



Office of the City Clerk

City Hall
121 N. LaSalle St.
Room 107
Chicago, IL 60602
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Legislation Text

File #: SO2014-4178, Version: 1

FINAL FOR PUBLICATION

ORDINANCE

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

SECTION 1: Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance is hereby amended by changing all the DS-5 Downtown Service District and Business Planned Development No. 1153 symbols and indications as show on Map No. 6-E in an area bounded by:

East Cermak Road, South Indiana Avenue, East 23rd Street, the alley next west of and parallel to South Indiana Avenue, a line 145.66 feet south of and parallel to East Cermak Road, South Michigan Avenue

to the designation of DX-7 Downtown Mixed-Use District and a corresponding use district is hereby established in the area above described.

SECTION 2: Title 17 of the Municipal Code of Chicago, the Chicago Zoning Ordinance is hereby amended by changing all DX-7 Downtown Mixed-Use District symbols and indications established in Section 1 above to the designation of Business Planned Development No. 1153, 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 3: This Ordinance shall be in force and effect from after its passage and due publication.

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PLANNED DEVELOPMENT NO. 1153, AS AMENDED BULK REGULATIONS AND DATA TABLE

	SUB AREA A	SUB AREA B	SUB AREA C	
NET SITE AREA (sf)	71,375 sf	29,747 sf	7,984 sf	109,106 sf
AREA REMAINING IN PUBLIC RIGHT OF WAY	27,790 sf	33,595 sf	2,589 sf	63,983 sf
GROSS SITE AREA	99,165 sf	63,342 sf	10,573 sf	173,080 sf
MAX. F.A.R.	3.3	3.4	0.29	7.0
HOTEL ROOMS (KEYS)	0	500	0	500
SQUARE FOOTAGE OF RETAIL / COMMERICAL SPACE	2,500 sf	15,000 sf	31,904 sf	49,404 sf
MIN. REQUIRED ACCESSORY OFF STREET PARKING SPACES	114	0	0	114
MIN. NUMBER OF ACCESSORY OFF STREET LOADING SPACES	3 Berths	2 Berths	1 Berths	6 Berths
MIN. NUMBER OF BICYCLE PARKING SPACES	10 Spaces	20 Spaces	-	30 Spaces
MINIMUM BUILDING SETBACKS	-	-	-	Per approved Site Plan
MAX. BUILDING HEIGHTS	162'-0"	320'-0"	66'-0"	-

Applicant: 121 E. Cermak, LLC
Intro. Date: May 28, 2014
ADDRESS: 2207-2215 South Michigan Avenue, 101-133 East Cermak Road, 2206-2258 South Indiana Avenue. 118-132 East 23rd Street, Plan
Commission: September 18, 2014

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BUSINESS PLANNED DEVELOPMENT NO.1 153, AS AMENDED PLAN OF DEVELOPMENT STATEMENTS

1. The area delineated herein as Business Planned Development No. 1153, as amended, consists of approximately 109,106 square feet of property which is depicted on the attached Planned Development Boundary and Property Line Map ("Property") and is owned or controlled by the Applicant, 121 E.

Cermak, LLC.

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 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 is defined in Section 17-8-0400 of the Zoning Ordinance.
3. AH 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 adjustments of right-of-way, shall require a separate submittal to the Department of Transportation on behalf of the Applicant or its successors, assignees, or grantees.

APPLICANT: 121 E. CERMAK, LLC
ADDRESS: 2207-2215 SOUTH MICHIGAN AVENUE, 101-133 EAST CERMAK ROAD,
2206-2258 SOUTH INDIANA AVENUE, 118-132 EAST 23rd STREET,
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Any requests for grants of privilege, or any items encroaching on the public way, shall be in compliance with the Plans.

Ingress or egress shall be pursuant to the Plans 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.

All work proposed in the public way must be designed and constructed in accordance with the Department of Transportation Construction Standards for Work in the Public Way and in compliance with the Municipal Code of the City of Chicago. Prior to the issuance of any Part II approval, the submitted plans must be approved by the Department of Transportation. 4. This Plan of Development consists of these seventeen (17) Statements; a Bulk Regulations and Data Table; an Existing Land Use Map; an Existing Zoning Map; a Property Line and Right of Way Adjustment Map; a Site Plan/First Floor/Landscape Plan; a Green Roof Diagram; and Building Elevations prepared by Antunovich Associates dated September 18, 2014. Full size copies of the Site Plan, Landscape Plan and Building Elevations are on file with the Department of Planning and Development. In any instance where a provision of this Planned Development conflicts with the Chicago Building Code, the Building Code shall control. This Planned Development

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conforms to the intent and purpose of the 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 Zoning Ordinance, this Planned Development

Ordinance shall control.

5. The following uses shall be allowed within the area herein delineated as Business Planned Development:

Subarea A: Office, Retail, Electronic Data Storage Center, Eating and Drinking Establishments, Utilities and Services, Minor, Co-Located Wireless Communication Facilities, Accessory Parking and related facilities and accessory uses.

Subarea B: Office, Retail, Hotel, Pedestrian Skybridge, Food and Beverage Retail Sales including Liquor Sales as an accessory use to Hotel, Eating and Drinking Establishments including Roof Top Bar, Indoor Participant Sports and Recreation (not located on the ground floor), Co-Located Wireless Communication Facilities, Accessory Parking and related facilities and accessory uses.

Subarea C: Office, Retail, Food and Beverage Retail Sales (Liquor Store package goods and Liquor Sales as accessory use), Eating and Drinking Establishments, Indoor Participant Sports and Recreation, Children's Play Center, Financial Services, Co-Located Wireless Communication Facilities, Accessory Parking and related facilities and accessory uses.

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

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Department of Planning and Development. Off-Premise signs are prohibited within the boundary of the

Planned Development.

7. For purposes of height measurement, the definitions in the 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 site shall be in accordance with the attached Bulk Regulations and Data Table. For the purposes 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 109,106 square feet.
9. Prior to the Department of Planning and Development issuing a determination pursuant to Section 17-13-0610 of the Chicago Zoning Ordinance (a "Part II Approval") for development of a Pedestrian Skybridge on any portion of the property, a site plan for the proposed development of such portion shall be submitted to the Department of Planning and Development for Site Plan Approval. Site Plan Approval is intended to assure that the specific development proposals substantially conform with this Planned Development and to assist the City in monitoring ongoing development. A Site Plan may be submitted for all or part of the Property. Such Site Plan need only include the area within the Property for which approval is being sought by the Applicant. No Part II approval for such area shall be granted until an applicable Site Plan has been approved.

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If a Site Plan substantially conforms with the provisions of this Planned Development, the Department of Planning and Development shall approve said Site Plan. Following approval of a Site Plan by the Department of Planning and Development, the Site Plan shall be kept on permanent file with the Department of Planning and Development and shall be deemed to be an integral part of this Planned Development.

After approval of a Site Plan Approval or Part II Approval by the Department of Planning and Development concerning the Property or a portion thereof, the same may be changed or modified pursuant to the provisions of Statement No. 13 of this Planned Development. In the event of any inconsistency between an approved Site Plan and the terms of this Planned Development (including any amendments hereto that may be in effect at the time of such approval), the terms of this Planned Development (as the same may be so amended) shall govern.

A Site Plan shall, at a minimum, provide the following information with respect to the proposed improvements within the boundaries of the area to be developed:

- a) building elevations and floor plans;
- b) footprint of the improvements;
- c) preliminary landscaping plan;
- d) pedestrian circulation;
- e) preliminary cross-sections of the improvements; and

ADDRESS: e) APPLICANT: 121 E. CERMAK, LLC
2207-2215 SOUTH MICHIGAN AVENUE, 101-133 EAST CERMAK ROAD,

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- (f) statistical information applicable to the area, including floor area and floor area ratio, uses to be established, building heights and setbacks.

A Site Plan shall include such other information as may be necessary to illustrate conformance with the applicable provisions of this Planned Development and any City Ordinances or policies in effect at the time of submission of the Site Plan.

10. Upon review and determination, "Part II Review", pursuant to Section 17-13-0610 of the Zoning Ordinance, a Part II Review Fee shall be assessed by the Department of Planning and Development. 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.
11. The Site and Landscape Plans shall be in substantial conformance with the Landscape Ordinance and any other corresponding regulations and guidelines. Final landscape plan review and approval will be by the Department of Planning and Development. Any interim reviews associated with site plan review or Part II reviews, are conditional until final Part II approval.
12. The Applicant shall comply with Rules and Regulations for the Maintenance of Stockpiles promulgated by the Commissioners of the Departments of Streets and Sanitation, Environment and Buildings, under Section 13-32-125 of the Municipal Code, or any other provision of that Code.

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13. The terms and conditions of development under this Planned Development ordinance may be modified administratively, pursuant to Section 17-13-0611-A of the Zoning Ordinance 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.
14. Recognizing that a data center is a permitted use in this Planned Development and that residents in the community adjacent to the Planned Development have expressed concerns about noise levels and air quality relating to mechanical equipment operated as a part of such use, the owner of the data center shall identify an on-site contact for residents to notify respecting such concerns. When specific concerns are identified and are on-going, the owner, through its identified contact, shall arrange meeting(s) among owner's representatives (specifically including on-site property manager), community residents, the Department of Planning and Development and the affected alderman to identify the underlying source(s) for such concerns and review and implement acceptable solutions. This provision shall not modify each property's obligation to comply with applicable laws, ordinances and regulations.
- The building in Subarea B shall incorporate Operable Folding Architectural Doors accessible to the sidewalk along South Michigan Avenue. The Operable Doors shall be used to activate the street frontage and be compatible with the character of the surrounding area.

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15. The Applicant acknowledges that it is in the public interest to design, construct and maintain the project in a manner which promotes, enable 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 accessibility.
16. 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. At the time of a hearing before the Chicago Plan Commission, all developments must be in substantial compliance with the current City of Chicago Sustainable Development Policy set forth by the Department of Planning and Development. The new buildings in Subarea A and Subarea B will be LEED certified (excluding the historic Rambler Building) and will provide a green roof to cover at least 50% (33,115 square feet) of the net roof area of all new building area. "Net roof area" is defined as total roof area minus any required perimeter setbacks, rooftop structures, and roof-mounted equipment.

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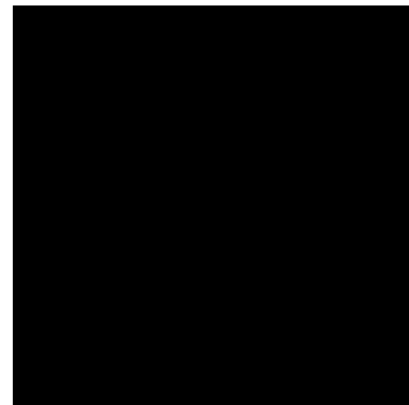
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17. Unless construction of the new improvements contemplated in this Planned Development has commenced within six (6) years following adoption of this Planned Development, and unless completion is thereafter diligently pursued, then this Planned Development shall expire and the zoning of the property shall automatically revert to the DX-7 Downtown Mixed-Use District classification.

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