



## Agenda Item Summary

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**File #:** ORD 19-31, **Version:** 1

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### **Submitted By**

Michael Quinn, Zoning Board of Appeals Chair thru Tammie Grossman, Development Customer Services Director

### **Reviewed By**

LKS

### **Agenda Item Title**

**An Ordinance Granting a Special Use Permit to Construct a Ten (10) Unit Three-Story Townhome Development Located at 6033 North Avenue within the NA North Avenue Zoning District**

### **Overview**

The Applicant, Noah Properties, LLC, with support of the Property Owner, Deep River Development, LLC, submitted a Special Use application for ten (10) three-story townhomes to be located at 6033 North Avenue (SWC of North Avenue and Humphrey Avenue) for approval. The Zoning Board of Appeals held the public hearing and made a recommendation for Village Board consideration.

### **Recommendation**

Support the Zoning Board of Appeals Recommendation.

### **Staff Recommendation**

The Envision Oak Park Comprehensive Plan's Future Land Use Plan identifies the North Avenue business district as "Corridor Commercial / Mixed Use". The Plan recommends that any proposed multiple-family use, including townhomes, be allowed but should be considered on a case-by-basis. Requiring a special use permit for townhomes, per the Zoning Ordinance, in the North Avenue district corridor provides that case-by-case review opportunity. Staff supports the project and the Zoning Board of Appeals recommendation.

### **Fiscal Impact**

N/A.

### **Background**

Noah Properties, LLC has submitted an application to construct ten (10) three-story townhomes per Section 8.3 (Table 8-1: Use Matrix) of the Oak Park Zoning Ordinance, which requires a special use permit for townhouse uses located in the NA North Avenue District. The Applicant is not asking for any allowances (variances) associated with the special use permit. The subject property is currently an unused surface parking lot.

Zoning Ordinance Procedure for Special Uses.

## Article 14.1 (D)1 - Special Use Procedure

### 1. Action by the Zoning Board of Appeals

- a. After receipt of a complete application, the Zoning Board of Appeals will consider the special use at a public hearing. If, in the Zoning Board of Appeals' judgment, the application does not contain sufficient information to enable proper review and consideration, the Zoning Board of Appeals may request additional information from the applicant and the public hearing may be continued.
- b. Within 60 days of the close of the public hearing, the Zoning Board of Appeals must forward its recommendation to the Village Board, unless an extension is agreed to by the applicant.
- c. The Zoning Board of Appeals must evaluate the application based upon the evidence presented at the public hearing, pursuant to the approval standards. The Zoning Board of Appeals must recommend either approval, approval with conditions, or denial of the special use.

### 2. Action by the Village Board

- a. The Village Board must act on the special use within 60 days of receipt of the Zoning Board of Appeals recommendation. The Village Board must approve, approve with conditions, or deny the special use. In approving any special use, the Village Board may require such evidence and guarantees, as it may deem necessary, to assure compliance with any stipulated conditions. The Village Board may also refer the application back to the Zoning Board of Appeals for further consideration.
- b. If the Village Board does not act upon the application within 60 days of receipt of the Zoning Board of Appeals recommendation, the application is deemed denied unless the Village Board has granted additional consideration time.
- c. In the event the Zoning Board of Appeals recommends that a special use be denied, it may only be approved with a favorable two-thirds vote of the Village Board.

## Alternatives

1. Approve the Special Use Permit with conditions.
2. Deny the requested Special Use Permit.

## Previous Board Action

N/A.

## Citizen Advisory Commission Action

The Zoning Board of Appeals held a public hearing for the Special Use application as required in the Zoning Ordinance on May 1, 2019. Upon conclusion of the public hearing the Zoning Board of Appeals prepared a report of their findings (see attachment) which includes a recommendation and reasons for their recommendation for the Village Board's consideration. This application was recommended for approval by the Zoning Board of Appeals and the report was ratified with a 6-0 vote.

## Anticipated Future Actions/Commitments

N/A.

## Intergovernmental Cooperation Opportunities

Zoning and land use matters are unique to Village government within the corporate limits of Oak Park and therefore, intergovernmental cooperation opportunities do not exist.

