

January 16, 2020

To: Cara Pavlicek, Village Manager, Village of Oak Park

From: John Lynch, Executive Director, OPEDC



Subject: Recommended Amendments to Zoning Ordinance Section 14-5(G) ("*Effect of Approval or Denial and Expiration*")

The Oak Park Economic Development Corporation has reviewed Section 14-5(G) of the Village of Oak Park Zoning Ordinance ("*Effect of Approval or Denial and Expiration*") in order to offer an opinion as to whether changes are warranted to the specified timeline for expiration of entitlements granted through an approved Planned Development (PD) application. One of the primary goals of OPEDC is to promote investment and development in Oak Park, and an effective zoning ordinance is key to that goal. We believe strongly that an effective zoning ordinance is one that protects and promotes the interests of the Village and its residents, while ideally being flexible enough to respond to changes in market and economic conditions.

As currently provided in the zoning ordinance, an approved planned development becomes null if the applicant fails to achieve the following benchmarks: file for a building permit within 9 months of approval; commence construction within 18 months of approval; and complete the project within 36 months of approval. An applicant may request an alternative schedule in its PD application, though we found in our discussions that such options are not widely known. Any revised schedule would be subject to approval by the Plan Commission and/or Village Board.

As part of our review, we evaluated Oak Park's existing requirements alongside those of neighboring and comparable communities (Appendix A) and sought input from developers who have worked in Oak Park and the comparable communities listed. While we found Oak Park's existing guidelines to be generally competitive, we identified some key recommendations to ensure that Oak Park remains as or more attractive for responsible investment as the other communities surveyed. We believe these adjustments will better align the entitlement timeline to actual project needs, permitting developers some additional flexibility to accommodate market changes.

OPEDC recommends the following (Table 1 summarizes the recommendations):

- **Remove the 9-month building permit submittal deadline.** Planned development applicants would be responsible for ensuring submittal in time to begin construction on schedule.
- **Extend the construction commencement deadline from 18 to 24 months.** This change, while minimally impactful to the Village and its residents, would provide greater flexibility for developers to respond to changing market conditions, particularly with respect to leasing and financing.
- **Allow the PD applicant to provide an appropriate completion deadline as part of its application.** The current 36-month completion deadline may be unnecessarily long for some projects. For others, it may be unreasonably short. We believe a better practice is followed in

Chicago, Elmhurst, and Evanston, whereby the proposed completion date is proposed by the applicant based on project schedule, and reviewed as part of the PD application.

Table 1: Summary of OPEDC Recommendations for Planned Development Timeline Updates

Planned Development Approval Requirements	Existing Requirements	OPEDC Recommendation
<i>Building Permit Submittal</i>	9 Months	Remove requirement
<i>Construction Commencement</i>	18 Months	24 months
<i>Construction Completion</i>	36 Months	As proposed by applicant
<i>Extension Guidelines</i>	Permitted with Village Board Approval	No recommended change
<i>PD Ordinance Application Project Criteria</i>	Development projects \geq 20k sf GFA and requiring a zoning variance.	No recommended change

If you have any questions regarding these recommendations, please do not hesitate to contact me.

Planned Development (PD) Ordinance Comparison - Entitlement Commencement and Duration

January 10, 2020

Existing Requirements	Oak Park	Evanston	River Forest	Elmhurst	LaGrange	Chicago
Building Permit Submittal	9 Months	-	9 Months	9 Months	-	-
Construction Commencement	18 Months	1 Year	15 Months	15 Months	1 Year	6 Years
Construction Completion	36 Months	Per date specified in application	33 Months	Per date specified in application	Not defined	Per date specified in application
Extension Guidelines	Yes - Term not defined	Yes - Term not defined	Yes - Term not defined	Yes - 6 Months	Yes - 1 Year	Yes - 1 Year
PD Ordinance Application Project Criteria	Development projects ≥ 20k sf GFA and requiring a zoning variance.	Developments requesting allowances beyond existing zoning.	Development projects greater than 20k sf and all multi-family.	Developments in Downtown areas with more than 75' of street frontage; Developments ≥ 2-acres; Single family detached ≥ 10 acres.	All development projects (Classification based on size: Large: ≥ 40k sf/Small: < 40k sf).	Wide variety of project types require PD ordinance approval.