

October 4, 2018

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

**Re:      Application of Oak Park I Housing Owner  
         LLC for a Planned Development at the  
         Southwest corner of Oak Park Avenue and  
         Van Buren Street, at 801 South Oak Park  
         Avenue – PC 18-07**

Dear Trustees:

History of Project.

On or about August 17, 2018, Oak Park I Housing Owner LLC, of 135 S. LaSalle Street, Suite 3350, Chicago, Illinois 60603 (“Applicant”) filed an application for approval of a planned development at the Southwest corner of Oak Park Avenue and Van Buren Street, at 801 South Oak Park Avenue, on property depicted in the application (“Subject Property”), in the NC Neighborhood Commercial Zoning District, for a four (4) story mixed-use residential and commercial building.

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 5 (Commercial Districts) Section 5.3 (Dimensional Standards) Table 5-1 (Commercial Districts Dimensional Standards for the NC Neighborhood Commercial District): Relief is requested from the seven hundred fifty (750) square feet

of lot area per dwelling unit requirement, which allows sixteen (16) dwelling units on the Subject Property, to allow for approximately three hundred thirty-eight (338) square feet of lot area per dwelling unit, so that thirty-seven (37) dwelling units may be located on the Subject Property, requiring an allowance of approximately four hundred twelve (412) square feet per dwelling unit, which is an allowance for an additional twenty-one (21) dwelling units.

2. Article 5 (Commercial Districts) Section 5.3 (Dimensional Standards) Table 5-1 (Commercial Districts Dimensional Standards for the NC Neighborhood Commercial District): Relief is requested from the forty-five feet (45') maximum building height requirement to allow for a building of forty-eight feet (48'), requiring an allowance of three feet (3').

3. Article 11 (Landscape) Section 11.8 (Buffer Yard Requirements): Relief is requested from the seven feet (7') interior side yard setback requirement to allow for a four feet six inches (4' 6") landscaped interior side yard setback at the Northwest corner of the Subject Property and a zero foot (0') landscaped interior side yard setback extending from the loading berth to the Southwest corner of the Subject Property, requiring allowances of two feet six inches (2' 6") and seven feet (7'), respectively.

4. Article 10 (Off-Street Parking & Loading) Table 10-2 (Off-Street Vehicle and Bicycle Parking Requirements for Dwelling – Multi-Family): Relief is requested from the one (1) on-site parking space per dwelling unit requirement, which requires thirty-seven (37) on-site parking spaces, to allow for twenty-three (23) on-site parking spaces, requiring an allowance of fourteen (14) required on-site parking spaces.

5. Article 10 (Off-Street Parking & Loading) Section 10.6 (Bicycle Parking Standards): Relief is requested from the requirement that the required ten (10) long-term bicycle parking spaces be located indoors inside of the building to allow eight (8) long-term bicycle parking spaces being located indoors inside the building, with the remaining two (2) of the long-term bicycle parking spaces to be located outdoors outside of the building, requiring an allowance of two (2) indoor long-term bicycle parking spaces.

The Applicant modified its requests pursuant to the direction of the Plan Commission ("Commission").

The Application and Notice.

On August 22, 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 letters were also mailed by the Applicant to property owners 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 on September 6, 2018, September 20, 2018 and October 4, 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 twelve thousand five hundred (12,500) square feet zoning lot located at the Southwest corner of Oak Park Avenue and Van Buren Street, and is commonly known as 801 South Oak Park Avenue. The Subject Property is located in the NC Neighborhood Commercial Zoning District. The Subject Property is currently vacant, with a gravel parking lot and chain link fence.

2. The Subject Property is surrounded by the following uses: to the North, residential dwellings, which are zoned within the R3-35 Single Family Zoning District; to the South, single-story commercial building, which is zoned within the NC Neighborhood Commercial Zoning District; to the East, three-story mixed-use building, which is zoned within the NC Neighborhood Commercial Zoning District; to the West, single-family residential, which is zoned within the R3-35 Single Family Zoning District.

3. The Subject Property is within the boundaries of the Planning Together Plan, which the Village Board of Trustees approved in 2005.

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

5. The proposed development will be built at a cost of approximately Fifteen Million Dollars (\$15,000,000).

### The Applicant.

6. The Applicant is a developer of affordable housing.

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 a four (4) story mixed-use building, with thirty-six (36) dwelling units rented at affordable housing rates, one (1) dwelling unit rented at a market rate, first floor commercial space, twenty-three (23) on-site parking spaces and the other improvements set forth in the application.

9. The dwelling units are proposed to be rental units, thirty-six (36) of which would be rented to persons within certain income ranges, which the Applicant described as being approximately less than or equal to Seventeen Dollars (\$17) per hour. The Applicant described the dwelling units as being “workforce housing.” Two (2) of the dwelling units are proposed to be live-work works, which are on the first floor.

10. The commercial space is proposed to be approximately one thousand (1,000) square feet on the first floor.

### The Requested Site Development Allowances.

11. 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.

12. 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.

13. The proposed development primarily affects four (4) Chapters within the Comprehensive Plan: Chapter 4, “Land Use & Built Environment,” Chapter 7, “Neighborhoods, Housing and Diversity,” Chapter 12, “Economic Health & Vitality,” and Chapter 13, “Environmental Sustainability.”

14. 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.

15. 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. Village staff finds that the proposed mixed-use fits this objective as well, as the proposed development includes both commercial space on the first floor, two (2) live-work dwelling units on the first floor and dwelling units on the first through fourth floors.

16. 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. Village staff finds that the proposed development will consist of mostly workforce housing options for individuals earning between minimum wage and approximately Seventeen Dollars (\$17) per hour. Through a Village-initiated request for proposal process, the Applicant submitted a proposal requesting affordable housing monies from the Village's Affordable Housing Fund to support this development. Village staff finds that the

proposed development helps to achieve the Village's goal toward more affordable house options.

17. In Chapter 12, the Comprehensive Plan emphasizes the need for a diverse and stable tax base. The proposed development will introduce a newer economic model of a live/work dwelling unit, only a few of which currently exist in the Village. This model not only allows an opportunity for commercial sales to the public, but also allows for an affordable residential use as well all within the unit. The proposed development is also offering a more traditional commercial space of approximately one thousand (1,000) square feet at the corner of this development, which Village staff finds will help support and stabilize the overall commercial climate along south Oak Park Avenue.

18. In Chapter 13, the Comprehensive Plan sets out a list of goals and objectives for environmental sustainability opportunities. The proposed development will be utilizing the Illinois Housing Development Authority ("IHDA") sustainability design criterion. The Applicant indicates that the IHDA sustainability requirements are equivalent to the Green Globes Sustainability rating system.

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

#### Planning Together Plan.

20. The purpose of the Planning Together Plan, which covers the South Town Business District at the Eisenhower and Harrison Street's Arts District, was to identify goals and objectives to enhance and expand viable commercial activity and to identify the right mix of residential and retail uses in South Town are included.

21. The Planning Together Plan makes recommendations for density and intensity of commercial and residential development. For the Subject Property in particular, the Planning Together Plan recommends a mixed-use building up to four (4) stories not taller than fifty-five feet (55').

22. The proposed development fits this recommendation as a four (4) story mixed-use building at a height of forty-eight feet (48').

23. The Planning Together Plan identifies the need for parking and traffic controls, and infers that less vehicles produce less traffic and that pedestrian access to public transportation and shopping is important.

24. The proposed development is offering less parking options on-site as shopping and public transportation is readily available in this area.

25. Village staff finds that overall, the proposed development type conforms to the recommendations within the Planning Together Plan which was prepared in collaboration with citizen stakeholder groups and extensive public and governmental input.

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 building will be built to the Sustainability Design Guidelines of the Illinois Housing Development Authority's standards for Architecture, Planning and Construction. The Guidelines are similar to the Green Globe program.
- b. The Oak Park Avenue right-of-way will be improved with a curb cut removal, and the Applicant will also help defray the cost of the crosswalk signage and install a crosswalk bump out along Oak Park Avenue.
- c. The Oak Park Avenue and Van Buren Street rights-of-way will be improved with street repairs, installation of parkway trees and grates.
- d. The alley to the West of the Subject Property will be improved.
- e. The residential dwelling units in the proposed development will consist of almost entirely affordable housing units.

### 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. The Applicant and the Oak Park Area Arts Council have agreed on a scope of work, which will start with a “Call for Artists,” selection and possible installation in July of 2019.

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 hours of testimony and considered a large volume of evidence in favor of and against the proposed development.

33. Testimony and evidence in opposition to the proposed development focused primarily on the dwelling unit density, the adequacy of the on-site parking,

pedestrian safety and the restriction of most dwelling units to rental to residents with lower incomes.

34. Testimony in favor of the proposed development focused on the need for affordable workforce housing in the Village, the transit-oriented location of the Subject Property and the appropriateness of the density of the proposed development in the vicinity of the Subject Property.

35. The Commission finds that the dwelling unit density for the proposed development is appropriate under the Zoning Ordinance because the dwelling units are predominantly of a smaller size with fewer bedrooms than a “market rate” development on the Subject Property. As a result, as the Applicant testified at the public hearing, the density of bedrooms in the proposed development is likely less than if a market rate residential development occurred on the Subject Property with sixteen (16) condominiums or townhomes.

36. The Commission finds that the on-site parking provided in the proposed development is appropriate under the Zoning Ordinance because of the close proximity of the Subject Property to public transportation, including the Chicago Transit Authority Blue Line, because the conclusions of the Applicant’s parking study support the proposed number of on-site parking spaces, and because data from the Village regarding available on-street parking permits in the vicinity of the Subject Property support the proposed number of on-site parking spaces.

37. The Commission finds that the right-of-way improvements proposed by the Applicant will enhance pedestrian safety, particularly at the South side of the intersection of Oak Park Avenue and Van Buren Street, as the Applicant will be funding

the costs of a bump out at the Southwest corner of Oak Park Avenue and Van Buren Street, along with related signage, lighting and other safety enhancements, that will narrow the driving lane for Southbound traffic on Oak Park Avenue, and that will provide pedestrians with a safer intersection to cross. The Commission finds that pedestrian safety will be enhanced and improved by the proposed development.

38. The Commission finds that the restriction of most dwelling units to residents with lower incomes is appropriate under the Zoning Ordinance, the Comprehensive Plan and the Planning Together Plan, because the testimony and evidence showed that affordable housing for persons with lower income is in short supply in the Village, because the Village values diversity and inclusion of persons with all incomes, and because the proposed development would revitalize a vacant parcel with an important land use.

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

40. In summary, the Commission finds that by allowing the proposed development at the Subject Property as a planned development permit, including the four (4) story mixed-use building with thirty-seven (37) dwelling units and twenty-three (23) on-site parking spaces, 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 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 thirty-seven (37) dwelling units, first floor commercial and ancillary parking uses in substantial conformity with the Plans and Specifications submitted with its application or 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 an acceptable sustainability rating system approved by the Village, unless otherwise required. If certification is proposed and the project is not registered with the US Green Building Council, the Applicant must attain verification by a third party reviewer that all certification points have been satisfied.
3. That the Applicant shall be responsible for any streetscape improvements which shall be required within this report.
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 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. It is recommended the Applicant explore monument signage promoting the area.
5. That six (6) to twelve (12) months after eighty-five percent (85%) occupancy of the 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 development. The Applicant shall review traffic and parking concerns generated by the development 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 development, the Applicant shall implement said recommendations within six (6) months after the study has been completed.

6. That the Village of Oak Park, approximately two (2) years after completion of the development and annually thereafter for not less than the next six (6) years, shall monitor the effect of the parking and traffic generated by the development on the neighborhood and take steps necessary to alleviate any problems, if practicable.
7. That the Applicant shall require unified window treatments for all dwelling units in the development.
8. That semi-trailer truck traffic is prohibited on Van Buren 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 Oak Park Avenue and designated streets unless otherwise determined by the Village Engineer.
9. That during construction of the 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 development 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.
10. That the Applicant shall implement a construction related Communications Plan.
11. 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.
12. The Applicant shall use its best efforts to procure tenant(s) for the ground floor level of the project who shall have extended operating hours so as to allow for evening shopping hours two (2) or more nights per week.
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, and an owner's representative, 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 the 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 thirty (30) day period.
17. The Applicant shall use reasonable efforts to determine the feasibility of, and pursue eliminating the landscape buffer at the Northwest corner of the proposed development to allow for the North-South alley West of the Subject Property to be widened.
18. The Applicant shall use reasonable efforts to obtain all approvals necessary, including from the IHDA and other funding sources, to have a primary preference for selection of residents for the proposed development who live in the Village of Oak Park and work in the Village of Oak Park, with a secondary preference for selection of residents for the proposed development who live in the Village of Oak Park, with a tertiary preference for selection of residents for the proposed development who work in the Village of Oak Park.
19. The Applicant shall explore changes to the project in consultation with the Village's design consultant, particularly with respect to allowing more light at the Southwest corner of the Subject Property.
20. If the Applicant does not construct the bump-out on the East side of Oak Park Avenue at the time of project construction, the Applicant shall deposit the costs of the bump-out with the Village.
21. The Applicant shall recess the emergency exit on Oak Park Avenue by four feet (4') and the Applicant shall add screening to the on-site parking spaces on the Van Buren Street facing side of the Subject Property.

This report adopted by a 5 to 0 vote of the Plan Commission, sitting as a Zoning Commission, this 4<sup>th</sup> day of October, 2018.