

October 27, 2020

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

Re: Application of Oak Park Land II, LLC, a limited liability company controlled by Michigan Avenue Real Estate Group, LLC, for a Planned Development on the South side of Lake Street West of Oak Park Avenue, at 835 Lake Street – PC 20-06

Dear Trustees:

History of Project.

On or about October 16, 2020, Oak Park Land II, LLC, a limited liability company controlled by Michigan Avenue Real Estate Group, LLC, of 1259 West Madison Street, Chicago, Illinois 60607 (“Applicant”), filed an application for approval of a planned development on the South side of Lake Street West of Oak Park Avenue, at 835 Lake Street, on property depicted in the application (“Subject Property”), in the R-7 Multi-Family Residential Zoning District, for a multi-family residential development of six (6) floors with eighty-four (84) dwelling units and eighty-eight (88) parking spaces, with an automated teller machine, a/k/a “ATM,” and parking on the ground floor.

In conjunction with its application, the Applicant requests the following five (5) allowances from the strict requirements of the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”):

1. Article 4 (Residential Districts) Table 4-1 (Residential Districts Dimensional Standards-Minimum Lot Area): Relief is requested from the minimum lot area per dwelling unit requirement, which allows forty-eight (48) dwelling units on the Subject Property, to allow for eighty-four (84) dwelling units to be located on the Subject Property, requiring an allowance for an additional thirty-six (36) dwelling units.

2. Article 4 (Residential Districts) Table 4-1 (Residential Districts Dimensional Standards-Maximum Building Height): Relief is requested from the maximum building height requirement, which allows a multi-family building height of forty-five feet (45') on the Subject Property, to allow for a building with a height of seventy-four feet (74'), requiring an allowance of twenty-nine feet (29').

3. Article 4 (Residential Districts) Table 4-1 (Residential Districts Dimensional Standards-Minimum Rear Yard Setback): Relief is requested from the twenty-five feet (25') rear yard setback requirement, to allow for a fourteen foot (14') rear yard setback, requiring an allowance of eleven feet (11').

4. Article 4 (Residential Districts) Table 4-1 (Residential Districts Dimensional Standards-Minimum Interior Side Yard Setback): Relief is requested from the ten feet (10') interior side yard setback requirement, to allow for a five foot (5') interior side yard setback, requiring an allowance of five feet (5').

5. Article 4 (Residential Districts) Table 4-1 (Residential Districts Dimensional Standards-Maximum Building Coverage): Relief is requested from the seventy percent (70%) building coverage requirement, to allow for building coverage of seventy-five percent (75%), requiring an allowance of five percent (5%).

The Application and Notice.

On October 12, 2020, legal notice of the public hearing was published in the *Chicago Tribune*, a newspaper of general circulation in the Village of Oak Park. A notice of the public hearing was posted at the Subject Property and letters were also mailed by the Applicant to property owners for property within three hundred feet (300') of the Subject Property, advising them of the proposal and the public hearing to be held.

Pursuant to legal notice, the Plan Commission ("Commission") conducted a public hearing on the application on October 27, 2020, at which time and place a quorum of the members of the Commission were present.

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 thirty-seven thousand four hundred thirty-five (37,435) square feet zoning lot located on the South side of Lake Street West of Oak Park Avenue, and is commonly known as 835 Lake Street. The Subject Property is located in the R-7 Multi-Family Residential Zoning District. The Subject Property is currently improved with a one (1) story commercial building, used as a drive-through bank facility.

2. The Subject Property is surrounded by the following uses: to the North, the Oak Park Public Library, which is zoned within the I Institutional Zoning District, and Scoville Park, which is zoned within the OS Open Space Zoning District; to the South, across the alley, commercial use and a parking lot, which are zoned within the DT-2 Hemingway Sub-District within the DT Downtown Zoning District; to the East, multi-family

residential uses, which are zoned within the R-7 Multi-Family Residential Zoning District; to the West, multi-family residential uses, which are zoned within the R-7 Multi-Family Residential Zoning District.

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

The Applicant.

4. The Applicant is a developer of residential housing.

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

The Project.

6. The Applicant proposes to build a multi-family residential building of six (6) floors with eighty-four (84) dwelling units in total, with ground floor ATM and parking uses, eighty-eight (88) parking spaces and the other improvements set forth in the application.

The Requested Site Development Allowances.

7. As part of its planned development, the Applicant seeks five (5) site development allowances, as set forth above in the “History of Project.”

Envision Oak Park Comprehensive Plan.

8. 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.

9. The proposed development primarily affects three (3) Chapters within the Comprehensive Plan: Chapter 4, “Land Use & Built Environment,” Chapter 7, “Neighborhoods, Housing and Diversity,” and Chapter 13, “Environmental Sustainability.”

10. The Comprehensive Plan establishes goals and objectives which set the standards for development in the Village of Oak Park, 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. Additional residential use supports and strengthens the community and commercial districts through patronizing of businesses and adding vibrancy to the corridor.

11. In Chapter 4, the Comprehensive Plan discusses opportunities to strengthen the urban fabric by constructing context-sensitive infill development. Village staff finds that the proposed development fits this objective. The Comprehensive Plan also looks to creating appropriate land use transitions, especially those abutting residential uses.

12. The Applicant's proposed development touches on key principles which help in the advancement of Oak Park's vision. The proposed use is specifically identified as a type of desired multiple-family housing within a "TOD" (Transit Oriented Development) Housing Focus Development Area. Therefore, the proposed development fits well within the land use category identified on the Future Land Use Plan for multi-story, multiple-family structures along Lake Street.

13. In Chapter 7, the Comprehensive Plan seeks to ensure the Village Board's and Village Commissions' commitment to diversity and affordable housing opportunities. With the abundance of vintage housing in Oak Park, new housing that is affordable and accessible increases the opportunity a more diverse population.

14. While the proposed development will not offer affordable housing units within the structure, the Applicant will substantially contribute to the Village's affordable

housing fund. The affordable housing funds will be used within the Village to advance the community's affordable housing vision as need and/or programs arise.

15. In Chapter 13, the Comprehensive Plan sets out a list of goals and objectives for environmental sustainability opportunities.

16. Since sustainability is increasingly important in our society, the proposed development will obtain the minimum points to achieve LEED Silver status, though the project will not be registered with the United States Green Building Council. The Applicant will provide proof to the Village via a third-party verification that they have achieved those points / requirements.

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

Greater Downtown Master Plan

18. The Greater Downtown Master Plan ("GDTMP") was adopted by the Village fifteen (15) years ago, and it has not been updated since its adoption in 2005. Further, the future buildout capacity projections in the GDTMP end this year.

19. The Village adopted a Comprehensive Plan in 2014 (Envision Oak Park) which provides current and more relevant guidance. However there is some general relevance to be noted in the GDTMP.

20. The Subject Property is located within the GDTMP area. The GDTMP includes the Downtown Oak Park District, the Pleasant District and the Hemingway District.

21. The Subject Property is between the Downtown Oak Park District and the Hemingway District. The GDTMP was created to provide recommendations that would

enhance the long term retail and residential vibrancy of the area and the public with some certainty of development activities that may occur in the future. The GDTMP provides for a potential build out capacity by 2020, which called for new retail, office, residential, cultural, parking, and rehabbed retail and office development.

22. The Greater Downtown area has exceeded the goal for residential development in this plan. According to the GDTMP's capacity diagram, development that is realistic and economically feasible is fundamental to attract investors.

23. The fundamental purpose of the GDTMP is to fulfill the community's goals and reflects the guiding principles established by the community. The fundamental concepts include: Revitalize Retail, Reduce Traffic Congestion, Improve Transit Usage, Provide Additional Open Space, and Enhance the Pedestrian Environment.

24. The Land Use Framework diagram only addresses the Subject Property as a potential civic or cultural or institutional development. At that time there was a hope for creating a cultural center in this area. Since then, the Subject Property has been rezoned to provide opportunities for TOD multiple family development adjacent the Hemingway Business District.

25. Village staff finds that the proposed development follows the GDTMP.

Ability of Applicant to Complete Project.

26. 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.

27. 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. The removal of two driveways and curb cuts on Lake Street and construction of curbs, gutters and other public improvements related to the reconstruction in the public right of way as a result of the driveways.
- b. The removal and replacement of the public walk along the entire North property line of the Subject Property along Lake Street.
- c. The addition of three (3) parking spaces along Lake Street as a result of the removal of two driveways as noted in Item a.
- d. The donation of sixteen (16) parking spaces in Village Parking Lot 96 located at 822 North Boulevard for a period of five (5) years. At the expiration of the five (5) year period, the Applicant shall assess the parking needs of the Building, and in coordination with Village staff, determine the allocation of parking on this Parking Lot. The Applicant's estimate of value for this donation is \$70,400.
- e. The provision of an easement for the benefit of the 815 Lake Street Condominium Association and its residents along the East property line of the Subject Property.
- f. Construction of a concrete walkway from Lake Street to the rear of the building for use by the residents at 815 Lake Street so as to access their west facing stairs and decks. It should be noted that the stairs cited in this Item f. are the second means of egress for the west facing units at the 815 Lake Street Condominium.
- g. A private tree restitution payment for the removal of existing trees located on site required to accommodate the proposed building. Per the "Private Tree Restitution Report" prepared by the Village's Forestry Department this payment will total \$15,951.68.

- h. A monetary donation to the Village's Affordable Housing Fund of \$100,000, which is in addition to the Applicant's \$900,000 Affordable Housing Fund payment required in the Village Code.

Public Art As Part Of The Development.

28. 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. A contribution to the Oak Park art fund is also an option. In either case, the scope of the public art or contribution 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.

29. Upon review and advice of the Oak Park Area Arts Council and approval of the Village Board, the Applicant will install public art at the Subject Property or provided a monetary donation to the Oak Park art fund. The location of the art on the Subject Property and its accessibility to the general public will be mutually determined by the Applicant and the Village.

The Planned Development Standards.

30. 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.
31. 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.

32. During the public hearing, the Commission heard testimony and considered evidence about the proposed development.

33. The Commission finds that the site development allowances requested for the proposed development are appropriate under the Zoning Ordinance because the allowances, if granted, will permit an appropriate project to be built and operated on the Subject Property that will enhance and enliven the Lake Street corridor.

34. Further, the Commission concurs with, and incorporates, the findings of Village staff regarding the proposed development.

35. In summary, the Commission finds that by allowing the proposed development at the Subject Property as a planned development satisfies the objectives and standards in Sections 14.5.A. and 14.5.H. of the Zoning Ordinance, and that approval of the requested planned development permit, and associated allowances, is appropriate.

RECOMMENDATION

Pursuant to the authority vested in it by the statutes 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, by a vote of 5-2, 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 eighty-four (84) multi-family residential dwelling units and ancillary parking uses in substantial conformity with the Plans and Specifications submitted with its application as subsequently modified in accordance with the Zoning Ordinance. 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. That the Applicant shall use the LEED sustainability rating system and obtain a LEED Silver rating for the project from the U.S. Green Building Council. At the building permit stage, the Applicant shall provide the Village with its LEED checklist and details of how the LEED Silver rating will be achieved.

3. 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 upon submittal of a building permit application.

4. 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 provide 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.

5. That the Applicant shall remove all of the Village-related signage and identification markings from Village Parking Lot 96 when and as directed by the Village, prior to the issuance of a Village-issued certificate of occupancy for the project.

6. The Applicant shall use its best efforts to install a gate and security improvements on the Eastern border of the Subject Property as part of the project.

7. That six (6) to twelve (12) months after eighty-five percent (85%) occupancy of the planned development, the Applicant shall meet with Village staff after holding a meeting with interested neighbors to determine their concerns with traffic and parking issues, if any, generated by the project. The Applicant shall review traffic and parking concerns generated by the project at these meetings with neighbors and Village staff. If these post construction traffic and parking meetings yield Village staff recommendations that any measures should be taken to correct any unforeseen traffic or parking issues that have been caused by the project, the Applicant shall implement said recommendations within six (6) months after the study has been completed.

8. That the Applicant shall require unified window treatments for all units.

9. That semi-trailer truck traffic is prohibited on Lake Street to the West of the site and Oak Park Avenue South of Lake Street. Construction traffic routes shall be limited to Lake Street to the East of the site Oak Park Avenue north of Lake Street and North Boulevard to and from the alleys behind the site, unless otherwise determined by the Village Engineer. 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.

10. 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.

11. That the Applicant shall implement a construction related Communications Plan and provide this information to the Village and surrounding property owners prior to construction.

12. 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.

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. That during construction of the proposed development, the Village designates a staff liaison, with whom the Applicant shall reasonably and timely communicate and cooperate.

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

16. 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 thirty (30) days written notice by the Village or its agents, the President and Board of Trustees may thereafter revoke or limit this planned development permit, 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 thirty (30) day period.

This report adopted by a 6 to 1 vote of the Plan Commission, sitting as a Zoning Commission, this 27th day of October, 2020.