

May 3, 2018

President and Board of Trustees  
Village of Oak Park  
123 Madison Street  
Oak Park, Illinois 60302

**Re:      Application of Lexington Homes, LLC for a  
Planned Development at the Northeast  
Corner of Madison Street and Home Avenue  
– PC 18-02**

Dear Trustees:

History of Project.

On or about March 19, 2018, Lexington Homes, LLC, of 1731 N. Marcey Street, Suite 200, Chicago, Illinois 60614 (“Applicant”) filed an application for approval of a planned development on Madison Street between Home Avenue to Clinton Avenue, on property depicted in the application (“Subject Property”), for twenty-one (21) attached-single family homes.

In conjunction with its zoning application, the Applicant requested allowances from the requirements of the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”), for front yard setback, building height, landscaping buffer and rooftop deck railing setback. The Applicant modified its requests pursuant to the direction of the Plan Commission (the “Commission”) as discussed in these findings and recommendation, and the Applicant withdrew its request for a building height allowance. The proposed structures would replace two (2) buildings recently demolished.

Finally as part of this application, the Applicant seeks approval of a Plat of Subdivision, in PC 18-03, in order to create eight (8) new lots, as a mix of townhome lots and common space, to be maintained by a homeowner's association, along with a sidewalk easement and utility easement.

The Application and Notice.

On March 21, 2018, legal notice of the public hearing was published in *The Wednesday Journal*, a newspaper of general circulation in the Village of Oak Park. A notice of the public hearing was posted at the Subject Property and certified letters were also mailed by the Applicant to taxpayers of record for property within three hundred (300) feet of the Subject Property, advising them of the proposal and the public hearing to be held. Pursuant to legal notice, the Commission conducted a public hearing on the application commencing on April 5, 2018, continuing onto April 19, 2018 and May 3, 2018, at which times and place a quorum of the members of the Commission was present. Each voting member of the Commission has listened to a recording of any session(s) for which he or she was absent.

Having heard and considered the testimony and evidence at the public hearing, the Commission makes the following findings of fact:

FINDINGS OF FACT

The Subject Property.

1. The Subject Property is a forty-two thousand (42,000) square foot zoning lot, with approximately three hundred and twenty feet (320') along Madison Street, one hundred and sixty feet (160') along Home Avenue and one hundred feet (100') along Clinton Avenue, located between Home Avenue and Clinton Avenue on the north side

of Madison Street. The Subject Property is located in the MS-Madison Street Zoning District. The Subject Property is currently unimproved.

2. The Subject Property is surrounded by the following uses: to the north, residential dwellings, which are zoned within the R-7 Multiple-Family Zoning District; to the south, Madison Street and commercial and retail uses, which are zoned within the MS Madison Street Zoning District; to the east, Clinton Avenue and commercial and retail uses, which are zoned within the MS Madison Street Zoning District; to the west, Home Avenue and commercial and retail uses, which are zoned within the MS Madison Street Zoning District.

3. The Subject Property is within the boundaries of the Madison Street Corridor Plan, approved by the Village Board of Trustees in June of 2006 (“Corridor Plan”).

4. The Village of Oak Park is the owner of the Subject Property.

5. The Applicant is the contract purchaser of the Subject Property.

#### The Applicant.

6. The Applicant is a Chicago-based developer of residential properties.

7. The Applicant submitted the documentation required pursuant to the requirements of Section 14.5.I. of the Zoning Ordinance.

#### The Project.

8. The Applicant proposes to build twenty-one (21) townhomes on the Subject Property, which is vacant property, previously improved with an Oak Park Elementary School District 97 administrative offices building and a Robinson Ribs commercial building.

### The Requested Site Development Allowances.

9. As part of its planned development, the Applicant seeks a site development allowance to modify the front yard setback build-to-line requirements of Section 5.3, Table 5-1 of the Zoning Ordinance, which requires structures within the MS Madison Street Zoning District to be built within three feet (3') to five feet (5') of Madison Street.

10. Regarding the front yard setback allowance, the Applicant seeks to build structures up to fifteen and a half feet (15.5') from Madison Street, which requires an allowance of ten and a half feet (10.5').

11. As part of its planned development, the Applicant initially sought a site development allowance to modify the building height requirements of Section 5.3, Table 5-1 of the Zoning Ordinance, which requires townhome structures within the MS Madison Street Zoning District to be no taller than thirty-five feet (35'), but the Applicant modified its proposal during the hearing process such that a building height allowance was no longer needed.

12. As part of its planned development, the Applicant seeks a site development allowance to modify the landscape buffer requirements of Sections 11.8(B)(2)(a), (b), (d) and (e) of the Zoning Ordinance, which requires a seven foot (7') deep landscape buffer between a non-residential and residential zoning district.

13. Regarding the landscape buffer allowance, the Applicant seeks complete relief from the landscape buffer requirement for that portion of the development mainly between Clinton Avenue and the north-south alley, which requires an allowance.

14. As part of its planned development, the Applicant seeks a site development allowance to modify the rooftop deck railing setback requirements of Section 9.3(M)(2) of the Zoning Ordinance, which requires that all railings on flat roofs be setback a minimum distance of six feet (6').

15. Regarding the rooftop deck railing setback allowance, the Applicant seeks relief from the requirement, as the open railings are only proposed along the rear of the roof deck, with the other three (3) sides of the roof deck being solid parapet walls, which requires an allowance of six feet (6').

Envision Oak Park Comprehensive Plan.

16. The Envision Oak Park Comprehensive Plan ("Comprehensive Plan") was adopted by the Village's corporate authorities on September 15, 2014 after an extensive public input process.

17. The application primarily affects four (4) recommendation Chapters within the Comprehensive Plan: Chapter 4, "Land Use & Built Environment," Chapter 7, "Neighborhood, Housing and Diversity," and Chapter 13, "Environmental Sustainability."

18. The Comprehensive Plan establishes goals and objectives which set the standards for development, and it discusses the idea of strengthening commercial districts in the Village as well as the symbiotic relationship between economic development and the overall quality of the community.

19. The residential use proposed by the Applicant for the Subject Property supports and strengthens the community and the MS Madison Street Zoning District through patronizing of businesses and adding vibrancy to the Madison Street corridor, and the proposed development fits the goals and objectives of the Comprehensive Plan.

20. Regarding sustainability, the proposed development will be utilizing the Energy Star V3.1 program for all twenty-one (21) townhomes. The Applicant has stated that their units will be built to the same efficiency standard as LEED. A Redevelopment Agreement between the Village of Oak Park and the Applicant requires that the Applicant meet LEED certified points for the development, and the Applicant will have to provide proof via a third-party verification that they have achieved those certification points.

21. Village staff finds that the proposed development follows the Comprehensive Plan.

Corridor Plan.

22. The purpose of the Corridor Plan is to assist in the revitalization of the Madison Street corridor by encouraging a mix of uses, aesthetic improvements, gateway enhancements, and business retention and recruitment strategies for the corridor.

23. The Corridor Plan includes a “Preferred Vision” component, which is the outcome of the public input, steering committee, and a Village Board review process. This component incorporates three (3) Character Districts with detailed nodes, and one Transportation Option, one Streetscape and Open Space option, and one Land Assembly Option.

24. In this particular case, the Subject Property is located within Segment 2, Home Avenue to Oak Park Avenue which is designated as a Neighborhood-Oriented and Mixed Use Character District.

25. This Segment is focused on landscaping and open spaces, historic preservation, small-scale neighborhood commercial uses and residential units. The list of targeted uses for this Segment includes residential uses, including courtyard flats and/or urban townhomes.

26. The Applicant's proposed project offers front yard green/open space along the Madison Street corridor and supports the recommendation of sustainable urban-style townhomes.

Ability of Applicant to Complete Project.

27. The Applicant provided evidence that it has the financial and technical expertise to complete the project. Members of the Applicant's team have undertaken projects of equal or greater financial and technical complexity.

Compensating Benefits.

28. In return for the Village providing allowances from Village regulations, per Section 14.5(E)(2)(a) of the Zoning Ordinance, the Applicant must provide compensating benefits which advance the Village's physical, cultural and social objectives, in accordance with the Comprehensive Plan and other approved plans, by having the Applicant provide specific amenities in the planned development. Some of the compensating benefits of the proposed project are:

- a. All twenty-one (21) townhomes will be built in accordance with the Energy Star V3.1 program, and the townhomes will be built to the same efficiency standard as LEED.
- b. A reduction in impervious surface and thus runoff to adjacent properties.
- c. New curbs, gutters, and wider public sidewalks.
- d. A donation of \$210,000 to the Village's Affordable Housing Fund.

Public Art As Part Of The Development.

29. Section 14.5(E)(2)(c) of the Zoning Ordinance requires that an Applicant provide at least one (1) piece of public art as part of the development. The scope of the public art should be in proportion to the square footage of the development upon review and advice by the Village's partner agency the Oak Park Area Arts Council.

30. The Applicant proposed to satisfy the public art requirement by providing a monetary donation, the amount is yet to be determined, toward a piece of public art to be agreed upon between the Oak Park Area Arts Council and the Village of Oak Park.

The Planned Development Standards.

31. Section 14.5(A) of the Zoning Ordinance sets forth the following objectives for planned developments:

Through the use of allowances in the planned development process, the Village seeks to achieve some or all of the following specific objectives:

1. Create a more desirable environment than may be possible through strict application of other Village land use regulations with the use of creative design, landscape, and/or architectural features.
2. Enhance the existing character and property values of the Village and promotion of the general welfare by ingenious and imaginative designs resulting in a better and more creative use of land.
3. Coordinate the character, the form, and the relationship of structures to one another.
4. Preserve and enhance of desirable site characteristics such as natural topography, vegetation, and geologic features.
5. Maximize the beneficial use of open space.
6. Promote long-term planning pursuant to a site plan that will allow harmonious and compatible land uses or combination of uses with surrounding areas.



7. Promote economic development within the Village.
8. Eliminate blighted structures or incompatible uses through redevelopment, restoration, adaptive reuse, or rehabilitation.
9. Preserve and/or enhance historical and natural resources.

32. Section 14.5(H) of the Zoning Ordinance sets forth the following standards

for planned developments:

1. The proposed development and the use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan and has been considered in relation to any other plans adopted by the Village Board.
2. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety and welfare of the Village.
3. Adequate utilities, road access, parking, drainage, police and fire service, and other necessary facilities already exist or will be provided to serve the proposed development, including access for fire, sanitation, and maintenance equipment.
4. Adequate ingress and egress to the planned development site already exists or will be provided in a manner that adequately addresses additional traffic congestion in the public streets and promotes a safe and comfortable pedestrian environment.
5. The proposed use or combination of uses will not substantially diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses that are permitted by the Zoning Ordinance of the Village.
6. The proposed design and use or combination of uses will complement the character of the surrounding neighborhood.
7. The applicant has the financial and technical capacity to complete the proposed use or combination of uses.
8. The proposed development is economically feasible and does not pose a current or potential burden upon the services, tax base, or other economic factors that affect the financial operations of the Village, except to the extent that such burden is balanced by the benefit derived by the Village from the proposed use.

33. The Commission finds that that allowing twenty-one (21) townhomes at the Subject Property as a planned development permit satisfies the objectives and standards in Sections 14.5(A) and (H), and that approval of the requested planned development permit, and associated allowances, is appropriate.

34. The Commission initially expressed some concern regarding the aesthetics of portions of the townhomes, and encouraged the Applicant to refine and revise the design of the exterior of the townhomes in accordance with the discussion with the Commission during the public hearing, which the Applicant accomplished in the final design presented to the Plan Commission on May 3, 2018.

### **RECOMMENDATION**

Pursuant to the authority vested in it by the statues of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Commission, sitting as a Zoning Commission, hereby recommends to the President and Board of Trustees that the planned development be APPROVED, subject to the following conditions:

1. That except as modified below, the Applicant shall develop the project comprised of a twenty-one (21) townhome use in substantial conformity with the Plans and Specifications submitted with its application or subsequently modified by the Plan Commission. The final architectural plans shall be sealed by the architect of record. The Landscape Plan shall provide for the preservation, care and maintenance of the landscape materials.

2. The townhomes shall be constructed to Energy Star V3.1 standards and shall be verified by a third-party to the Village.

3. That the Applicant shall be responsible for any streetscape improvements which shall be required within the Redevelopment Agreement and Village President and Board of Trustees approval.

4. That the Applicant shall provide the Village with a bond, letter of credit or other security acceptable to the Village in an amount of 110% of the cost of landscape materials and installation, to insure that the landscaping is installed and maintained pursuant to the landscape plan.

5. That upon review and advice of the Oak Park Area Arts Council and approval of the Village Board, the Applicant shall install public art at the planned development site or provided a monetary donation to the Oak Park art fund. The location of the art on the site and its accessibility to the general public will be mutually determined by the Applicant and the Village.

6. That semi-trailer truck traffic is prohibited on Home Avenue and Clinton Avenue. The Applicant shall submit its route for construction traffic, its plan for construction parking, and its demolition and construction schedule to the Village Engineer for his/her review and approval. Construction traffic routes shall be limited to Madison Street and designated streets unless otherwise determined by the Village Engineer.

7. That during construction of the proposed development, the Applicant shall post a conspicuous sign providing a local phone number for the construction manager which interested parties may call to obtain answers to questions about the project and its construction. Such telephone number shall be staffed during normal business hours, Monday through Friday, except legal holidays, by a person with authority to address and

remedy problems, including, but not limited to, traffic, noise, maintenance and landscaping.

8. That the Applicant shall implement a construction related Communications Plan.

9. That the Applicant shall insure that all construction debris remains on the Subject Property and is removed on a regular basis. The Applicant shall also use best efforts to mitigate any offsite dust and debris.

10. That the Applicant meets all timing requirements stated in the Redevelopment agreement.

11. That during construction of the proposed development, the Village designates a staff liaison, and an owner's representative as provided in the Redevelopment Agreement, with whom the Applicant shall reasonably and timely communicate and cooperate.

12. The Applicant shall record with the Cook County Recorder's Office the Planned Development Ordinance, Findings of Fact and plans within 30 days after Village Board approval.

13. That the Applicant provides a list of final exterior building, landscaping and design materials to be approved by the Village prior to building permit submittal, as detailed in the presentation to the Plan Commission and approved by the Village Board of Trustees.

14. Public parking spaces at the northwest corner of Clinton Avenue and Madison Street shall be replaced by parkway and landscaped by the Applicant as directed by the Village.

15. That in the event the Applicant or its successors or assigns fails to comply with one or more of the foregoing conditions and restrictions after 30 days written notice by the Village or its agents, the President and Board of Trustees may thereafter revoke or limit this planned development provided, however, that the Applicant or its successors shall be deemed to have complied if they promptly commence a cure and diligently pursue that cure to completion where such cure is not reasonably susceptible to completion within such 30 day period.

This report adopted by a 7 to 0 to 1 (abstention) vote of the Plan Commission, sitting as a Zoning Commission, this 3rd day of May, 2018.