

December 16, 2021

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

**Re: Application of Oak Park Residence
Corporation for a Planned Development on
the South side of Van Buren Street West of
Austin Boulevard, at 7 Van Buren Street – PC
21-06**

Dear Trustees:

History of Project.

On or about August 23, 2021, Oak Park Residence Corporation, of 21 South Boulevard, Oak Park, Illinois 60302 ("Applicant"), filed an application for approval of a planned development on the South side of Van Buren Street West of Austin Boulevard, at 7 Van Buren Street, on property depicted in the application ("Subject Property"), in the R-7 Multi Family Zoning District, for a multi-family residential development of six (6) floors with forty-five (45) dwelling units and seventeen (17) parking spaces.

In conjunction with its application, the Applicant requests the following seven (7) allowances from the strict requirements of the Village of Oak Park Zoning Ordinance ("Zoning Ordinance"):

1. Article 4 (Residential Districts) Section 4.3 (Dimensional Standards) Table 4-1 (Residential Districts Dimensional Standards): Relief is requested from the maximum building height requirement, which allows a building height of forty-five feet (45') on the

Subject Property, to allow for a building with a height of seventy-one feet ten inches (71' 10"), requiring an allowance of twenty-six feet ten inches (26' 10").

2. Article 10 (Off-Street Parking & Loading) Section 10.4 (Required Off-Street Vehicle and Bicycle Parking Spaces) Table 10-2 (Off-Street Vehicle and Bicycle Parking Requirements): Relief is requested from the thirty-four (34) required parking spaces, to allow for seventeen (17) parking spaces, requiring an allowance of seventeen (17) parking spaces.

3. Article 4 (Residential Districts) Section 4.3 (Dimensional Standards) Table 4-1 (Residential Districts Dimensional Standards): Relief is requested from the minimum lot area requirements, which require a thirty-five thousand one hundred (35,100) square foot lot to build the proposed forty-five (45) dwelling units, to allow forty-five (45) dwelling units to be built on a lot of eleven thousand eighty-five (11,085) square feet (on which ten (10) dwelling units may be built as of right), requiring an allowance of twenty-four thousand fifteen (24,015) square feet (on which the additional thirty-five (35) dwelling units may be constructed).

4. Article 4 (Residential Districts) Section 4.3 (Dimensional Standards) Table 4-1 (Residential Districts Dimensional Standards): Relief is requested from the interior side yard setback requirement of nine feet and five hundredths of an inch (9.05'), to allow for a building to be built within nine inches (9") from the interior side yard setback lot line, requiring an allowance of approximately eight feet and three inches (8' 3").

5. Article 4 (Residential Districts) Section 4.3 (Dimensional Standards) Table 4-1 (Residential Districts Dimensional Standards): Relief is requested from the rear yard setback requirement of twenty-four feet and six inches (24' 6"), to allow for a building to

be built within one foot and six inches (1' 6") from the rear yard setback lot line, requiring an allowance of twenty-three feet (23').

6. Article 4 (Residential Districts) Section 4.3 (Dimensional Standards) Table 4-1 (Residential Districts Dimensional Standards): Relief is requested from the maximum building coverage of seventy percent (70%), to allow for a building to be built with coverage of eighty five and seventeen hundredths percent (85.17%), requiring an allowance of fifteen and seventeen hundredths percent (15.17%).

7. Article 10 (Off-Street Parking & Loading) Section 10.7 (Required Off-Street Loading Spaces) Table 10-4 (Off-Street Loading Requirements): Relief is requested from the one (1) required loading space / dock, to allow for zero (0) loading spaces / dock, requiring an allowance of one (1) loading space / dock.

The Application and Notice.

On September 22, 2021, 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 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 7, 2021, November 4, 2021, December 2, 2021 and December 16, 2021, 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 an eleven thousand eighty-five (11,085) square feet zoning lot located on the South side of Van Buren Street West of Austin Boulevard, and is commonly known as 7 Van Buren Street. The Subject Property is located in the R-7 Multi Family Zoning District. The Subject Property currently has a twelve (12) unit apartment building with a surface parking lot.

2. The Subject Property is surrounded by the following uses: to the North, a residential apartment building, which is zoned within the R-7 Multi Family Zoning District; to the South, a residential condominium building, which is zoned within the R-7 Multi Family Zoning District; to the East, Columbus Park in the City of Chicago; to the West, single-family residential homes, which are zoned within the R-4 Single Family Residential Zoning District.

3. The Applicant is the owner of the Subject Property.

4. In a related request, the Applicant requests that the Village vacate a one hundred twenty-two and fifty-two hundredths feet (122.52') by fifteen feet (15') portion of the Van Buren Street right-of-way abutting the Subject Property to the North, to allow the Subject Property to expand over this area so the building may be built over it. The Commission addressed this request in separate Findings of Fact adopted at the same meeting as these Findings of Fact.

The Applicant.

5. The Applicant is an owner and operator of housing in the Village.

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

The Project.

7. The Applicant proposes to build a multi-family residential building of six (6) floors with forty-five (45) dwelling units and seventeen (17) parking spaces and the other improvements set forth in the application, with twenty percent (20%) of the units being affordable and with the building being a “net zero” energy structure.

The Requested Site Development Allowances.

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

Envision Oak Park Comprehensive Plan.

9. 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.

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

11. 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.

12. In Chapter 4, the Comprehensive Plan discusses opportunities to strengthen the urban fabric by constructing context-sensitive infill development. The

Comprehensive Plan also looks to creating appropriate land use transitions, especially those abutting residential uses.

13. Chapter 4 of the Comprehensive Plan includes a future land use map that suggests only multiple family use should be retained or constructed along Austin Boulevard, including the Subject Property. This Chapter also examines opportunities near rail transit stations for housing developments. In fact, the Subject Property is located within the “Austin / Lombard Blue Line housing focus area.” According to the Comprehensive Plan, “One of the primary goals of the US Department of Housing and Urban Development (HUD), who funded the comprehensive plan, is to establish local policies that support the development of accessible and affordable housing with safe and easy access to transit.” Village staff finds that the proposed development for the Subject Property supports this goal.

14. In Chapter 7, the Comprehensive Plan seeks to sustain and broaden diversity and integration throughout the Village. Among other opportunities, the Comprehensive Plan speaks to boards and commissions reflecting the communities commitment to diversity and affordable housing.

15. The proposed mixed-income housing proposal on the Subject Property, with twenty percent (20%) of the units being affordable, will blend affordable housing units with market rate housing units creating an integrated housing option within the Village, and one that is in a transit-oriented development (TOD) area.

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

17. With this development, the Applicant is proposing to construct a nationally leading-edge sustainable building on the Subject Property. In lieu of pursuing formal LEED certification, this project is designed to achieve the more rigorous Passive House Institute US PHIUS+ Certification and will also achieve Zero-Energy Building performance. If approved, ongoing performance monitoring will be conducted in accordance with the Performance Monitoring / Verification Plan found in the application

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

Planning Together Business District Plan.

19. The Planning Together Business District Plan was adopted by the Village Board in 2003. Even though it was written several years ago, it still remains somewhat relevant and is reflective of the current Comprehensive Plan.

20. The Planning Together document suggests that at the Eastern Gateway area, Harrison Street at Austin Boulevard: “The beautiful eastward vistas provided by Columbus Park will be captured by residents in high density buildings at the intersection [Austin Boulevard and Harrison Street] and along Austin Boulevard.” It further states, “Density increases of six to ten stories north of Harrison [Street] should be limited to buildings adjacent to Austin [Boulevard].”

21. While the diagram in the Plan depicts an area a few lots to the north of Harrison Street, Village staff finds that the concept of taller and higher density buildings fronting Columbus Park between Harrison Street and Van Buren Street seems very compelling from a planning perspective.

Ability of Applicant to Complete Project.

22. The Applicant provided evidence that it has the financial and technical expertise to complete the project.

Compensating Benefits.

23. 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. Twenty percent (20%) of the dwelling units, nine (9) in total, will be affordable.
- b. The building will be a "net zero building."
- c. The Applicant will acquire fifteen feet (15') of Village right-of-way North of the Subject Property.
- d. Sidewalks, curbs, alleys and streets impacted by the development will be rebuilt.

Public Art As Part Of The Development.

24. 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.

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

The Planned Development Standards.

26. 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.

27. 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.

28. During the public hearing, the Commission heard testimony and considered evidence about the proposed development, including many written comments and hours of oral testimony from persons in support, and opposed to, the development.

29. Objections to the development include that the building is too tall, too dense, lacks adequate parking, would negatively affect a historic landmark to the South, would adversely impact the neighborhood, lacks adequate loading space, has an insufficient garbage collection plan, lacks adequate setbacks and has too much lot coverage.

30. Regarding building height, the objectors claim that the building is too tall. The Commission finds that the building's height is appropriate, as the Planning Together Business District Plan notes that buildings in the vicinity of the Subject Property could be appropriately built at a height of "six to ten stories."

31. Regarding building density, objectors claim that the building has too many units. The Commission finds that the building's unit count is appropriate for the same reasons as the building's height, as set forth above.

32. Regarding parking, the objectors claim that the building lacks adequate parking and will exacerbate existing parking issues in the neighborhood. The Commission finds that the parking provided in the building is adequate given that (a) the project is close to mass transit, including a CTA bus route and the CTA Blue Line, (b) the Applicant intends to market the building as a transit-oriented project, and (c) the parking space ratio in the building is similar to another building owned and operated by the Applicant on the same block.

33. Regarding adverse impacts on the historic landmark, the objectors claim that the building would negatively impact the historic landmark to the South. The Commission finds that the building would not adversely impact the historic landmark to the South, as the Historic Preservation Commission reviewed the proposed building and

its location adjacent to the historic landmark, and the Historic Preservation Commission was favorable towards the project.

34. Regarding adverse impacts on the neighborhood, the objectors claim that the proposed building would be a net negative impact on the surrounding area. The Commission finds that the benefits of the building, including its affordable housing units, net zero energy operations and design, far outweigh any slight negative impacts that may occur within the neighborhood.

35. Regarding lack of adequate loading space, the objectors claim that the proposed building would not adequate space for the loading and unloading of passengers, freight and materials. The Commission finds that there would be adequate space for loading.

36. Regarding garbage collection, the objectors claim that the proposed building lacks an adequate garbage collection program. The Commission finds that the garbage collection program proposed by the Applicant is adequate and will not unduly disrupt the neighborhood.

37. Regarding setbacks and lot coverage, the objectors claim that the building is too close to adjoining buildings and covers too much of the Subject Property. The Commission finds that while the building has a large footprint, and covers almost all of the Subject Property, that the building is not out of character or dimension with the neighborhood and is an appropriately sized structure for the area.

38. In light of the findings above, the Commission finds that the site development allowances requested by the Applicant for the proposed development are reasonable and appropriate under the Zoning Ordinance because the site development

allowances, if granted, will permit an appropriate development to be built and operated on the Subject Property.

39. The Commission finds that the proposed development meets the standards for a planned development in the Zoning Ordinance and furthers the goals of Comprehensive Plan, particularly because the development has affordable housing units and features a net zero building.

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

41. 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 to 3 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 forty-five (45) multi-family residential dwelling units and seventeen (17) parking spaces in substantial conformity with the Plans and Specifications submitted with its application as subsequently modified in accordance with the Zoning Ordinance, as presented to the Commission on December 16, 2021. 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. Repairs and restoration of rights-of-way shall be conducted as shown on their approved plans.

3. The final design of the landscaping and hardscaping along the frontage of the Subject Property shall be coordinated with, and approved by, the Village Engineer.

4. Prior to the Village issuing a certificate of occupancy for the development, the Applicant shall obtain easements from the Village for development-related foundations, balconies and canopies extending into the public rights-of-way, and the Applicant shall provide the Village with the necessary surveys, plats and recorded easements in relation thereto, at the Applicant's sole cost and expense.

5. That six (6) months after 80% occupancy, the developer shall perform a traffic analysis of the intersection of Van Buren Street and Humphrey Avenue to determine if any additional traffic control is necessary.

6. That the Applicant shall meet the Passive House Institute US PHIUS+ Certification level and will also achieve Zero-Energy Building performance. The Applicant will provide proof to the Village via a third-party verification that they have achieved those requirements.

7. 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.

8. 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 or around 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.

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

10. That semi-trailer truck traffic is generally prohibited on Humphrey Avenue, Taylor Avenue, and Lyman Avenue from Harrison Street to Jackson Boulevard. Construction traffic routes shall be approved by the Village Engineer, but should generally be on Ridgeland Avenue or another north-south street to Madison Street to Lombard Avenue to Van Buren Avenue. Jackson Boulevard and Austin Boulevard prohibits truck traffic, except for within 3 blocks of the destination. Truck traffic should avoid the Harrison Arts District commercial area. The Applicant shall submit its final route for construction traffic, its plan for construction parking, and its demolition and construction schedule to the Village Engineer for their review and approval.

11. 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.

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

13. 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.

14. 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.

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

16. That the Applicant shall work with Village staff to develop a parking plan for construction workers and are responsible for posting signs as directed by the Village. The Applicant is responsible for communicating the plan with all construction workers, implementing the plan at the Applicant's cost and enforcing that plan. At any point if the plan is not being adhered to, the Village has the ability to issue a stop work order on the project.

17. The Applicant shall record with the Cook County Clerk's Office, on title to the Subject Property, the Planned Development Ordinance, the Findings of Fact and the plans, within thirty (30) days after Village Board approval.

18. 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 2 vote of
the Plan Commission, sitting as a Zoning
Commission, this 16th day of December, 2021.