

9/24/2015

REPORTS OF COMMITTEES

7595

AMENDMENT OF TITLE 17 OF MUNICIPAL CODE BY RECLASSIFICATION OF
AREA SHOWN ON MAP NO. 5-H.

(As Amended)
(Application No. 18470)
(Common Address: 1749 -- 1769 N. Milwaukee Ave.
And 1733 -- 1745 N. Leavitt St.)

RBPD 1297

[SO2015-5371]

(Meeting Held September 21, 2015)

The Committee on Zoning, Landmarks and Building Standards submitted the following report:

CHICAGO, September 24, 2015.

To the President and Members of the City Council:

Presenting a series of reports for your Committee on Zoning, Landmarks and Building Standards which held a meeting on September 21, 2015, the following items were passed by a majority of the members present:

Page 1 contains Mayoral Application Number 196 regarding transit oriented developments.

Pages 1 through 5 of the committee report contain various map amendments. Please let the record reflect that Alderman Joe Proco Moreno voted "no" on Application Number 18470 which is on page 4.

I hereby move for passage of the proposed substitute ordinance transmitted herewith.

Respectfully submitted,

(Signed) DANIEL S. SOLIS,
Chairman.

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

Yeas -- Aldermen Hopkins, Dowell, Burns, Hairston, Sawyer, Mitchell, Harris, Beale, Sadlowski Garza, Thompson, Cárdenas, Quinn, Burke, Lopez, Foulkes, D. Moore, Curtis, O'Shea, Cochran, Brookins, Muñoz, Zalewski, Scott, Solis, Maldonado, Burnett, Ervin, Taliaferro, Reboyras, Santiago, Waguespack, Mell, Ramirez-Rosa, Villegas, Mitts, Sposato, Laurino, O'Connor, Napolitano, Reilly, Smith, Tunney, Arena, Cappleman, Pawar, Osterman, J. Moore, Silverstein -- 48.

Nays -- Moreno -- 1.

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

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 of the B1-1 Neighborhood Shopping District symbols and indications as shown on Map Number 5-H in the area bounded by:

North Leavitt Street; the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at a point 243.00 feet east of North Leavitt Street as measured along the southerly line of the former C. M. St. P. & P. RR right-of-way extending to a point 42.00 feet south of and almost perpendicular to the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at last said point and extending 143.70 feet south to a point 25 feet northwest of the public alley next southwesterly of and perpendicular to North Wilmot Avenue; a line beginning at said last point and extending 25 feet to a point 71.58 feet southwest of the intersection of the public alley next southwesterly of and perpendicular to North Wilmot Avenue as measured along the northwesterly line of said public alley; the public alley next southwesterly of and perpendicular to North Wilmot Avenue; the public alley next northeasterly of and almost parallel to North Milwaukee Avenue; a line 239.90 feet southeast of the intersection of North Milwaukee Avenue and North Leavitt Street as measured along the northeasterly line of North Milwaukee Avenue and perpendicular thereto; and North Milwaukee Avenue,

to those of a B3-3 Community Shopping District.

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

North Leavitt Street; the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at a point 243.00 feet east of North Leavitt Street as measured along the southerly line of the former C. M. St. P. & P. RR right-of-way extending to a point 42.00 feet south of and almost perpendicular to the southerly line of the former C. M. St. P. & P. RR right-of-way; a line beginning at last said point and extending 143.07 feet south to a point 25 feet northwest of the public alley next southwesterly of and perpendicular to North Wilmot Avenue; a line beginning at said last point and extending 25 feet to a point 71.58 feet southwest of the intersection of the public alley next southwesterly of and perpendicular to North Wilmot Avenue and North Wilmot Avenue as measured along the northwesterly line of said public alley; the public alley next southwesterly of and perpendicular to North Wilmot Avenue; the public alley next northeasterly of and almost parallel to North Milwaukee Avenue; a line 239 feet south of the intersection of North Milwaukee Avenue and North Leavitt Street as measured along the northeasterly line of North Milwaukee Avenue and perpendicular thereto; and North Milwaukee Avenue,

to those of a Residential-Business Planned Development.

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

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

Residential-Business Planned Development No. 1297.

Planned Development Statements.

1. The area delineated herein as Planned Development Number 1297 ("Planned Development") consists of approximately 58,984 net square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). The owner of the Property, NRG Milwaukee Leavitt LLC, is the applicant ("Applicant") for this planned development.
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 in effect as of the date of this Planned Development.
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 Chicago Department of Transportation ("CDOT") on behalf of the Applicant or its successors, assigns or grantees.

Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the plans.

Ingress or egress shall be pursuant to the Plans and may be subject to the review and approval of the Department of Planning and Development ("DPD") and CDOT. Closure of all or any public street or alley during demolition or construction shall be subject to the review and approval of CDOT.

All work proposed in the public way must be designed and constructed in accordance with the CDOT 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 CDOT.

4. This plan of development consists of 15 Statements; a Bulk Regulations and Data Table, and the following plans prepared by Hirsch Associates LLC and dated September 17, 2015 (collectively, the "Plans"): Existing Zoning Map, Existing Land-Use Map, Planned Development Property Line and Boundary Map, Site Plan, Proposed

Landscape/Green Roof Plan, and Building Elevations. Full-sized copies of the Plans are on file with DPD. 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. These and no other zoning controls shall apply to the Property.

5. The following uses shall be permitted in this Planned Development: multi-unit residential dwelling units above the ground floor, artist work or sales space; dry cleaner; restaurant; outdoor patio (at grade level or on a rooftop); food and beverage retail sales (provided any sale of liquor shall be accessory only); financial services (except drive-through facilities, payday/title secured loan stores and pawn shops); general retail sales; medical service; offices; personal services (including, without limitation, yoga and fitness studios); hair salon, nail salon or barber shop; and accessory parking.
6. 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.
7. The maximum permitted Floor Area Ratio ("FAR") for the site shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes of FAR calculations and measurements, the definitions in the Zoning Ordinance shall apply. The permitted overall FAR identified in the Bulk Regulations Table has been determined using a Net Site Area of 58,984 square feet.
8. 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 DPD. 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.
9. The 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 DPD. Any interim reviews associated with site plan review or Part II Reviews, are conditional until final Part II Approval.
10. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Fleet and Facility Management and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.
11. 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.
12. 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.

13. 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 shall seek LEED or Energy Star certification and a green roof of not less than 50 percent of the net roof area shall be provided.
14. The Applicant acknowledges and agrees that the change of zoning of the underlying zoning district of this Planned Development Number 1297 from the B1-1 Neighborhood Shopping District to the B3-3 Community Shopping District 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 10 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 \$100,000 per required affordable unit ("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 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 14 (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.

15. This Planned Development shall be governed by Section 17-13-0612 of the Zoning Ordinance. Should this Planned Development ordinance lapse, the Commissioner of DPD shall **initiate** a zoning map amendment to rezone the Property to the B3-3 Community Shopping District.

[Property and Boundary Map; Existing Zoning Map; Existing Land-Use Map; Site and Ground Floor Plan; Proposed Landscape/Green Roof Plan; and Building Elevations referred to in these Plan of Development Statements printed on pages 7601 through 7609 of this *Journal*.]

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

Residential-Business Planned Development No. 1297.

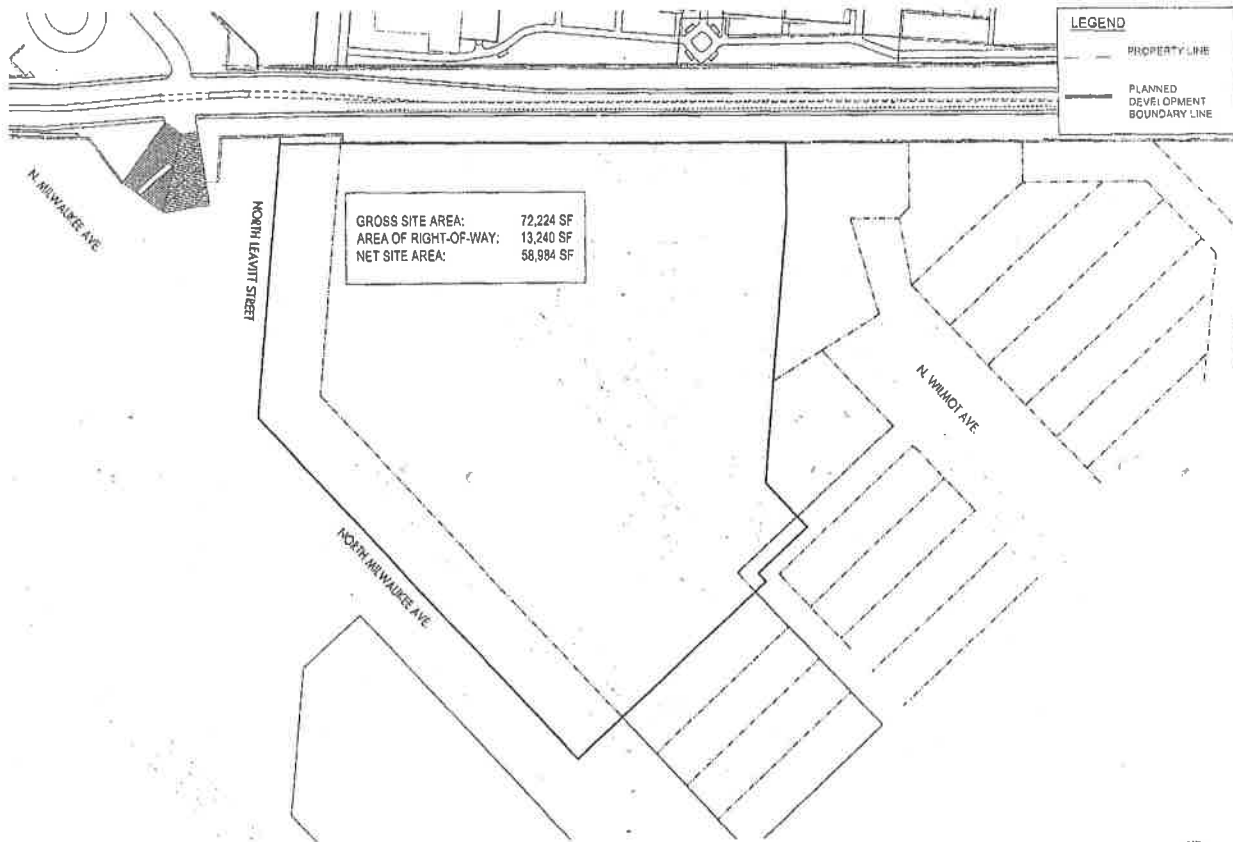
Bulk Regulations And Data Table.

Gross Site Area:	72,224 square feet
Area of Public Rights-of-Way:	13,240 square feet
Net Site Area:	58,984 square feet
Maximum Floor Area Ratio:	2.2
Maximum Number of Dwelling Units:	95
Minimum Off-Street Parking Spaces:	116
Minimum Bicycle Parking Spaces:	87
Minimum Off-Street Loading Spaces:	1 (10 feet by 50 feet); 1 (10 feet by 25 feet)
Maximum Building Height:	80 feet, 0 inches
Minimum Setbacks:	In conformance with the Plans

9/24/2015

REPORTS OF COMMITTEES

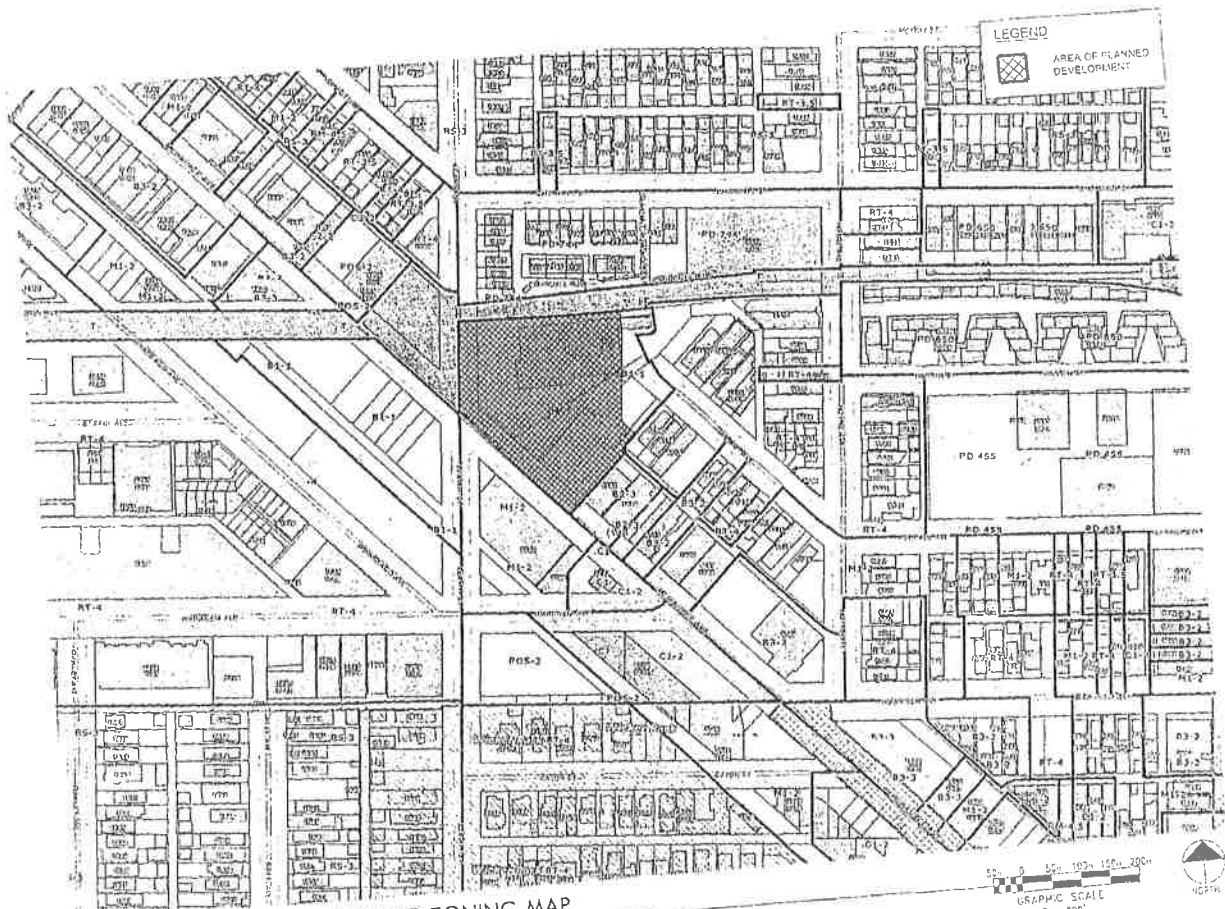
7601



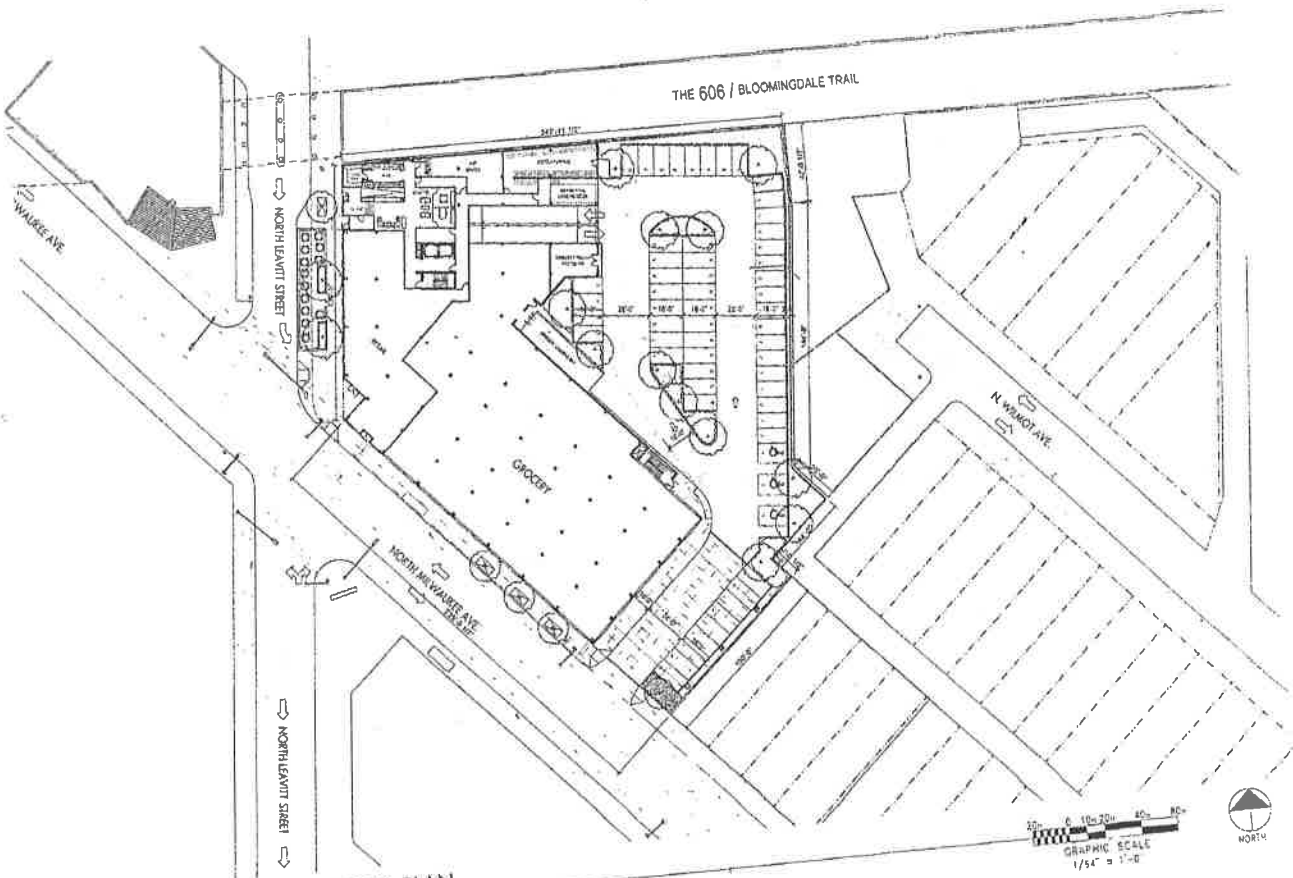
PLANNED DEVELOPMENT PROPERTY AND BOUNDARY MAP

APPLICANT: NRG MILWAUKEE LEAVITT, LLC
ADDRESS: 1749-1769 N. MILWAUKEE AVENUE & 1733-1745 N. LEAVITT STREET, CHICAGO IL 60647
COUNCIL INTRODUCTION: JULY 29, 2015
PLANNING COMMISSION: SEPTEMBER 17, 2015



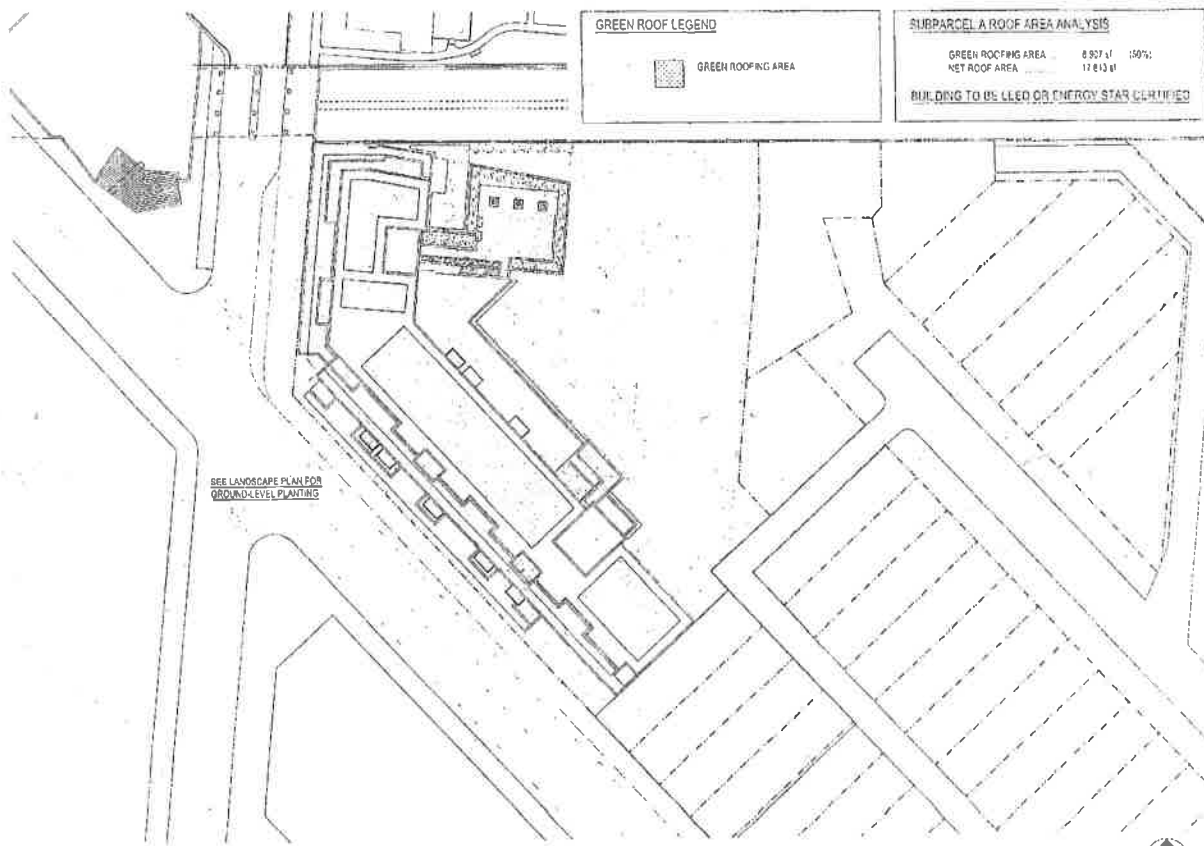


PLANNED DEVELOPMENT EXISTING ZONING MAP
 APPLICANT: NRG MILWAUKEE LEAVITT, LLC
 ADDRESS: 1749-1769 N. MILWAUKEE AVENUE & 1733-1745 N. LEAVITT STREET, CHICAGO IL 60647
 COUNCIL INTRODUCTION: JULY 29, 2015
 PLANNING COMMISSION: SEPTEMBER 17, 2015



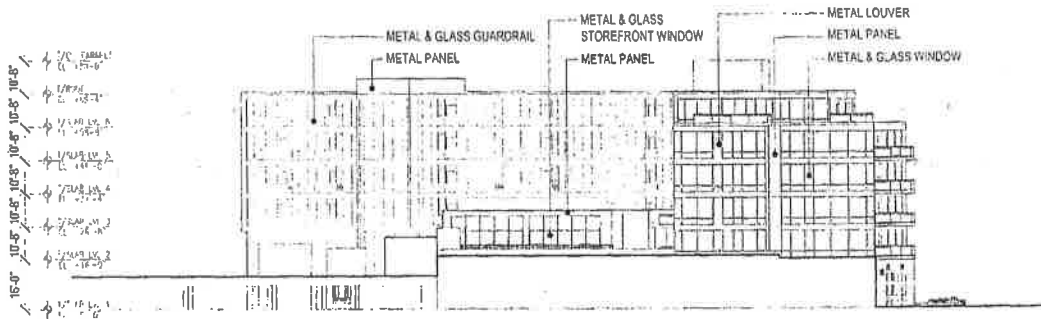
SITE AND GROUND FLOOR PLAN

APPLICANT: NRG MILWAUKEE LEAVITT, LLC
 ADDRESS: 1749-1769 N. MILWAUKEE AVENUE & 1733-1745 N. LEAVITT STREET, CHICAGO IL 60647
 COUNCIL INTRODUCTION: JULY 29, 2015
 PLANNING COMMISSION: SEPTEMBER 17, 2015



PROPOSED LANDSCAPE / GREEN ROOF PLAN

APPLICANT: NRG MILWAUKEE LEAVITT, LLC
ADDRESS: 1749-1769 N. MILWAUKEE AVENUE & 1733-1745 N. LEAVITT STREET, CHICAGO IL 60647
COUNCIL INTRODUCTION: JULY 29, 2015
PLANNING COMMISSION: SEPTEMBER 17, 2015



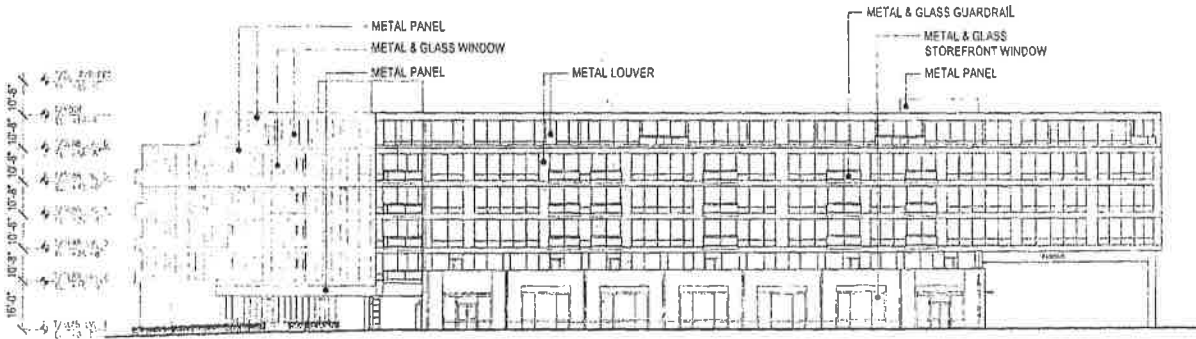
NORTH ELEVATION (ALONG 606 TRAIL)

1 1/2\"/>

ELEVATIONS

APPLICANT: NRG MILWAUKEE LEAVITT, LLC
 ADDRESS: 1749-1769 N. MILWAUKEE AVENUE & 1733-1745 N. LEAVITT STREET, CHICAGO IL 60647
 COUNCIL INTRODUCTION: JULY 29, 2015
 PLANNING COMMISSION: SEPTEMBER 17, 2015





SOUTH-WEST ELEVATION (ALONG MILWAUKEE AVENUE)

ELEVATIONS

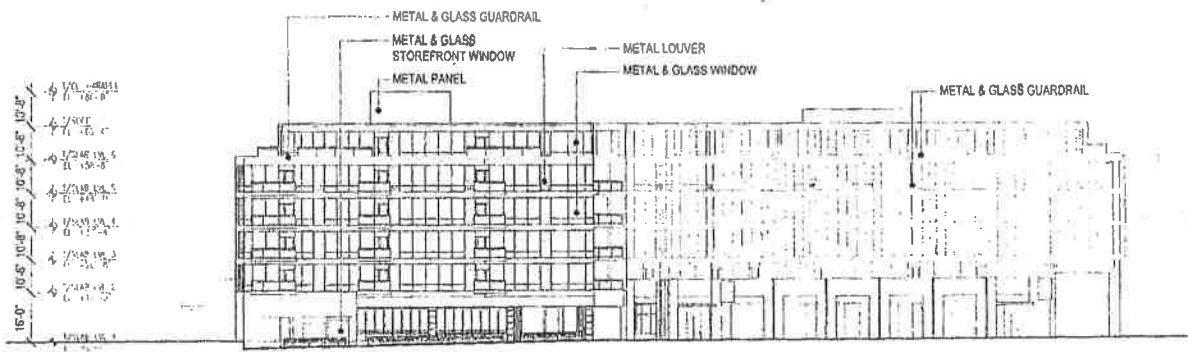
APPLICANT: NRG MILWAUKEE LEAVITT, LLC
 ADDRESS: 1749-1769 N. MILWAUKEE AVENUE & 1733-1745 N. LEAVITT STREET, CHICAGO IL 60647
 COUNCIL INTRODUCTION: JULY 29, 2015
 PLANNING COMMISSION: SEPTEMBER 17, 2015



9/24/2015

REPORTS OF COMMITTEES

7609



WEST ELEVATION (ALONG LEAVITT STREET)

FIGURE 1 VIA 1

ELEVATIONS

APPLICANT: NRG MILWAUKEE LEAVITT, LLC
 ADDRESS: 1749-1769 N. MILWAUKEE AVENUE & 1733-1745 N. LEAVITT STREET, CHICAGO IL 60647
 COUNCIL INTRODUCTION: JULY 29, 2015
 PLANNING COMMISSION: SEPTEMBER 17, 2015



