

**IN THE CIRCUIT COURT OF COOK COUNTY
ILLINOIS, CHANCERY DIVISION**

**1660 N. LASALLE CONDOMINIUM
ASSOCIATION**

An Illinois not-for-profit corporation,

Plaintiff,

v.

OLD TOWN TRIANGLE PARTNERS I L.L.C.,

A Delaware Limited Liability Company, and

CITY OF CHICAGO,

A Municipal Corporation, and

**CITY OF CHICAGO DEPARTMENT OF
PLANNING AND DEVELOPMENT,**

Defendants.

Case No. **2025CH07337**

**COMPLAINT FOR DECLARATORY JUDGMENT, INJUNCTIVE RELIEF, AND
ADMINISTRATIVE REVIEW**

Plaintiff, 1660 N. LaSalle Condominium Association (“Plaintiff”), by and through its undersigned counsel, MUPRHY LAW GROUP, LLC, hereby submits its complaint against Defendants Old Town Triangle Partners I LLC, the City of Chicago, and its Department of Planning and Development, as follows:

PARTIES

1. Plaintiff 1660 N. LaSalle Condominium Association (“Plaintiff”) is an Illinois not-for-profit condominium association located at 1660 N. LaSalle Street in Chicago, Illinois. Plaintiff is comprised of residential unit owners directly adjacent to the proposed development.

2. Defendant Old Town Triangle Partners I LLC (“OTTP”) is a Delaware private real estate development entity that applied for and secured zoning approval to construct a thirty-six (36) story large-scale mixed-use development in Chicago’s Old Town neighborhood.

3. Defendant City of Chicago is a municipal corporation responsible for adopting and enforcing zoning ordinances through its City Council, and its delegated agencies, including the Department of Planning and Development.

4. Defendant Department of Planning and Development is the administrative agency that coordinated the zoning approval process related to the subject property.

JURISDICTION AND VENUE

5. Jurisdiction is proper pursuant to 735 ILCS 5/2-701 (Declaratory Judgment Act), 735 ILCS 5/11-101 (Injunctive Relief), and the common law doctrines applicable to legislative zoning challenges.

6. Venue is proper in Cook County pursuant to 735 ILCS 5/2-101, as the subject property and events giving rise to this action occurred in Cook County.

FACTUAL ALLEGATIONS

7. On or about April 16, 2025, the City of Chicago approved a zoning map amendment (the “Zoning Decision”) that reclassified property located in Old Town at or near the intersection of North Avenue and LaSalle Street (the “Subject Property”) to permit a large-scale high-density mixed-use development proposed by OTTP.

8. The development proposal permits construction that substantially alters the scale, traffic flow, historical character, and livability of the surrounding neighborhood.

9. The development lies immediately adjacent to Plaintiff’s property at 1660 N. LaSalle Street. The scale, design, and intensity of the use will directly and adversely affect Plaintiff, its members and members of the surrounding community.

10. The rezoning process failed to comply with fundamental due process requirements by neglecting to provide adequate, timely, and meaningful notice to all property owners and stakeholders directly impacted by the proposed zoning change. Proper notice is a cornerstone of

procedural fairness in land use decisions, ensuring that those affected have a genuine opportunity to understand, respond to, and influence the process. Here, notice was either insufficiently publicized, limited in scope, or delivered in ways that precluded effective community awareness and engagement.

11. Plaintiff and numerous neighboring property owners were not personally or directly notified of the proposed zoning amendment, the scheduling of public hearings, or other critical stages of the approval process. This omission deprived them of a fair chance to present concerns, submit evidence, or advocate for alternative development approaches. The absence of direct notice was particularly egregious given the proximity of these owners to the subject site and the magnitude of potential impacts on their property and quality of life.

12. OTTP and its agents effectively usurped the community engagement process by conducting exclusive, closed-door meetings with a select subset of stakeholders, thereby excluding a broad swath of impacted residents and property owners. These selective engagements fostered a false appearance of consensus while marginalizing dissenting voices. Public participation was therefore curtailed, and the opportunity for transparent dialogue was foreclosed, undermining the legitimacy and inclusivity that zoning processes require.

13. On or about January 2022, Alderman Brian Hopkins, whose constituency includes the Old Town neighborhood, opposed and advocated for the denial of a proposed development at 1628 North Wells, citing concerns about site suitability, neighborhood character, lack of neighborhood consensus, and traffic impacts. That project sought a modest upzoning to permit a seven-story mixed-use building containing approximately 2,955 square feet of retail space and 31 residential units, including six efficiency units. The total building height was just 76 feet, 6 inches a fraction of the nearly 400-foot tower proposed in the present case. Importantly, the 1628 project was located

within a Transit Served Location under Chicago’s Zoning Ordinance—less than 1,320 feet from the Sedgwick CTA station—and was designed to exclude off-street parking, thereby reducing traffic impacts.

14. Despite its smaller scale, proximity to public transit, and alignment with smart-growth principles, Alderman Hopkins publicly deemed the 1628 proposal incompatible with the surrounding neighborhood, emphasizing its perceived density and the lack of community support.

15. Yet in stark contrast, the Alderman now champions the OTTP project, which proposes a massive high-rise tower rising nearly 400 feet—more than five times taller than the 1628 proposal—on a narrower, more congested parcel with only one curb cut for vehicular access. The current proposal introduces hundreds of residential units, above-ground parking, and expansive retail uses, and will exert far greater pressure on the neighborhood’s infrastructure, traffic, pedestrian safety, and architectural character. Critically, this high-rise is not an isolated development—it is the centerpiece of a larger, coordinated assemblage of multiple parcels, several of which were rezoned in tandem or in close succession to facilitate and justify the scale of the tower. Specifically, the developer pursued and secured upzoning of contiguous lots along North Avenue and LaSalle Street, including parcels previously occupied by low-rise commercial structures and surface parking. These zoning changes were necessary to accumulate sufficient Floor Area Ratio (FAR) and lot area to qualify for the bulk and height now proposed, effectively transforming a patchwork of smaller, community-scale lots into a single supersized development site.

16. This strategic upzoning campaign included at least two adjacent or nearby parcels—one directly west of the tower site and another fronting LaSalle—each of which was rezoned to a higher-density classification under the pretext of being “supporting” or “accessory” uses. In reality,

these parcels were functionally absorbed into the high-rise site to enable a level of massing that would have otherwise been prohibited. This parcel assembly and rezoning scheme circumvents the very zoning principles that the Alderman invoked to oppose earlier, far smaller developments, including the modest 1628 North Wells proposal. It demonstrates a calculated and developer-driven strategy to escalate density incrementally, without transparency or meaningful community input. The Alderman's reversal—blocking smaller, transit-served developments while enabling a megaproject stitched together through piecemeal rezonings—undermines the credibility of the City's planning framework and highlights the absence of any consistent or principled land use rationale. It also sets a dangerous precedent for further vertical encroachment throughout Old Town by signaling that zoning restrictions are malleable so long as political support is secured.

17. This inconsistency reveals a profound departure from the planning principles Alderman Hopkins previously claimed to uphold. If the 1628 proposal was inappropriate for Old Town due to its moderate height and density, then the vastly larger and more disruptive OTTP development is indefensible by any consistent application of those same criteria. The stark disparity in treatment undermines the credibility of the approval process and suggests that political considerations—not objective planning standards—are driving land use outcomes in the Old Town neighborhood.

18. In response to the overwhelming public backlash—including polling data showing that more than 80% of local property owners opposed the project—Alderman Hopkins and the developers introduced a so-called “compromise” that was, in reality, nothing more than a calculated public relations maneuver. Alderman Hopkins publicly claimed that the building had been “reduced in size,” suggesting a meaningful concession in response to community concerns. This claim was patently misleading. While the revised proposal nominally reduced the building's height by a few stories, it significantly increased the building's width and overall footprint,

resulting in a structure that was not smaller, but in many ways larger, bulkier, and even more intrusive than the original version. The amendment did nothing to address the core issues raised by residents, including traffic congestion, architectural incompatibility, pedestrian safety, and loss of light and air. Instead, it merely shifted the mass laterally, exacerbating the project's adverse impacts on adjacent properties and public spaces. The so-called "compromise" was a rhetorical sleight of hand—an attempt to deflect criticism and create the illusion of responsiveness, while in substance, the development remained grossly out of scale and deeply harmful to the character and livability of the Old Town neighborhood.

19. Alderman Hopkins made these claims only after public polling by the Old Town Association revealed overwhelming community opposition to the project—with over 80% of nearby property owners expressing disapproval. His statements were an attempt to placate mounting backlash, not a reflection of any genuine modification to the project's scale or impact. Rather than responding with meaningful revisions, the alderman resorted to political cover, attempting to reframe the project in ways that contradicted its actual expansion.

20. To further compound the lack of transparency and to deliberately mislead the public, the community outreach process was not only grossly inadequate—it was fundamentally deceptive. The website purportedly created to facilitate public input was, in truth, a tightly controlled propaganda tool operated by the developer and its public relations team. Rather than fostering open dialogue, the platform actively suppressed dissent: critical comments were deleted, opposing viewpoints were blocked or filtered, and the illusion of widespread community support was carefully manufactured. Any genuine expression of concern by residents was either silenced or buried, making the process a mockery of public engagement. This was not outreach—it was manipulation. The entire effort was engineered to create a false narrative of acceptance, while

excluding the very voices most affected by the project. Such conduct is not just disingenuous; it is antithetical to the principles of democratic planning and procedural fairness that the City of Chicago is legally and ethically bound to uphold

21. The approved development imposes severe and foreseeable burdens on traffic flow and pedestrian safety within Old Town's already congested corridors. Old Town's narrow, historic streets and sidewalks were never designed to accommodate the volume and scale of vehicle and foot traffic generated by a nearly 400-foot tower with hundreds of residential units, retail uses, and above-ground parking. This strain threatens the safety of pedestrians—including children, seniors, and people with disabilities—who rely on safe crossings and walkable streets. Emergency vehicle access is likewise jeopardized by the project's limited ingress and egress points.

22. The proposed high-rise development is starkly inconsistent with Old Town's historic character and urban fabric. The neighborhood is renowned for its well-preserved architectural heritage, low- and mid-rise building stock, and human-scale streetscapes that promote walkability and community cohesion. The tower's disproportionate height, bulk, and massing, disrupt the visual continuity and threaten to overshadow landmarks and cherished public spaces. Such a development disrespects the neighborhood's identity and undermines decades of thoughtful preservation and planning efforts.

23. The Zoning Decision is arbitrary, capricious, and without a rational basis when analyzed under the well-established Illinois Law.

COUNT I

DECLARATORY JUDGMENT – INVALID ZONING DECISION

24. Plaintiff realleges and incorporates Paragraphs 1 through 22 as if fully set forth herein.

25. Under Illinois law, a zoning ordinance is invalid if it bears no real or substantial relation to the public health, safety, morals, or general welfare. This principle was firmly established by the Illinois Supreme Court in *LaSalle National Bank v. County of Cook*, 12 Ill. 2d 40, 46 (1957), and reaffirmed in subsequent cases such as *Cosmopolitan National Bank v. City of Chicago*, 103 Ill. App. 3d 601, 607 (1st Dist. 1981). A zoning decision that is arbitrary, capricious, or lacking in a rational basis violates constitutional protections and must be declared void.

26. The Illinois Supreme Court in *LaSalle National Bank v. County of Cook*, 12 Ill. 2d 40 (1957), sets forth the following factors to evaluate zoning validity:

- a. The existing uses and zoning of nearby property;
- b. The extent to which property values are diminished by the zoning restrictions;
- c. The extent to which the destruction of property values promotes the public welfare;
- d. The relative gain to the public as compared to the hardship imposed on the individual property owner;
- e. The suitability of the property for the zoned purposes;
- f. The length of time the property has been vacant as zoned, considered in the context of land development in the area;
- g. The community need for the proposed use; and
- h. The care with which the community has undertaken its planning.

27. Courts evaluate zoning validity using several key factors established in *LaSalle* and its progeny. The Zoning Decision here fails on multiple fronts.

The Existing Uses and Zoning of Nearby Property

28. The Old Town neighborhood is characterized by its low- and mid-rise building forms, historic architecture, and intimate urban scale. The area is comprised largely of 2- to 6-story walk-ups, townhomes, and mixed-use buildings, many of which date back to the 19th and early 20th centuries. These structures form a consistent urban rhythm that supports walkability, community interaction, and architectural continuity. Old Town's charm and identity are rooted in this cohesive scale and historic preservation ethos.

29. While a few high-rise buildings—such as James House, Americana Towers, and 1660 N. LaSalle—do exist, they were constructed over fifty (50) years ago under a fundamentally different zoning environment and with deliberate urban planning to manage their integration. These towers were spaced intentionally to avoid canyon effects and preserve open air corridors. Since their construction, the city has moved away from such vertical intensity in Old Town, precisely to prevent the over-densification of a neighborhood prized for its human-scale design.

30. In 1987, the City of Chicago formally downzoned the subject parcel following the construction of Eugenie Terrace, recognizing the need to limit further high-rise encroachment and to enforce the principles of the Lakefront Protection Ordinance. That policy shift reflected widespread community concern over the loss of Old Town's identity and the strain that high-rise density placed on local infrastructure, mobility, and open space. The downzoning was not arbitrary—it was a reasoned, community-driven response to the threat of vertical overreach.

31. OTTP's proposed tower stands in direct contradiction to decades of thoughtful planning and community intent. The project would span 214 linear feet along North Avenue—an unusually long frontage for such a narrow 88-foot-wide lot—and rise to nearly 400 feet in height. This massing is incompatible with its surroundings and would generate severe environmental effects, including wind turbulence at the pedestrian level, prolonged shadows over adjacent properties, and increased traffic congestion. The height and bulk disregard the established urban fabric and the constraints that define responsible development in this district.

32. Perhaps most concerning is the site's sole point of access via North LaSalle Street. The proposed development offers only a single curb cut for ingress and egress, with no secondary or service access. This design flaw creates a dangerous chokepoint for emergency vehicles, delivery trucks, rideshare traffic, and resident entry. It will funnel all traffic activity through one narrow

outlet in a neighborhood known for its pedestrian density, proximity to Lincoln Park, and nearby schools and churches. This presents a clear and unacceptable risk to public safety and violates best practices in urban site planning.

The Extent to Which Property Values Are Diminished

33. The proposed tower directly and materially threatens the value of Plaintiff's property at 1660 N. LaSalle and the nearby townhomes that rely on light, air, and spatial separation for their market appeal and habitability. The introduction of a nearly 400-foot vertical structure on an 88-foot-wide lot will dramatically alter the environmental, visual, and functional dynamics of the block. Real estate values are inherently tied to the setting and character of a property. The scale and placement of this development degrades both. The proposed project will result in other significant and quantifiable reductions in property value. These include: (1) increased noise pollution from above-ground parking structures, intensified traffic volumes, and construction staging immediately adjacent to Plaintiff's property; (2) diminished privacy for residents due to direct sightlines from the proposed tower into existing residential units and rooftop amenities; (3) reduced desirability of common areas, which will be subjected to wind shear, and shadowing; (4) decreased air quality due to emissions from concentrated traffic flow and idling vehicles in a confined curb cut area directly opposite the building entrance; and (5) greater long-term maintenance costs and insurance risks associated with living next to an oversized development that could compromise structural integrity through construction vibrations, excavation impacts, or altered drainage patterns. Collectively, these impacts will erode the quiet enjoyment, marketability, and long-term investment value of Plaintiff's units and those of similarly situated property owners, constituting a de facto diminishment of property rights.

34. These intrusions represent a significant diminishment in the use, enjoyment, and value of Plaintiff's property, raising serious concerns of a regulatory taking without just compensation. While Plaintiff does not claim a literal taking under eminent domain, the zoning change allows private development to intrude on Plaintiff's property rights in a manner so severe that it undermines long-established expectations and reasonable investment-backed reliance interests.

35. The planning process further compounds these harms through its lack of transparency and procedural irregularities. For example, the temporary relocation of Walgreens—a major driver of pedestrian and vehicular traffic—was not included in the traffic impact study that was released only two days before the Plan Commission vote. This is not a minor oversight. Walgreens' operation has direct implications for vehicle queuing, loading, and site circulation. The exclusion of this variable from the study undermines the validity of the traffic analysis and casts doubt on the integrity of the entire zoning review. It exemplifies a rushed and opaque process that prioritized development speed over public scrutiny.

Whether the Harm to Property Values Serves the Public Good

36. The proposed development offers no measurable public benefit in terms of community-serving infrastructure or amenities. There is no contribution to public schools, no creation or dedication of parkland, and no confirmed tenancy for a grocery store or medical facility. The developer has made no commitment to providing essential services that the neighborhood needs. Rather than addressing genuine public interest, the proposal seeks to satisfy internal density and profitability targets under the guise of urban improvement.

37. The promise of 70 "affordable" housing units is misleading and ultimately unenforceable as a long-term benefit. Under Section 2 of Chicago's Affordable Requirements Ordinance (ARO), such units can legally revert to market rate upon tenant turnover, meaning the affordability exists

only transiently. In a high-turnover rental market like downtown Chicago, this renders the promise nearly meaningless. These are not deeply affordable units targeted at Old Town’s workforce, seniors, or moderate-income families—they are temporary compliance units designed to meet minimum thresholds and enable bonus density.

38. The so-called “Go Shop” strategy to attract a grocer tenant is, at best, speculative and, at worst, a calculated distraction. The term “Go Shop” originates from private equity mergers and signals a passive approach to tenant acquisition. There is no signed lease, letter of intent, or even a feasibility study submitted to the public record confirming the viability of a full-service grocery store on this site. The idea appears tailored more to appease community skepticism than to reflect a concrete plan for serving neighborhood needs. Public benefits are further undermined by site-specific traffic infrastructure expenditures—\$1.2 million worth of curb cuts, bump-outs, lane closures, and relocated CTA stops—designed to make the project functional but offering no benefit to the broader public.

39. The developer touts \$1.2 million in “public realm” improvements—such as curb cuts, bump-outs, lane shifts, and relocated CTA bus stops—as public benefits, but in reality, these are narrowly tailored site modifications that serve only the internal functioning of the project. These expenditures are not additive to the public good; they are compensatory adjustments required to make the flawed scale of the building fit within an unaccommodating streetscape. These are sunk costs of overdevelopment, not contributions to a resilient or inclusive urban fabric.

40. Such infrastructure alterations are site-serving in nature, not community investments. They fail to address broader neighborhood infrastructure needs, including pedestrian safety, bike infrastructure, school overcrowding, or stormwater management. No part of this expenditure improves the community’s access to public goods or enhances its resilience. In fact, these

interventions are more likely to increase congestion, risk, and confusion along North Avenue and LaSalle, two already overburdened corridors.

41. OTTP has also quietly amassed over 200,000 square feet of development rights through air rights transfers and undisclosed lot mergers, enabling the developer to justify a Floor Area Ratio (FAR) of 5—far in excess of what historical zoning supports in this neighborhood. This speculative accumulation of density rights circumvents traditional community planning safeguards and creates a dangerous precedent. It opens the door for even larger projects on adjacent parcels, including over gas stations, low-rise retail, and historically significant sites like Piper’s Alley. This is not organic growth, it is zoning manipulation for vertical sprawl with no clear end.

The Relative Gain to the Public Compared to the Hardship to Property Owners

42. The project offers minimal and vaguely defined public benefits—such as enhanced sidewalks, undefined retail space, and speculative economic activity—while imposing clear, immediate, and measurable hardships on neighboring residents and property owners. These so-called “improvements” are not true public benefits in the legal or planning sense. The widened sidewalks and curb alterations are narrowly tailored to support the project’s own functionality, not to address a broader community infrastructure need. Similarly, the promised retail component lacks any guarantee as to use, tenancy, or accessibility, and may consist of boutique or luxury outlets inaccessible to most neighborhood residents. There is no school funding, no public open space, no new community facility, and no enforceable grocery store lease. Moreover, the “affordable housing” component consists of a limited number of ARO-mandated units that may revert to market rate after tenant turnover. These benefits are temporary, minimal, and illusory.

43. In contrast, the harm to residents and the surrounding community is direct, long-term, and irreversible. Plaintiff’s members will suffer a substantial loss privacy, and skyline due to the

tower's overwhelming height and bulk. Pedestrian safety and vehicular congestion will worsen dramatically, as the building's single curb cut on LaSalle becomes a bottleneck for deliveries, ride-shares, and emergency vehicles. Residents will endure years of construction-related noise, dust, vibration, and blocked access. Property values will be diminished due to traffic overload, and a departure from the aesthetic and historic character of the neighborhood. This measurable harm far outweighs the speculative and superficial benefits touted by the developer. As such, the balance of equities weighs overwhelmingly in favor of preserving the current zoning, which was adopted deliberately to protect the scale, safety, and livability of the Old Town neighborhood.

The Suitability of the Site for the Proposed Use

44. The subject parcel is exceptionally narrow, measuring only approximately 88 feet in width, and is flanked by buildings of historic and architectural significance. It is located at a highly constrained intersection of North Avenue and LaSalle Street, both of which are already heavily trafficked and structurally incapable of supporting a large influx of additional vehicles or construction burden. The lot does not offer sufficient frontage or breathing room to reasonably accommodate a high-rise without disrupting the neighborhood's established scale and rhythm. No reasonable planner would propose a 36-story tower with above-ground parking and only one access point at this site.

45. No reasonable urban planner or traffic engineer would endorse placing a 36-story tower—with above-ground parking for hundreds of vehicles—on a site with only one ingress and egress point via LaSalle Street. This limited access point will become a chokehold for residents, visitors, delivery vehicles, and emergency services, particularly in an area surrounded by dense pedestrian foot traffic, parks, and local institutions such as schools and churches. It presents a serious threat to public safety and fails to align with any principles of responsible urban design.

46. The site's infrastructure is wholly insufficient to support a vertical, high-density development of this magnitude. There is no existing street grid capable of handling the traffic loads, nor is there adequate transit, loading zones, or pedestrian buffer space. The surrounding zoning context—predominantly residential and mid-rise—offers no meaningful transition to a structure of this height and bulk. Such a project belongs, if anywhere, in a central business district or major transit node, not in a fragile, community-scaled enclave like Old Town.

47. A contextual development—such as a 4- to 6-story mixed-use building with ground-floor retail and underground parking—would allow the developer to profit while preserving the character and function of the neighborhood. Such alternatives are feasible under the current zoning and would likely enjoy community support if approached with transparency and good faith. There is no legitimate reason this parcel cannot be developed profitably and attractively within the framework that already exists.

Whether the Property Has Languished Under Current Zoning

48. The site has not languished under current zoning. On the contrary, the parcel remains commercially active, serves a clear public function, and contributes to the vibrancy of the neighborhood. The fact that it has not been redeveloped to its maximum potential is not evidence of stagnation; rather, it reflects the community's expectations and the site's natural limitations within a historic district.

49. Walgreens remains operational on the site, offering pharmacy, retail, and health services to Old Town residents and neighboring communities. The surrounding block is heavily utilized by pedestrians and vehicles alike. Local businesses, transit access, and proximity to the lakefront and Lincoln Park make this one of the most walkable and economically active corners in the city. There is no indication that the property has failed to serve its purpose under current zoning classifications.

50. OTTP has made no meaningful effort to develop a project within the constraints of current zoning. The developer's strategy from the outset has been to propose a radically overbuilt structure, incompatible with neighborhood context, and to push it through via zoning map amendments, air rights transfers, and site assemblies. The firm has not presented or publicly vetted a viable as-of-right proposal, nor has it engaged with the community around realistic alternatives. This evidences a desire not to serve community needs, but to extract speculative value through zoning escalation.

51. The pursuit of greater financial yield via rezoning does not establish that the property is "underutilized" in a legal or planning sense. Zoning exists to guide land use according to principles of compatibility, infrastructure, and public welfare—not to guarantee maximum developer profit. There is no inherent entitlement to upzone simply because a more lucrative use is possible. The property continues to be viable and functional under the current zoning, and any assertion of "languishing" is a strategic fiction crafted to justify a speculative, oversized project.

The Community Need for the Proposed Use

52. There is no demonstrated community need for this luxury high-rise. The Old Town neighborhood already has sufficient residential, retail, and parking capacity to serve its population. The proposed project does not address unmet needs for public infrastructure, essential services, or middle-income housing. The claim of adding affordable units is illusory, as those units can legally revert to market rate after turnover, offering no lasting solution to affordability concerns. The community's needs for walkability, open space, safety, and contextual development are not met—in fact, they are actively undermined by the project.

The Care with Which the Community has Undertaken its Planning

53. The City of Chicago has long treated Old Town as a sensitive planning area due to its architectural, historical, and pedestrian character. In 1987, the site in question was intentionally

downzoned after Eugenie Terrace to prevent further high-rise encroachment. OTTP's proposal disregards that history, and the approval process lacked thoughtful planning or consistency with any comprehensive or small-area plan. Instead of following established frameworks, the development relies on parcel assembly, floor area manipulation, and procedural maneuvering to override neighborhood preservation objectives. This lack of planning diligence further supports invalidating the Zoning Decision.

54. For the reasons set forth above, the Zoning Decision bears no substantial relationship to the public health, safety, or welfare. It violates long-standing planning principles, disregards the Lakefront Protection Ordinance, and inflicts significant harm on Plaintiff and the surrounding community. The Zoning Decision is therefore arbitrary, capricious, and unconstitutional as applied to the surrounding neighborhood.

55. The Court should therefore declare the Zoning Decision invalid and unenforceable and restore the zoning classification in place prior to the April 16, 2025 amendment.

COUNT II

INJUNCTIVE RELIEF (PRELIMINARY AND PERMANENT)

56. Plaintiff realleges Paragraphs 1–57 as if fully set forth herein.

57. Plaintiff has a clearly ascertainable right to be free from unlawful zoning actions that infringe upon its property interests, compromise the safety and well-being of its members, and undermine the character and cohesion of the historic Old Town community. Illinois law recognizes that zoning decisions must bear a substantial relationship to the public health, safety, and welfare—and when such decisions are arbitrary, procedurally defective, or executed without proper notice and participation, directly impacted property owners have a legal right to challenge them. Here, Plaintiff's members reside immediately adjacent to the subject property and will be uniquely and

disproportionately affected by the proposed development, which threatens their access to light, air, privacy, and safe mobility. These are not abstract grievances—they are concrete, legally protected interests grounded in constitutional guarantees, local planning ordinances, and decades of land use jurisprudence. The integrity of Plaintiff's property rights and the preservation of the neighborhood's established scale and identity are rights deserving of equitable protection under Illinois law.

58. Plaintiff will suffer irreparable harm if the development is permitted to proceed prior to judicial review of the legality of the Zoning Decision. *The harms are not speculative—they are immediate, ongoing, and incapable of being undone once construction begins. These harms include, but are not limited to:*

1. Severe traffic congestion resulting from the funneling of hundreds of vehicles through a single curb cut on LaSalle Street, creating safety risks for pedestrians, cyclists, and schoolchildren who frequent nearby crosswalks and park areas.
2. Increased noise and disruption from multi-year construction, heavy machinery, nighttime work, and supply deliveries, which will directly impact the quality of life and quiet enjoyment of residents at 1660 N. LaSalle and neighboring properties.
3. Permanent shadowing of amenities, including Plaintiff's swimming pool and sun deck, which are currently marketed and relied upon as vital recreational spaces—features that cannot be replaced or relocated.
4. Diminished property values resulting from the above harms, compounded by the loss of neighborhood character and desirability, which are central to real estate valuation in historically significant districts like Old Town.
5. Destruction of architectural and community cohesion, where a single out-of-scale project disrupts decades of intentional planning, replacing human-scale walkability with a monolithic tower and introducing speculative density that alters the lived experience of the neighborhood.

59. Plaintiff lacks an adequate remedy at law as:

1. Once OTTP begins demolition, excavation, or vertical construction, the physical character of the neighborhood will be irreparably altered.
2. Loss of access to light, air, privacy, and aesthetic character may constitute unique harms that cannot be measured or redressed through monetary relief.

3. The traffic bottleneck, emergency access limitations, and pedestrian safety impacts are imminent and ongoing harms that a court cannot retroactively compensate for.
 4. The development disrupts a carefully planned historic district protected in part by prior zoning down classifications. Once destroyed, this architectural cohesion cannot be recreated or restored through legal remedies.
 5. Plaintiff's harm stems not only from the structure, but from the procedural failure of the City and developer to provide meaningful notice or engagement. The remedy for a due process violation is not money, but a halting of the illegal action and a return to lawful procedure.
 6. The harms are shared collectively by Plaintiff's members and the surrounding neighborhood. Calculating and distributing monetary damages for community-wide disruption would be speculative, impractical, and insufficient.
60. The balance of equities favors Plaintiff, and the public interest would be served by enjoining the proposed development until the legality of the zoning change can be fully heard.

COUNT III

VIOLATION OF DUE PROCESS AND NOTICE REQUIREMENTS

61. Plaintiff realleges Paragraphs 1–56.
62. The Zoning Decision was adopted without providing affected residents with adequate procedural due process, in violation of Article I, Section 2 of the Illinois Constitution and the Due Process Clause of the Fourteenth Amendment to the United States Constitution. Due process requires, at a minimum, that parties whose property interests are directly impacted by government action be given notice and an opportunity to be heard at a meaningful time and in a meaningful manner. In this case, the rights of Plaintiff and similarly situated owners were disregarded in favor of a fast-tracked process driven by the developer's timetable rather than public interest.
63. Neither the City of Chicago nor OTTP provided timely, specific, or reasonably accessible notice to neighboring property owners and community stakeholders whose interests were clearly at stake. The Plan Commission and Zoning Committee hearings proceeded without personal or mailed notice to many residents within close proximity to the subject site, including members of Plaintiff Association. Even where notice was technically posted or published, it was vague,

inaccessible, or buried in procedural materials not reasonably intended to inform ordinary residents. Additionally, key documents—including traffic impact studies and design revisions—were made available only days before public votes, depriving the public of any meaningful opportunity to evaluate or respond to the proposal. As a result, affected residents were functionally excluded from the process.

64. This lack of due process fundamentally undermines the legitimacy of the zoning approval and renders the Zoning Decision void as a matter of law. Courts in Illinois have repeatedly held that procedural defects, including failure to provide adequate notice and opportunity to be heard—can invalidate legislative zoning actions. In this case, the process was not merely imperfect; it was orchestrated in a manner that actively circumvented meaningful community engagement and insulated the developer’s proposal from public scrutiny. Such a process cannot satisfy the basic constitutional requirements of fairness, transparency, and accountability. The Court should therefore declare the Zoning Decision void *ab initio* and enjoin any development activity undertaken pursuant to it.

65. In addition to the City’s general failure to provide Plaintiff and neighboring residents with adequate notice of the zoning amendment, the approval process in this case was subject to enhanced procedural safeguards because the development was processed and approved as a Planned Development (PD) under the Chicago Zoning Ordinance. Unlike standard zoning map amendments, PD applications require an additional procedural step, which in turn triggers specific and heightened notice obligations.

66. Under the Chicago Zoning Ordinance and Department of Planning and Development protocols, when a development is submitted as a Planned Development, the applicant must provide:

1. A Notice of Filing—alerting affected parties that a PD application has been formally submitted for review; and
2. A Notice of Public Hearing before the Chicago Plan Commission, which is a mandatory step in the PD approval process.

67. Additionally, where the proposed development site lies adjacent to or impacts a Condominium Association of 25 or more units, as is the case here, the City and/or the applicant is required to mail notice directly to that association—not merely post signage or rely on public postings. This requirement is codified to ensure that large-scale developments with wide-reaching impacts provide actual and timely notice to organized residential bodies capable of voicing collective concern.

68. In this case, no such notice of filing was delivered to Plaintiff, despite Plaintiff being a neighboring condominium association containing over 300 units. Nor did Plaintiff receive direct, written notice of the Plan Commission hearing at which the PD was considered and ultimately advanced. These are not technical oversights; they are procedural failures that deprived Plaintiff of its legal right to participate in the approval process at the most critical junctures.

69. The failure to comply with these PD-specific notice requirements further underscores the City's disregard for due process and procedural fairness. It rendered the process structurally flawed and functionally exclusionary, violating both the Chicago Zoning Ordinance and the constitutional rights of Plaintiff and its members under Article I, Section 2 of the Illinois Constitution and the Fourteenth Amendment of the U.S. Constitution. As such, the zoning decision must be deemed void ab initio, and all development activity undertaken pursuant to it must be enjoined.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Declare that the Zoning Decision adopted on or about April 16, 2025, is invalid and unenforceable;
- B. Enter preliminary and permanent injunctive relief prohibiting any construction, permitting, or site preparation related to the proposed development;
- C. Award Plaintiff its reasonable attorneys' fees and costs;
- D. Grant such other and further relief as this Court deems just and equitable.

Respectfully Submitted,

By: /s/ Tyler J. Geppert
Attorney for Plaintiff

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