



# City of Chicago



O2023-1334

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	3/15/2023
<b>Sponsor(s):</b>	Reilly (42)
<b>Type:</b>	Ordinance
<b>Title:</b>	Amendment of Statements 5 and 12 of Planned Development 1092
<b>Committee(s) Assignment:</b>	Committee on Zoning, Landmarks and Building Standards

## ORDINANCE

**WHEREAS**, On December 12, 2007, the City Council adopted an ordinance authorizing the designation of property located approximately at the intersection of N. Franklin St. and W. Illinois St. (the "Property") as Residential Business Planned Development Number 1092 ("PD 1092"); and

**WHEREAS**, Under PD 1092, the property owner was, among other things, obligated to restore and maintain an historic firehouse located on the Property and develop an adjacent "urban garden" that was intended to be green space open to the public; and

**WHEREAS**, The original approval of PD 1092 was premised, in part, on keeping the urban garden open to the surrounding community and the general public; and

**WHEREAS**, Statement 12 of PD 1092 modifies the otherwise applicable standards for approving a minor change under Section 17-13-0611 of the Zoning Ordinance, specifically any minor change must be "consistent with the nature of the improvements contemplated by this Planned Development and the purposes underlying the provisions hereof"; and

**WHEREAS**, In 2012, the property owner requested a minor change to, among other things, specifically convert the urban garden into "private open space"; and

**WHEREAS**, On December 21, 2012, the Zoning Administrator issued a minor change for PD 1092 in keeping with this original intent, in which the Zoning Administrator rejected the request to convert the urban garden into private open space, stating that "while the design of the urban garden has been revised and table and chairs have been added, this space must remain open to the public at all times, as approved in the Planned Development. An amendment to the Planned Development would be required in order to convert this public urban garden to private open space"; and

**WHEREAS**, Despite very clearly being denied in 2012 and having notice that any change that operated to privatize the urban garden required an amendment to PD 1092, in 2022 the property owner again requested a slightly rephrased minor change focused solely on converting the urban garden into an "outdoor patio for a restaurant pursuant to Statement 5 of the PD"; and

**WHEREAS**, On December 22, 2022, the current Zoning Administrator approved the rephrased minor change, in direct contradiction of not only the 2012 minor change, but also the underlying PD 1092, and specifically Statement 12, by purportedly approving a "minor change" that is inconsistent with the nature and underlying purpose of the urban garden as contemplated by PD 1092; and

**WHEREAS**, In acting beyond the scope of their authority by approving the 2022 minor change over the clear requirements of PD 1092 as outlined in the 2012 minor change, the Zoning Administrator in effect amended PD 1092 without any legislative process or approvals from City Council; and

**WHEREAS**, Since the Zoning Administrator lacked the authority to approve the requested 2022 minor change which was directly contrary to the text and legislative intent of PD 1092, it is necessary and desirable for the City Council to restate and more fully codify the original intent of the City Council in adopting PD 1092, as reaffirmed in the 2012 minor change; now, therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:**

**SECTION 1.** The foregoing recitals are incorporated herein as the findings of the City Council.

**SECTION 2.** That the Chicago Zoning Ordinance be amended by amending Residential Business Planned Development Number 1092, as shown on Map Number I-F in the area bounded by:

the alley next north and parallel to West Illinois Street; the alley next east of and parallel to North Franklin Street; West Illinois Street; and North Franklin Street,

as contemplated by this ordinance.

**SECTION 3.** Statement 5 of Residential Business Planned Development Number 1092 is hereby amended by inserting the language underscored, as follows:

The following uses are permitted on the Property under this Planned Development: dwelling units, including but not limited to multi-unit residential; residential support services; retail, service and commercial facilities; business and professional offices; food and beverage retail sales; temporary construction staging, temporary storage of construction materials, and temporary buildings for construction purposes; accessory and non-accessory parking; accessory uses; an urban garden located adjacent to the Existing Firehouse that is open to the public, free of charge, during normal park hours from 6:00 A.M. to 11:00 P.M. every day of the year; and all other permitted uses in the DX-7 Downtown Mixed-Use District, excluding hotel.

**SECTION 4.** Statement 12 of Residential Business Planned Development Number 1092 is hereby amended by inserting the language underscored, as follows:

The requirements of the Planned Development may be modified administratively by 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 to the Planned Development as contemplated by Section 17-13-0611 of the Chicago Zoning Ordinance. Notwithstanding the provisions of Section 17-13-0611 of the Chicago Zoning Ordinance, (1) such minor changes may include a reduction of the minimum required distance between structures, a reduction of periphery setbacks, and an increase of the maximum percent of land covered, and (2) such minor changes may not include any change to the urban garden located adjacent to the Existing Firehouse that would operate to close such urban garden to the

public contrary to Statement 5 above. It is acknowledged that the demising walls for the interior spaces are illustrative only and that the location and relocation of demising walls or division of interior spaces shall not be deemed to require any further approvals pursuant hereto.

**SECTION 5.** The amendments to Residential Business Planned Development Number 1092 in this ordinance are intended to clarify, rather than to change, existing Residential Business Planned Development Number 1092 as modified by that certain minor change issued by the Zoning Administrator on December 12, 2012. That certain minor change issued by the Zoning Administrator on December 22, 2022 is inconsistent with Residential Planned Development Number 1092 and that certain minor change issued by the Zoning Administrator on December 12, 2012, was beyond the scope of the Zoning Administrator's authority to approve a minor change under Section 17-13-611 of the Zoning Code, as modified by Statement 12 of Residential Business Planned Development Number 1092, and is void and of no force and effect.

**SECTION 7.** This ordinance shall take effect upon passage and publication.

A handwritten signature in black ink, appearing to read "B.M. Reilly", written over a horizontal line.

BRENDAN REILLY  
Alderman, 42nd Ward