



## Agenda Item Summary

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**File #:** ORD 22-3, **Version:** 1

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### **Submitted By**

Plan Commission through Tammie Grossman, Director, Development Customer Services

### **Reviewed By**

AMZ

### **Agenda Item Title**

**Concur with the Plan Commission's Recommendation and Adopt an Ordinance Granting a Special Use Permit for a Major Planned Development Containing a Six Story Residential Building Consisting of 45 Dwelling Units and Parking at the Property Located at 7 Van Buren Street**

### **Overview**

The applicant is requesting to construct a six (6) story mixed income apartment building with 45 dwelling units and seventeen (17) on-site parking spaces located at the southwest corner of Van Buren Street and Austin Boulevard. This development will replace an existing mixed income two story building. This is a companion application with ORD 22-4, the Vacation of a portion of the Van Buren Street right-of-way. The full application can be found on the Village's website here: <https://www.oak-park.us/your-government/citizen-commissions/plan-commission>

### **Recommendation**

The Plan Commission Recommends Approval of the Planned Development Application with a 5 to 3 vote.

### **Staff Recommendation**

Village staff supports the Plan Commission's Recommendation.

### **Fiscal Impact**

Cost of Legal Advertisement (\$545.00 ) Account #1001.46202.101.550652.

### **Background**

The proposed development is located within the R-7 Multiple-Family Zoning District at the southwest corner of Van Buren Street and Austin Boulevard. The proposed development consists of a six-story building with the majority being brick and glass, with an attached photovoltaic array of solar panels positioned above the roof and along the south side of the building. The building height, measured at the flat roof level, will be 71 feet-10 inches tall with 45 residential rental apartment units. Twenty percent (20 %), nine (9) units, of the building will be affordable housing units. The nine (9) affordable housing units are not required by code for this property, but are being offered as a compensating benefit. Please keep in mind that, in areas that do require affordable housing units, there is a minimum of 10% of the proposed units that are required to be affordable. The proposal is providing seventeen (17) private parking spaces at the ground-floor level accessed via the abutting alley. The Applicant's request for approval is accompanied by the following seven allowances to the regulations of the Zoning Ordinance: 1.) Increase in Height; 2.) Rear setback reduction; 3.) Interior side yard

setback reduction; 4.) Parking space reduction; 5.) Loading zone reduction; 6.) Lot coverage reduction; and 7.) Lot size (density increase).

From a land use perspective, this proposed development fits well with the existing surrounding residential land uses as there are multiple family residential uses all along Austin Boulevard and single-family residential uses to the west. The height of this structure, while not maintaining the established height of abutting properties, is supported in part by the *Planning Together* district plan.

The *Planning Together* business district plan was adopted by the Village Board in 2003. Even though it was written several years ago, it remains relevant and is reflective of the current *Envision Oak Park* comprehensive plan adopted in 2014. The *Planning Together* document suggests the following for the Eastern Gateway area, Harrison Street at Austin Boulevard: “The beautiful eastward vistas provided by Columbus Park will be captured by residents in high density buildings at the intersection [Austin Boulevard and Harrison Street] and along Austin Boulevard.” It further states, “Density increases of six to ten stories north of Harrison [Street] should be limited to buildings adjacent to Austin [Boulevard].” While the diagram in the Plan depicts an area a few lots to the north of Harrison Street, the language of, taller and higher density buildings fronting Columbus Park between Harrison Street and Van Buren Street, relates to the subject property.

The proposed development mainly affects the following three recommendation chapters (touches on others) within the *Envision Oak Park* Comprehensive Plan: 1.) Chapter 4 (Land Use and Built Environment); 2.) Chapter 7 (Neighborhood, Housing and Diversity); and 3.) Chapter 13 (Environmental Sustainability).

The *Envision Oak Park* Comprehensive Plan establishes goals and objectives which set the standards for development. The *Land Use and Built Environment* chapter includes a future land use map that suggests only multiple-family use should be retained or constructed along Austin Boulevard, including the subject property. This chapter also examines opportunities near rail transit stations for housing developments. In fact, the subject property is located within the “Austin/Lombard Blue Line housing focus area.” According to the *Envision Oak Park* plan, “One of the primary goals of the US Department of Housing and Urban Development (HUD), who funded the comprehensive plan, is to establish local policies that support the development of accessible and affordable housing with safe and easy access to transit.” The proposed development, at this subject property, supports this goal.

The *Neighborhood, Housing and Diversity* chapter of the Plan seeks to sustain and broaden diversity and integration throughout the Village. Among other opportunities, the Plan speaks to boards and commissions reflecting the communities commitment to diversity and affordable housing. The proposed mixed-income housing proposal will blend affordable housing units with market rate housing units, creating an integrated housing option within the Village; one that is in a transit-oriented development (TOD) area.

The *Environmental Sustainability* chapter focuses on multiple environmental goals and objectives. The proposed development exceeds the applicable expectations. With this development, the developer is proposing to construct a nationally leading-edge sustainable building. In lieu of pursuing formal LEED certification, this project is designed to and will achieve the more rigorous Passive House Institute US - PHIUS+ Certification and will also achieve Zero-Energy Building performance. Ongoing performance monitoring will be conducted in accordance with the Performance Monitoring/Verification Plan found in the application.

The Comprehensive Plan is guided by the following five Guiding Principles: Diversity, Urban Sustainability, Respect for Oak Park’s History and Legacy, Collaboration and Cooperation, and Thriving Neighborhoods. The proposed development touches on each of these principles which helps in the advancement of Oak Park’s vision, as defined by Village citizens.

#### Compensating Benefits:

Affordability - Consistent with the mission of the Oak Park Residence Corporation, 20% of the units (9 units in total) in this proposed development will be affordable.

Village Improvements:

1. Sidewalk Expansion: The publicly accessible sidewalk area will be expanded as part of a colonnade to be established on the north side of the new development. This sidewalk area will continue to be maintained by the Oak Park Residence Corporation going forward. A public access easement will be provided.
2. Curb and Alley Adjustments: The developer will reconfigure the curb line and radius into the alley in accordance with Village direction, to reflect changes in the expansion of the width of the sidewalk commensurate with the street vacation.
3. Street Resurfacing: The developer will resurface the portion of the street designated as a construction staging area following the completion of building construction.
4. Compensation for Impacts: The developer will compensate the Village for impacts due to any temporary loss of parking due to the development.

Public Art:

The developer will identify, commission, and install a piece of public art or sculpture.

**Alternatives**

Deny the Planned Development Application or approve the Planned Development, with modifications.

**Previous Board Action**

N/A.

**Citizen Advisory Commission Action**

October 7, 2021 meeting: The petitioner, Oak Park Residence Corporation, requests approval of a planned development application for a six (6) story 45-unit multiple family building in the in the R-7 Multi-Family Residential Zoning District. The Petitioner seeks the following allowances from the Oak Park Zoning Ordinance associated with the Planned Development application, found in Article 4 - Table 4-1 Residential Districts Dimensional Standards: a decrease in minimum lot area from 35,100 sq. ft. to 11,085 sq. ft.; an increase in height from 45 feet to 71.85 feet; an increase in maximum building coverage from 70% to 85.17%; a decrease in minimum interior side setback from 9.05 ft. to 8.3 ft.; a decrease in minimum rear setback from 24.5 feet to 1.5 feet; a decrease in automobile parking from 34 spaces to 17 spaces; a decrease in loading area from one space to zero spaces. The applicant, David Pope - President and CEO of the Oak Park Residence Corporation, provided an overview of the project and introduced the project team members. Attorney for the applicant, Rolando Acosta, reviewed the allowances and provides some clarification. Mr. Pope continued with an overview of the Oak Park Residence Corporation background and proceeded to discuss the subject site. Mr. Pope discussed the affordable units indicating an increase from 3 existing unit to 9 units in the proposed development. He continued to present development issues for the village and focused on height, geography, affordability, sustainability, accessibility and beauty. Mr. Pope followed that with a presentation on the massing diagram of the building and the progression from ground up. He continued with a brief statement regarding financial impacts. Mr. Denny Burke with Tom Bassett Dilley Architects discussed the energy efficiency of the proposed building. Mr. Michael Worthmann with KLOA a traffic engineering firm, presented information on the parking and traffic aspects of the development. He indicated the site was a Transportation

Oriented Development (TOD) project because it is near public transit and walkable to amenities. He also stated that this site is rated 9.5 out of 10 on the transit score. Mr. Worthmann discussed their support for a reduction in parking for this project. Due to the TOD nature of the site and area, a reduction in parking was appropriate. Mr. Pope reviewed the public benefits for this project and provided quotes from the Planning Together district plan for the Harrison Street area. He continued to discuss the reasons the abutting historic building had blank walls along the property line, which was due to the anticipation of another residential building butting up against it. Village Planner Failor provided an overview of the staff's report for consideration. Mr. Noel Weidner, Chair of the Historic Preservation Commission provided an overview of their evaluation of the project as it impacts local landmarks within 250 feet of the subject site. Mr. Rich Van Zeyl with Wight & Co. architect and consultant to the Village, provided a overview of their architectural assessment of the proposed building. Both reviews supported the project, but with some suggestions for change or additional information. Chair Sims asked for initial questions by the commissioners and direction to the applicant for the next meeting. The questions/direction included inquiries regarding ceiling heights, relocation of solar panels, underground parking options, redesign of first floor and second floor space, concurrence with no on-street parking requests, more details and elevations for better understanding of project, stepping back of top floor and solar panels, redesign with scaled down massing and further exploration of air tightness of the building and air purification.

November 4, 2021 meeting: The applicant, David Pope - President and CEO of the Oak Park Residence Corporation, provided an overview of the information requested by the Plan Commission at the October 7, 2021 meeting. Mr. Pope presented information on the following: air circulation, south façade, pedestrian experience, site plan/ ground floor use, setback evaluation and height considerations. He also, after a question raised by the commission, presented cross section of the building and debated on the possibility of reducing the height between floors. The Plan Commission opened the public comment portion of the meeting. The following individuals spoke in support of the application: Ed Solan representing Arbor West, Joerg Albrecht, and Linda Schuler representing Housing Forward. They supported the project, its inclusion of affordable housing, investment along Austin Boulevard and bridge to the Austin community. The following individuals spoke in opposition to the application: Paul Hamer, Jenn Thompson, Bill Kinnaird, Kevin Kell, Terri Rymer, Amber Gray, Tim McCoy, Mary Fran Riley, Colleen Hintz, Cameron Stingily, Carol Elazier, Jeb Metric, Barbara Metric, Donna Rolf, Jerry Hellman, Leslie Brown, Julie Samuels, Susan Gilchrist, Jeanne McCoy, Justin Dossiea, Jane Campbell, Frank Vozak, Amanda Austin, Jim Gilchrist and Theresa Carilli. They had the following concerns; size of building, parking (on-site and off-site), traffic safety, density, unfairness to neighborhood, no respect to the neighborhood, over capacity of utilities, vehicular maneuverability in the building and adjacent the building, location of the handicapped accessible parking space, construction parking, vacation and loss of on-street parking, less affordable housing units then in current building, reduced parking in the area, two-way stop concerns at Humphrey and Van Buren, height, solar panels, Austin Boulevard proposed crosswalk, use of common brick for abutting building not because addition would be proposed, not in a Transit Oriented Development (TOD) area, no alternate transportation uses such as Divvy, Zip Car, etc. nearby, parking ratio too low, the IKE corridor study mentioned regarding use of necessary vehicles in the area more than building providing, permit parking is a premium, 550 parking tickets issued so far in 2021 in this area, walking distance to amenities is too lengthy, no loading zones will create congestion, updates to the site plan needed for trash and bike parking, construction vehicle parking plan needed, shadow study is inconsistent and inaccurate, need an hourly shadow study by independent contractor, detrimental impacts to historic structures, not in character with neighborhood, lack of privacy for neighbors, setbacks not large enough, limits light and air, against zoning

regulations, construction over right-of-way and street vacation unprecedented, no attention paid to existing building - in disrepair, and mechanical equipment in violation of the zoning codes. Chair Sims indicated that those who were unable to attend, that had signed up, can send their comments in writing. No additional in-person public comments would be taken at the next meeting. The next meeting would begin with cross examination, then closing statements, concluding with Commissioner questions and deliberations. The Chair asked for specific staff and staff consultants to attend the next meeting.

December 2, 2021 meeting: Chair Sims opened the hearing with the cross-examination portion of the hearing. Mr. Jerry Hellman was the only one registered for cross examination. Mr. Hellman began with questions regarding the cost (rent structure) of the units and how the rents for the proposed building compares to the rents of the current building at 7 Van Buren Street (now vacated). Mr. Hellman asked about the make up of the units, market rate vs. affordable relative the number of bedrooms. Mr. Hellman asked whether or not the former residents could access the proposed building, and would those in any affordable units have priority for parking spaces in the building. He continued to ask questions regarding the cost of the parking spaces vs. the cost of the exterior parking spaces for the former tenants. Mr. Hellman as if the building would be occupied by the very rich and very poor. He continued with question about utility cost and who paid for them. He asked if the lease agreements would have a clause that prohibited a tenant from owning a vehicle. Mr. Hellman inquired if the Residence Corporation would lobby for more on-street parking permits. Mr. Hellman then moved to questions about the loading and unloading during move in and out. Will there be hour restrictions for these operations was a question asked. He then inquired about the affordable housing application process. Mr. Hellman asked if the applicant knew of any other building along Austin Boulevard was as tall as the proposed building. He final question was regarding whether or not the applicant has a fall back plan if this application does not get approved. The applicant provided answers to each of these questions. The Chair closed that portion of the hearing and opened the Commissioner question portion. Chair Sims began with statements and questions regarding parking. Parking Manager Keane and Village Planner Failor answered questions. The Commissioner began with their questions. Their questions were relative to parking, taxes, affordable housing increase, opening up of the Van Buren cul-de-sac, the narrow alley and possible maneuvering issues, the reasons for the proposed height of the building, potential visibility conflicts with the building setback along the alley, bicycle parking locations, electric charging station opportunities, not a TOD project due to lack of access to amenities, no justification for low parking number onsite, questions about available parking off-site, concern over allowed compact car spaces and ability to open car doors, TOD sites need parking, wants CNT (Center for Neighborhood Technology) to perform an analysis of parking needs for the proposed building/site, property taxes, funding from government, concern of use of public property for private use, no concerns regarding parking, crosswalk across Austin Boulevard, garbage management and possibility to reconfigure the first floor layout to accommodate loading and garbage.

December 16, 2021 meeting: Chair Sims opened the meetings with a review of the three outstanding items, bicycle parking, garbage collection at 801 S. Oak Park Avenue process, and Center for Neighborhood Technology parking review. Applicant, David Pope reviewed each of these items, then followed with the Applicant's summary statements focusing on the submitted spreadsheets regarding the development, village goals, changes in neighborhoods, stating that many buildings along Austin Boulevard could not be built today under current zoning regulations, and referenced many of the over 100 positive public comments submitted to the Plan Commission. Mr. Kevin Kell provided a summary for the objectors. Mr. Kell started by stating their support for affordable housing and sustainability by the developer. However, they do not believe the project

meets the zoning standards. Nor do they believe the proposed development follows the business district plan or comprehensive plan. Several aspects of the plan do not meet zoning like compensating benefits to the neighborhood, height and massing of the structure, or other regulations such as, water and waste water capacity, maneuvering areas, shadowing of the surrounding properties and diminished light and air for neighboring condo building. Mr. Rolando Acosta, attorney for the applicant, provided the rebuttal statements. He reviewed all of the standards, which he stated were fully met. He reviewed the allowance standards as well, which he stated were fully met. The Commission then opened the deliberation section of the hearing. The Commissioners asked questions and made statements about the project. In general, the commissioners applauded the affordable housing and sustainability goals of the development proposal. Some felt that the developer is at risk for seeking tenants without a need for parking. Some felt that any potential parking increase would be minimal. They felt that the development meets the standard for planned development. Concerns were raised about ingress/egress to the building, parking shortage, bicycle parking, trash locations and access. Those that voted in opposition felt there were too many minor items to overlook for the larger development. The Plan Commission closed the public hearing and voted 5-3 in favor of the application. The Plan Commission then voted on the requested street vacation without discussion as the matter had been reviewed as part of the planned development review. The vote was 6-2 in favor of the street vacation.

All Plan Commission recordings can be found on the Village's website here:

<https://www.oak-park.us/your-government/citizen-commissions/commission-tv>

#### **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.