

3/14/2007

REPORTS OF COMMITTEES

16041
101185

*Reclassification Of Area Shown On Map Number 6-E.
(As Amended)
(Application Number 16041)*

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 current Business Planned Development 331, as amended:

I-55/Stevenson Expressway; South Lake Shore Drive; 31st Street; and the eastern line of the Illinois Central Railroad right-of-way,

to those of an RM6.5 Residential Multi-Unit District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing all of the RM6.5 Residential Multi-Unit District and POS-1 Parks and Open Space District symbols and indications as shown on Map Number 6-E in the area described above and in the area bounded by:

a line approximately 455 feet south of and approximately parallel to the centerline of the 23rd Street viaduct; Lake Michigan; 31st Street, as extended; the eastern line of the Illinois Central Railroad right-of-way; I-55/Stevenson Expressway; and South Lake Shore Drive,

to those of Residential-Business Institutional Planned Development.

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

Plan of Development Statements attached to this ordinance read as follows:

*Residential-Business Institutional Planned Development
Number 1055.*

Plan Of Development Statements.

1. The area delineated herein as Residential-Business Institutional Planned Development Number 1055, (the "Planned Development") consists of

approximately three million three hundred fifty-five thousand three hundred seventy-five (3,355,375) net square feet (seventy-seven and two-hundredths (77.02) acres) of real property generally located along Lake Michigan east of the Illinois Central Railroad between the Stevenson Expressway and East 31st Street and bounded as follows:

a line approximately 455 feet south of and approximately parallel to the centerline of the 23rd Street viaduct; Lake Michigan; 31st Street, as extended; the eastern line of the Illinois Central Railroad right-of-way; I-55/Stevenson Expressway; and South Lake Shore Drive in Chicago, Illinois (the "Property").

The Metropolitan Pier and Exposition Authority and Chicago Park District are the legal titleholders of the Property. The City of Chicago Department of Planning and Development is the applicant for this Planned Development.

2. The applicant or its successors, assignees or grantees shall obtain all applicable official reviews, approvals or permits which are necessary to implement this Planned Development. Any dedication or vacation of streets, alleys or easements or any adjustment of rights-of-way shall require a separate submittal on behalf of the applicant or its successors, assignees or grantees, and approval by the City Council. The applicant or its successors, assignees or grantees may construct the proposed new improvements in the Planned Development in phases and shall be permitted to seek and obtain permits required for such construction separately for different structures located in this Planned Development.
3. The requirements, obligations and conditions contained within this Planned Development shall be binding upon the applicant, its successors and assignees 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 assignees and, if different than the applicant, the legal titleholders and any ground lessors and their respective successors and assignees. Pursuant to the requirements of Section 17-8-0400 of the Chicago Zoning Ordinance, the Property, at the time applications for amendments, modifications or changes (administrative, legislative or otherwise) to this Planned Development are made, shall be under single ownership or under single designated control. Single designated control for purposes of this paragraph shall mean that any application to the City for any amendment to this Planned Development or any other modification or change thereto (administrative, legislative or otherwise) is made or authorized by all the

owners of the Property and any ground lessees of the Property. For purposes of this Planned Development, where portions of the improvements located on the Property have been submitted to the Illinois Condominium Property Act, the term "owner" shall be deemed to refer solely to the condominium association of the owners of such portions of the improvements and not to the individual unit owners therein; provided, however, that for so long as the applicant or any affiliate thereof owns or controls any part of the Property, any application to the City for any such changes or modifications (administrative, legislative or otherwise) must in all cases be authorized by the applicant. Nothing herein shall prohibit or in any way restrict the alienation, sale or any other transfer of all or any portion of the Property or any rights, interests or obligations therein. Upon any alienation, sale or any other transfer of all or any portion of the Property or the rights therein (other than an assignment or transfer of rights pursuant to a mortgage or otherwise as collateral for any indebtedness) and solely with respect to the portion of the Property so transferred, the term "applicant" shall be deemed amended to apply to the transferee thereof (and its beneficiaries if such transferee is a land trust) and the seller or transferor thereof (and its beneficiaries if such seller or transferor is a land trust) shall thereafter be released from any and all obligations or liability hereunder; provided, however, that the applicant's right to authorize changes or modifications to this Planned Development for so long as it owns or controls all or any portion of the Property as set forth above in this Statement Number 3 above shall not be deemed amended or transferred to apply to a transferee (or its beneficiaries as aforesaid) unless expressly assigned in a written instrument executed by the original applicant hereunder. An agreement among different owners of the Property, or a covenant binding owners of the Property, may designate the parties authorized to apply for future amendments, modifications or other changes to this Planned Development.

4. This Plan of Development consists of these seventeen (17) statements; a Bulk Regulations and Data Table; and the following plans prepared by Skidmore, Owings & Merrill LLP, all dated January 11, 2007 (collectively, the "Plans": Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Subarea Map; Site Plan; and Landscape Plan. Full-sized copies of the Plans are on file with the Department of Planning and Development. These and no other zoning controls shall apply to the Property. In any instance where a provision of the 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, Title 17 of the Municipal Code of Chicago, and all requirements thereof, and satisfies the established criteria for approval as a planned development.

5. The area within this Planned Development is divided into two (2) subareas, as indicated on the subarea map. The following uses are permitted within this Planned Development, provided, however, that any uses within Subarea B shall only be permitted as temporary uses:

Subarea A: Dwelling units, including but not limited to multi-unit residential located on and above the ground floor, elderly housing, assisted living, and continuing care retirement community; residential support services, including without limitation security command center, communications center, community dining areas, sports information center, kitchen facilities, laundry facilities, and participant sports and recreation; religious assembly uses; hotels; conference and convention uses, including without limitation welcome centers and media centers; temporary construction staging, temporary storage of construction materials, and temporary buildings for construction purposes; accessory and non-accessory parking; accessory uses; and all permitted uses in the RM6.5 Residential Multi-Unit District.

The following uses are permitted within Subarea A; provided, however, that such uses shall be permitted on a temporary basis, and shall not be permitted to continue after December 31, 2016: retail, service and commercial facilities, including without limitation general retail sales, photo development and sales, hair salon, nail salon, barbershop, spa, florist, pharmacy, and travel agency; business and professional offices, including without limitation medical service offices, physical and massage therapy offices, banks, internet and cyber cafes, and World Anti-Doping Agency offices; food and beverage retail sales, including cafes; public and civic uses; storage and warehouse uses; and transportation staging and facilities.

Subarea B: Parks and recreation; small-, medium-, and large-venue entertainment and spectator sports facilities; residential support services, including without limitation security command center, communications center, community dining areas, sports information center, kitchen facilities, laundry facilities, participant sports and recreation; retail, service and commercial facilities, including without limitation general retail sales, photo development and sales, hair salon, nail salon, barbershop, spa, florist, pharmacy, and travel agency; business and professional offices,

including without limitation medical service offices, physical and massage therapy offices, banks, internet and cyber cafes, and World Anti-Doping Agency offices; food and beverage retail sales, including cafes; public and civic uses, including without limitation post offices and museums; conference and convention uses, including without limitation welcome centers and media centers; transportation staging and facilities; temporary construction staging, temporary storage of construction materials, and temporary buildings for construction purposes; accessory and non-accessory parking; accessory uses, including storage; and all permitted uses in the RM6.5 Residential Multi-Unit District.

6. Business identification signs and temporary signs such as construction and marketing signs shall be permitted within the Planned Development subject to the reasonable review and approval of the Department of Planning and Development.
7. Any service drives or other ingress or egress shall be adequately designed and paved in accordance with the regulations of the Department of Transportation in effect at the time of construction and in compliance with the Municipal Code of the City of Chicago, to provide ingress and egress for motor vehicles, including emergency vehicles. There shall be no parking within such emergency areas. Ingress and egress shall be subject to the review and approval of the Department of Transportation, Bureau of Traffic and the Department of Planning and Development. Closure of all or part of any public streets or alleys during demolition or construction shall be subject to the review and approval of the Chicago Department of Transportation.
8. In addition to the maximum heights of the buildings and any appurtenance attached thereto prescribed in this Planned Development, the height of any improvements shall also be subject to height limitations as approved by the Federal Aviation Administration.
9. The improvements on the Property, the landscaping along adjacent rights-of-way and all entrances and exits to and from the parking and loading areas, shall be designed, constructed and maintained in substantial conformance with the Plans described in Statement Number 4 above.

10. Prior to the issuance by the Department of Planning and Development of a determination pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance ("Part II Approval") of the buildings contemplated within the Planned Development, the applicant shall submit plans of such buildings for review and approval of the Commissioner of the Department of Planning and Development (the "Commissioner"). Review and approval by the Commissioner is intended to assure that specific development proposals substantially conform with this Planned Development and to assist the City in monitoring ongoing development. Such plans need only include that portion of the Property for which approval is being sought by the applicant. No Part II Approval for any portion of the Property shall be granted until such plans have been approved.

Following approval by the Commissioner, the approved plans and supporting data and materials shall be kept on permanent file with the Department and shall be deemed to be an integral part of this Planned Development.

After approval of the plans, they may be changed or modified pursuant to the provisions of Statement 13 hereof. In the event of any inconsistency between approved plans and the terms of this Planned Development in effect at the time of approval of such plans or of the modifications or changes thereto, the terms of this Planned Development shall govern.

Plans shall, at a minimum, provide the following information:

- (a) the boundaries of the site or portion of the Property for which approval is being sought;
 - (b) the footprint of the proposed improvements;
 - (c) elevations of the improvements;
 - (d) location and depiction of all parking spaces (including relevant dimensions);
 - (e) location and depiction of all loading berths (including relevant dimension);
 - (f) all drives, roadways and vehicular routes;
 - (g) all landscaping and buffer zones (including a description of all landscape materials);
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- (h) statistical information applicable to the Property limited to the following:
 - (i) floor area and floor area ratio;
 - (ii) floor area devoted to retail uses;
 - (iii) number of dwelling units;
 - (iv) number of parking spaces;
 - (v) number of loading berths; and
 - (vi) uses of parcels.

- (i) parameters of building envelopes including:
 - (i) maximum building height; and
 - (ii) setbacks, required and provided.

Plans shall include such other information as may be necessary to illustrate substantial conformance to this Planned Development.

11. For purposes of floor area, floor area ratio ("F.A.R.") and Building Height calculations, the definitions of the Chicago Zoning Ordinance in effect as of the date hereof shall apply; provided, however, that in addition to the other exclusions from Floor Area for purposes of determining F.A.R. permitted by the Chicago Zoning Ordinance, such Floor Area shall not include (a) all Floor Area devoted to mechanical equipment, and (b) all Floor Area associated with parking and loading areas. The calculation of F.A.R. shall be made based on the net site area of the Planned Development. In the event any portion of the Planned Development is hereafter dedicated as public right-of-way, the site area included within such dedication shall continue to be included in the calculation of net site area for purposes of calculating Floor Area and F.A.R.. In addition, the calculation of any Building Height shall not include elevator shafts, ingress/egress towers, mechanical penthouses and enclosures, telecommunications facilities or architectural design elements such as spires.

12. The applicant shall have the right to designate subareas within the Planned Development from time to time in order to promote orderly development, to facilitate financing, acquisition, leasing or disposition of the Property or relevant portions thereof, to designate zoning control or to otherwise administer this Planned Development. The designation and redesignation of subareas shall not require an amendment or minor change to this Planned Development; provided, however, the applicant shall provide notice thereof to the Department of Planning and Development for said Department's administrative purposes to facilitate Part II review for any such designated subarea. In furtherance of the forgoing, the applicant may allocate or assign the development rights applicable to Subarea A under this Planned Development to and among any designated subareas within Subarea A of this Planned Development, including, but not limited to, Floor Area and F.A.R., signage, building height, and parking; provided, however, that the limitations set forth in the Bulk Regulations and Data Table applicable to Subarea A of this Planned Development shall not be exceeded or increased as a result of any such designation(s).
13. The requirements of this Planned Development may be modified administratively by the Commissioner of the Department of Planning and Development (the "Commissioner") upon application and a determination by the Commissioner that such modification is minor, appropriate and consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereof. Any such modification of the requirements of the Planned Development by the Commissioner shall be deemed to be a minor change in the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance, and shall not require approval by the Plan Commission under the Lake Michigan and Chicago Lakefront Protection Ordinance, Chapter 16-4 of the Chicago Municipal Code. It is acknowledged that the location and relocation of demising walls or division of interior spaces shall not be deemed to require any further approvals pursuant hereto.
14. All work proposed in the public way must be designed and constructed in accordance with the Chicago Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. A minimum of two percent (2%) of all parking spaces provided pursuant to this Planned Development shall be designated and designed for parking for the handicapped.
15. The applicant acknowledges that it is in the public interest to design, construct and maintain the buildings in Subarea A in a manner which

promotes and maximizes the conservation of natural resources. The applicant shall use commercially reasonable efforts to design, construct and maintain the buildings located within Subarea A in a manner generally consistent with the Leadership in Energy and Environmental Design ("L.E.E.D.") Green Building Rating System.

16. The applicant acknowledges that it is in the public interest to design, construct and maintain the improvements of the Property 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 ("M.O.P.D.") at the time of application for a building permit to ensure compliance with all applicable laws and regulations related to access for persons with disabilities and to promote the highest standard of accessibility at the time of application for a building permit.
17. With respect to Subarea B, the zoning of the portion of the Property located therein shall automatically revert to the POS-1 Parks and Open Space District upon the earlier to occur of (a) the date on which the City receives written notice from the United States Olympic Committee or the International Olympic Committee that the City has not been selected to host the 2016 Olympic Games (the "Elimination Notice") or (b) December 31, 2016. Unless substantial construction has commenced on the portion of the Property located therein within six (6) years of the date of City Council approval of this Planned Development, the zoning of the portion of the Property within Subarea A shall automatically revert to the RM6.5 Multi-Unit Residential District. Said six (6) year period may be extended for up to one (1) additional year if, before expiration, the Commissioner of the Department of Planning and Development determines that good cause for such an extension is shown.

[Existing Zoning Map; Existing Land-Use Map; Planned Development Boundary and Property Line Map; Subarea Map; Site Plan and Generalized Land-Use Plan; and Landscape Plan referred to in these Plan of Development Statements printed on pages 101195 through 101200 of this *Journal*.]

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

*Residential-Business Planned Development Number 1055.**Plan Of Development Bulk Regulations
And Data Table.*

Gross Site Area, 5,267,683 square feet (120.92 acres) = Net Site Area, 3,355,375 net square feet (77.02 acres) + Area Remaining in Public Right-of-Way, 1,912,308 square feet (43.90 acres)

Gross Site Area:

Total:	5,267,683 square feet (120.92 acres)
Subarea A:	2,073,487 square feet (47.60 acres)
Subarea B:	3,194,196 square feet (73.32 acres)

Net Site Area:

Total:	
Subarea A:	1,287,496 square feet (29.55 acres)
Subarea B:	2,067,879 square feet (47.47 acres)

**Maximum Floor Area
Ratio:**

Subarea A:	4.7
Subarea B:	0.0

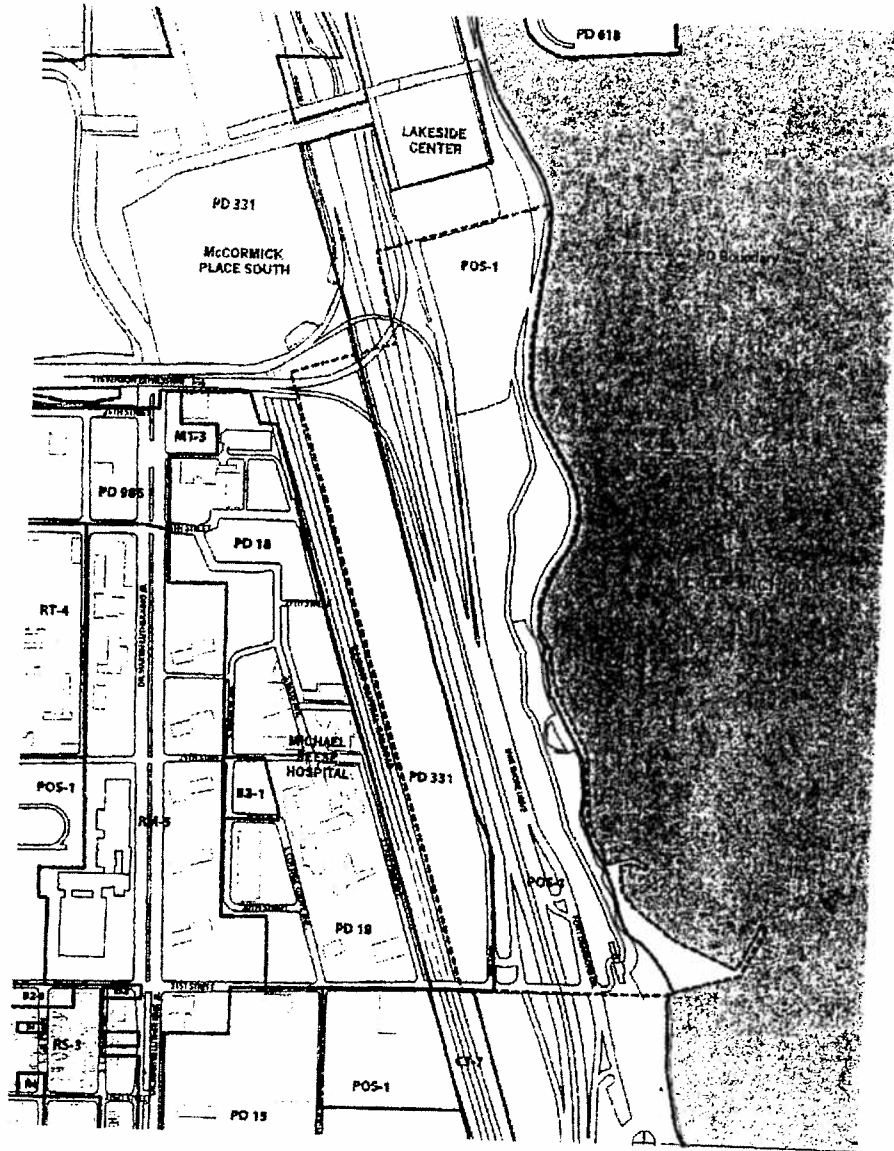
**Maximum Number of
Dwelling Units:**

Subarea A:	5,000
Subarea B:	0

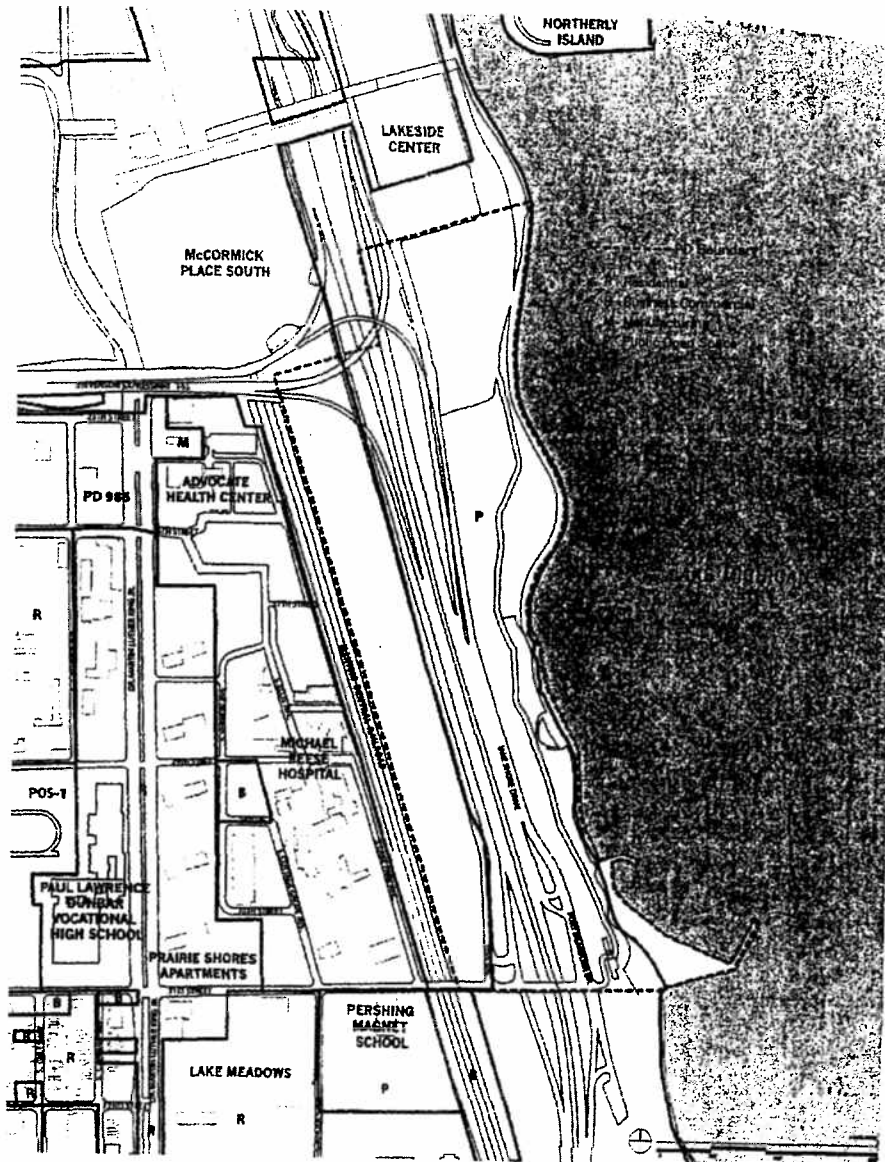
Maximum Site Coverage: In accordance with the Site Plan

Minimum Building Setbacks: In accordance with the Site Plan

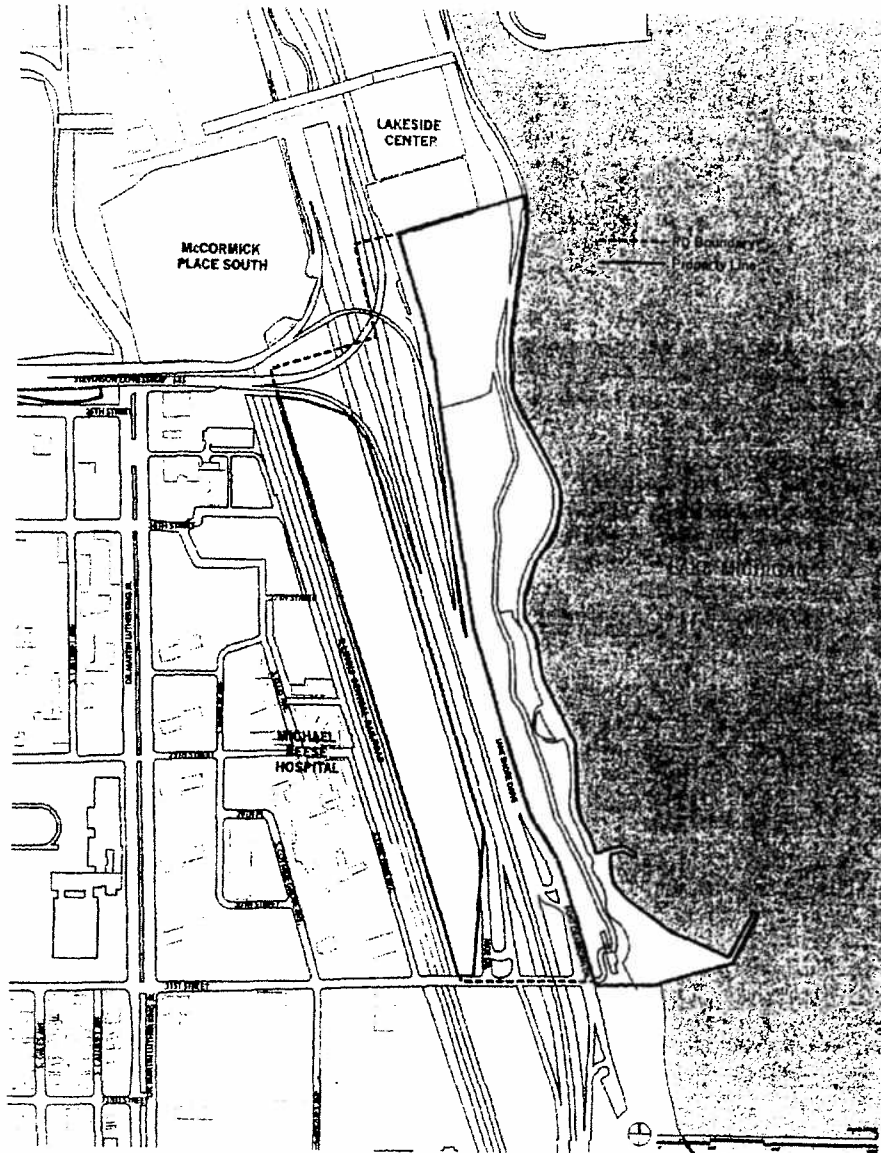
Existing Zoning Map.



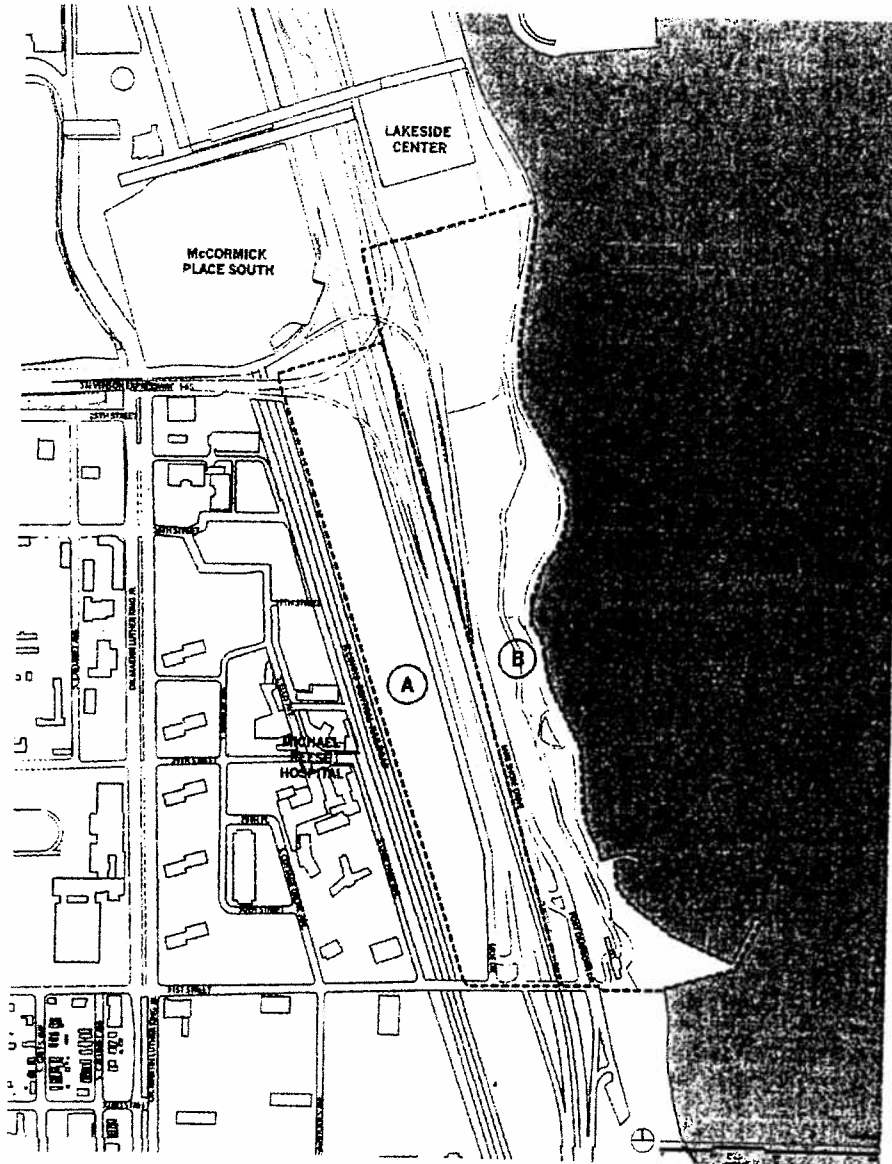
Existing Land-Use Map.



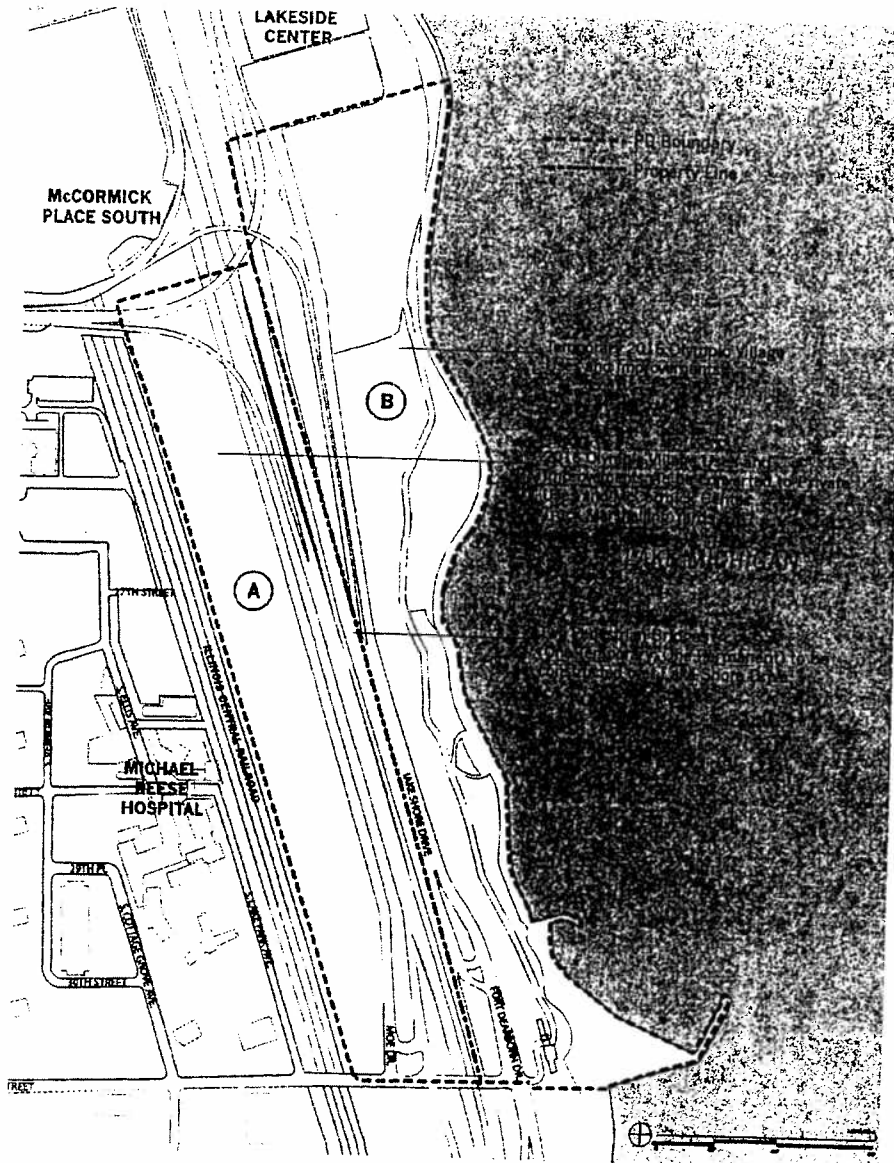
Planned Development Boundary And Property Line Map.



Subarea Map.



Site Plan And Generalized Land-Use Map.



Landscape Plan.

