

# DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

May 11, 2023

Andrew P. Scott Dykema Gossett 10 S. Wacker Dr., Suite 2300 Chicago, IL 60606

Re: One-year sunset extension for PD 1376, 4849 N. Lipps/5306 W. Ainslie

Dear Mr. Scott:

Please be advised that your request for a one-year extension to the six-year construction period for Planned Development No. 1376 ("PD 1376") has been considered by the Department of Planning and Development pursuant to Section 17-13-0612-B of the Zoning Ordinance and Statement No. 16 of the Planned Development. Your client, Jefferson Place, LLC, is the sole property owner of PD 1376.

PD 1376 was approved by the City Council on June 28, 2017. Pursuant to Statement No. 16 of the PD and Section 17-13-0612 of the Zoning Ordinance, unless substantial construction has commenced within 6 years following adoption of the PD, and unless completion is thereafter diligently pursued, then the PD shall expire, and a zoning map amendment rezoning the property to B3-5 shall be initiated. Pursuant to Section 17-13-0612-B, the 6-year period may be extended by up to 1 additional year if, before expiration, the Zoning Administrator receives a written request from the applicant stating the reasons for the proposed extension, and the Zoning Administrator determines that good cause for an extension is shown.

After passage of the PD in 2017, a minor change was granted in May 2019, and in Dec. 2019, a building permit application was applied for. The minor change has since expired, and the permit was never issued and has been voided. Construction of the proposed development has been delayed due to the economic conditions resulting from COVID along with the loss of a principal development partner in 2021. A substitute partner was identified in the 3<sup>rd</sup> quarter of 2022, and a one-year extension will provide additional time to reevaluate the project, amid rising interest rates and material costs. Pursuant to the authority granted by the Chicago Zoning Ordinance and PD 1376, I hereby approve a 1-year sunset extension from June 28, 2023, to June 28, 2024.

Patrick Murphey Zoning Administrator

PM:tm

C: Mike Marmo, Janice Hill, Noah Szafraniec, Main file



# DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

May 6, 2019

Loukas D. Kozonis Kozonis & Klinger 4849 N. Milwaukee, #300 Chicago, IL 60630

Re: Minor change request for PD No. 1376, Subarea A, 5306 W. Ainslie/4849 N. Lipps

Dear Mr. Kozonis:

Please be advised that your request for a minor change to Planned Development No. 1376, ("PD 1376") has been considered by the Department of Planning and Development pursuant to Section 17-13-0611 of the Chicago Zoning Ordinance and Statement Number 12 of PD 1376.

Your firm represents Jefferson Place LLC, the owner of the property within Subarea A of PD 1376. They are proposing the construction of a 16-story mixed-used building at 5306 W. Ainslie St. and 4849 N. Lipps Ave. and are seeking a minor change to allow for a one-story high metal screen wall with openings at the 16th floor. The wall would be located along the entire length of the North and East Elevations and partially along the South and West Elevations. According to your request letter, it will provide an additional safety element to the top and better conceal the rooftop mechanical equipment.

With regard to your request, the Department of Planning and Development has determined that the addition of the screen wall would have an adverse impact on the building and Planned Development. We believe an important feature of the approved design is the partial 16<sup>th</sup> floor which crowns or tops off the building. The addition of a full-story height metal screen wall eliminates this important focal point and design element at the corner of the building. Additionally, we believe the mechanical equipment is setback enough that additional screening is not necessary. Therefore, pursuant to the authority granted by the Chicago Zoning Ordinance and PD 1376, I hereby **deny** this minor change request.

Sincerely,

Patrick Murphey Zoning Administrator

PM:tm

C: Mike Marmo, Erik Glass, Noah Szafraniec, Main file

52232

JOURNAL--CITY COUNCIL--CHICAGO

6/28/2017

Reclassification Of Area Shown On Map No. 13-J.

Application No. 19242)

(Common Address: 4850 N. St. Louis Ave.)

PD 1376

[O2017-3841]

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

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all of the RT4 Residential Two-Flat, Townhouse and Multi-Unit District symbols and indications as shown on Map Number 13-J in the area bounded by:

West Ainslie Street; North St. Louis Avenue; a line 148:36 feet south of and parallel to West Ainslie Street; and the public alley next west of and parallel to North St. Louis Avenue,

to those of an B1-1 Neighborhood Shopping District.

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

Reclassification Of Area Shown On Map No. 13-L. (As Amended)

(Application No. 18698)

(Common Address: 4849 -- 4873 N. Lipps Ave./5306 W. Anslie St. And 4849 N. Milwaukee Ave.)

[SO2016-1623]

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

SECTION 1. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the B3-3 Community Shopping District indications and the M1-1 Limited Manufacturing/Business Park District symbols and indications as shown on Map Number 13-L in the area bounded by:

West Ainslie Street; North Milwaukee Avenue; West Veterans Place; North Lipps Avenue; and the southeasterly right-of-way of Chicago Northwestern Railway (Santa Fe),

to those of a B3-5. Community Shopping District and a corresponding use district is hereby established in the area described.

SECTION 2. Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance, is hereby amended by changing all the B3-5 Community Shopping District symbols and indications as shown on Map Number 13-L in the area bounded by:

West Ainslie Street; North Milwaukee Avenue; West Veterans Place; North Lipps Avenue; and the southeasterly right-of-way of Chicago Northwestern Railway (Santa Fe),

to those of a Planned Development, subject to the use and bulk regulations set forth in the Plan of Development attached hereto and made a part hereof.

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:

### Planned Development No. 1376.

#### Plan Of Development Statements.

- 1. The area delineated herein as Planned Development Number 1376 ("Planned Development") consists of approximately 87,712 square feet of net site area, as more fully depicted on the attached Planned Development Boundary and Property Line Map ("Property"). The Property is owned or controlled by Jefferson Place LLC, an Illinois limited liability company ("Applicant"). The Planned Development is divided into subareas (each, a "Subarea", and collectively, the "Subareas"), as indicated on the Planned Development Boundary and Property Line Map, as defined in Statement Number 4.
- 2. The requirements, obligations and conditions contained within this Planned Development shall be binding on the Applicant, its successors and assigns, and, if different than the Applicant, the legal titleholders. 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. 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 Department of Planning and Development. 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; Bulk Regulations and Data Table; Existing Zoning Map; Existing Land-Use Map; Veterans Square Site Plan; Planned Development Boundary and Property Line Map; Setback Plan; Site Plan; Floor Plan; Landscape Plan; Roof Plan; Affordable Housing Profile Form; and Building Elevations. Full-sized copies of the plans 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 allowed in the area delineated herein:

#### Subarea A:

artists live/work space (above the ground floor); dwelling units (above the ground floor); animal services (excluding shelter, boarding kennel, and stable); artist work or sales space; business equipment sales and services; business support

services; communication service establishments; eating and drinking establishments (including, without limitation, limited and general restaurant, tavern, and outdoor patio (at-grade and rooftop)); financial services (excluding payday/title secured loan store and pawn shop); food and beverage retail sales; lodging; medical services; office; personal services; repair and laundry services (excluding plant on-site); sports and recreation (excluding entertainment cabaret, outdoor, and children's plat center); residential storage warehouse; retail sales, general; wireless communication facilities (excluding freestanding facility); and Parking (accessory as to users of the Property, and 45 percent of the required residential parking may be leased out on a daily, weekly, or monthly basis to persons who are not residents, tenants, patrons, employees or guests of the users of the Property).

#### Subarea B:

postal service; animal services (excluding shelter, boarding kennel and stable); artist work or sales space; business equipment sales and services; business support services; communication service establishments; eating and drinking establishments (including, without limitation, limited and general restaurant, tavern, and outdoor patio (at-grade and rooftop)); financial services (excluding payday/title secured loan store and pawn shop); food and beverage retail sales; lodging; medical services; office; personal services; repair and laundry services (excluding plant on-site); sports and recreation (excluding entertainment cabaret, outdoor, and children's plat center); residential storage warehouse; retail sales, general; wireless communication facilities (excluding freestanding facility); and parking (accessory and non-accessory).

- 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 and Data 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 and Data Table has been determined using a net site area of 87,712 square feet.

- 9. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance 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.
- 10. The Site Plan and Landscape Plan 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.
- 11. 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.
- 12. 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.
- 13. The Applicant acknowledges and agrees that the rezoning of the Property from B3-3 Community Shopping District and the M1-1 Limited Manufacturing/Business Park District to B3-5 Community Shopping District and then to Planned Development for construction of this Project triggers the requirements of Section 2-45-110 of the Municipal Code (Affordable Housing Ordinance). Under the Affordable Housing Ordinance, the Applicant must: (i) set aside 10 percent of the housing units in the project as affordable units ("Affordable Units"); (ii) pay a fee in lieu of the development of Affordable Units; or (iii) any combination of (i) and (ii). The Applicant has agreed to satisfy its affordable housing obligation by leasing eleven (11) Affordable Units in the project, as set forth in the Affordable Housing Profile Form attached hereto, rather than paying the in-lieu fee. The Applicant agrees that the Affordable Units must be affordable to households earning no more than 60 percent of the Chicago-area median household income, as updated annually. If the Applicant subsequently reduces (or increases) the number of dwelling units in the project, the Applicant shall update and resubmit the Affordable Housing Profile Form to the Department of Planning and Development ("DPD") for review and approval, and DPD may adjust the requirements of this Statement 13 (i.e., number of Affordable Units) accordingly without amending the Planned Development. Prior to the issuance of any building permits for the project, including, without limitation, excavation or foundation permits, the Applicant must execute and record an affordable housing agreement in

accordance with Section 2-45-110(i)(2) to secure the Applicant's obligation to construct and lease the Affordable Units to income-eligible tenants. 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 Planned Development site and will constitute a lien against such property. The Commissioner of DPD may enforce remedies for any breach of this Statement, including any 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.

- 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 new 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 new buildings in a manner that provides healthier indoor environments, reduces operating costs and conserves energy and natural resources. The Applicant shall achieve Energy Star certification for the building in Subarea A, and shall provide the equivalent site detention of an 8,304 square feet green roof with an underground storage vault with an aggregate base for infiltration in Subarea A.
- 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 B3-5 Community Shopping District.

[Existing Land-Use Plan; Veterans Square Site Plan; Boundary and Property Line Map; Setback Plan; First Floor/Site Key Plan; First Floor/Site Plan; North End of First Floor/Site Plan; Second, Third, Fourth, Fifth and Sixth Floor Plan; Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Floor Plan; Thirteenth, Fourth And Fifteen Floor Plan; Sixteenth Floor Plan; Roof Plan; Existing Zoning Map; and North, South, East and West Building Elevations referred to in these Plan of Development Statements printed on pages 52239 through 52259 of this Journal.]

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Bulk Regulations and Data Table, 2015 Affordable Housing Profile Form (AHP) and Green Roof Offsets referred to in these Plan of Development Statements read as follows:

# Planned Development No. <u>1376</u>.

Bulk Regulations And Data	Table.

	Sub			
	A	В	Total	
Gross Site Area:	43,938 square feet	96,567 square feet	140,505 square feet	
Area in the Public Right-of-Way:	18,434 square feet	34,359 square feet	52,793 square feet	
Net Site Area:	25,504 square feet	62,208 square feet	87,712 square feet	
Maximum Floor Area Ratio:	11.5	3.0	5.0	
Maximum Building Height:	200 feet, 8 inches	129 feet, 4 inches		
Number of Units:	114	0	114	
Minimum Number of Parking Spaces:	200	216	416	
Number of Bike Parking Spaces:	50	8	58	
Minimum Number of Loadings Berths:	2	0	2	
Minimum Setbacks:	As per Plans	As per Plans	As per Plans	

2015 Affordable F	lousing Profile Form (AHP)
	ect to the 2015 ARO (all projects submitted to prmation is online at <a href="https://www.cltyofchicago.org/ARO">www.cltyofchicago.org/ARO</a> .
This completed form should be returned to: Kar (DPD), 121 N. LaSawe Street, Chicago, IL 6060	a Breems, Department of Planning & Development 2. E-mail: kara,breems@cityofchicago.org
Date: April 24, 2017	
DEVELOPMENT INFORMATION Development Name: Jefferson Place Development Address: 4849 N. Lipps Avenu Zoning Application Number, if applicable: If you are working with a Planner at the City, wh	Ward:45
Type of City Involvement City Land	d Planned Development (PD)
	Assistance Transit Served Location (TSL) projectorease
REQUIRED ATTACHMENTS: the AHP will not be	reviewed until all required doce are received
ARO Web Form completed and attact	hed - or submitted online on April 24, 2017
ARO "Affordable Unit Details and Squ	are Footage" worksheet completed and attached (Excel)
If ARO units proposed, Dimensioned F	Floor Plans with affordable units highlighted are attached (pdf)
If ARO units proposed are off-site, req	uired attachments are included (see next page)
	ncy units, signed acceptance letter is attached (pdf)
DEVELOPER INFORMATION	
Developer Name	
Developer Contact	0.11.00
Developer Address - 4849 N. Milwaukee Ave Emall - info@megagrp.com	nue, Suite 35 Developer Phone 773-545-4200
Attorney Name	
Ryan Sullivan	Attorney Phone 773-545-9607
TIMING	
Estimated date marketing will begin March 20	19
Estimated date of building permit* Septembe	er 2017
Estimated date ARO units will be complete Jun	ie 2019
"note that the in-lieu fee and recorded covenant are require foundation permit	ed prior to the issuance of any building permits, including the
PROPOSED UNITS MEET REQUIREMENTS (	to be executed by Developer & ARO Project Manager)
Kara Breems, DPD	4-26-2017 Date
LAC .	4/24/2017
Developer/Project Manager	Date
Developent tojent menaget	040

#### ARO Web Form

#### **Development Information**

Address

Submitted Date: 04/24/2017

Address Number From :4849 Address Number To: null Street Direction: N

Street :Lipps Avenue

Postal Code: 60630

Development Name, if applicable

Jefferson Place LLC

Information

Ward :45

ARO Zone: Higher Income

Details

Type of city involvement :Zoning change and planned development

Total Number of units in development: 114

Type of development: Rent

Is this a Transit Served Location Project: Y100

#### Requirements

Required affordable units: 11 Required \*On-site aff. Units: 11

How do you intend to meet your required obligation

On-Site: 11 Off-Site: 0

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0

Total Units Committed: 11 Remaining In-Lieu Fee Owed: 0

335-

	Summary: 484	9 N Lipps/Jefferson Pl				
	market race			affordable		
	how many?	% of total	avg.	how	% of total	ave.
studio	0	n/a	n/a	D	n/a	n/a
one-bed	65	63%	895	7	64%	840
two-bed	38	37%	1,247	4	36%	1,250

	Market Rate Units	Affordable Units	
Parking	No	No	
Laundry	Yes	Yes	
Appliances			
Refrigerator age/EnergyStar/make/model/color	new/EnergyStar/TBD	new/EnergyStar/TBD	
Dishwasher age/EnergyStar/make/model/color	new/EnergyStar/TBD	new/EnergyStar/TBD	
Stove/Oven age/EnergyStor/make/model/color	new/EnergyStar/TBD	new/EnergyStar/TBD	
Microwave age/EnergyStar/make/model/color	new/EnergyStar/TBD	new/EnergyStar/TBD	
Bathroom(s) haw many? Half bath? Full bath?	1-2 Full Bathrooms (equivalent to bedrooms)	1-2 Full Bathrooms (equivalent to bedrooms)	
Kitchen countertops moterial	Granite	Granite	
Flaoring material	. Vinyl	vin Vinyl	
HVAC	Yes	The test payer and a first	
Other	THE PROPERTY WAS DOING	The state of the s	

### Green Roof Offsets Planned Development

Project:	Mixed Use	Development	at 4849 N.	Lipps Avenue
----------	-----------	-------------	------------	--------------

date:

4/21/2017

PD #\_\_\_\_ (Amendment / new)

Green Roof		At-grade Volume Control BMP			
Square Feet of Green Roof Required * 50 %* Type	100% [ 50%/100% ] [extensive / intensive]		Square Feet of (BMP type) Square Feet of (BMP type) (add if more	1000 e Ihan one)	SF
Volume of Water Green Roof would have held **	692	CF	Volume of Water BMP(s) will hold	754	CF

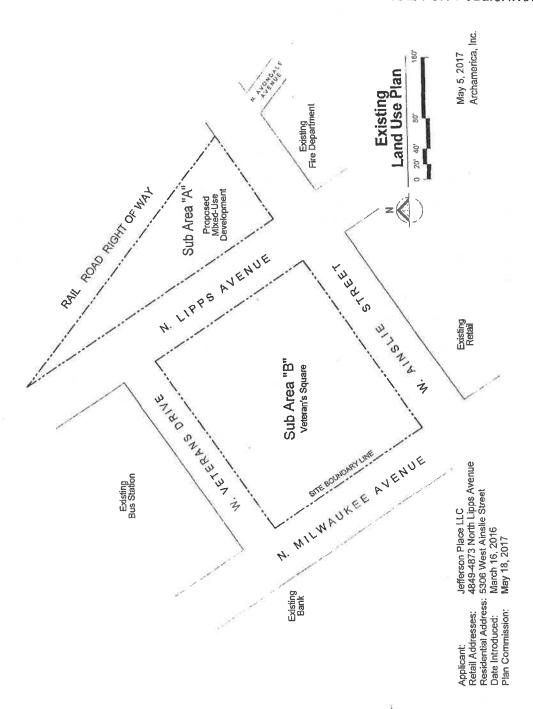
<sup>\*</sup> See City of Chicago Sustainable Development Policy matrix: http://www.cityofchicago.org/dam/city/depts/zlup/Sustainable\_Development/Publications/GreenMatrix2011DHED.pdf

#### Narrative:

Total roof area = 21,687 sq-ft. Net Roof Area = 16,607 sq-ft after deductions. 50% green roof requirement = 8,304 sq-ft. 0 sq-ft of green roof is proposed. Therefore, offsets are required for the total 8,304 sq-ft of required green roof area. 1" storage over the 8,304 sq-ft = 692 cu-ft. The site detention and volume control facility will be an underground storage vault with an aggregate base for infiltration. There is a proposed excess of 754 cu-ft available for the green roof offsets after the rate control and volume control requirements are met.

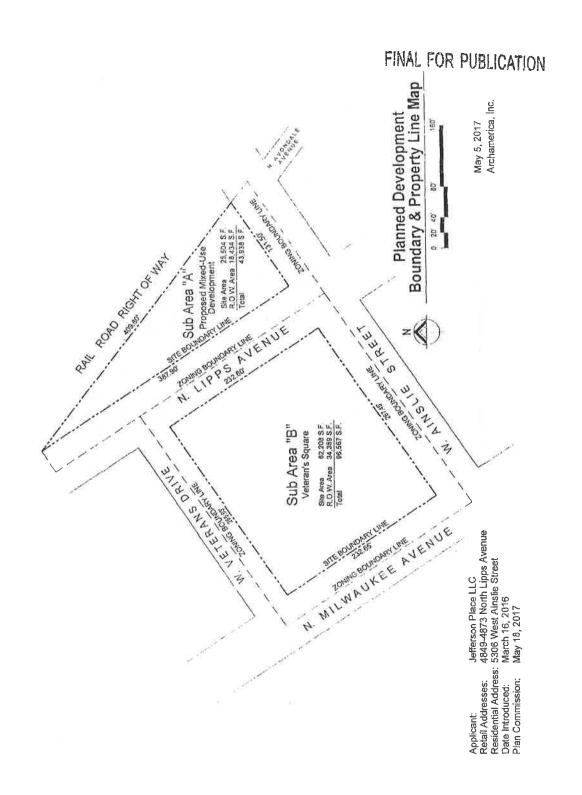
<sup>\*\*</sup> Assume 25% void ratio in green roof soll medium. (ie: for 4\* green roof, 1\* \* SF = Volume (CF) of water stored.)

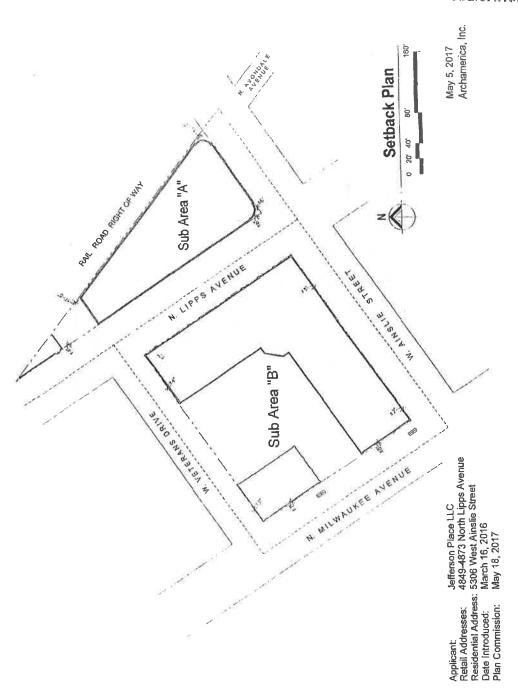
Assume \_% void ratio in topsoll. (ie: for 4\* topsoll, \_\_\_\_\* \* SF = Volume (CF) of water stored.)

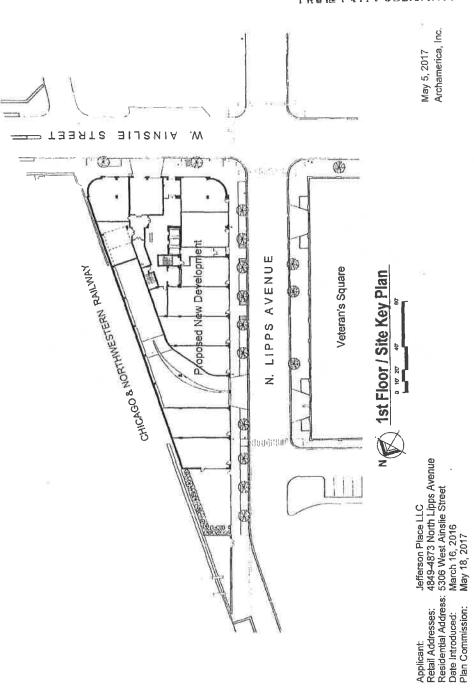


May 5, 2017 Archamerica, Inc. @ @ @ (%) 多像 Veterans Square Site Plan Existing Office / Retail N. MILWAUKEE AVENUE N LIPPS AVENUE

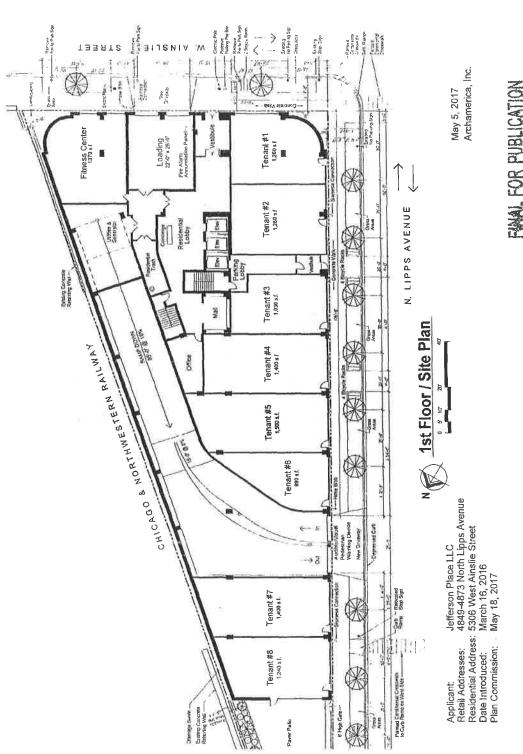
Applicant:
Retail Addresses: 4:
Residential Address; 5
Date Introduced: N
Plan Commission: N

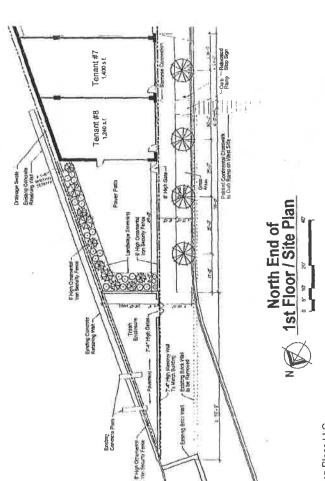






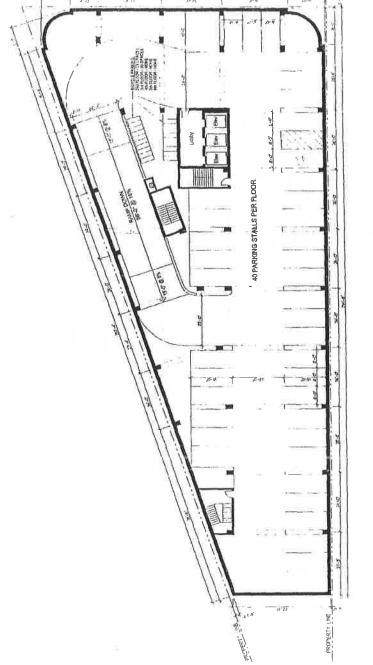






May 5, 2017 Archamerica, Inc.

Applicant: Jefferson Place LLC
Retail Addresses: 4849-4873 North Lipps Avenue
Residential Address: 5306 West Ainslie Street
Date Introduced: March 16, 2016
Plan Commission: May 18, 2017

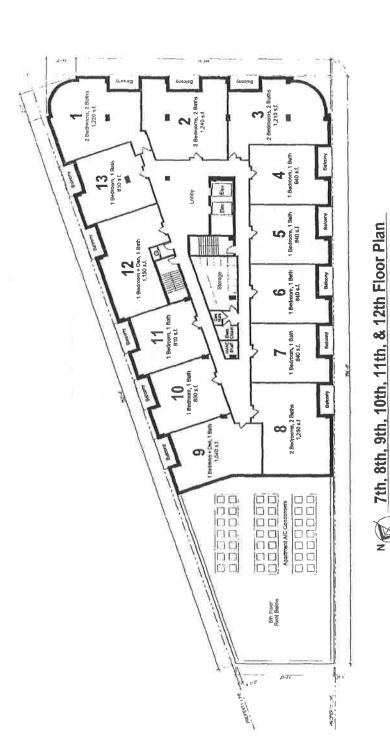


May 5, 2017 Archamerica, Inc.

N 2nd, 3rd, 4th, 5th, & 6th Floor Plan

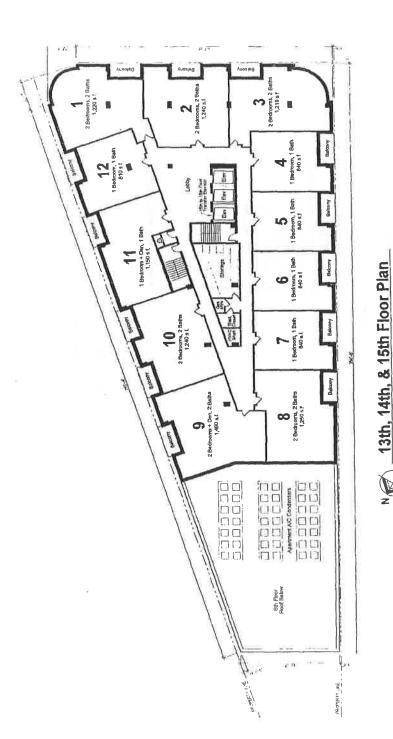
Applicant: Jefferson Place LLC
Retail Addresses: 4849-4873 North Lipps Avenue
Residential Address: 5306 West Ainslie Street
Date Introduced: March 16, 2016
Plan Commission: May 18, 2017

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Archamerica, Inc. May 5, 2017

Applicant: Jefferson Place LLC
Retail Addresses: 4849-4873 North Lipps Avenue
Residential Address: 5306 West Ainslie Street
Date Introduced: March 16, 2016
Plan Commission: May 18, 2017



May 5, 2017 Archamerica, Inc.

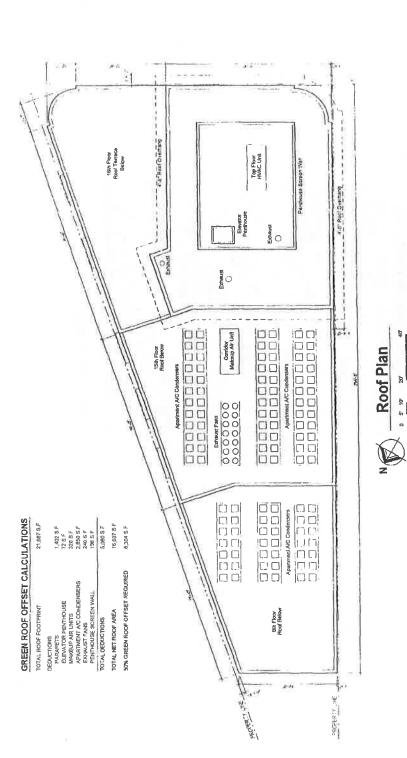
Applicant: Jefferson Place LLC
Retail Addresses: 4849-4873 North Lipps Avenue
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Archamerica, Inc. May 5, 2017

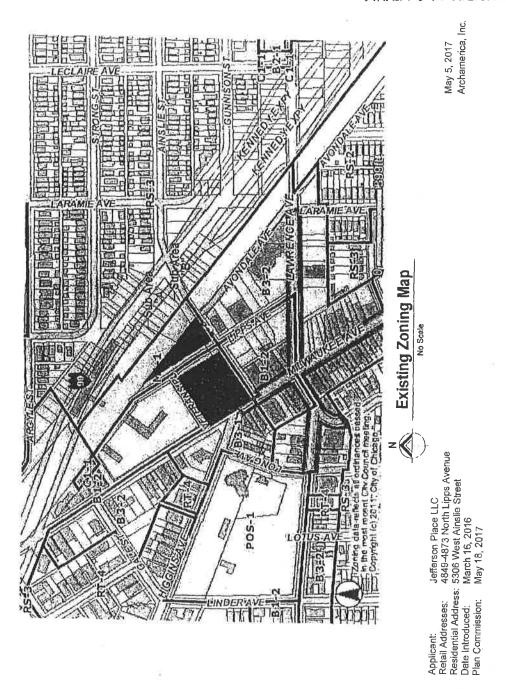
p p Applicant: Jefferson Place LLC
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Archamerica, Inc. May 5, 2017

Applicant: Jefferson Place LLC
Retail Addresses: 4849-4873 North Lipps Avenue
Residential Address: 5306 West Ainslie Street
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Plan Commission: May 18, 2017



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P. INSTANTA

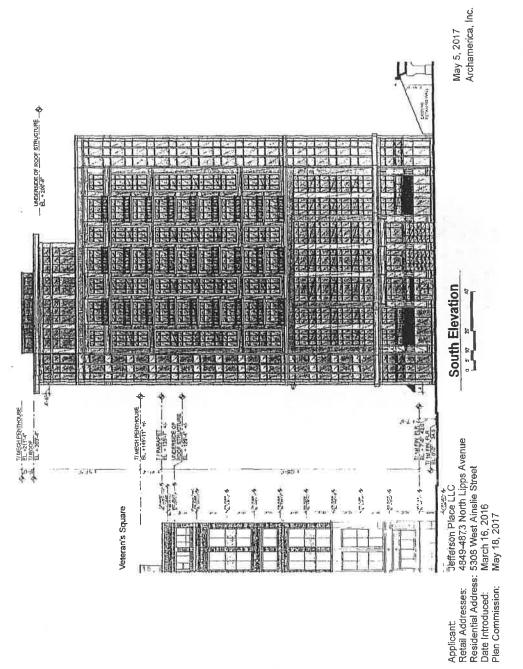
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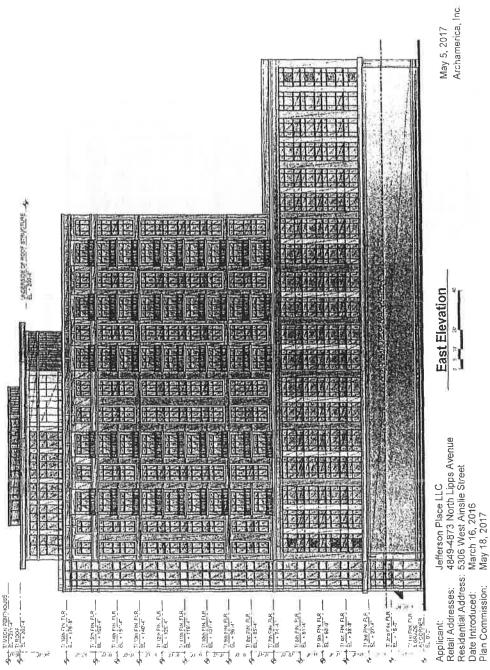
May 5, 2017 Archamerica, Inc.

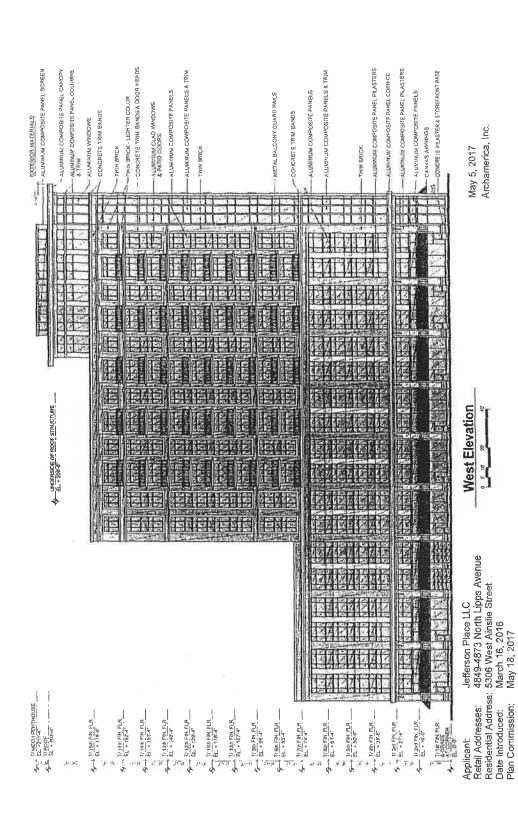
North Elevation

Applicant: Jefferson Place LLC
Retail Addresses: 4849-4873 North Lipps Avenue
Residential Address: 5306 West Ainslie Street
Date Introduced: March 16, 2016
Plan Commission: May 18, 2017 A THE PLETE A GRADE AT CONNERS

**Applicant**:







FIRST FOR PUBLICATION