

March 17, 2011

President and Board of Trustees
Village of Oak Park
123 Madison Street
Oak Park, Illinois 60302

Re: Application of Interfaith Housing Development Corporation for a
Planned Development at 820-32 Madison Street and 436 South Grove Street

Dear Ladies and Gentlemen:

The Application and Notice. On or about October 19, 2010, Interfaith Housing Development Corporation, Oak Park Housing Authority and Catholic Charities (“the Applicants”), filed an application with the Village of Oak Park for a planned development on the parcel commonly known as 820-832 Madison Street and 436 South Grove Street, Oak Park, Illinois (the “Subject Property”). The President and Board of Trustees referred the application to the Plan Commission to hold the required public hearing on the application.

On November 23, 2010, a legal notice of public hearing on the application was published in the Wednesday Journal, a newspaper of general circulation in the Village of Oak Park. Additionally, a notice was posted at the Subject Property and certified letters were also mailed by the Applicant to owners of record of property within 500 feet of the Subject Property as provided by the Applicant, advising them of the proposal and the public hearing to be held.

The Plan Commission finds that the notice given by the Applicants was proper.

Pursuant to the legal notice, this Plan Commission opened its public hearing on the application on December 16, 2010 at 7:00 p.m. in the Village Hall, at which time a quorum of

the members of the Plan Commission was present. This hearing was continued for further testimony and deliberations to January 6, January 20, February 3, February 17, March 3, and March 17, 2011. A quorum of the members of the Plan Commission was present at each of the continued hearing dates. Commissioners who were absent on any hearing date listened to or watched a recording of the proceedings of the date they were absent.

Because of an ongoing scheduling conflict on many of the meeting dates, Commissioner Deborah Fausch decided to recuse herself from consideration or discussion on the application.

Having heard and considered the testimony and evidence at the public hearing, the Commission makes the following findings of fact:

FINDINGS OF FACT

The Subject Property.

1. That the Subject Property is approximately 31,895 square feet (Application Materials, Tab 1) and encompasses property in two neighboring blocks, one on the east side of Grove Street and one on the west side of Grove Street. It is comprised of 1) a 21,685.80 square foot parcel commonly known as 820 Madison Street and bounded by Madison Street on the south, Grove Street on the west, 426 South Grove Street Residence on the north, and the north/south public alley between Madison Street and Washington Street on the east; 2) a 10,173.52 square foot parcel commonly known as 832 Madison and bounded by Madison Street on the south, Grove Street on the east, the east/west public alley between Grove Street and Kenilworth Avenue on the north, and 838 West Madison on the west. The Applicant has the right to purchase the property from its current owner, Comcast of Illinois IV, Inc., should the Village grant approvals “on terms and conditions which are satisfactory to [the Applicant] in its sole discretion.” (Real Estate Sale Contract, dated Feb. 4, 2010, p. 2.)

2. That the Subject Property is currently improved as follows: 820 Madison Street contains a vacant, two-story structure previously used for service trucks, staff training, and bill-payment center; and a vacant, unmarked parking lot surrounded by a chain link fence occupies 832 Madison Street. The Applicant has contractual rights to purchase the Subject Property contingent upon approval of the application, along with the express rights to pursue the planned development special use application.

3. That the parcels are both zoned “C” Commercial District and are in the Madison Street Overlay District.

The Applicant

4. The Interfaith Housing Development Corporation (“IHDC” or the “Applicant”) is an Illinois not for profit corporation. It is a sectarian organization that has a mission to create “long term, locally generated solutions to homelessness [. . .] for very low-income people who are homeless, or at a risk of homelessness.” IHDC has created 13 developments in the Chicago metropolitan area since 1992 to achieve this mission.

5. For purposes of its application to the Village and building and operating the proposed development on the Subject Property, IHDC has partnered with several other entities: the Oak Park Housing Authority (“OPHA”) and the Catholic Charities of the Archdiocese of Chicago (the “Catholic Charities”) in order to complete the project that is the subject of the application.

6. OPHA is a municipal corporation that has been operating within the Village since 1946. It was chartered pursuant to the terms of the Illinois Housing Authorities Act. 310 ILCS 10/1, *et seq.*

7. The Catholic Charities is a not for profit organization with the mission to provide “compassionate, competent, professional services that strengthen and support individuals, families and communities.”

The Proposed Project

8. That the Applicant proposes to construct a four-story, mixed use development with 5,200 square feet of first floor retail on Madison Street and three floors of one bedroom residential units – 17 per floor for 51 single-occupancy residential units in total. IHDC, along with its partners, are targeting these units to be for “low income” (as determined by the Illinois Housing Development Authority) residents either currently living and/or working in the Village.

9. The proposed height of the building would be 55 feet and 5 inches, five feet and five inches over the permitted 50 foot limit in this zoning district.

10. The proposed development proposes to refurbish the existing historical structure, using its current footprint and historical two-story facades along Grove Street and Madison Street. The building was built originally in 1927 with brick and stone facades.

11. A 1981 renovation of the building’s exterior added “dryvit,” a stucco-like finish to the outside of the bricks. The proposed development would remove the dryvit and restore the building to its original brick and stone appearance. The proposed additional two stories would continue the brick and stone materials present in the original two floors beneath the dryvit.

12. In line with the requirements of the Madison Street Corridor overlay district, the proposed development maintains the first floor as commercial / retail space.

13. The proposed development is comprised of a LEED Certified building, including a green roof over a portion of the building, a geothermal heating and cooling system and permeable pavers on parking areas.

14. The Applicant proposes to provide a total of 32 surface parking spaces, 23 in a parking lot at 832 Madison on the west side of Grove Street, and 9 additional surface spaces adjacent to the north/south alley to the east of 820 Madison Street running between Madison Street and Washington Street. Current paved areas to the north of the 820 Madison Street structure would be converted to green space between the development and the Grove Street residence immediately to the north of the structure.

15. Of these 32 parking spaces, six in the parking lot could be used for the commercial / retail space. Another six of the alley adjacent spaces could be used for employee parking for the commercial / retail space. Additionally, 13 street spaces along Grove Street and Madison Street (with parking prohibited between 2:30 a.m and 6:00 a.m.) could be used for customer access to the commercial / retail space.

The Madison Street Corridor Plan

16. The Subject Property is within the area of the Madison Street Corridor Plan (“the MSCP” or “the Plan”), which presents plans and visions for the future of Madison Street, including mixed-use development, residential development, aesthetic improvements, and gateway enhancements for the Madison Street corridor. The MSCP is intended to assist in the review of development proposals and provide “guidelines” for specific facets of site and building design. The MSCP was adopted by the Village Board in June, 2006 after many months of discussion by various citizen groups, including the MSCP Steering Committee.

17. The MSCP designates the segment of Madison Street from Oak Park Avenue to Home Avenue (“Segment 2”), which includes the Subject Property, as a Neighborhood-Oriented and Mixed Use District, which, according to the MSCP, incorporates mixed-use buildings with ground floor retail and upper floor residential or office.

18. The MSCP provides that in the Neighborhood-Oriented and Mixed Use District, the character of the Madison Street corridor focuses on landscaping and open space, historic preservation, small-scale neighborhood commercial uses and residential units. With respect to architectural design, the Plan states that “new building design is of high quality and significantly driven by context of the surrounding area, but also includes ‘green’ features as necessary to obtain LEED NC certification,” (p. 19 of the Preferred Vision Section of the Plan).

19. LEED is an abbreviation for Leadership in Energy and Environmental Design, which is a rating system used by the U.S. Green Building Council, a nonprofit organization, which rates buildings on matters like energy use and indoor-air quality.

20. The Madison Street Coalition reviewed the proposed project, worked with the development team and issued a statement to the Commission on December 1, 2010, finding “that the proposed development meets the intent of [the MSCP’s] guidelines even though the height of the building is 5.5 feet above that allowed by the zoning ordinance.”

21. The Madison Street Coalition further found that the “reuse of the existing historic building with newly designed floors above represents appropriate building design along Madison Street relative to massing and articulation, material and color, fenestration, form, and orientation.”

The Requested Site Development Allowances

22. The Subject Property is located within a “C” Commercial District; the “C” District requirements regulate lot size, intensity of use, required yards, setbacks, density and other bulk matters. The Subject Property is also in the Madison Street Overlay District, which contains specific restriction on land use and bulk requirements.

23. The Applicant has requested eight (8) allowances from the C District's requirements. The following table and text detail the requested allowances.

Allowance Type	Zoning Ordinance	Proposed Request	Need for allowance
Setback – Front Yard	3-5 Feet	0 Feet (existing)	3 Feet
Setback – Side Yard	10 Feet	0 Feet (existing)	10 Feet
Lot Coverage (Building)	45%	48%	3%
Lot Coverage (Open)	25%	20%	5%
Parking (residential)	64 Spaces	32 Spaces	32 Spaces (50%)
Parking (commercial)	9 Spaces	0 Spaces (shared with Residential)	9 Spaces (100%)
Density (Intensity of Use)	40 Units	51 Units	11 Units
Landscaping Lot	Perimeter	North	South & West of East Lot
Building Height	50 Feet	55 Feet 5 Inches	Over by 5 Feet 5 Inches
Loading Berths	2	1	Under by 1 loading berth.

24. Regarding the requested front yard setback, the requested allowance is needed because the Applicant intends to use the existing footprint of the historical building on the Subject Property.

25. Regarding the requested side yard setback, the requested allowance is needed because the Applicant intends to use the existing footprint of the historical building on the Subject Property.

26. Regarding the requested zoning allowance for Lot Coverage of open space, the proposed building leaves 20% of the lot as open space, whereas the current configuration for the Subject Property has 0% open space.

27. With respect to the requested zoning allowance for residential parking, the Applicant's request for a 32 parking space allowance is based on the formula that 51 residential units require 51×1.25 , or 64 parking spaces.

28. With respect to the requested zoning allowances for commercial parking, the Applicant's request for a 9 parking space allowance is based on the square footage formula $(5,223/500 = 11 (-25\%) = 9)$.

29. That with respect to the requested zoning allowances for loading berths, the Zoning Ordinance requires two loading berths for the size of the proposed development. This allowance is required because the current building has only one loading dock. The Applicant has provided engineering plans showing that a 21 foot delivery truck would have a sufficient turning radius to access the loading dock, which is located on the alley to the east side of the proposed building at 820 Madison Street.

30. That with respect to the proposed height of the building, the portion of the building where the height would exceed the fifty-foot height restrictions are in an "L" shape along Grove and Madison Streets. A large portion of the currently-existing two to three story structure closest to the adjoining properties to the north would be reduced to one story. The Applicant's shadow study indicates that several abutting residential properties to the north of the proposed development will have increased shadows, mostly at the winter solstice when the midday shadows are the longest to the north. However, the Applicant's shadow study did not reflect the difference between the proposed building's shadows and the shadows that would be

cast by a building of the allowed fifty-feet, which would be substantially similar to the shadows cast by the proposed building.

Specific Objectives Met by The Proposed Development

31. Section 3.9.1(E) of the Oak Park Zoning Ordinance, in relation to planned developments, requires planned developments to “achieve some or all of the following specific objectives.”

32. The allowances for the proposed development, and use of the Subject Property as a mixed use low-income residence and commercial space according to the details provided herein and in the Record, meet the following six specific objectives:

- a. Creation of a more desirable environment than may be possible through strict application of other Village land-use regulations with the use of creative design, landscape, and/or architectural features.
- b. Enhancement of the existing character and property values of the Village and promotion of the public welfare by ingenious and imaginative designs resulting in a better and more creative use of land.
- c. Combination and coordination of the character, the form and the relationship of structures to one another.
- d. The beneficial use of open space.
- e. Promotion of economic development within the Village.
- f. Preservation and/or enhancement of historical and natural resources.

Input from Other Village Commissions and Committees

33. The Plan Commission received favorable recommendations for the proposed development from the following Village Commissions and Committees, all of which are part of

the Record: (1) the Madison Street Coalition; (2) the Historic Preservation Commission; (3) the Public Art Advisory Committee; (4) the Housing Programs Advisory Committee; (5) the Community Design Commission; (6) the Community Relations Commission; and (7) the Transportation Commission. The Plan Commission requested input from the Universal Access Commission, but never received any such input.

The Planned Development Standards

34. An application for a planned development may be granted by the Village only if the Applicant demonstrates that the proposed development satisfies the following standards, which are found in Section 3.9.1(I) of the Zoning Ordinance. All of the standards must be satisfied before this Commission may make a favorable recommendation to the Village Board.

35. That Section 3.9.1(I) of the Zoning Ordinance sets forth the following numbered standards which are addressed in turn: (1) Comprehensive Plan Standards, (2) Municipal Services Standards, (3) Vicinity Standards, and (4) Economic Development and Feasibility Standards.

Comprehensive Plan Standards.

36. The proposed use or combination of uses is consistent with the goals and objectives of the 1990 Comprehensive Plan and has been considered in relation to any other plans adopted by the Village Board.

37. The Oak Park Comprehensive Plan designates the subject property as being within the *Business Area*. The Comprehensive Plan states that “. . . in these areas the emphasis is on the preservation and upgrading of existing business structures. Nearly all of the properties in these areas are in good condition and, if properly maintained, are unlikely to require redevelopment in the near future. In the unlikely event that a building is destroyed, for example

by fire or natural disaster, the zoning Ordinance will assume that densities will be maintained when the building is replaced. New development or replacement uses should generally be confined to the same land areas presently occupied by existing uses.”

Housing

38. The *housing* goal of the Comprehensive Plan is to preserve and enhance the stable, residential environment so that persons of all ages races and *income* can continue to live in sound, affordable housing. Thus, the Village, through development and redevelopment, should support racial integration, *economically diverse housing*, maintain and enhance the quality of housing, maintain and enhance the existing residential character, preserve and maintain significant historical structures, and stabilize population.

39. The Village has a need for additional affordable one bedroom units with supportive services. In 2010, the Village hired an outside consultant to update the Village of Oak Parks’ Analysis of Impediments to Fair Housing. One of the findings of this analysis was that there was a lack of affordable accessible housing for persons with disabilities in the Village. The Oak Park Housing Authority’s waiting list for Mainstream Vouchers (vouchers for persons with disabilities) has 31 single households that have an Oak Park residency preference, and there are 206 single individual households with a residency preference on the 2004 regular waiting list.

40. The proposed development will be fully accessible to persons with mobility impairments and will have 10 units that will be adaptable for persons with disabilities. Additionally, many persons with other forms of disabilities will benefit from the supportive services that will be provided on site to residents.

41. Currently pending before the Village Board is the 2010 Housing Programs Advisory Committee’s Report on Affordable Housing Strategies. In this report is a series of

strategies that the Village Board could consider implementing. The plan found that almost 83% of small low-income renter households have a housing problem. The plan also finds that the majority of low-income renters would benefit from improved economic opportunities provided by cost savings. Additionally, the plan states that these households need supportive services such as education and job-training.

42. Allowing 51 units of affordable housing in the Village would not be imposing a concentration of poverty in one geographic area, one that is largely middle class in nature presently. Rather, the proposed development on the Subject Property may expand the economic opportunities for low-income persons (as defined by the Illinois Housing Development Authority, as amended from time to time) that could live in an otherwise unattainable neighborhood. The proposed development would allow low wage earners working or living in Oak Park an opportunity for affordable and attractive housing in a good neighborhood. The proposed development may allow its residents to develop a sense of community that would not exist residing in scattered site housing.

43. No credible evidence was presented to counter the Village Police Chief's opinion that the proposed development would not cause any extra burden on the neighborhood's health and safety.

Transportation and Parking

44. The *transportation and parking* goal of the Comprehensive Plan is to preserve the residential character of neighborhood and improve the health of business districts while achieving the safe, fuel-efficient and cost-effective movement of people and goods. This means that the Village should maintain the residential nature of neighborhoods while allowing the safe flow of traffic, provide adequate parking for residents, shoppers, employees, commuters and

visitors, enhance public transportation opportunities and encourage more use of public transportation and less dependence on automobiles, and use the mass transit facilities as an economic development tool.

45. As stated in more detail herein, the traffic generated by the proposed development is anticipated be less disruptive to the neighborhood than the previous use.

46. The parking allowance requested is acceptable due to the nature of the tenants, accessibility to public transportation, and certain conditions to the parking plan.

47. According to the Corporation of Supportive Housing in Chicago, the *Indicators of Housing Quality* of the most recent (2005) American Housing Survey shows that overall roughly 8.5% of the households surveyed do not own a car. However, only 3% of owner-occupied households do not own a car compared to 20% of renter-occupied households. When household characteristics are factored, 27% of renter-households below the poverty line do not own a car. These figures are supported by the most recent (2001) *National Household Travel Survey* that shows 20% of households with incomes under \$25,000 per annum do not own a vehicle.

48. Oak Park is a transit rich community that encourages residents to utilize public transportation alternatives.

49. The Center for Neighborhood Technology in its recent study, *Penny Wise Pound Fuelish*, (March 2010) estimates that a household living in a transit rich community can save as much as \$3,110 annually by not owning an automobile and using public transportation.

Public Facilities and Services

50. The *Public Facilities and Services* goal of the Comprehensive Plan is to provide, in the most efficient manner, those public services and facilities that maintain a desirable community. This means that the Village should maintain public safety operations, maintain and

improve public works and services, maintain and improve the high quality of other government facilities and services in the most cost-effective manner, and promote an improved and healthier community.

51. As stated herein in more detail, the proposed development maintains and/or betters public works, services and facilities by reducing the Subject Properties' demands on these public works and by smartly utilizing the historic, existing footprint of the current building and by achieving LEED building standards.

52. The *Economic Development* goal of the Comprehensive Plan is to expand the Village's tax base in order to maintain a high level of services, programs and facilities. This means that the village should attempt to maximize the potential for establishing tax-generating commercial and residential development and redevelopment, stimulate increased private investment, encourage a broad range of convenient retail and service facilities, encourage existing businesses to remain and expand and to attract new businesses, and attract a larger proportion of retail purchases.

53. The *Citizen Participation* goal of the Comprehensive Plan is to maintain a high and representative level of citizen involvement in Village affairs. This means that the Village should attempt to maximize opportunities for resident involvement in the decision-making process.

54. For the foregoing reasons and the totality of the evidence in the Record, the Plan Commission finds that the proposed development meets many of the applicable standards and requirements of the Comprehensive Plan, many of which overlap with the other standards, as required by Section 3.9.1(I).

Municipal Services Standards

55. The standards for granting a planned development also require the Applicant to generally show that the Village's municipal services will not be overly burdened, including specifically the following:

- a. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety or general welfare of the residents of the Village.
- b. Adequate utilities, road access, parking, drainage, police and fire service and other necessary facilities already exist or will be provided to serve the proposed use or combination of uses, including access for fire, sanitation, and maintenance equipment.
- c. Adequate ingress and egress to the planned-development site already exists or will be provided in a manner that adequately addresses additional traffic congestion in the public streets and promotes a safe and comfortable pedestrian environment.

56. That the Village Staff report, entered into the Record by the Plan Commission during the public hearing, as amended in parts at the request of Plan Commission, made relevant recommendations regarding these municipal services affected by the proposed development, including: transportation, parking, and police services.

57. Regarding transportation and traffic, Village Staff found that the proposed development "will have a minimum impact on the area traffic," and that the "previous uses [of the Subject Property] had a much greater impact on the neighborhood."

58. Village Staff also found that making Grove Street one way south-bound would not be a reasonable solution to any neighborhood traffic concerns. However, Staff opined that a diverter to encourage south-bound traffic out of the parking area would be a viable option.

59. Regarding parking, both the Plan Commission and Village Staff considered the large parking allowance requested by the proposed development. The Village Staff found that

the requested parking allowance, subject to certain conditions as specified below, would not overburden the area's parking.

60. The Village Police chief, after reviewing the proposal, opined that the proposed development would not create any additional police burden.

61. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety, or general welfare of the residents of the Village.

Vicinity Standards

62. The planned development standards also require that the proposed development fit into the character of the surrounding uses, including:

- a. The proposed use or combination of uses will not substantially diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses that are permitted by the Zoning Ordinance of the Village.
- b. The proposed use or combination of uses will not have a substantial or undue adverse effect upon property values in the vicinity.
- c. The proposed design, use or combination of uses will complement the character of the surrounding neighborhood.

63. In addition to the requirements of the Madison Street Overlay District, Village Staff opined that the proposed development was compatible with the surrounding land uses along both Madison and Grove Streets, specifically, that its "consistency with the Madison Plan and underlying zoning also provides support to the idea that the proposed uses are appropriate. A four story building of this magnitude is not the standard along the corridor, but the use of existing (underlying) materials and vertical elements helps diminish the massing of the building. The screened parking lot across from the building provides a good natural and aesthetic barrier for the residential land uses as well as from the corridor. A thirty foot wide landscape yard along

the north property line creates a buffer compatible with a residential neighborhood which exists to the north of the subject site.”

Economic Development and Feasibility Standards

64. The planned development standards also requires certain financial and economic standards be met:

- a. The applicant has the financial and technical capacity to complete the proposed use or combination of uses.
- b. The proposed use or combination of uses is economically feasible and does not pose a current or potential burden upon the services, tax base, or other economic factors that affect the financial operations of the Village, except to the extent that such burden is balanced by the benefit derived by the Village from the proposed use.

65. The Applicant demonstrated that it had the financial capacity to complete the project as described.

66. The Applicant presented evidence of an estimated increased tax valuation for the Subject Property should the proposed development be allowed.

67. The evidence indicated that the proposed development will generate approximately \$97,000 to \$128,000 in real estate taxes at the end of 2012, compared with the current use’s 2009 tax bills (payable in 2010) of \$90,623.81 (for the 820 Madison site) generated by the Subject Property. The proposed development will also provide the Village with potential sales tax revenue, depending upon the tenant(s) of the commercial space.

68. The standards in Section 3.9.1(I) of the Zoning Ordinance as set forth in paragraph 21 have been satisfied.

A. Comprehensive Plan Standards.

The proposed use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan.

B. Municipal Services Standards.

1. The establishment, maintenance, or operation of the use or combination of uses will not be materially detrimental to or endanger the public health, safety, morals or general welfare of the residents.
2. Adequate utilities, road access, drainage, police and fire service and other necessary facilities already exist or will be provided to serve the proposed use or combination of uses, including access for fire, sanitation, and maintenance equipment.
3. Adequate ingress and egress to the proposed use or combination of uses already exists or will be provided in a manner that adequately addresses additional traffic congestion in the public streets and promotes a safe and comfortable pedestrian environment.

C. Neighborhood Standards.

1. The proposed use or combination of uses will not substantially diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses that are permitted by the Zoning Ordinance of the Village.
2. The proposed use or combination of uses will not have a substantial adverse effect upon property values in the vicinity.
3. The proposed design, use or combination of uses will complement the character of the surrounding neighborhood.

D. Economic Development Standards.

1. The Applicant has the financial and technical capacity to complete the proposed use or combination of uses.
2. The proposed use or combination of uses is economically feasible and does not pose a current or potential burden upon the services, tax base, or other economic factors that affect the financial operations of the Village, except to extent that such burden is balanced by the benefit derived by the Village from the proposed use.

Compensating Benefits.

69. In return for the Village providing allowances from Village regulations, the Applicant must provide compensating benefits which advance Oak Park's physical, cultural and

social objectives (in accordance with the Comprehensive Plan and other approved plans) by having the Applicant provide specific amenities in the planned development. Among the compensating benefits which accrue to residents of the area or to the community as a whole are:

- a. Visual Compensating Benefits along Madison Street and Grove Street: Along the Madison Street frontage, the proposed development calls for decorative masonry walls with benches that will screen the parking lot from the Madison Street frontage while providing seating for the general public. The masonry walls will complement the existing sitting walls across Madison Street from the proposed development. Additionally, the proposed development will place a similar masonry wall to the west side of the geothermal park along Grove Avenue. The project also includes decorative fencing along the west side of the geothermal park.
- b. The proposed development plans also include a community room for use by the residents of the proposed development as well as the general public. This community room will be on the ground floor of the development, approximately 1,250 square feet and will comfortably seat 118 persons. The room will be open to members of the general public by appointment and without charge. This community room will help alleviate the currently-existing high demand for such community space in the Village.
- c. Environmental benefits: The proposed development will reduce the overall environmental footprint of the Subject Property in several ways, thus taxing the neighborhood and the community at large in more minimal ways than the current configuration of the Subject Property. It will use permeable pavers instead of asphalt in the parking areas and in and around the decorative walls and benches. These pavers allow rain to drain into the soil naturally which greatly decreases the amount of storm-water run-off that goes into the municipal storm sewer system. Also, a portion of the proposed building utilizes a “green roof,” essentially covering a portion of the roof with soil and sedum plants. Such green roofs reduce the building’s need for electricity (heating and cooling) and also reduce the storm-water run-off that is generated by the building. Furthermore, the proposed development plans are for silver level LEED (Leadership in Energy and Environmental Design) certification, including geothermal heating and cooling, not only reducing the proposed development’s footprint on many Village and regional infrastructure but also adding to Oak Park’s status as a leading community in the area that is committed to sustainability.

Public Art As Part Of The Development.

70. Section 3.9.1(F)(3) requires that an Applicant provide at least one piece of public art as part of the development. The scope of the public art should be in proportion to the square footage of the development upon review and advice by the Village’s Public Art Advisory Committee (“PAAC”). The Applicant and the PAAC have been in discussions regarding the scope, type and placement of the public art. The Applicant will be designing and constructing a decorative fence at the western edge of the geothermal park along Grove Street and the southern edge of the parking lot at 820 Madison Street , the design of which will be approved by the PAAC and installed prior to the issuance of the final certificate of occupancy for the proposed development.

71. The special use permit standards that are set forth in Section 2.2.3D of the Zoning Ordinance are not applicable to the Application because, “[f]or planned developments, the forgoing [Section 3.9.1(l)] shall be the sole standards and shall supersede the special use standards set forth in Section 2.2.3D.” However, the Plan Commission finds that the standards set forth in Section 2.2.3D of the Zoning Ordinance have been met by the Applicant and the evidence in the Record.

RECOMMENDATION

Pursuant to the authority vested in it by the statues of the State of Illinois and the ordinances of the Village of Oak Park, and based on the above findings, the testimony and the evidence presented at the public hearing, this Plan Commission, sitting as a Zoning Commission, hereby recommends to the President and Board of Trustees that the proposed planned development for the Subject Property be allowed, subject to the following conditions:

- (1) In leasing units in the proposed development, the Applicant shall give preference first to those individuals currently residing *and* working in Oak Park and second to those individuals currently either residing *or* working in Oak Park. Moreover, the Applicant shall give preference to disabled persons for the units that are handicap accessible or handicap convertible.
- (2) The Applicant shall advertise for and populate a new list of potential residents that is separate and apart from any waiting lists already in use by the Oak Park Housing Authority or any other partner of the Applicant. The Applicant shall accordingly choose its residents from this new list, as it amends from time to time. The Applicant shall give written notice to the Village 60 days prior to the opening date of the list. The Village shall, in turn, make this information available to the general public in its sole discretion, in any of the following or other ways: via e-mail notification, notification on public access channel 6, and/or on the Village website.
- (3) The Applicant shall require and conduct a written criminal background check for all residents prior to signing any lease with the potential resident. The Applicant shall not permit anyone to become a resident of the proposed development on the Subject Property if they have a record of a felony conviction five or fewer years prior to the date of the resident applying for residency with the Applicant.
- (4) The Applicant shall, in addition to the full time professional property manager on the premises of the Subject Property, hire a “resident manager” who shall be available to the residents at all times that the professional manager is not on site, either by being on the premises of the Subject Property or by the implementation of an “on-call” procedure.
- (5) The Applicant shall fund an escrow account for the purposes of conducting a traffic and parking study to be commenced at six (6) months after full occupancy of the Subject Property (95%), including both the residential and the commercial portions of the Subject Property, to be completed by a firm selected by the Village, with the time and scope of the study to be decided by the Village. The consultant shall hold a meeting with any interested neighbors to determine their concerns with traffic and parking issues, if any, generated by the proposed development. This study shall review traffic and parking within approximately one quarter mile of the Subject Property. If this post-construction traffic and parking study recommends that any measures should be taken to correct any unforeseen traffic or parking issues that have been caused by the development, the Applicant shall implement said recommendations within six (6) months after the study has been completed. To insure that payment of the costs of the study, the Applicant shall post a bond, letter of credit or other security acceptable to the Village in an amount of \$20,000 (“security”), for the study. The security, or any portion of the security, shall be returned to the Applicant upon full compliance with this condition.

- (6) The Applicant shall post a bond or letter of credit or proof of insurance, as required by Village Ordinance or Illinois Statute (the amount to be determined by the Village) with the Village to cover any damages related to construction activities, including but not limited to vibrations from drilling of geothermal wells on the Subject Property.
- (7) The Alternate Parking Plan submitted by the Applicant in its Planned Development Application under Table 2, page 5 of the Traffic Impact and Parking Study dated August 9, 2010, be accepted with the following conditions:
 1. The 32 off-street private parking spaces proposed for the 51 residential units is acceptable, subject to:
 - a. Within these spaces, two (2) spaces located in the off-street lot at 832 Madison shall be dedicated for a car sharing service, if the Applicant and the car sharing service establish area-demand exists for two cars. The Applicant shall make an effort to establish one car sharing vehicle within the first six (6) months of opening and two (2) car sharing vehicles within eighteen (18) months of opening.
 - b. During such times as the percentage of residential units with tenant vehicles is less than 60%, the Applicant shall open and designate parking spaces for use by the "General Public" (e.g. the commercial customers and guests) within the parking lot at 832 Madison. The spaces opened up for the use by the General Public shall be proportionate to the number of spaces not needed for residents.
 - c. The Applicant will comply with existing Village requirements to notify prospective tenants of the Village's On-Street Overnight Parking Ban and advise tenants in writing on or before the date the residency application is submitted that private parking may not be available from the Applicant, and no more than one private parking space is available or permitted per applicable unit.
 - d. In the event that the percentage of residential units with tenant vehicles is greater than 60%, the Applicant shall petition the Village for creation of additional On-Street Overnight Parking Spaces on Grove adjacent only to their building and/or parking lot.
 2. The parking demand generated by the commercial space will be evaluated by the Applicant and a report provided to the Village upon the full occupancy (95%) of the residential portion of the proposed development on the Subject Property and leasing of the Subject Property's commercial space, six (6) months following the full occupancy of the Subject Property. In the event that the commercial space is leased, the Applicant will make its best efforts upon the issuance of the commercial certificate of occupancy to obtain off-street evening parking through agreement with neighboring properties (e.g. Chase Bank) for after-hour use of private parking, if the Village determines that there is such a parking demand. In addition, the Shared

Parking Option presented verbally by the Applicant to consist of daytime use of up to seven spaces in the off-street parking lot (accessible from Grove Street) by commercial tenants shall be incorporated into the Alternative Parking Plan.

- (8) The Applicant shall work in good faith with the Village to explore reuse or repurposing of Parking Lot 116, on the northeast corner of Madison Street and Oak Park Avenue, which would allow any additional needed parking for the Subject Property.
- (9) The Applicant shall impose a right-turn-only restriction on traffic exiting the parking lot at 832 Madison, and shall work with the Village to impose these restrictions with proper signage and all necessary diverters at the Applicant's expense.
- (10) The Applicant shall install appropriately-designed bicycle racks along Grove Avenue or in the parking lot at 832 Madison for employees and retail customers of the Subject Property. The number, location and design of the bike racks shall be jointly approved by the Village Engineer and Village Planner.
- (11) The Applicant shall take the following actions related to leasing the commercial space:
 - a. The Applicant shall develop a detailed marketing plan for commercial recruitment for the Subject Property, including the development of outreach efforts to non-retail users such as profession service providers and office uses. This plan shall be reviewed with the Business Services Manager for the Village of Oak Park.
 - b. The Applicant shall develop a plan to address the potential for "dark" space in the Subject Property along the Madison Street Corridor if initial leasing efforts are unsuccessful. Plans shall include temporary uses and displays as well as the use of window screening to soften the vacancy. These designs shall be jointly approved by the Business Services Manager and the Village Planner.
 - c. The Applicant shall develop a site-specific marketing sheet highlighting the assets that the Subject Property enjoys, including: high traffic counts, new development on the south side of Madison Street, development potential at Oak Park Avenue and Madison Street, institutional daytime traffic, and the historic renovation of the Subject Property.
- (12) The Applicant shall reserve a position on its "Board of Managers" for the Subject Property for a neighbor of the Subject Property.

- (13) The Applicant shall obtain the final approval of the Public Art Advisory Committee for the public art in its application prior to the time the Village issues the occupancy permit for the Subject Property.
- (14) The Subject Property's landscaping shall include bioswales (low vegetated ditches that carry and filter storm water) consistent with the Community Design Recommendations. All landscape plantings should be native to the area to support the local insect and bird populations. In such cases where native plantings are not available, the Applicant shall plant consistently with the recommendations of the Community Design Commission. The Applicant shall provide the Village with a bond, letter of credit or other security acceptable to the Village in an amount of 110% of the cost of landscape materials and installation, to insure that the landscaping is installed and maintained pursuant to the landscape plan.
- (15) The Applicant's final building and site plans submitted to the Village for approval prior to construction must substantially conform to the preliminary plans as submitted to Village Staff and as presented in its application to the Village Board for a planned development special use permit, including but not limited to the use of substantially similar building materials as presented in its application. The Village shall determine in its discretion whether the final plans "substantially conform" and/or are "substantially similar" to the application and the preliminary plans. The applicant's final plans must substantially conform to the following list of preliminary plans included in the application:
 - (a) Perspective Drawings: dated October 20, 2010 prepared by Weese Langley Weese Architects
 - (b) Site Plan: dated December 6, 2010 prepared by Weese Langley Weese Architects (with only the revisions necessary to conform to the Plan Commission recommendations.)
 - (c) Landscape Plan & Plant List: dated November 29, 2010 prepared by Weese Langley Weese Architects (with only the revisions necessary to conform to the Plan Commission recommendations.)
 - (d) Building Elevations: dated December 6, 2010 prepared by Weese Langley Weese Architects
 - (e) Floor Plans: dated December 6, 2010 prepared by Weese Langley Weese Architects
 - (f) Exterior Lighting Plan: dated October 20, 2010 prepared by Weese Langley Weese Architects

- (g) Shadow Study: dated October 20, 2010 prepared by Weese Langley Weese Architects
 - (h) LEED Requirements: submitted December 3, 2010
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- (16) During construction of the Subject Property, the Applicant shall post a conspicuous sign on or adjacent to the Subject Property providing a local phone number which interested parties may call to obtain answers to questions about the project and its construction. Such telephone number shall be staffed during normal business hours, Monday through Friday, except legal holidays, by a person with authority to address and remedy problems, including, but not limited to traffic, noise, maintenance and landscaping.
 - (17) During construction of the Subject Property, the Village shall designate a staff liaison.
 - (18) The Applicant shall insure that all construction debris remains on the Subject Property and is removed on a regular basis. The Applicant shall erect and maintain a screening fence around the perimeter of the Subject Property to minimize blowing debris.
 - (19) Semi-trailer truck traffic is prohibited on Grove Street, north of the east –west alley adjacent to the Subject Property. The Applicant shall submit its route for construction traffic for the Subject Property, its plan for construction parking, and its demolition and construction schedule to the Village Engineer for his/her review and approval.
 - (20) The Applicant shall comply with its agreement with the resident at 426 South Grove Street wherein the Applicant agreed to: (1) plant one or two trees on the parking lot adjacent to the north/south public alley between Madison Street and Washington Street to help shield the residence from the alley and the bank on the northwest corner of Oak Park Avenue and Madison Street; (2) construct a single wood privacy fence on the north property line of the Subject Property to further help shield the residence from the Subject Property; (3) remove several bushes near the north property line of the Subject Property to clear room for the wooden privacy fence; and (4) to show the property owner of 426 South Grove Street all landscape plans regarding these issues prior to performing the work.
 - (21) In the event the Applicant or its successors or assigns fails to comply with one or more of the foregoing conditions and restrictions after 30 days written notice by the Village or its agents, the President and Board of Trustees may thereafter revoke or limit this planned development, provided, however, that the Applicant or its successors shall be deemed to have complied if they promptly commence a cure and diligently pursue that cure to completion where such cure is not reasonably susceptible to completion within such 30-day period.

This report adopted by a 6 to 1 vote of the Plan Commission, sitting as a Zoning Commission, this 17th day of March, 2011.