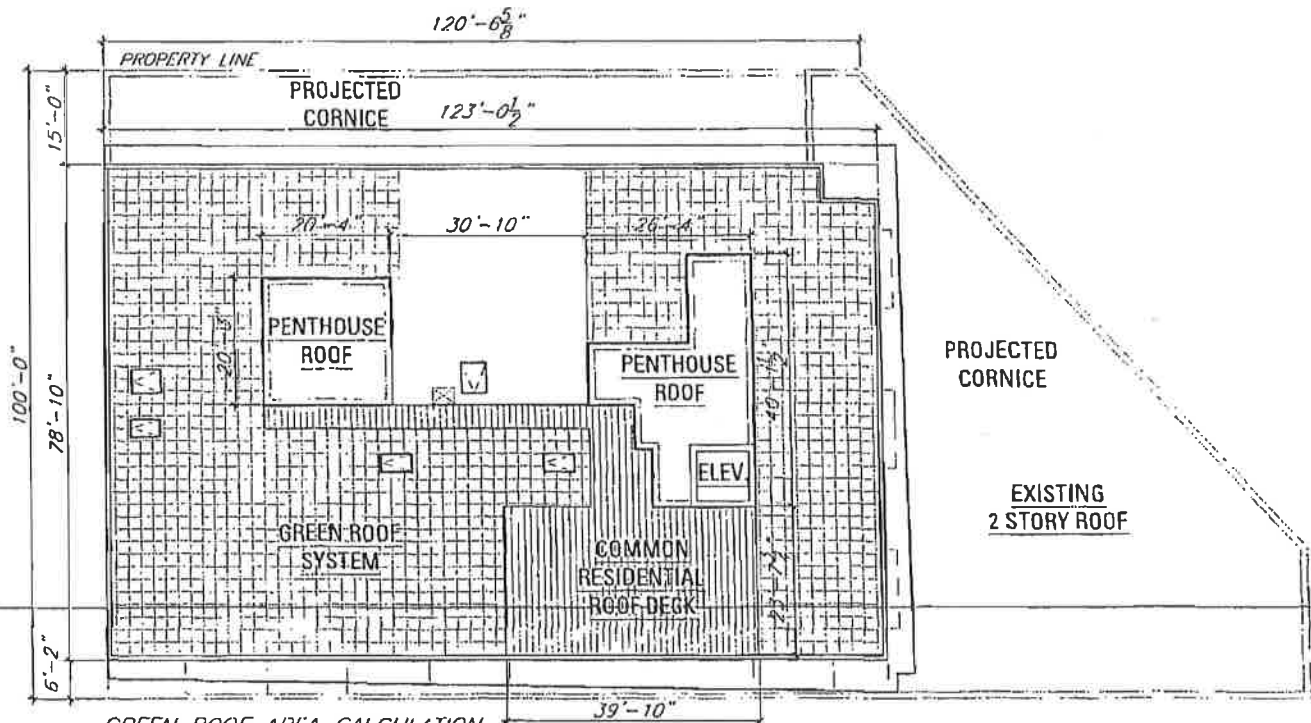
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GREEN ROOF AREA CALCULATION
 GREEN ROOF AREA: 5,851 S.F.
 TOTAL NEW CONSTRUCTION NET ROOF AREA: 11,616 S.F.
 GREEN ROOF AREA PERCENTAGE: 50.3%

GREEN ROOF PLAN

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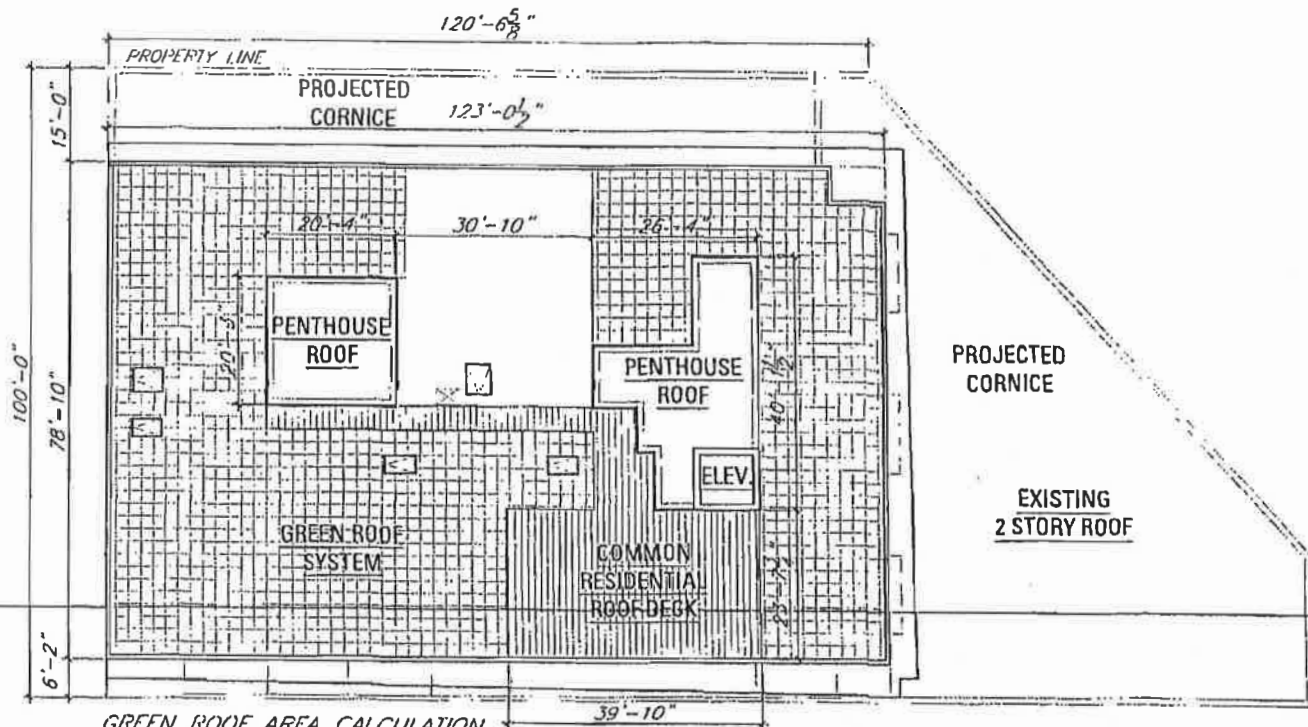
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GREEN ROOF PLAN

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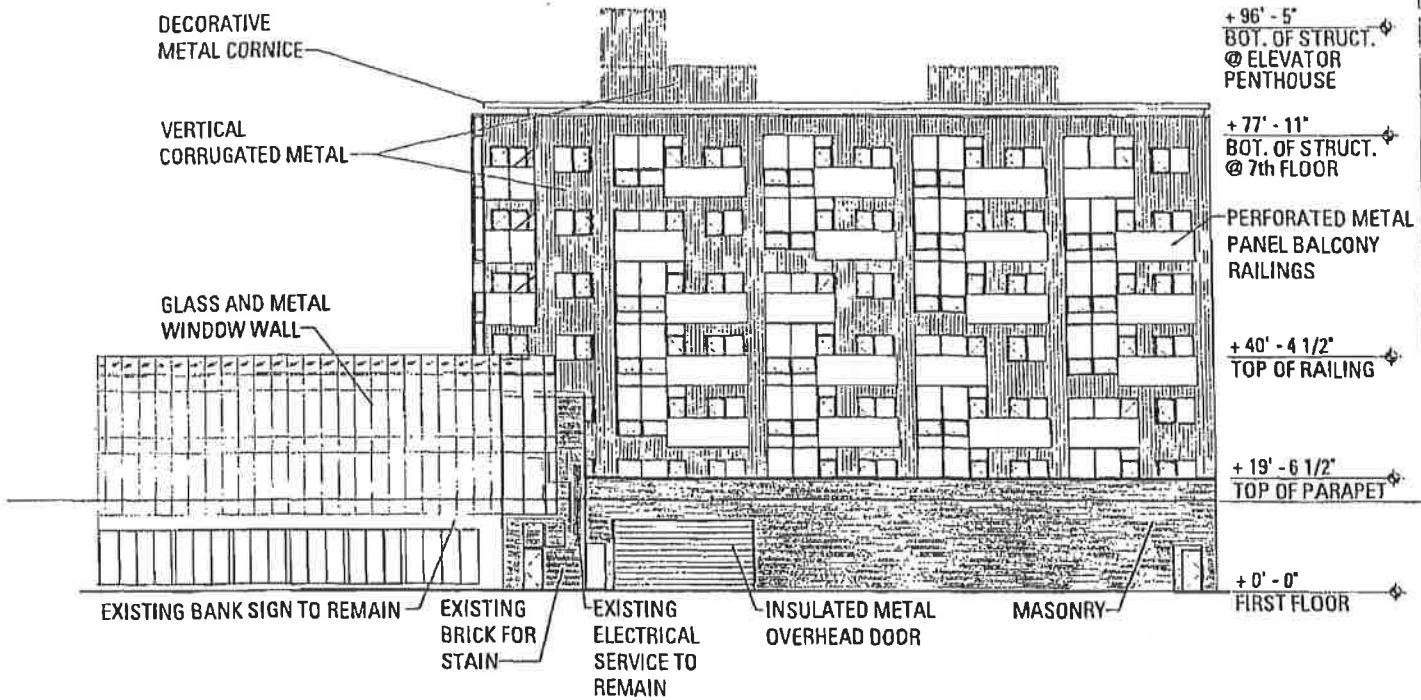
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NORTHEAST ELEVATION

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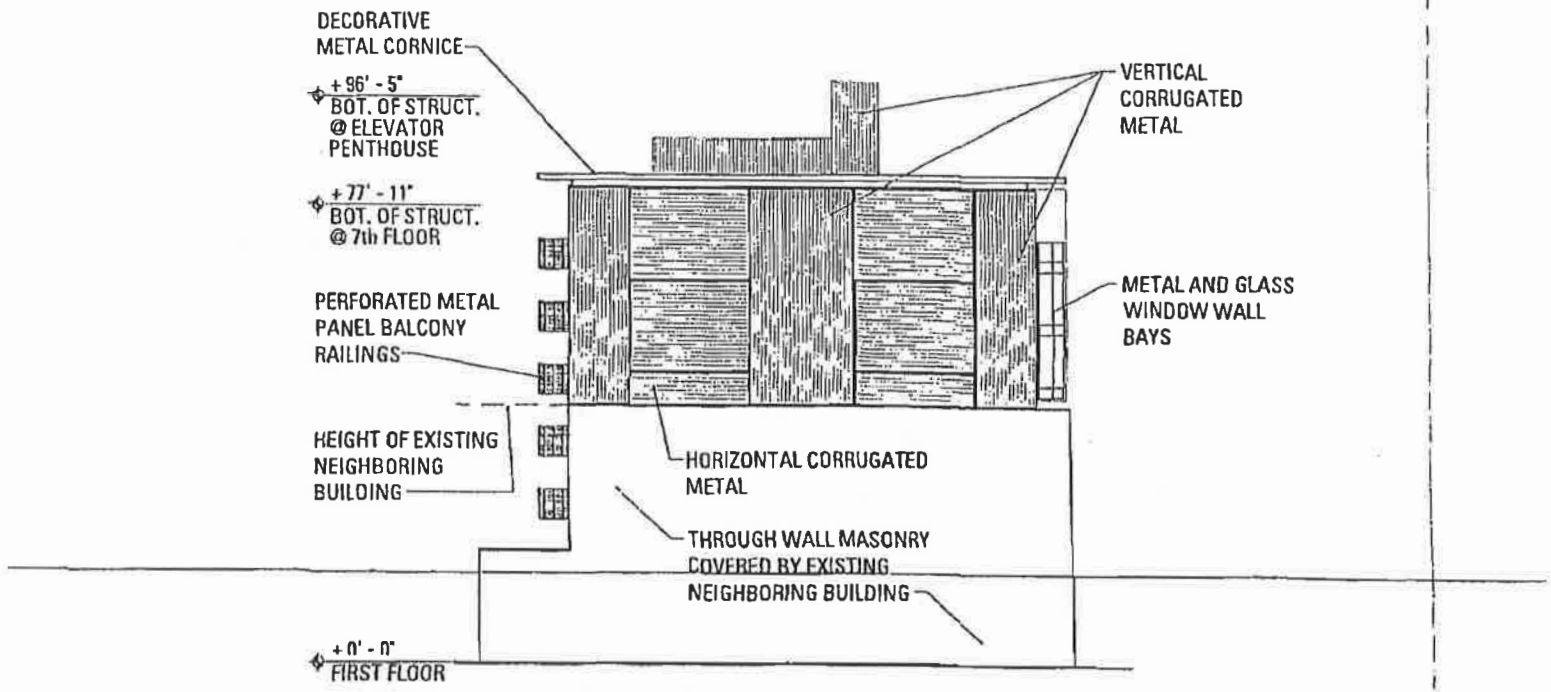
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NORTHWEST ELEVATION

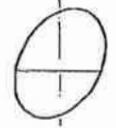
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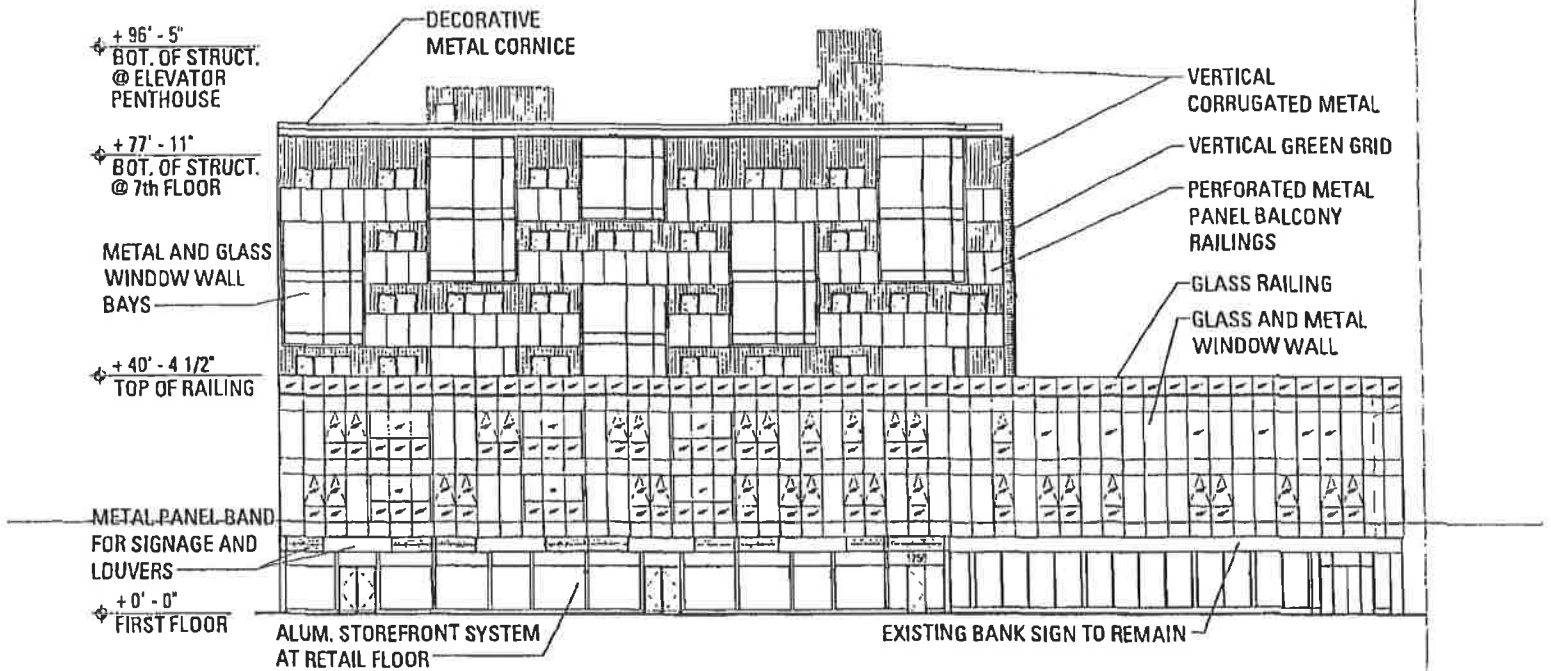
jonathan SPLITT architects ltd.

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SOUTHWEST ELEVATION

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Applicant: 1237 North Milwaukee, LLC

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