

CPC meeting 5-21-2020

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To: CPC <CPC@cityofchicago.org>

📎 4 attachments (20 MB)

1902245004.pdf; 050907VII.pdf; PD1156.pdf; 1424818075.pdf;

Commissioner Maurice Cox
Dr. Teresa Cordova Chair
Commissioners
CPC Staff

Good Morning to the Chicago Planning Commission, I am writing to you regarding your consideration and vote on the ordinance O2020-788 on May 21 2020. The applicant is Noah Properties LLC. It is a Zoning Reclassification Map No. 9-K at 4200 W Belmont Ave. 3202 N Kildare Ave and 4157 W Melrose St. - App No 20350.

The ordinance as filed contains a standard Planned Development Statement which does not recognize an ARO triggering even though statement #15 was added to the statement The title Standard Planned Development Statement is incorrect and instead the title should read " Specific Planned Development Statements" which allow Statements relating to the ARO and the triggering event.(see CPC Developer Manual index page 45).

In the ordinance at Statement # 15 the applicant not only acknowledged and agreed to the ARO triggering event but agreed to provide a copy of the Affordable Housing Profile Form with the ordinance as an Exhibit () attached to O2020-788 at submission to the CPC. There was no Affordable Housing Profile Form attached to the copy presented on the CPC website

The Affordable Housing Profile Form has the following attachments:

1. The ARO web form completed and attached.
- 2 ARO "Affordable unit details and square footage" worksheet completd and attached.
3. If ARO units proposed, Dimension floor plans with ARO units highlighted are attached.
4. If ARO units proposed are off site, required attachments are included.
5. If ARO units CHA /Authorized Agent units, signed acceptance letter attached.

The next subject I address is the possibility that Noah Properties LLC has an ARO deficit from a past project through it's affiliate MIA Property Acquisitions, LLC 2148 N Natchez. The project is the Natchez Project Phase one.

I shall start from the beginning. A rezoning ordinance was passed by City Council on 1-13-2010 (see Clerk's website Council Journal 1-13-2010 page 83516-83528 SO2010-143). (see attached file 1156.pdf Extract for 1156 PD).

The applicant was Park Development Group LLC. The zoning change was from M2-2 Light Industrial District to RT 3.5 Residential Two-Flat, Townhouse and Multi-unit District. According to the 2007 ARO then in effect at the time a zoning change ...

2-44-090 (b)(1)(ii) approves the rezoning of lot from a zoning district that does not allow household living uses to a zoning district that allows household living uses and the lot is subsequently developed with the a residential housing project., (see attached file 050907VII.pdf Council Journal 5-09-07 page 106130 2007 ARO.)

When Park Development Group LLC filed the ordinance it had a Title "Standard Planned Development Statements" and included no statement 15 acknowledging and agreeing with the triggering of the ARO. If the ARO was triggered then a *Specific Planned Development Statements" title and its statement# 15 acknowledging and Agreement with the ARO should have been added to the ordinance.(see CPC Development Manual Index page 45).
The applicant Park Development Group LLC does not develop the lot.

On Sept 5 2014 the lot owner Jacobs Real Estate, Inc sells the lot to MIA Property Acquisitions,LLC 2148 N Natchez an affiliate of Noah Properties LLC and MIA will begin construction of a residential housing project on the lot in 2015 (see attached file 1424818075.pdf Cook County Recorder Doc #1424818075)

Because of the sale MIA Property becomes successor in interest to the property and ordinance.

MIA Property Acquisitions LLC 2148 N Natchez now becomes successor to Park Development Group LLC as applicant on the application and Ordinance SO2010-143 it's benefits and errors and omissions.

MIA applies for construction permits in 2015 begins construction of Phase One within the six year limit as stated in the Standard Planned Development statement. But the PD statement is a standard one not Specific PD Statement and the statement #15 is missing from the ordinance there is neither an acknowledgement or agreement to a possible triggering of the ARO.

The 2007 ARO contains the the following tolling provision at 2-44-090 (b)(3)(ii) ... the development of a residential housing project on a lot that has been rezoned as described in clauses (b)(1)(i), (ii) or (iii) for which a building permit is applied for 3 years or more after the date of approval of the zoning change by City Council...
As successor Mia Property tries to benefit from the expired 3 year tolling period and avoid an ARO Commitment of 10 percent of total project units

However there is a catch, since Mia Property Acquisitions, LLC 2148 N Natchez is now successor to Park Development Group LLC it cannot enjoy the benefits of the expired tolling period because Park filed a Standard PD statements instead of Specific PD Statements and left out the critical Statement #15 that would have granted benefits of the ARO and the benefit of the tolling period. Because Park failed to Acknowledge and Agree to ARO triggering if it did occur then Mia Property can enjoy no benefit.

MIA Property Acquisitions LLC owes a possible deficit of 8 ARO units 10 percent of 72 residential units rounded up. 7.2 to 8 and that deficit should be added to 7 unit ARO commitment on O2020-788. (see attached file 1902245004.pdf Cook County Recorder Doc.# 1902245004 page 22 handwritten note.)

I respectfully request that the Planning Commission defer a vote on O2020 -788 until a future date so the Commission and staff can see if the missing Affordable Housing Profile Form and it's required attachments can be included with the ordinance for the Commission's consideration and presented on the CPC website for public inspection for an adequate time.

I also respectfully request the Chicago Planning Commission to allow itself time to conduct a thorough and comprehensive investigation into the matter of SO2010-143 and the possible ARO deficit arising from it and how it should be applied. (see attached file 1902245004.pdf Cook County Recorder Doc# 1902245004 page 22 handwritten note.)

Thank you
Joseph Learnahan.