

#22376
Intro Date
March 20, 2024

CITY OF CHICAGO

APPLICATION FOR AN AMENDMENT TO
THE CHICAGO ZONING ORDINANCE

1. ADDRESS of the property Applicant is seeking to rezone:

3959 N Lincoln / 3940 N Damen, Chicago, IL

2. Ward Number that property is located in: 47th

3. APPLICANT LDI Partners, LLC

ADDRESS 1550 Hawthorne Lane

CITY Highland Park STATE IL ZIP CODE 60035

PHONE 773-230-1081 EMAIL gmoyer@moyerproperties.com

CONTACT PERSON: Greg Moyer

Is the applicant the owner of the property? YES _____ NO X

If the applicant is not the owner of the property, please provide the following information regarding the owner and attach written authorization from the owner allowing the applicant to proceed.

OWNER Fifth Third Bank, National Association, successor in interest to MB Financial Bank, N.A

ADDRESS 38 Fountain Square Plaza

CITY Cincinnati STATE OH ZIP CODE 45263

PHONE (847) 871-6055 EMAIL chad.pendlay@53.com

CONTACT PERSON Chad Pendlay

4. If the Applicant/Owner of the property has obtained a lawyer as their representative for the rezoning, please provide the following information:

ATTORNEY Richard Klawiter & Katie Jahnke Dale - DLA Piper LLP (US)

ADDRESS 444 West Lake Street, Suite 900

CITY Chicago STATE IL ZIP CODE 60606

PHONE (312) 368-7243 / -2153 FAX (312) 251-2856

EMAIL richard.klawiter / katie.dale@dlapiper.com

5. If the applicant is a legal entity (Corporation, LLC, Partnership, etc.) please provide the names of all owners as disclosed on the Economic Disclosure Statements:

See attached Economic Disclosure Statements

6. On what date did the owner acquire legal title to the subject property? May 3, 2019
7. Has the present owner previously rezoned this property? If yes, when? No
8. Present Zoning District Business Planned Development No. 665
- Proposed Zoning District Residential-Business Planned Development No. 665, as amended
9. Lot size in square feet (or dimensions) 69,361 sf
10. Current Use of the Property Commercial/Parking
11. Reason for rezoning the property Amendment to existing Planned Development
12. Describe the proposed use of the property after the rezoning. Indicate the number of dwelling units; number of parking spaces; approximate square footage of any commercial space; and height of the proposed building. (BE SPECIFIC)


The Applicant requests a rezoning of the subject property from Business Planned Development No. 665 to Residential-Business Planned Development No. 665, as amended to permit (1) the reuse of the existing five-story building and new construction of a five-story addition located in Subarea A with 64 affordable dwelling units and 18 parking spaces and (2) the construction of an eight-story building with up to 170 residential dwelling units, ground floor commercial space and 77 parking spaces in Subarea B, subject to future site plan approval, together with accessory and incidental uses. The overall FAR will be approximately 3.39.

13. The Affordable Requirements Ordinance (ARO) that requires on-site affordable housing units and/or a financial contribution for residential housing projects with ten or more units that receive a zoning change which, among other triggers, increases the allowable floor area, or, for existing Planned Developments, increases the number of units (see attached fact sheet or visit www.cityofchicago.org/ARO for more information). Is this project subject to the ARO?

YES X NO

COUNTY OF COOK
STATE OF ILLINOIS

James L. Case, authorized signatory of **LDI PARTNERS, LLC**, being first duly sworn on oath, states that all of the above statements and the statements contained in the documents submitted herewith are true and correct.


Signature of Applicant

Subscribed and Sworn to before me this
27th day of February, 2024.


Notary Public



For Office Use Only

Date of Introduction: _____


File Number: _____

Ward: _____

AUTHORIZATION

The undersigned is the owner (the "**Owner**") of the property located at 3959 N. Lincoln Avenue and 3940 N. Damen Avenue in Chicago, IL, which properties are located within the boundaries of Business Planned Development No. 665 (the "**PD**"). The Owner hereby authorizes Brinshore Development, LLC (the "**Applicant**") and its agents and attorneys to file applications with the Illinois Housing Development Authority ("IHDA") pursuant to the 2024-2025 Low Income Housing Tax Credit Qualified Allocation Plan ("QAP") for the reservation and allocation of federal low-income housing tax credits (the "Tax Credits") and an allocation of Donation Tax Credits under the Illinois Affordable Housing Tax Credit program ("Donation Tax Credits") for the future sale and development of the property.

IN WITNESS WHEREOF, the undersigned has executed this Authorization as of this 29 day of February, 2024

Signature: 
Name: Thomas A. Ross
VP-Director of Corporate Real Estate
Title (if applicable): _____

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 Business Planned Development No. 665 symbols and indications as shown on Map 9-H in the area bounded by:

Parcel A: West Irving Park Road; the alley immediately east of North Lincoln Avenue; a line 212.74 feet south of West Irving Park Road, measured from the southeast corner of West Irving Park Road and North Lincoln Avenue along North Lincoln Avenue and perpendicular thereto; and North Lincoln Avenue; and

Parcel B: West Irving Park Road; North Damen Avenue; a line 366.65 feet south of and parallel to West Irving Park Road; and the alley immediately west of and parallel to North Damen Avenue.

to those of a Residential-Business Planned Development no. 665, as amended, which is hereby established in the area above described, subject to such use and bulk regulations as are set forth in the Plan of Development herewith attached and made a part thereof and to no others.

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

RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 665, AS AMENDED
PLANNED DEVELOPMENT STATEMENTS

1. The area delineated herein as Planned Development Number 665 (the “Planned Development” or “PD”) consists of approximately 69,361 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map (“Property”). LDI Partners, LLC is the “Applicant” for this Planned Development amendment, pursuant to authorization from the owner of the Property.
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 title holders 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 title holder 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.
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, assigns or grantees.

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

Ingress or egress shall be pursuant to the Planned Development 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.

Pursuant to a negotiated and executed Perimeter Restoration Agreement (“Agreement”) by and between the Department of Transportation’s Division of Infrastructure Management and the Applicant, the Applicant shall provide improvements and restoration of all public way adjacent to the property, which may include, but not be limited to, the following as shall be reviewed and determined by the Department of Transportation’s Division of Infrastructure Management:

- Full width of streets
- Full width of alleys
- Curb and gutter
- Pavement markings
- Sidewalks
- ADA crosswalk ramps
- Parkway & landscaping

The Perimeter Restoration Agreement must be executed prior to any Department of Transportation and Planned Development Part II review permitting. The Agreement shall reflect that all work must comply with current Rules and Regulations and must be designed and constructed in accordance with the

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Department of Transportation's Construction Standards for work in the Public Way and in compliance with the Municipal Code of Chicago Chapter 10-20. Design of said improvements should follow the Department of Transportation's Rules and Regulations for Construction in the Public Way as well as The Street and Site Plan Design Guidelines. Any variation in scope or design of public way improvements and restoration must be approved by the Department of Transportation.

4. This Plan of Development consists of __ Statements and a Bulk Regulations Table; an Existing Zoning Map; an Existing Land Use Map; a Planned Development Boundary and Property Line Map; a Planned Development Sub Area Map; a Site Plan; a Landscape Plan; a Sub Area A – Site Plan; a Sub Area A – Landscape Plan and Sub Area A – Building Elevations (West, North, East, South) prepared by Lamar Johnson Collaborative and LBBA and dated _____, 2024, submitted herein. 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 Chicago 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 Chicago Zoning Ordinance, this Planned Development shall control.
5. The following uses are permitted in the area delineated herein as Residential-Business Planned Development No. 665: Dwelling Units Above the Ground Floor; Vacation Rental; Shared Housing Units; Eating and Drinking Establishments; Financial Services (excluding Payday Loan Stores and Pawn Shops); Food and Beverage Retail Sales; Medical Service; Office; Personal Service; Residential Support Service; and General Retail Sales, incidental and accessory uses and accessory parking.
6. On-Premise 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 ("DPD"). Off-Premise signs are prohibited within the boundary of the Planned Development.
7. For purposes of height measurement, the definitions in the Chicago 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 Property shall be in accordance with the attached Bulk Regulations and Data Table. For the purpose 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 69,361 square feet and an FAR of 3.39.
9. Upon review and determination, Part II Review, pursuant to Section 17-13-0610, 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.
10. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines, including Section 17-13-0800. 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.

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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, Fleet and Facility Management and Buildings, under Section 13-32-085, or any other provision of the Municipal Code of Chicago.
12. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A, 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 title holders and any ground lessors.
13. 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.
14. 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 obtain the number of points necessary to meet the requirements of the Chicago Sustainable Development Policy, in effect at the time the Part II review process is initiated for each improvement that is subject to the aforementioned Policy and must provide documentation verifying compliance.
15. Prior to the Part II Approval (Section 17-13-0610 of the Chicago Zoning Ordinance) for any building in Subarea B, the Applicant shall submit a site plan, landscape plan and building elevations for the specific Subarea(s) for review and approval in accordance with the Site Plan Review provisions of Section 17-13-0800 of the Chicago Zoning Ordinance. Review and approval by Department of Planning and Development (DPD) and review by the Chicago Plan Commission for a courtesy presentation and comment is intended to assure that specific development components substantially conform with the Planned Development (PD) and to assist the City in monitoring ongoing development. Subarea Site Plan Approval Submittals (Section 17-13-0800) need only include that portion of the Property for which approval is being sought by the Applicant. If the Applicant is seeking approval for a portion of the Property that represents less than an entire Subarea, the Applicant shall also include a site plan for that area of the Property which is bounded on all sides by either public Rights-of-Way or the boundary of the nearest Sub-Area. The site plan provided shall include all dimensioned and planned street Rights-of-Way.

No Part II approval for any portion of the Property shall be granted until Site Plan approval has been granted. Following approval by DPD, the approved Sub-Area Site Plan Approval Submittals, supporting data and materials shall be made part of the main file and shall be deemed to be an integral part of the PD.

Provided the Site Plan Submittal required hereunder is in general conformance with this Planned Development and the Design Guidelines, and provided Applicant has timely provided all Site Plan Submittals, the Commissioner of DPD (the "Commissioner") shall issue such site plan approval and the Plan Commission shall conduct its review hearing of the Site Plan Submittal. Following approval of a Site Plan Submittal by the Commissioner, the approved plan shall be kept on permanent file with

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the Department of Planning and Development and shall be deemed to be an integral part of this Planned Development.

After approval of the Sub-Area Site Plan, changes or modifications may be made pursuant to the provisions of Statement 12. In the event of any inconsistency between approved plans and the terms of the PD, the terms of the PD shall govern. Any Subarea Site Plan Approval Submittals shall, at a minimum, provide the following information:

- fully-dimensioned site plan (including a footprint of the proposed improvements);
- location and dimensions of all parking spaces and loading berths;
- fully-dimensioned building elevations;
- building sections of the improvements;
- building materials list;
- fully-dimensioned landscape plan(s);
- statistical information applicable to the subject Subarea, including floor area, the applicable floor area ratio, uses to be established, floor area devoted to all uses; building heights and setbacks; and
- an approved Site Plan by CDOT (as provided in Statement 3), Fire Prevention Bureau, Mayor's Office for People with Disabilities, and the Building Departments Division of Storm water Management.

Subarea Site Plan Approval Submittals shall include all other information necessary to illustrate substantial conformance to the PD.

16. The Applicant acknowledges that it is the policy of the City to maximize opportunities for Minority and Women-owned Business Enterprises ("M/WBEs") and city residents to compete for contracts and jobs on construction projects approved through the planned development process. To assist the city in promoting and tracking such M/WBE and city resident participation, an applicant for planned development approval shall provide information at three points in the city approval process. First, the applicant must submit to DPD, as part of its application for planned development approval, an M/WBE Participation Proposal. The M/WBE Participation Proposal must identify the applicant's goals for participation of certified M/WBE firms in the design, engineering and construction of the project, and of city residents in the construction work. The city encourages goals of 26% MBE and 6% WBE participation (measured against the total construction budget for the project or any phase thereof), and (ii) 50% city resident hiring (measured against the total construction work hours for the project or any phase thereof). The M/WBE Participation Proposal must include a description of the Applicant's proposed outreach plan designed to inform M/WBEs and city residents of job and contracting opportunities. Second, at the time of the Applicant's submission for Part II permit review for the project or any phase thereof, the Applicant must submit to DPD (a) updates (if any) to the Applicant's preliminary outreach plan, (b) a description of the Applicant's outreach efforts and evidence of such outreach, including, without limitation, copies of certified letters to M/WBE contractor associations and the ward office of the alderman in which the project is located and receipts thereof; (c) responses to the Applicant's outreach efforts, and (d) updates (if any) to the applicant's M/WBE and city resident participation goals. Third, prior to issuance of a Certificate of Occupancy for the project or any phase thereof, the Applicant must provide DPD with the actual level of M/WBE and city resident participation in the project or any phase thereof, and evidence of such participation. In addition to the forgoing, DPD may request such additional information as the department determines may be necessary or useful in

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evaluating the extent to which M/WBEs and city residents are informed of and utilized in planned development projects. All such information will be provided in a form acceptable to the Zoning Administrator. DPD will report the data it collects regarding projected and actual employment of M/WBEs and city residents in planned development projects twice yearly to the Chicago Plan Commission and annually to the Chicago City Council and the Mayor.

17. The Applicant acknowledges and agrees that the rezoning of the Property from Business Planned Development Number 665 to Residential-Business Planned Development Number 665, as amended, is an “entitlement” that triggers the requirements of Section 2-44-085 of the Municipal Code of Chicago (the “ARO”). The PD is located in an “Inclusionary Area” within the meaning of the ARO and permits the construction of up to 265 dwelling units. The Applicant intends to construct up to 170 rental units in one building located in Subarea B (the “Market Rate Project”) and transfer the building in Subarea A to a developer for adaptive reuse with approximately 65 affordable dwelling units (the “Affordable Project”).

Developers of rental projects in Inclusionary Areas with 30 or more units are subject to the requirement that between 10% and 20% of the units in the residential development be affordable units, depending on the average depth of affordability provided, as described in subsection (F)(2) of the ARO. Regardless of the applicable percentage of affordable units in the rental project, developers must construct at least 25% of the affordable units on-site and another 25% on-site or off-site (collectively, the “Required Units”), and may satisfy the balance of their affordable housing obligation through: (a) the establishment of additional on-site or off-site affordable units; (b) payment of a fee in lieu of the establishment of on-site or off-site affordable units; or (c) any combination thereof provided, however, that subsection (X)(2) allows the Commissioner to permit a developer to contribute funds to an affordable housing project in an approved off-site location.

It is anticipated that the Affordable Project will receive government subsidies with requirements and regulations pertaining to affordability that are stricter than the ARO requires. As a result, the Affordable Project is exempt from the ARO pursuant to subsection (E)(1).

The Applicant has elected the 20% option for the Market Rate Project as set forth in the chart in subsection (F)(2) of the ARO. As a result, the Applicant’s affordable housing obligation is 34 affordable units (20% of 170) and half of those affordable units are Required Units. The Applicant has agreed to satisfy its affordable housing obligation by transferring the Subarea A property at below fair market value to facilitate the construction of the Affordable Project. The Affordable Project constitutes the rehabilitation and preservation of an historic building that will serve a hard-to-house population targeted to low-income survivors of domestic violence in a high-cost area, and as such, has been identified by the City as a funding priority. The City acknowledges and agrees that the Off-Site Project will not meet the requirement set forth in Section 2-44-085 (W) that affordable units be comparable to market rate units in terms of unit type and number of bedrooms per unit, and further acknowledges and agrees that the Affordable Project may not be completed prior to the issuance of the Certificate of Occupancy for the Market Rate Project. However, the developer of the Market Rate Project is contributing the property and building in Subarea A at below market value and foregoing the opportunity to develop a Market Rate Project thereon in order to enable the Affordable Project and the Commissioner has determined that, and deemed the developer of the Market Rate Project to have satisfied, the requirements of Subsection (X)(2). In addition, neither the Applicant nor the Affordable Project Developer will be required to make a \$5,000 per-unit fee for the Affordable Project units. The

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City wishes to waive these requirements in order to support a unique opportunity to revitalize a historic building and serve an at-risk and underserved target population.

If the Applicant requests any material change to its method of compliance with the ARO, such as locating affordable units off-site instead of on-site or changing the target affordability level after the passage of this PD, DOH may adjust the AHP as requested, in accordance with the ARO, without amending the PD, provided however, the Applicant must update and resubmit the revised AHP to DOH for review and approval and, at DOH's request, provide an informational presentation to Plan Commission on such change. Prior to the issuance of any building permits for any residential building in the PD, including, without limitation, excavation or foundation permits, the Applicant must execute (or cause to be executed) an Inclusionary Housing Agreement ("IHA") in accordance with subsection (N) of the ARO and record (or cause to be recorded) the IHA against Subarea A, upon which property the Affordable Project shall be constructed. The terms of the IHA and any amendments thereto are incorporated herein by this reference. The Applicant acknowledges and agrees that the IHA will be recorded against Subarea A and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 17, including any breach of any IHA, and enter into settlement agreements with respect to any such breach, subject to the approval of the Corporation Counsel, without amending the PD.

This statement does not include all ARO requirements and options. It is intended to provide an overview of the application of the ARO to this PD. In the event of any conflict between this statement and the terms and conditions of the ARO, the ARO shall govern.

18. This Planned Development shall be governed by Section 17-13-0612. Should this Planned Development ordinance lapse, the Commissioner of DPD shall initiate a Zoning Map Amendment to rezone the property to Business Planned Development No. 665, as it existed prior to this Amendment.

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RESIDENTIAL-BUSINESS PLANNED DEVELOPMENT NO. 665, AS AMENDED
BULK REGULATIONS AND DATA TABLE

Gross Site Area (sf):	112,461
Area of Public Rights-of-Way (sf):	43,100
Net Site Area (sf):	69,361
Subarea A:	23,898
Subarea B:	45,463
Maximum Floor Area Ratio:	3.39
Subarea A:	4.5
Subarea B:	2.85
Maximum Number of Dwelling Units:	
Subarea A:	64
Subarea B:	170
Minimum Parking Spaces:	
Subarea A:	18
Subarea B:	77
Minimum Bicycle Parking:	
Subarea A:	55
Subarea B:	87

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Minimum Loading Berths:

Subarea A: 1 (10' x 25')

Subarea B: 1 (10' x 25')

Maximum Building Height:

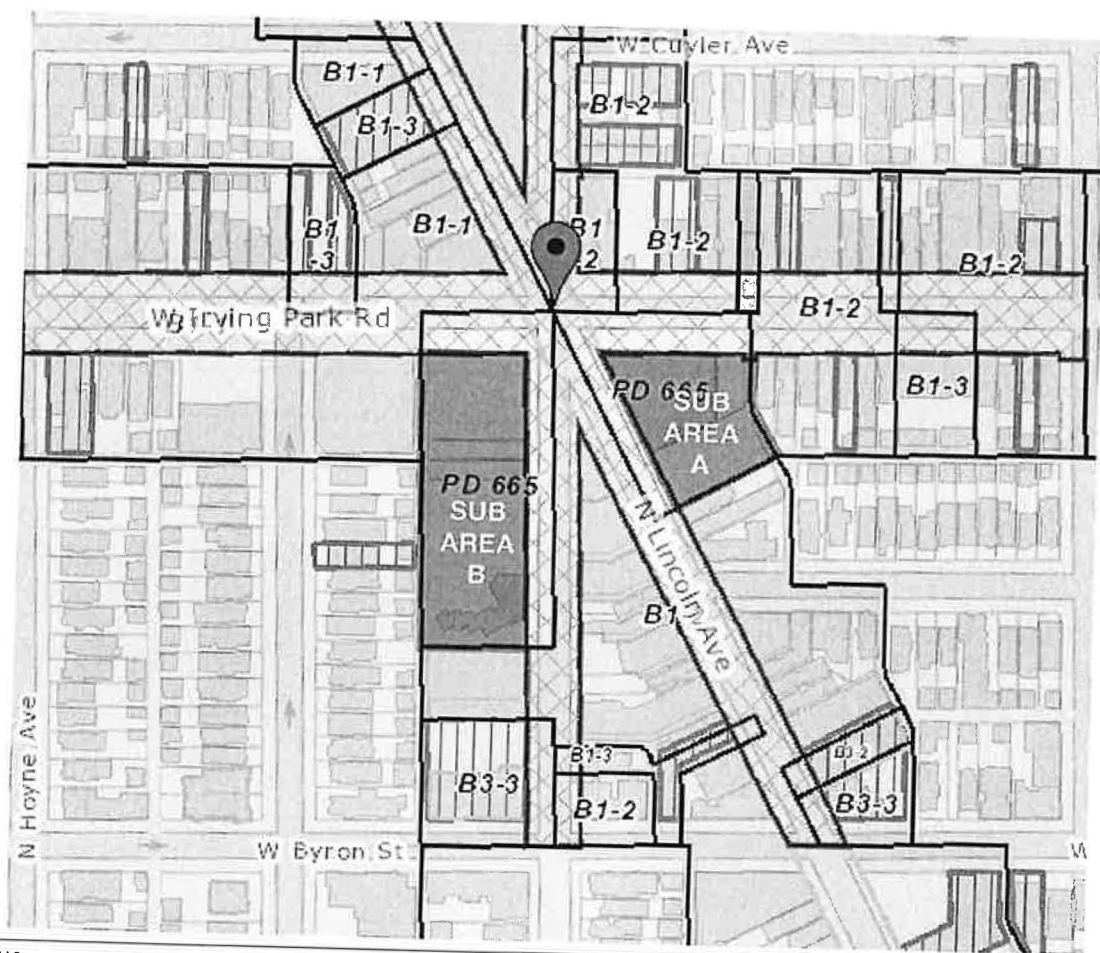
Subarea A: 75'0"

Subarea B: 100'0"

Minimum Setbacks: Per plans

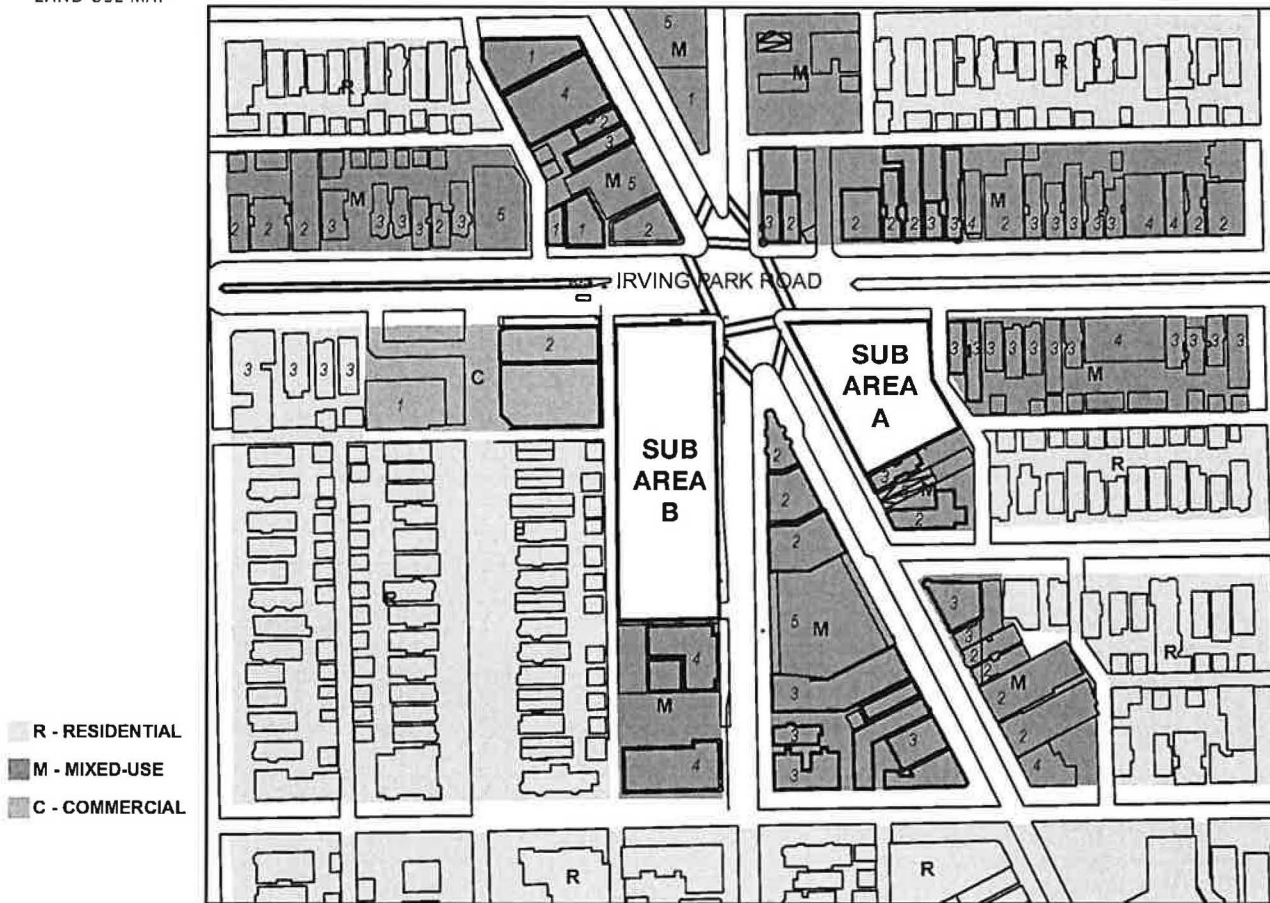
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EXISTING
ZONING MAP



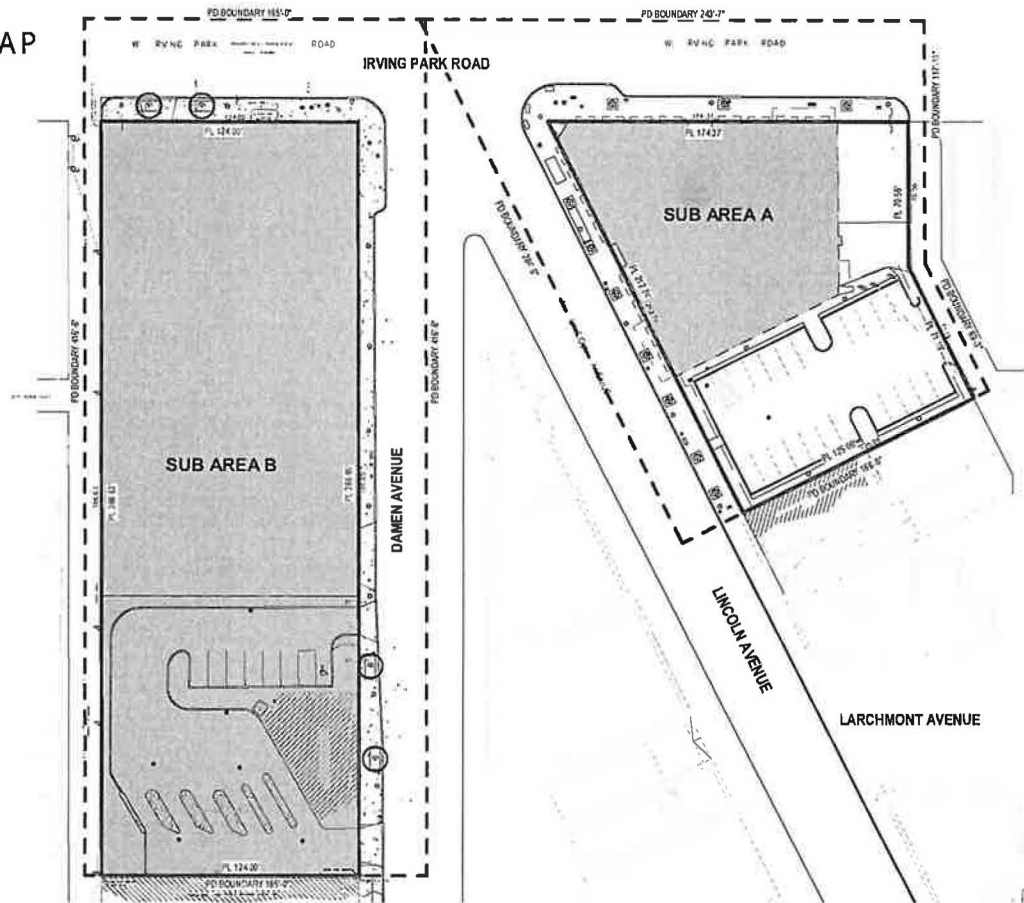
Applicant: LD1 Partners, LLC
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EXISTING LAND USE MAP



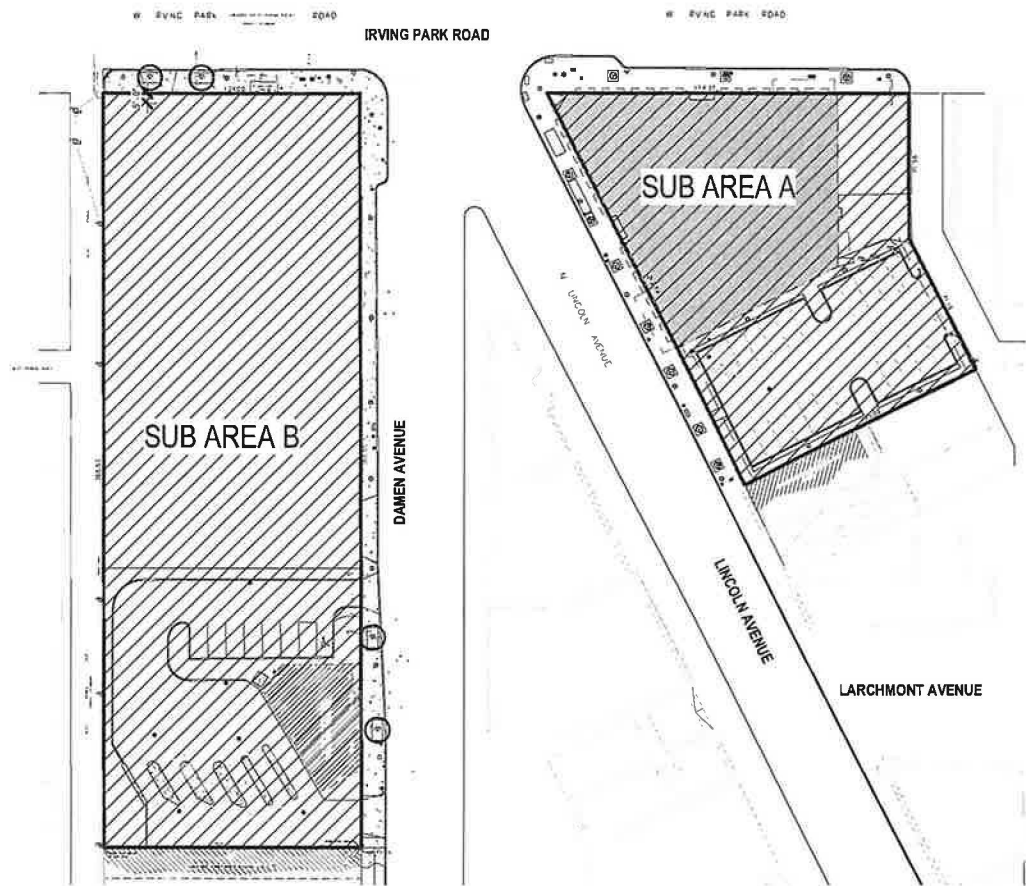
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PLANNED DEVELOPMENT BOUNDARY AND PROPERTY LINE MAP



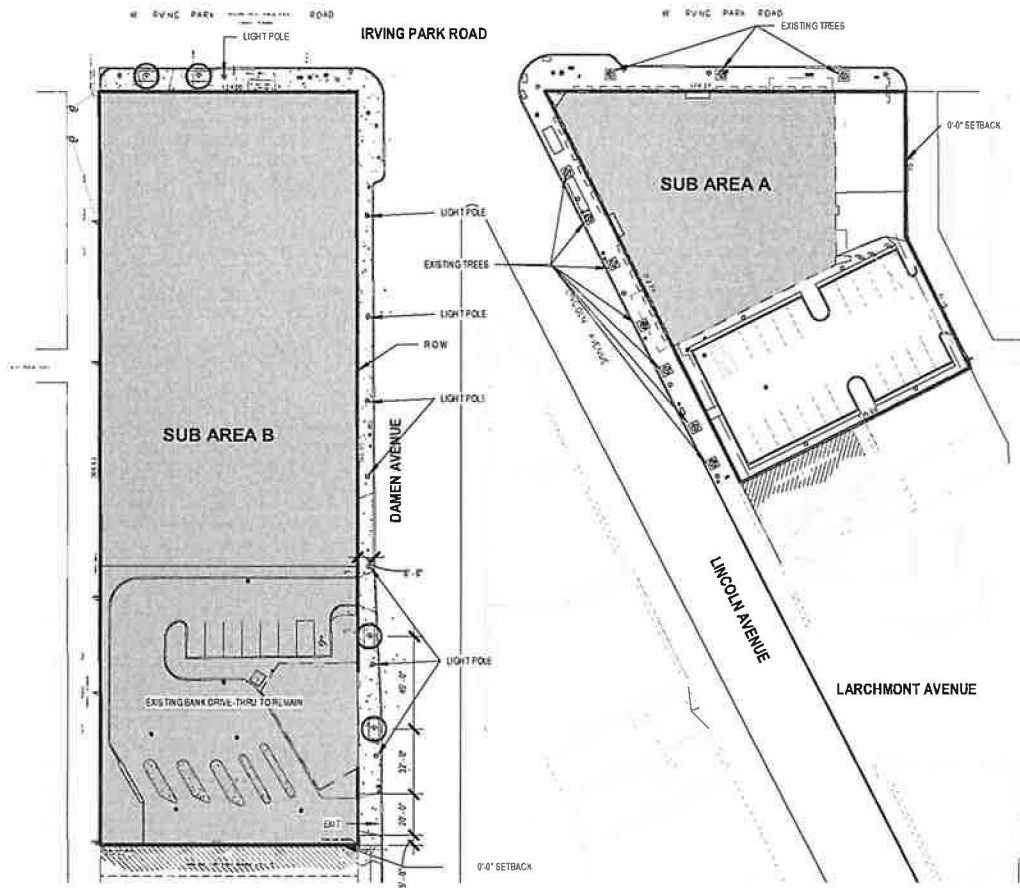
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PLANNED DEVELOPMENT SUB AREA MAP



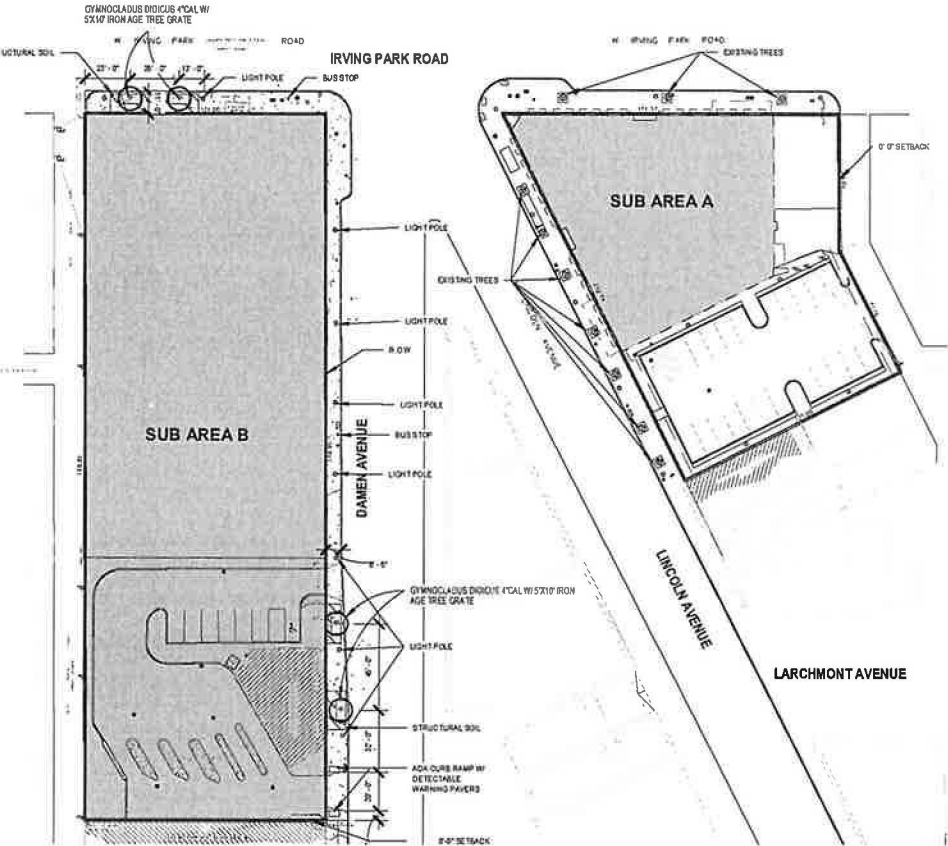
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SITE PLAN



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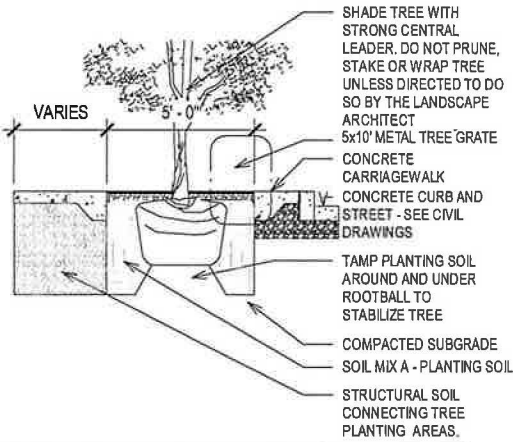
LANDSCAPE PLAN



TREES.		
Count	Type	Description

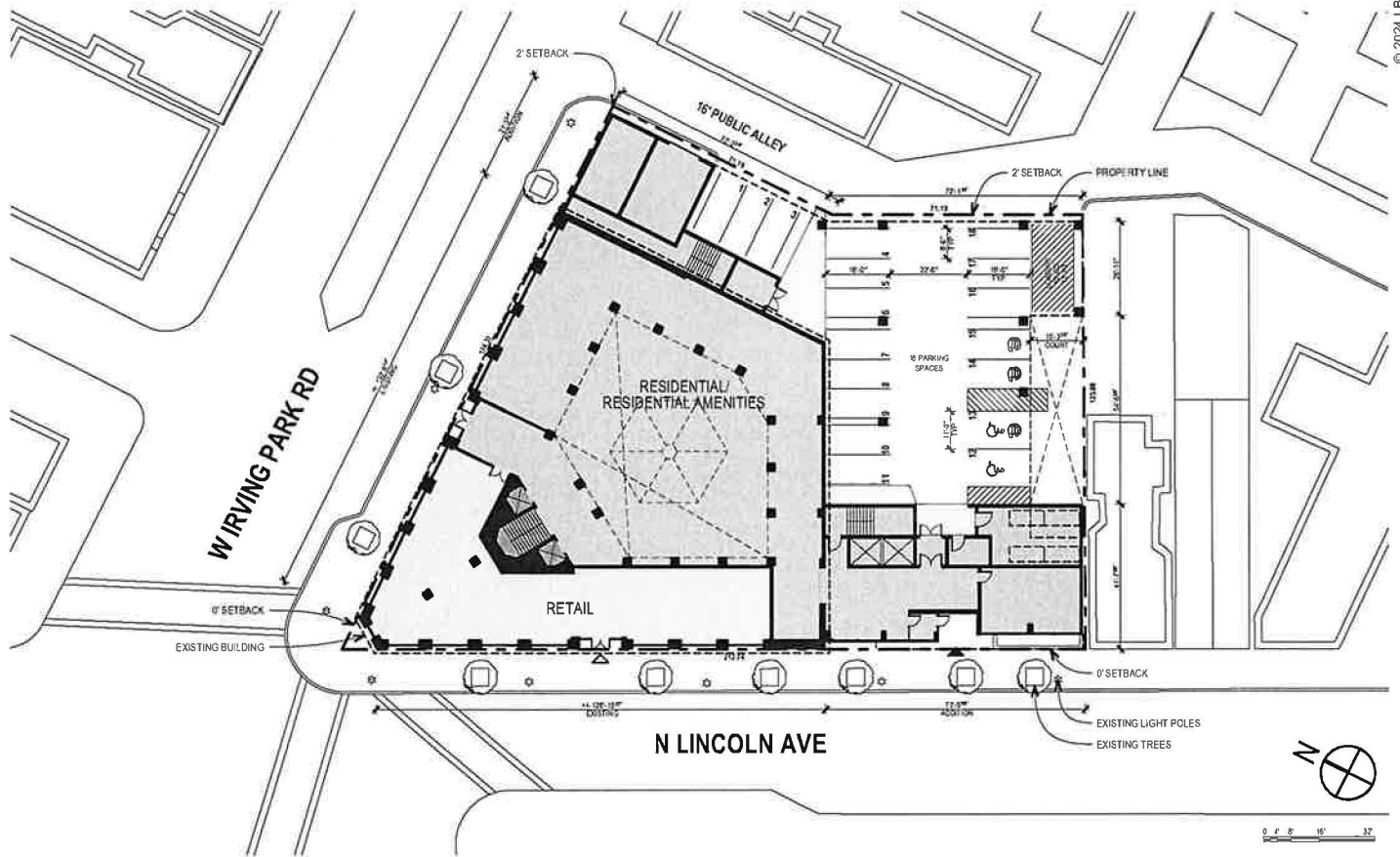
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PERENNIAL PLANTINGS.	
Type	Description
P1	Shrub <i>Ceanothus americanus</i> New Jersey Tea <i>Cephalanthus occidentalis</i> Buttonbush <i>Juncus virginiana</i> Ethern Redcedar <i>Physocarpus opulifolius</i> 'Little Owl' Ninebark <i>Rhus aromatica</i> 'Gro-Low' Fragrant Sumac <i>Symphoricarpos albus</i> Common Snowberry <i>Viburnum carlesii</i> 'Compacta' Dwarf Korean Spice Viburnum <i>Panicum Grasses & Sedges</i> <i>Aster racemosa</i> Black Cohosh <i>Agastache Blue Boat</i> Blue Boa Hyssop <i>Asarum canadense</i> Wild Ginger <i>Athyrium filix-femina</i> Lady Fern <i>Carex punctytracata</i> Pennsylvania Sedge <i>Equisetum variegatum</i> Bishop's Hat <i>Malvastrum Virginica</i> Virginia Blotels <i>Molinia caerulea</i> esp. Canales Moor Grass <i>Osmunda cinnamomea</i> Cinnamon Fern <i>Panicum virgatum</i> Switchgrass <i>Pennisetum alopecuroides</i> 'Cassian' Cassian Fountaingrass <i>Polygonatum odoratum</i> 'Variegatum' Solomon's Seal <i>Polygonatum acrostichoides</i> Christmas Fern



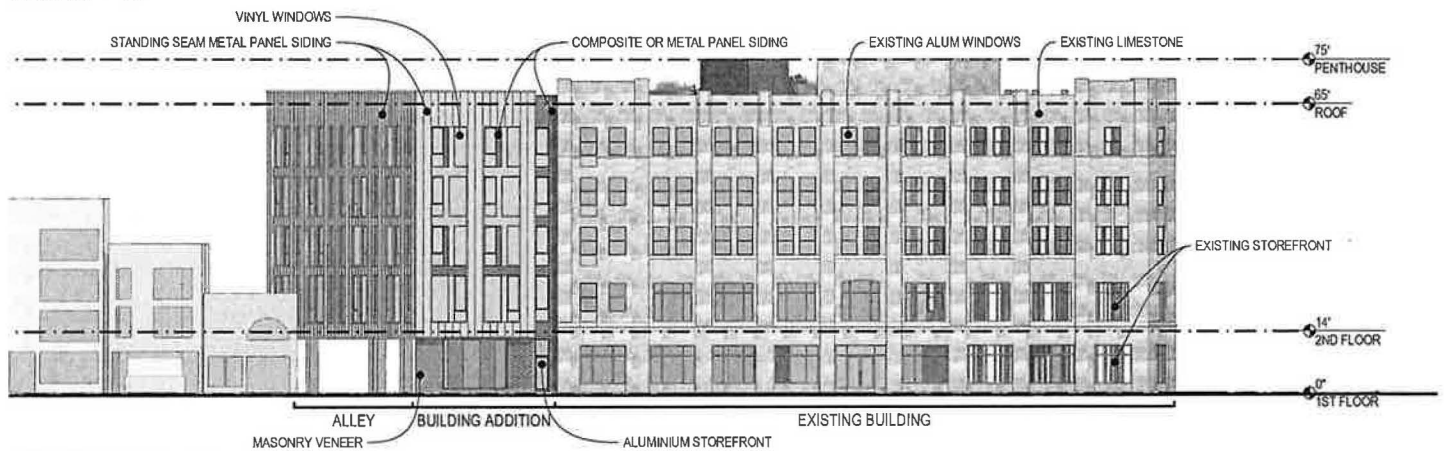
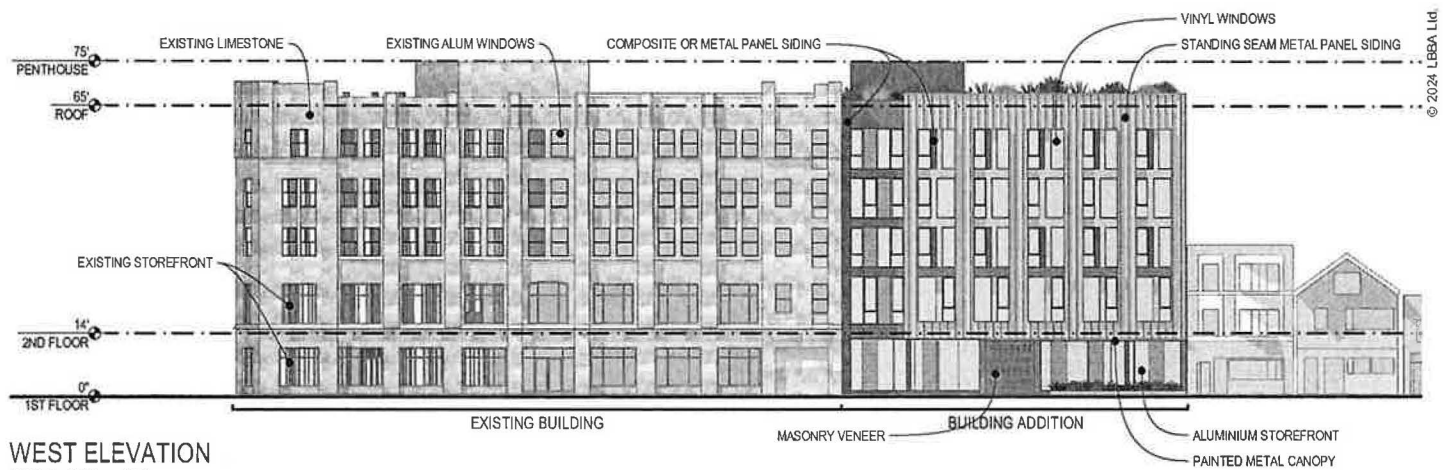
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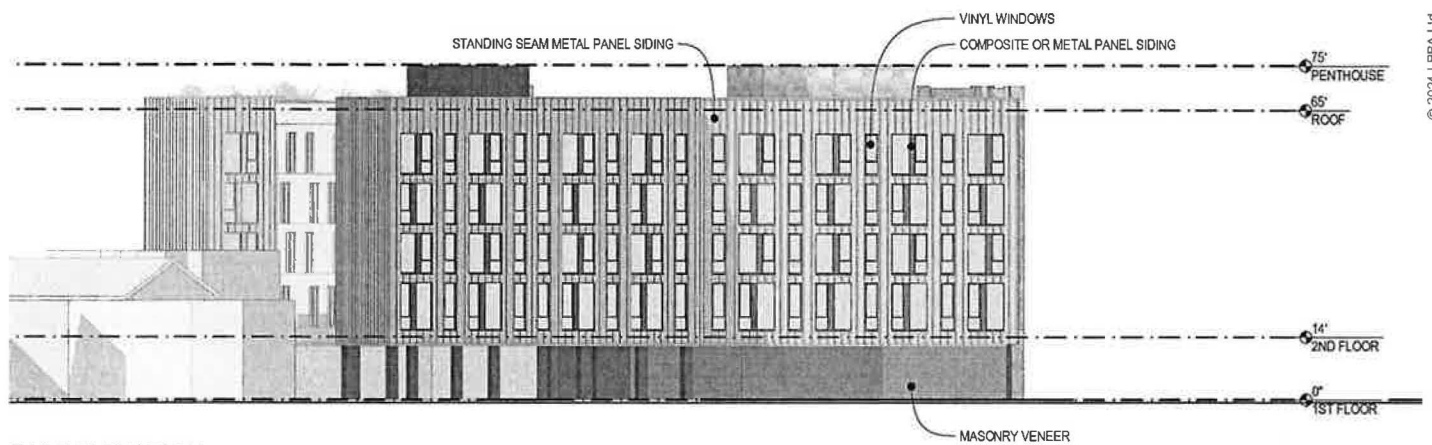
SUB AREA A - SITE PLAN

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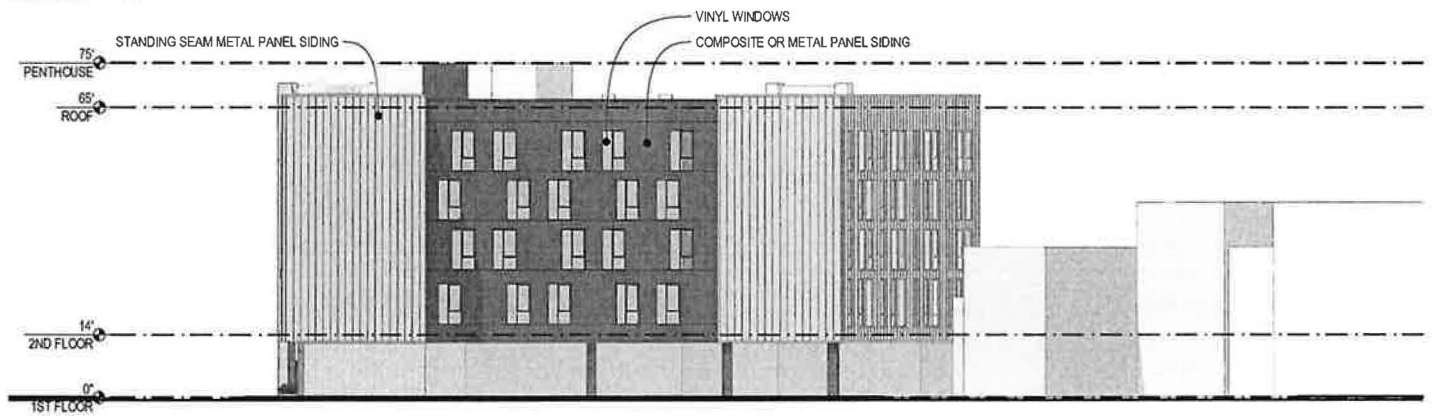
SUB AREA A - BUILDING ELEVATIONS

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EAST ELEVATION

SCALE: 1/32" = 1'-0"



SOUTH ELEVATION

SCALE: 1/32" = 1'-0"



SUB AREA A - BUILDING ELEVATIONS

Applicant: LDI Partners, LLC
 Address: 3959 N Lincoln Ave / 3940 N Damen, Chicago, IL
 Introduced: March 20, 2024
 Plan Commission: TBD