



Office of the City Clerk

City Hall
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Legislation Details (With Text)

File #: SO2022-2669
Type: Ordinance **Status:** Passed
File created: 9/21/2022 **In control:** City Council
Final action: 12/14/2022
Title: Zoning Reclassification Map No. 4-E at 2222 S Michigan Ave - App No. 21136
Sponsors: Misc. Transmittal
Indexes: Map No. 4-E
Attachments: 1. O2022-2669.pdf, 2. SO2022-2669.pdf

Date	Ver.	Action By	Action	Result
12/14/2022	1	City Council	Passed as Substitute	Pass
11/29/2022	1	Committee on Zoning, Landmarks and Building Standards	Recommended to Pass	
9/21/2022	1	City Council	Referred	

FIFTH ORDINANCE FOR PUBLICATION

ORDINANCE

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

SECTION 1. That the Chicago Zoning Ordinance be amended by changing the DS-3 and DS-5 Downtown Service District symbols and indications as shown on Map 4-E in the area bounded by:

South Michigan Avenue; a line 146 feet south of and parallel to East Cermak Road; South Wabash Avenue; and a line 299.75 feet north of and parallel to East 23rd Street;

to those of the DX-5 Downtown Mixed-Use District.

SECTION 2. That the Chicago Zoning Ordinance be amended by changing the DX-5 Downtown Mixed-Use symbols and indications as shown on Map 4-E in the area bounded by:

South Michigan Avenue; a line 146 feet south of and parallel to East Cermak Road; South Wabash Avenue; and a line 299.75 feet north of and parallel to East 23rd Street;

to those of Residential-Business Planned Development, 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 3. This Ordinance shall be in force and effect from and after its passage and due publication

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RESIDENTIAL BUSINESS PLANNED DEVELOPMENT (IN THE PLAN) DEVELOPMENT
EN IS LA I E M E N I S

(the "Planned Development" or

1. The area delineated herein as Planned Development Number "PD") consists of approximately 38,946 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property"). Hudson Michigan Avenue Owner LLC is the "Applicant" for this Planned Development and 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 Pair 1J review permitting. The Agreement shall reflect that all work must

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comply with current Rules and Regulations and must be designed and constructed in accordance with the 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 Land Use Map; an Existing Zoning Map; a Planned Development Boundary and Property Line Map; a Site Plan/Landscape Plan; Floor Plans and Elevations (East, West, South and North); prepared by Fitzgerald Associates and dated November 17, 2022, 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 a Residential-Business Planned Development: Dwelling Units Above the Ground Floor; Group living, not otherwise classified (with a maximum of 135 beds); Lodging (all); Eating and Drinking Establishments; Entertainment and Spectator Sports, all except Inter-Track Wagering Facility; 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 38,946 square feet and a base 5.0 FAR.
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 Commissioner of the Public Health, under Section 11-4-765, 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. 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 foregoing, DPD may request such additional information as the

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department determines may be necessary or useful in 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.

16. The Applicant acknowledges and agrees that the rezoning of the Property from the DS-3 and DS-5 Downtown Service Districts to the DX-5 Downtown Mixed-Use District and then to this Residential-Business Planned Development ("PD") 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 a "downtown district" within the meaning of the ARO and permits the construction of 38 dwelling units. The Applicant intends to construct a 38-unit rental building (the "Project").

Developers of rental projects in downtown districts with 30 or more units must provide between 10% and 20% of the units in the

residential development as 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. All on-site affordable units must be accessible dwelling units, as required under subsection (W)(10) of the ARO, and developers must give preference in leasing accessible units to people with disabilities, as specified in the ARO rules. All off-site affordable units must have at least two bedrooms and must be located in a downtown district, inclusionary housing area, or community preservation area. Whether on-site or off-site, developers must give preference in leasing affordable units of two bedrooms or more to multi-person households, as specified in the ARO rules. If a residential project is located in a transit-served location, off-site units must be located in a substantially comparable transit-served location.

The Applicant has elected the 20% option as set forth in the chart in subsection (F)(2) of the ARO. As a result, the Applicant's affordable housing obligation is 8 affordable units (20% of 38) and half of those affordable units are Required Units. The Applicant has agreed to satisfy its affordable housing obligation by providing all 8 affordable units in the rental building in the PD, as set forth in the Affordable Housing Profile (AHP) attached hereto. The Applicant agrees that the affordable rental units must be affordable to households with a range of incomes averaging 60% of the Chicago Primary Metropolitan Statistical Area Median Income (AMI), as updated annually, provided that (x) the maximum income level for any affordable unit may not exceed 80% of the AMI, (y) at least one-third (or 3 units) must be affordable to households at or below 50% of the AMI, of which one-sixth (or 1 of the 3 units) must be affordable to households at or below 40% of the AMI, and (z) all income levels must be multiples of 10% of the AMI.

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

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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 and record an Inclusionary Housing Agreement ("IHA") in accordance with subsection (N) of the ARO. 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 the PI, and will constitute a lien against such property. The Commissioner of DOH may enforce remedies for any breach of this Statement 16, 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 (his statement and the terms and conditions of the ARO, the ARO shall govern.

17. Pursuant to the Chicago Zoning Ordinance (Sec. 17-8-0911), Planned Developments are to give priority to the preservation and adaptive reuse of Chicago Landmark buildings. The Planned Development includes 2222 S. Michigan Avenue, which is located within a district designated as a Chicago Landmark. Work to designated Chicago Landmarks is subject to the review and approval of the Commission on Chicago Landmarks pursuant to the Chicago Landmarks Ordinance, Section 2-120-740.
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 the DX-5 Downtown Mixed-Use District.

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R ES IDENTIAL-B US IN ESS PLANNED DEVELOPMENT NO. BULK REC I I.A I IONS AND DATA TABLE

Gross Site Area (sl):	46,236
Area of Public Rights-of-Way (sP):	7,290
Net Site Area (sl):	38,946
Maximum Floor Area Ratio:	5.0
Maximum Number of Dwelling Units:	38 (135 beds)
Maximum Hotel Rooms:	18*
Minimum Parking Spaces:	0
Minimum Bicycle Parking Spaces:	38
Minimum Loading Berths:	0
Maximum Building Height:	62'4"
Minimum Setbacks:	Per plans

^CONVERSION OF HOTEL ROOMS TO DWELLING UNITS WOULD REQUIRE AN AMENDMENT AND WOULD BE SUBJECT TO ARO REQUIREMENTS AT THE TIME OF THE AMENDMENT.

ARO Affordable Housing Profile Form (AHP)

Submit this form for projects that are subject to the 2015 ARO, Near North/Near West Pilot, Milwaukee Pilot or Pilsen/Little Village Pilot Ordinances (all projects submitted to City Council after October 13, 2015). More information is online at www.cityofchicago.gov/ARO <<http://www.cityofchicago.gov/ARO>>. Submit the completed to the Department of Housing (DOH), 121 N LaSalle Street, 10th Floor, Chicago, IL 60602. E-mail: . denise.roman@cityofchicago.org <<mailto:denise.roman@cityofchicago.org>> or orjustin.root@cityofchicago.org <<mailto:orjustin.root@cityofchicago.org>>. Applications that include " off-site units should submit documentation listed on page two.

Date: 3 / i

DEVELOPMENT INFORMATION

Development Name:

Development Address: "VLVL "=> A ~v/JI\\^<*\A

Zoning Application Number, if applicable:

Ward: ">

If you are working with a Planner at the City, what is his/her name?

Type of City Involvement ☐ City Land

☐ Planned Development (PD)

check all that apply

☐ Financial Assistance

☐ Transit Served Location (TSL) project

☐ Zoning increase

REQUIRED ATTACHMENTS: the AHP will not be reviewed until all required docs are received | ARO Web Form completed and attached - or submitted online on

13] ARO "Affordable Unit Details and Square Footage" worksheet completed and attached (Excel) r_j If ARO units proposed, Dimensioned Floor Plans with affordable units highlighted are attached (pdf) | [If ARO units proposed are off-site, required attachments are included (see next page)

["] If ARO units are CH A/Authorized Agency units, signed acceptance letter is attached (pdf) DEVELOPER

INFORMATION

Developer Name Wa&W<\ A^le^[\ AucAdc LLC Developer Contact "\Y»of Y

-cV^fiJ\

Developer Address WID K^v K*o> ttac«^» ^ bo***

Email "WW & V-'V^cm^oa^ .6<>*\

Developer Phone ^<*V

Attorney Name Lo^U ft *V

Attorney Phone ^ ^\

TIMING

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Estimated date marketing will begin ucaaj-\um Estimated date of building

permit* ^pf->\ X)1^> Estimated date ARO units will be complete f\rfd<\ IA^K

*the in-lieu fee, recorded covenant and \$5,000 per unit administration fee (for off-site units) are required prior to the issuance of any building permits, including the foundation permit.

PROPOSED UNITS MEET REQUIREMENTS (to be executed by Developer & ARO Project Manager)

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Developer or their agent

Date !

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ARO Project Manager, DOI I Date

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CAT

ARO Web Form

Applicant Contact Information

Name: Robert Savosh

Email: Robert@kelemencompany.com <mailto:Robert@kelemencompany.com>

Development Information

Are you rezoning to downtown?: No

Is your project subject to the ARO Pilots?: PILOTS APPLY

Address

Submitted Date: 09/06/2022

Number From :2222 Number To: N/A Direction: S

Street Number:Michigan Ave

Postal Code: 60616

Development Name

The Hudson

Information

Ward :3

ARO Zone: Downtown

Details

ARO trigger :Financial assistance Total units: 38 Development type: Rent

TSL Project : 4.0 FAR (100% ARO on-site requirement) Submitted date: 09/06/2022

Requirements

Affordable units :8 'On-site aff. Units' 8

How do you intend to meet your required obligation

On-Site: 8 Off-Site: 0

On-Site to CHA or Authorized agency: 0 Off-Site to CHA or Authorized agency: 0 Total Units: 8 In-Lieu Fee Owed: 0

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EXISTING LAND USE / AERIAL MAP

PROPOSED PD BOUNDARY. DENOTES OF STORIES

Applicant: Hudson Michigan Avenue Owner LLC Address' 2222 S. Michigan, Chicago, IL. .. _.

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EXISTING ZONING MAP

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LEGEND:

PROPOSED PD BOUNDARY

Applicant Hudson Michigan Avenue Owner LLC
Address. 2222 S. Michigan, Chicago, IL
September 21 2022

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Application #21136

DEPARTMENT OF PLANNING AND DEVELOPMENT CITY OF CHICAGO

MEMORANDUM

Alderman Thomas Tunney
Chairman, City Council Committee on Zoning

From

Maurice D. Cox

Chicago Plan Commission

Date: November 17, 2022

Re: Proposed Planned Development, 2222 S. Michigan Avenue (Application #21136)

On November 17, 2022, the Chicago Plan Commission recommended approval of a Residential Business Planned Development submitted by Hudson Michigan Avenue Owner LLC. A copy of the proposed ordinance, planned development statements, bulk table and exhibits is attached. I would very much appreciate your assistance in having this introduced at the next possible City Council Committee on Zoning.

Also enclosed is a copy of the staff report to the Plan Commission which includes the Department of Planning and Development, Bureau of Zoning and Land Use recommendation and a copy of the resolution. If you have any questions in this regard, please do not hesitate to contact me at 744-9476.

Cc: Anna Robles

PD Master File (Original PD, copy of memo)