

September 21, 2017

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

**Re: Application of Albion Residential, LLC for a
Planned Development at the Northwest
Corner of Lake Street and Forest Avenue**

Dear President and Trustees:

History of Project.

On or about April 7, 2017, Albion Residential LLC, of 188 West Randolph Street, Suite 202, Chicago, Illinois 60601 ("Applicant") filed an application for approval of a transit oriented planned development at 1000 Lake Street, Oak Park, Illinois ("Subject Property"), for an eighteen (18) story building with two hundred sixty five (265) residential rental dwelling units, approximately nine thousand five hundred (9,500) square feet of first floor commercial/retail space, two hundred sixty five (265) private bicycle parking stalls, and two hundred thirty five (235) private enclosed parking spaces.

In conjunction with its zoning application, the Applicant requests allowances from the requirements of the Village of Oak Park Zoning Ordinance ("Zoning Ordinance"), for height, density, corner side yard and rear yard setbacks, and landscaping. The Applicant modified its requests pursuant to the direction of the Plan Commission (the "Commission") as discussed in these findings and recommendation. The proposed

structure would replace an existing vacant two-story commercial building and parking lot.

Finally as part of this application, the Applicant seeks approval of a Plat of Subdivision in order to subdivide the north parking lot from the 1010 Lake Street property, in order to consolidate it with the 1000 Lake Street property.

The Application and Notice.

On June 21, 2017, 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 five hundred (500) 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 July 11, 2017, and continuing on July 27, 2017, August 3, 2017, August 10, 2017, August 22, 2017 and August 29, 2017, 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 twenty nine thousand nine hundred seventy three (29,973) square foot zoning lot, with approximately one-hundred fifty feet (150') along Lake Street and two hundred feet (200') along Forest Avenue, located at the northwest corner of Lake Street and Forest Avenue. The Subject Property is located in the B-4 Downtown Business District, and is within both the Downtown – Lake Street Building Height and Massing Overlay District and the Transit-Related Retail Overlay District. The Subject Property is currently improved with a two story commercial/retail building and a surface parking lot.

2. The Subject Property is surrounded by the following uses: to the north, a public alley and Austin Gardens, a public park owned and operated by the Park District of Oak Park (“Park District”), which is zoned within the R-2 Single-Family District; to the south, Lake Street and 100 Forest Avenue, a sixteen (16) story multiple family rental and townhome rental property operating under a Planned Development with Lake Street commercial, which is zoned within the B-4 Downtown Business District; to the east, Forest Avenue and the Vantage development, a twenty (20) story multiple family rental property with commercial space underneath operating under a Planned Development, which is zoned within the B-4 Downtown Business District; to the west, 1010 Lake Street, a six (6) story office building over retail, which is zoned within the B-4 Downtown Business District.

The Applicant.

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

4. As part of its request, the Applicant submitted the documentation required pursuant to the requirements of Section 2.2.7(D)(2) of the Zoning Ordinance for “Major Planned Developments.”

The Project.

5. The Applicant proposes to demolish the existing vacant two story commercial/retail building, surface lot and other improvements on the Subject Property and construct a mixed use, multi-level building of eighteen (18) stories with two hundred sixty five (265) residential rental dwelling units, approximately nine thousand five hundred (9,500) square feet of first floor commercial/retail space, two hundred sixty five (265) private bicycle parking stalls, and two hundred thirty five (235) private enclosed parking spaces.

The Requested Site Development Allowances.

6. As part of its planned development, the Applicant seeks a site development allowance to modify the height requirements of Section 3.9.4(E)(1) of the Zoning Ordinance, regarding the Downtown-Lake Street building Height and Massing Overlay District, which limits the height of structures on the Subject Property to eighty feet (80’).

7. Regarding the height allowance, the Applicant seeks to build a structure of one hundred ninety nine feet (199’) on the Subject Property, which requires an allowance of one hundred nineteen feet (119’).

8. Applicant also seeks a site development allowance from the density requirements of Section 3.8.3(A)(1)(a) of the Zoning Ordinance, regarding the B-4

Downtown Business District, which allows for forty (40) dwelling units to be constructed and maintained on the Subject Property.

9. Regarding the density allowance, the Applicant seeks to build a structure with two hundred sixty five (265) dwelling units on the Subject Property, which requires an allowance of two hundred twenty five (225) dwelling units.

10. Applicant also seeks a site development allowance from the corner side yard setback and rear yard setback requirements of Section 3.8.3(B)(1) of the Zoning Ordinance, regarding the B-4 Downtown Business District, which require a corner side yard setback of five feet (5') and a rear yard setback of ten feet (10') on the Subject Property.

11. Regarding the corner side yard setback and rear yard setback allowances, the Applicant originally sought to build a structure with no corner side yard setback and no rear yard setback on the Subject Property, which requires an allowance of five feet (5') for the corner side yard setback and an allowance of ten feet (10') for the rear yard setback. After the application was filed, and before the public hearing concluded, the Applicant increased the setbacks for the structure in the corner side yard from zero feet (0') to five feet (5') at grade up to the second floor, with no corner side yard setback in place at and above the second floor, and in the rear yard at grade from zero feet (0') to five feet (5') with landscaping up to the second floor, with no rear yard setback in place at and above the second floor.

12. Applicant also seeks a site development allowance from the landscaping requirements of Section 3.8.3(B)(1) of the Zoning Ordinance, regarding the B-4 Downtown Business District, which requires landscaping within the setbacks, including

within the corner side yard setback of five feet (5') and a rear yard setback of ten feet (10') on the Subject Property, which setbacks, as noted above, the Applicant desires to eliminate above the second floor from grade.

13. Regarding the landscaping allowance, the Applicant seeks to build a structure with a five foot (5') wide landscape strip within the corner side yard setback and a five foot (5") wide landscape strip within the rear yard setback on the Subject Property.

Envision Oak Park Comprehensive Plan.

14. 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 which, among other business districts.

15. The application primarily affects four (4) recommendation Chapters within the Comprehensive Plan: Chapter 4, "Land Use & Built Environment," Chapter 7, "Neighborhood, Housing and Diversity," Chapter 12, "Economic Health & Vitality" and Chapter 13, "Environmental Sustainability."

16. 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.

17. The Comprehensive Plan supports the idea of encouraging a mix of uses and businesses which will assist in diversifying the Village's tax base and provide a variety of choices to consumers as public outreach indicated a concern for high tax rates and excessive government spending.

18. The Comprehensive Plan encourages transit-oriented development with all types of housing. The Future Land Use map supports more commercial and mixed use development that caters to residents, but also attracts visitors from other communities, and Village staff finds that the proposed development fits these recommendations.

19. Village staff finds that the proposed development follows the Comprehensive Plan recommendation in Chapter 4 relative to land use and character which is consist with several similar current and proposed buildings in downtown Oak Park, such as Vantage, 100 Forest Avenue, The Emerson, Oak Park Apartments, Lincoln Apartments, and the Brookdale Retirement Community.

20. The Commission's findings regarding Chapter 4 of the Comprehensive Plan are set forth below.

21. Chapter 7 of the Comprehensive Plans sets out the Village's goals regarding neighborhoods, housing and diversity. The Village's goals in these areas are to sustain and broaden diversity and integration throughout the Village (goal 7.1), to ensure all Village neighborhoods foster social interaction and inclusiveness (goal 7.2), to provide mixed-incoming housing that is accessible, integrated and responsive to the needs of the Village's diverse population (goal 7.3) and to maintain the long-term viability, quality and character of the Village's housing (goal 7.4).

22. The Commission's findings regarding Chapter 7 of the Comprehensive Plan are set forth below.

23. Chapter 12 of the Comprehensive Plan sets out the Village's goals regarding economic health and vitality. The Village's goals in these areas are to ensure

that economic vitality is spread through the Village (goal 12.1), to ensure that the Village remains a “business friendly” environment (goal 12.2), to expand and promote business support services (goal 12.3), to diversity and stabilize the Village’s tax base (goal 12.4) and to position the Village as a destination for shopping, dining, entertainment and culture (goal 12.5).

24. The Commission’s findings regarding Chapter 12 of the Comprehensive Plan are set forth below.

25. Chapter 13 of the Comprehensive Plan sets out the Village’s goals regarding environmental sustainability. The Village’s goals in this area are to minimize overall energy consumption and increase investment in renewable energy sources (goal 13.1), to conserve water and improve water quality (goal 13.2), to provide access to locally produced, healthy and sustainable food (goal 13.3), to advance regulations and programs for green infrastructure to build a resilient and sustainable community (goal 13.4) and to create a zero waste Village (goal 13.5).

26. The Commission’s findings regarding Chapter 13 of the Comprehensive Plan are set forth below.

Height-Related Issues.

27. As noted above, the Applicant seeks to build a structure of one hundred ninety nine feet (199’) on the Subject Property, which requires an allowance of one hundred nineteen feet (119’).

28. The height of the proposed structure’s impact on its north side on Austin Gardens Park was the area of greatest concern regarding the application at the public hearing, with the density of the structure being the second greatest area of concern.

Hours of testimony and many exhibits were taken, received and considered by the Commission regarding the height of the proposed structure.

29. With regard to height, the Applicant argued that the height of the building is needed to provide the density of residential units required to make the project financially feasible. The Applicant provided testimony and materials proposing that the height of the building is in relation to other developments in the vicinity of the Subject Property and is reasonable given the location, orientation, zoning and characteristics of the Subject Property.

30. Certain members of the Commission, the Park District and members of the public expressed concerns regarding the potentially adverse impacts of the height of the proposed structure on its north side due shade on Austin Gardens Park, and wind for pedestrians.

31. With regard to wind, the Applicant presented a wind study from RWDI. Dr. Hanqing Wu, the author of the study, testified that the development had positive features for wind control including a large podium and tower setbacks, and that the structure would decrease wind from west and increase winds from south, southwest and northwest.

32. Dr. Wu testified that Austin Gardens would not be affected by winds from the structure in general except for a small area immediately adjacent to the building and that wind conditions would be similar if an eighty foot (80') by-right building was built.

33. When questioned, Dr. Wu testified that a wind tunnel study was not performed, and that his study was completed from experience and weather data from O'Hare Airport and Midway Airport. He testified that the downwash will improve for

westerly winds but will increase for southerly winds that wind speeds would be higher in winter than summer, and that most of the wind tunnel effect would happen in winter rather than summer. He also testified that wind from the south, southwest and northeast would increase and could potentially cause adverse impacts.

34. Concerns were raised regarding the impact of wind from the building on Austin Gardens to the north. Testimony was presented that the original design of the building would increase wind on Austin Gardens.

35. With regard to shade, the Applicant presented a shade study from Natural Path Urban Forestry consultants regarding a shade impact study. Mr. Mark Duntemann, the author of the study, testified that the shade of the proposed building will not have an adverse impact on the surrounding properties, including Austin Gardens. He testified that the trees in the southeast corner of Austin Gardens will not be adversely impacted by the shade cast by the building.

36. When questioned, Mr. Duntemann testified that the tolerance levels in the shade study were a composite from the Illinois Department of Natural Resources, the United States Forest Service, Morton Arboretum, Botanic Garden and Martin and Gower. He also testified that he visited the site once, on February 28, 2017, that he did an assessment of the large diameter trees on the site and he listed a range of species that were found in the southeast corner, that the eleven (11) established trees would have the most issues with shade, that no soil samples were taken, that based on his assessment of Austin Gardens sunlight played a role in soil heating and cooling but the effect would be minimal, that the area near the Festival Theatre's traditional location

receives seven (7) hours of direct sunlight in March, and that taking an hour off or adding an hour the differences would be nominal to the physiological processes.

37. The Park District of Oak Park's expert witness, Mr. Scott Stewart, Executive Director of the Millennium Park Foundation in Chicago, presented four (4) criticisms of the Applicant's shade study: first, he testified that the report was very general and narrow in its application. Second, he testified that the representation of shade tolerance in the report was narrow in scope and lacking in current scientific robustness. Third, he testified that the assessment of tree age and the age implications represented an incomplete picture of tolerance and effects of shade tolerance. Fourth, he testified regarding the soil microbial communities that exist in Austin Gardens, and he testified that the changes in the soil microbial community will have direct, real and cumulative impacts to the plant communities above ground. For example, soil warming or cooling will change the soil, which will impact the plants above ground.

38. When questioned, Mr. Stewart testified that there were potential ways to mitigate the shade impacts but that mitigation required additional study of what the impacts may be and that a professional soil microbiologist as well as an ecologist would need to examine the ecological communities above and below ground and their impacts from shade and abiotic and biotic changes as a result of the proposed building. Under questioning Mr. Stewart testified that he did not concur with the shade studies by Mr. Duntemann and the Park District's third party reviewer Dr. Watson, but that he did concur with the shade study by the Village's consultant.

39. Members of the public provided testimony regarding the shade impacts of the building on the surrounding area, both in support of and against the project.

40. The Applicant initially offered to pay the Village \$170,000 as a contribution for landscaping/parks/trees in the Village and other certain contributions to local not-for-profit agencies.

41. Upon further discussion at the public hearing, the Applicant proposed to put money in an escrow fund for potential damage to Austin Gardens resulting from the shade and wind caused by the proposed building.

42. The members of the Commission did not agree on whether the requested height of the building is appropriate for the Subject Property, given the concerns mentioned above and otherwise raised during the public hearing and the Commission's deliberations.

Density-Related Issues.

43. The Applicant proposed to build two hundred sixty five (265) residential rental dwelling units, with a mix of studio, one, two and three bedroom units, approximately nine thousand five hundred (9,500) square feet of first floor commercial/retail space, two hundred sixty five (265) private bicycle parking stalls, and two hundred thirty five (235) private enclosed parking spaces.

44. In order to build this many units, the Applicant must obtain a site development allowance from the Village from the density requirements of Section 3.8.3(A)(1)(a) of the Zoning Ordinance, regarding the B-4 Downtown Business District, which allows for forty (40) dwelling units to be constructed and maintained on the Subject Property as of right.

45. Because the Applicant seeks to build a structure with two hundred sixty five (265) dwelling units on the Subject Property, it must obtain an allowance of two hundred twenty five (225) dwelling units to build its proposed structure.

46. At a minimum, the proposed apartments would lead to two hundred sixty five (265) additional residents on the Subject Property, using the Lake Street and Forest Avenue area for walking, driving, shopping and transit. This number might be nearly double that population increase, due to the nature of the Applicant's target demographic and unit mix.

47. The Applicant stated that its project will serve the upscale residential rental market in the Chicagoland area, which extends into, and includes, the Village.

48. The Subject Property is in close proximity to both the CTA Green Line and the Metra Union Pacific West line.

49. The Comprehensive Plan provides guidance on density and development near transit stations as follows:

Areas near transit stations have been rejuvenated through increased density and a more intense mix of commercial uses. Chapter 4, page 46.

Lake/Forest (northwest corner). Mixed-use development with ground floor retail and upper floor multi-family residential that is consistent in character to other development in Downtown Oak Park. Chapter 4, page 61.

Reviews should consider the following issues that are specifically relevant to Oak Park and discussed in the Comprehensive Plan: Allowances for proper use mix and density in transit-oriented areas. Chapter 15, p. 219.

50. During the public hearing, testimony was given in support of and against the requested density allowance.

51. The Applicant supported its requested density allowance by arguing that the project's finances required a higher density given the costs of construction.

52. Support for the project's density was given by the Oak Park Economic Development Corporation, an area broker, and members of the public. Supporters generally noted that the project density would bring economic growth and vitality to the corner of Lake Street and Forest Avenue.

53. Concerns were expressed about adding more density to an area where two multiple-unit residential developments have been approved but not completed in addition to those already established in the immediate vicinity by the Vantage, Oak Park Apartments and 100 Forest Place developments. Some concerns were also raised that the project does not include any affordable housing.

54. Concerns were also expressed about the potential noise impacts of any outdoor activity associated with the proposed building on the Festival Theatre, which has forty eight (48) outdoor performances each summer at Austin Gardens.

55. Concerns were also expressed that the Applicant's claim that the density of the project could not be reduced was not proven by the Applicant with a pro forma, financial projections or data.

56. The Applicant presented testimony regarding the impacts of the project with regard to traffic and parking. The Village and the Applicant presented concurring evidence that these impacts would be minor.

57. The Applicant presented evidence that the project would generate property taxes greater than the costs to educate the students generated by the project.

58. The Applicant proposed to make donations to local affordable housing groups to assist lower income persons in securing adequate housing.

59. The members of the Commission did not agree on whether the requested density of two hundred sixty five (265) residential rental units is appropriate for the Subject Property, given the concerns mentioned above and otherwise raised during the public hearing and the Commission's deliberations.

Ability of Applicant to Complete Project.

60. 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.

Transit-Related Retail Overlay District.

61. The evidence indicated that the proposed project, which is in the Transit-Related Retail Overlay District, would provide and encourage new retail development on the ground floor of buildings in close proximity to mass transit stations, encourages pedestrian activity and provides retail services for residents and users of mass transit.

Compensating Benefits.

62. In return for the Village providing allowances from Village regulations, 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. Right-of-Way streetscape improvements such as bluestone sidewalks, parkway trees, fountain feature, etc.
- b. Pedestrian “greenway” walkway improvements on a public access easement by Applicant as an important gateway to Austin Gardens between 1000 and 1010 Lake Street including access to the alley and Austin Gardens, bluestone sidewalk, decorative lighting, and public art.
- c. Pick up and drop off area along Forest Avenue for residents of the development.
- d. Financial donations to various local housing agencies and programs for affordable housing support.

63. There was concern expressed regarding the benefits of the greenway and the impacts of proposed uses of the greenway on Austin Gardens.

Public Art As Part Of The Development.

64. Section 3.9.1(F)(3) of the Zoning Ordinance requires that an Applicant provide at least one piece of public art as part of the development. The scope of the public art shall be determined upon review and advice by the Village’s partner agency the Oak Park Area Arts Council.

65. The Applicant proposed to satisfy the public art requirement with a mural and lighting in the “greenway” walkway on the west side of the Subject Property, between it and 1010 Lake Street.

The Planned Development Standards.

66. Section 3.9.1(E) of the Zoning Ordinance sets forth the following standards for planned developments, of which only four (4) members of the Commission felt were met by the Applicant:

- E. Through the use of allowances in the planned-development process, the Village seeks to achieve some or all of the following specific objectives:
1. Creation of 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. Enhancement of the existing character and property values of the Village and promotion of the public welfare by ingenious and imaginative designs resulting in a better and more creative use of land.
 3. Combination and coordination of the character, the form and the relationship of structures to one another.
 4. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features.
 5. The beneficial use of open space.
 6. Promotion of long-term planning pursuant to a site plan that will allow harmonious and compatible land uses or combination of uses with surrounding areas.
 7. Promotion of economic development within the Village.
 8. Elimination of blighted structures or incompatible uses through redevelopment, restoration, adaptive reuse, or rehabilitation.
 9. Preservation and/or enhancement of historical and natural resources.

67. Certain members of the Commission expressed concern that the height and density of the proposed structure on its north side did not meet the objectives in Sections 3.9.1(E)(1), (E)(5) and (E)(9) above.

68. Section 3.9.1(I) of the Zoning Ordinance sets forth the following standards for planned developments, of which only four (4) members of the Commission felt were met by the Applicant:

1. Comprehensive Plan Standards.

The proposed 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. Municipal Services Standards.

- a. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety, or general welfare of the residents of the Village.
- b. Adequate utilities, road access, drainage, police and fire service and other necessary facilities already exist or will be provided to serve the proposed use or combination of uses, including access for fire, sanitation, and maintenance equipment.
- c. Adequate ingress and egress to the proposed 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.

3. Vicinity Standards.

- a. 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.
- b. The proposed use or combination of uses will not have a substantial or undue adverse effect upon property values in the vicinity.
- c. The proposed design, use or combination of uses will complement the character of the surrounding neighborhood.

4. Economic Development Standards.

- a. The Applicant has the financial and technical capacity to complete the proposed use or combination of use.
- b. The proposed use or combination of uses 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 extent that such burden is balanced by the benefit derived by the Village from the proposed use.

69. Certain members of the Commission expressed concern that the height and density of the proposed structure did not meet the standards in Sections 3.9.1(I)(1) (Comprehensive Plan Standards), 3.9.1(I)(3)(a) (Vicinity Standards) and 3.9.1(I)(3)(c) (Vicinity Standards), because, in part, it did not compliment the character of the surrounding neighborhood due to the proposed structure's height on its north side, including that the scale of the north wing of the building is incompatible with Austin Gardens to the north.

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 that the planned development be DENIED. Although the Commission's motion was for approval of the planned development, the four (4) votes in favor of the recommendation were insufficient to meet the required five (5) vote threshold for a recommendation in favor of a planned development as set forth in Section 11.4 of the Plan Commission Rules of Procedure, and therefore a motion denying the application was formally entered on to the record.

This report adopted by a 7 to 0 vote of
the Plan Commission, sitting as a Zoning
Commission, this 21st day of September, 2017.