



## Agenda Item Summary

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**File #:** ORD 23-37, **Version:** 1

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### **Submitted By**

Plan Commission through Tammie Grossman, Development Customer Services Director

### **Reviewed By**

A.M. Zayyad, Deputy Village Manager

### **Agenda Item Title**

**Concur with the Plan Commission's Recommendation and Adopt an Ordinance Denying Text Amendments to Article 6 ("Special Purpose Districts"), Section 6.3 ("H Hospital Zoning District") of the Oak Park Zoning Ordinance Regarding the H- Hospital Zoning District Regulations (\*)**

### **Overview**

The Applicants; Mr. Bruno Graziano, Ms. Anne Frueh, Mr. David Osta, and Mr. Michael Weik, are seeking approval of multiple Zoning Ordinance text changes to the H - Hospital Zoning District which mainly impacts the Rush Oak Park Hospital campus located at 520 South Maple Avenue.

### **Recommendation**

The Plan Commission recommends denial of the application by a 7-2 vote.

### **Staff Recommendation**

Staff Supports the Plan Commission's Recommendation. This application is very unique in that it comes from a residential neighborhood group who are not the owners of the subject property. Staff strongly believes that if the application is approved, this would set the wrong precedent.

### **Fiscal Impact**

N/A.

### **Background**

During the drafting phase of the Zoning Ordinance revision project, prior to its adoption in 2017, staff reached out to both, Rush Oak Park Hospital and West Suburban Hospital representatives to inquire if they would have any objection to a stricter (lower) height regulation for a portion of their campus, specifically property adjacent single-family residential properties. In fact, residents near West Suburban Hospital presented a proposal for change during the Zoning Ordinance revision project time period. In both cases, when staff approached the two hospitals, they indicated they would not object. The initial request for a reduction in their allowed height of 125 feet was to a maximum height limit of 50 feet in the specific geographical areas now identified in the Zoning Ordinance. West Suburban Hospital agreed to the reduction in height from 125 feet to 50 feet as they recognized that single-family residential property abutting their property to the west was only separated from the hospital zoning by a 20-foot-wide public alley. They also did not object to an increase in principal building setback from 30 to 50 feet along their west property line which abuts the 20-foot-wide

public alley. Rush Oak Park Hospital agreed to a reduction in height from 125 feet to 80 feet as they too recognized that single-family residential zoning was across the 66-foot-wide public streets. There was no change in the existing principal building setback of 20 feet from property lines abutting the public street frontages.

For context, the Belmont Village Retirement Community's building to the northeast of Rush Oak Park Hospital campus is at a height of 75 feet and the Medical Office Building (MOB) on the south side of Rush Oak Park Hospital is 60 feet +/- tall. Belmont Village does not abut any residentially zoned property, but the MOB does. This MOB building, which was approved via a Special Use Permit in 1999, is setback 75 feet from the single-family zoned property directly to its south and 95 feet from the property line abutting Wisconsin Avenue to the east. The MOB is setback 35 feet from the west property line abutting Maple Avenue. Across the street from the MOB on the west side of Maple Avenue is now a surface parking lot owned and operated by Rush Oak Park Hospital for valet parking, but at the time the MOB was approved and constructed, up until about a little over two years ago, it was zoned multiple family residential containing a variety of residential buildings.

According to the Applicant's narrative provided within their application, with support from the Center West Oak Park Neighborhood Association, they propose amending the Oak Park Zoning Ordinance to further reduce building height and increase building setbacks from property lines for the Rush Oak Park Hospital campus. They believe these changes will be more in line with West Suburban Hospital's current height and setback regulations. The Applicant requests the following text amendments to the Oak Park Zoning Ordinance; (1) an amendment to Article 6 ("Special Purpose District"), Section 6.3C(1) to apply the dimensional standards in the H-Hospital Zoning District to all uses within the H-Hospital Zoning District; and (2) an amendment to Article 6, Section 6.3C(2) to limit the height restrictions that apply to certain geographical areas and maximum height restrictions within those geographical areas as follows: a building height decrease from 125 feet to 80 feet for the area located east of Harlem Avenue, north of Monroe Street to Maple Avenue to the east; and a building height decrease from 80 feet to 50 feet for the area east of Wisconsin Avenue to the west side of Wenonah Avenue; and a building height decrease for the area east of Harlem Avenue, south of Monroe Street to the west side of Wisconsin Avenue; and (3) an amendment to Article 6, Section 6.3C (Table 6-3) ("H District Dimensional Standards") to increase the building setbacks for front yards from 20 feet to 30 feet, interior side yards from 20 feet to 30 feet, those yards abutting residential districts from 30 feet to 50 feet, and corner side yards from 20 feet to 30 feet.

Accessory uses have less of an impact on adjacent land uses than principal uses do. As an example; using the existing text, a surface parking lot is considered an accessory use. The intent of the Applicant's change is to treat accessory uses the same as a principal uses relative to setback regulations. By definition and in practice, an accessory use does not have the same impact that a multi-story principal use would have. If this provision were approved as suggested by the Applicants, any new surface parking lot would be severely restricted in its setback to a point that it diminishes the ability of the Hospitals to provide essential surface parking. This change would affect both hospital campuses, not just Rush Oak Park Hospital. This would mean that both Hospitals would need to rely more on on-street parking spaces and/or potentially need taller parking structures to accommodate their parking needs.

The Applicants are requesting height reductions in three geographical areas of the Rush Oak Park Hospital campus. The far-easternmost campus parcel is the parcel that was recently subject to a special use ordinance amendment process to allow for the construction of a multi-level parking structure. The hospital did not go

forward with this development. This parcel is located west of Wenonah Avenue and north of Monroe Street and south of Belmont Village retirement facility. The maximum height allowed in this area is 80 feet. This is the area mentioned previously where Rush Oak Park Hospital did not object to a height reduction from 125 feet to 80 feet. The Applicants are requesting that the maximum height restriction in this area be reduced from 80 feet to 50 feet. NOTE: *Any future proposals on this parcel will require a public hearing as the hospital will need to amend the previously approved special use ordinance, via the same process as with the recent proposed parking structure.*

The northwesternmost campus parcel abutting Harlem Avenue presently consists of a surface parking lot and utility building. This parcel is located north of Monroe Street and is between Harlem Avenue and Maple Avenue. The current maximum height allowed in this area is 125 feet. The Applicants are requesting the maximum height restriction in this area be reduced to 80 feet. NOTE: *This parcel is not abutting or near a residential neighborhood and is somewhat isolated from any residentially zoned areas. This parcel, as measured from the Monroe Street property line, is approximately 265 feet from the closest residentially zoned property to the south.*

The southernmost portion of the campus parcel presently has a relatively new surface parking lot and the Medical Office Building which was approved in 1999. This parcel is located between Harlem Avenue and on either side of Maple Avenue, south of Monroe Street. The current height allowed in this area is 125 feet. The Applicants are requesting the maximum height restriction in this area be reduced to 50 feet. NOTE: *The property which was recently redeveloped with a surface parking lot was purchased by Rush Oak Park Hospital, then rezoned from the R-7 Multiple Family zoning district to the H-Hospital zoning district in February 2021. This area directly abuts an R-7 Multiple Family zoning to the south. The five story Medical Office Building directly east was approved for development in 1999 and directly abuts an R3-50 Single Family zoning to the south. If the height reduction is approved as proposed the Medical Office Building will become nonconforming.*

The Applicants are requesting building setback increases in the front yard, corner side yard, and interior side yard. They are also requesting a modification to the applicability of the rear yard setback.

The front yard setback the Applicants are proposing is an increase from 20 feet to 30 feet.

The four (4) street frontages designated by the Village as front yards are as follows:

- a. Madison Street and three sections of Monroe Street;
- b. south property line of the northwestern-most parcel between Harlem Avenue and Maple Avenue,
- c. north property line of the southwestern-most parcel between Harlem Avenue and Maple Avenue and,
- d. the south property line of the easternmost parcel between Wenonah Avenue and Wisconsin Avenue extended.)

The corner side yard setback the Applicants are proposing is an increase from 20 feet to 30 feet.

The four (4) street frontages designated by the Village as corner side yards are as follows:

- a. Harlem Avenue (north and south of Monroe Street),
- b. Maple Avenue (both east and west sides, from Madison to the cul-de-sac),
- c. Wisconsin Avenue south of Monroe Street, and
- d. Wenonah Avenue north of Monroe Street.

The interior side yard setback the Applicants are proposing is an increase from 20 feet to 30 feet, but if

abutting a residential zoning district, it increases from 30 feet to 50 feet.

There are no interior side yard setbacks designated by the Village for the Hospital Campus.

The rear yard setback is to remain at 30 feet, but if abutting a residential zoning district, it shall be increased to 50 feet, in all instances, not just adjacent to the height-restricted area as currently written. The language in the Zoning Ordinance currently states that the 50-foot setback applies only to the “height-restricted area”. The height-restricted area is the far-easternmost campus parcel which was subject of a special use ordinance amendment process for a multi-level parking structure. The three (3) rear yard property lines designated by the Village are as follows:

- a. North property line of the northwesternmost parcel between Harlem Avenue and Maple Avenue,
- b. South property line of the southernmost portion of the campus parcel from Harlem Avenue to Wisconsin Avenue, and,
- c. The north property line abuts the east/west alley south of Belmont Village between Wenonah Avenue and Wisconsin Avenue.

The Plan Commission and Village Board must consider the following standards when determining the appropriateness of the proposed Zoning Ordinance text amendment. The approval of amendments is based on a balancing of these standards.

Standards for Text Amendments:

- a. The extent to which the proposed amendment promotes the public health, safety, and welfare of the Village.
- b. The relative gain to the public, as compared to the hardship imposed upon the applicant.
- c. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
- d. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
- e. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy.
- f. The extent to which the proposed amendment creates nonconformities.
- g. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance.

**Alternatives**

Approve the Application.

**Previous Board Action**

N/A.

**Citizen Advisory Commission Action**

The Plan Commission held a public hearing on May 4, 2023. The Plan Commission meeting video can be found here: <https://www.oak-park.us/your-government/citizen-commissions/commission-tv>

The Applicants, Graziano, Frueh, Osta, and Weik presented their application via a PowerPoint presentation -

attached. The Applicants presented two expert witnesses, who received no compensation, and who indicated they were advocates of the proposed application. Ms. Linda Searl is an architect by trade and education and is a former 25-year member of the Chicago Plan Commission. Ms. Searl mentioned her experience on that commission and provided examples of related zoning applications. She felt that the application proposed was in the best interest of the community and that the Hospital should work with the community on its planning. Ms. Rachel Caskey is a professor of medicine and chief of the division of academic internal medicine for UIC Medical Center. Ms. Caskey focused on current healthcare expansion being low-rise with smaller footprints and more open space. She compared the West Suburban Hospital campus design to that of Rush Oak Park Hospital's campus indicating Rush Oak Park Hospital's campus should be developed similarly to West Suburban Hospital's campus.

The Plan Commission heard from five residents, three (3) in favor and two (2) opposed. The Applicants submitted a petition with 202 signatures in favor of the application - attached. The neighbors at the hearing who were in support mentioned poor communications regarding past developments by the Hospital, concern over the purchasing of residential property to expand their campus, more noise and litter in the area, the wrong attitude by the Hospital - institution vs. community, and the fact that building was too tall currently. Those opposed indicated the Hospital serves more than just Oak Park and growth would be beneficial for all of Oak Park, and that change is necessary to stay relative.

The Attorney for Rush Oak Park Hospital indicated their opposition to the application. Attorney Richard Friedman, stated that Rush Oak Park Hospital would be majorly impacted by the proposed Zoning Ordinance text amendment. Attorney Friedman stated that he believes the Applicants have no standing on their requests. In fact, no person has done this before. He said this would be precedence-setting and should not be allowed. He indicated that the application was prematurely based on speculation of what might be developed. No plans have been created by the Hospital.

Mr. George Kissel, Architect representing Rush Oak Park Hospital testified as a paid expert witness for Rush Oak Park Hospital. He stated that the proposed text amendments would be a burden on the Hospital creating a reduction in their potential with no public benefit. He indicated that the Zoning Ordinance text amendments would create nonconforming structures and that the application fails to meet the standards for Zoning Ordinance text amendments.

Dr. Dino Rumaro, CEO of Rush Oak Park Hospital spoke to the 1999 Special Use permit process, and his staff's needs, and stated that no development plans have been prepared or submitted for review. If the text amendments were approved there would be a negative impact on the Hospital. He indicated that the Hospital met with the neighbors on several occasions and wishes to continue the dialogue. He asked that Rush Oak Park Hospital be allowed to develop a campus facility plan.

The Plan Commission ended with their deliberations. The Plan Commissioners discussed the idea of better dialogue between Rush Oak Park Hospital and the neighbors, two commissioners were sympathetic to the neighbors to the east of the campus, and some were not supportive of a private property owner dictating what another private property owner can do, older sites will evolve, transparency is needed, the request is highly unusual and will set a bad precedent if approved, the argument by the applicant is not persuasive, staff should review regulations regularly, support for previous changes to the campus zoning was stated, there was a concern regarding property rights if this text amendment were to be approved, the proposal is consistent with

the Zoning Ordinance and Envision Oak Park Comprehensive Plan recommendations, standards have not been met, and there is now new leadership at Rush Oak Park Hospital.

The vote was 7-2 to deny the application. Commissioners Beckwith and Bridge supported the application as they both thought that the northeastern most parcel at Monroe and Wenoah Streets should be reduced to an allowable height of 50 feet from the current 80 feet.

**Anticipated Future Actions/Commitments**

N/A.

**Intergovernmental Cooperation Opportunities**

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