



## Agenda Item Summary

---

**File #:** ORD 21-59, **Version:** 1

---

### Submitted By

Tammie Grossman, Development Customer Services Director

### Reviewed By

[Click here to enter text.](#)

### Agenda Item Title

**An Ordinance Waiving and Suspending the Right of Way Obstruction Permit Fee and Parking Meter Obstruction Fee for the Planned Development at 715-717 South Boulevard (Residences of South Boulevard)**

### Overview

717 South Boulevard, LLC is requesting that the Village waive and suspend the Right of Way Obstruction Permit Fee and Parking Meter Obstruction Fee from March 9, 2021 to July 31, 2021 as stated in the attached request letter. This is the second request for a waiver and suspension of those fees. The prior request expired on March 9, 2021. The developer is no longer utilizing the parking spaces as of July 30, 2021.

### Recommendation

Approve the Ordinance

### Fiscal Impact

The right of way obstruction permit fee would be \$10 per space per day and the parking meter obstruction fee would be \$10 per space per day. If the waiver and suspension of the fees is not extended for the period of March 9, 2021 - July 31, 2021, the total applicable fees owed by the developer would be \$74,070.00.

### Background

The Zoning Ordinance at the time of Planned Development approval stated in Article 14; Section 14.5(G)2&3 that an approval of a planned development permit by the Board of Trustees shall be null and void if the recipient does not file an application for a building permit for the proposed development within nine months after the date of adoption of the Zoning Ordinance approving the development permit; commence construction within eighteen (18) months, and complete the project within thirty-six (36) months. Article 14 of the Zoning Ordinance allows the Village Board to grant an extension of time, provided the applicant shows good cause in writing. The Planned Development Ordinance also prohibited the developer from building the development from the alley due to Village concerns about damage to the recently improved green alley.

The Applicant requested additional time on the initial Planned Development Ordinance Number 17-174 and at that time, the applicant also requested a waiver and suspension of the right of way obstruction fees since the Village prohibited the developer from building off of the green alley behind the development project. See letter dated February 17, 2021, attached hereto. Ordinance Number 17-174, approved by the Village Board on March 6, 2017, authorized the construction of a multiple-unit residential development with private parking.

As of this writing, the development of the site is underway. A building permit application was submitted, per the required deadline. A request was approved by the Village Board at its September 4, 2018 meeting for an extension of time to begin construction by March 30, 2019, which the developer met.

In March 2020, the developer requested an additional extension to complete construction of the development until March 9, 2021 and waving and suspending the obstruction permit fees and parking meter fees until the end of construction. On June 1, 2020, the Village Board approved ORD 20-022 permitting an extension for construction completion and waived and suspended the right of way obstruction fees until March 9, 2021.

In March 2021, the Developer then requested an additional twelve (12) month extension for the completion date associated with the planned development until March 1, 2022 and a waiver and suspension of the right-of-way obstruction permit fee and parking meter obstruction fee for the planned development until the development is completed. The Developer's letter indicates that there were material issues and Covid-19 concerns that delayed construction of the project in 2020.

On March 15, 2021, the Village Board approved Ordinance 21-28 granting an extension of time to complete the construction of the planned development. At that time, the developer was uncertain as to when he would be able to remove the construction from the Village right of way. Therefore, Village staff recommended seeking waiver of the right of way obstruction fees after the developer was successfully able to deliver the Village's right of way back to the Village.

As of July 31, 2021, the Developer was able to vacate the right of way. Therefore, the Developer is seeking a retroactive waiver of the fee from March 9, 2021 until July 31, 2021. Village staff supports the request since the Developer was unable to build the project from the alley due to the Village requirements related to the green alley.

### **Alternatives**

The alternative would be to deny the request, which would financially penalize the developer due to a Village imposed requirement to not utilize the alley.

### **Previous Board Action**

On March 15, 2021, the Village Board ORD 21-28 granting an extension of time to complete construction of the planned development at 715-717 South Boulevard (Residences of South Boulevard)

On June 1, 2020, the Village Board approved ORD 20-022 permitting an extension for construction completion ending March 9, 2021 and waving and suspending the obstruction permit fees and parking meter fees until the end of construction.

On June 3, 2019, the Village Board approved ORD 19-49 waving and suspending the obstruction permit fees and parking meter fees for fiscal year 2019.

On September 4, 2018, the Village Board approved ORD 18-398 permitting an extension of time to begin construction of the project. Originally, the project was to begin by September 6, 2018 and approval of ORD 18-398 extended that deadline date to March 30, 2019.

On March 6, 2017, the Village Board approved ORD 17-174 permitting the construction of the Residence of South Boulevard condominium planned development project at 715-717 South Boulevard.

**Citizen Advisory Commission Action**

Plan Commission hearings were held on December 15, 2016 and January 19, 2017.

**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.