

**FINDINGS OF FACT AND RECOMMENDATION OF THE
DEVELOPMENT REVIEW BOARD
VILLAGE OF RIVER FOREST**

September 20, 2018

RE: **Application # 18-05, for a Planned Development to Construct a Senior Care Facility at 800-814, 818, 822 and 826 N. Harlem Avenue, River Forest, Illinois**

PETITIONER: **Kaufman Jacobs, L.L.C.**

APPLICATION: **For a Planned Development to construct a new three and four-story building for use as a “senior care” facility. The development will be comprised of thirty-three (33) memory support units and ninety two (92) assisted living units, with off-street parking spaces for staff, visitors and residents. The location of the proposed development is at 800-814, 818, 822 and 826 N. Harlem Avenue, River Forest, Illinois) (collectively, the “Subject Property”)**

BACKGROUND: The Petitioner submitted an application to the Village of River Forest for a Planned Development for the Subject Property. The requested Planned Development as moved forward for public hearing is referred to herein as the “Application.” The Application requests permission to construct a building for use as a “senior care” community (the “Project”). The Project as proposed will be four (4) stories high in the middle, will drop down to three (3) stories on the north and south wings, and will be comprised of thirty three (33) memory support units, and ninety two (92) assisted living units, with up to seventy four (74) on-site parking spaces for staff, visitors and residents. The Application was received and processed by Village staff in accordance with the River Forest Zoning Ordinance (“Zoning Ordinance”).

Petitioner is Kaufman Jacobs L.L.C. The operator of the proposed facility is Senior Lifestyle Corporation. The Subject Property consists of the former TCF Bank property (800-814 N. Harlem) and the three (3) residential properties to the north (818, 822 and 826 N. Harlem). The Subject Property is approximately 1.45 acres in area.

The portion of the Subject Property consisting of the former TCF Bank property is located within the C2 Commercial Zoning District, while the portion consisting of the three (3) residential properties is located within the R2 Single-Family Residential Zoning District. The Subject Property is surrounded by the following uses:

To the west, by six (6) individual single-family homes within the R2 Single-Family Residential Zoning District, to the north by a single-family home within the R2 Single-Family Residential Zoning District, to the east by North Harlem Avenue, with contiguous commercial and retail buildings and townhomes across Harlem in the Village of Oak Park, and to the south by Chicago Avenue, with one service station across Chicago Avenue located in the Village in the R2 Single-Family Residential Zoning District, and another service station at the south east corner of Chicago Avenue and North Harlem Avenue located in the Village of Oak Park in the NC Neighborhood Commercial Zoning District.

APPLICATION: The Petitioner seeks the following site development allowances in the Application, as the Petitioner is permitted to request by the Village of River Forest Zoning Ordinance (“Zoning Ordinance”):

Type	Zoning Ordinance	Required / Allowed	Proposed	Site Development Allowance Needed
Use	Section 10-21-3 (Appendix A)	Nursing Homes and Skilled Care Facilities are Not Permitted within the Village	Senior Care Facility as a combination of assisted living and memory care units	Allow the Project as a Nursing Home and Skilled Care Facility within the C2 Commercial Zoning District
Building Setback – Front (Chicago)	Section 10-13-7	15.4 feet	3.5 feet	11.9 feet
Landscaping Setback – Front (Harlem)	Section 10-24-4	3 feet from building, 7 feet from parking	5 feet from building, 5 feet from parking	2 feet from parking
Landscaping Setback – Rear (West)	Section 10-24-4	7 feet	0.9 feet	6.1 feet
Building Height	Section 10-13-6	30 feet	68.5 feet	38.5 feet
Parking Stall Length	Section 10-7-4	18.42 feet	18 feet	.42 feet
Parking Aisle Width	Section 10-7-4	25 feet	24 feet	1 foot

PUBLIC HEARING: At the public hearing before the Development Review Board (“DRB”) held on August 30, 2018 and September 6, 2018 (together the “Hearing”), representatives of Petitioner presented the Application. At the duly and properly noticed Hearing, testimony was taken and heard by the DRB on the Application and written comments were received with regard to the Application. All persons testifying during the Hearing were sworn prior to giving testimony. All persons wishing to be heard were allowed to engage in cross-examination of the witnesses and provide testimony on their own behalf.

Following the Hearing, which included presentations by Petitioner and its contractors, reports by various Village staff, and testimony from all who wished to speak, the DRB voted, four (4) in favor and two (2) opposed, to recommend approval of the Application to the Village President and Board of Trustees so long as the conditions set forth below (“Conditions”) are met.

FINDINGS: The DRB, based upon the evidence presented at the Hearing, and pursuant to Section 10-19-3 of the Zoning Ordinance, makes the following findings regarding the Application:

- A. **The proposed use or combination of uses is consistent with the goals and policies of the comprehensive plan.**

The Subject Property is located partially in the C2 Commercial Zoning District and partially in the R2 Single-Family Residential Zoning District. It is anticipated that, if the Project is ultimately approved, rezoning will be requested to consolidate the parcels into a single C2 Zoning Lot.

Overall, the Project is consistent with the goals and objectives of the Comprehensive Plan. Specifically, the DRB finds that the Project will help to preserve the existing quality of life, character and heritage of the area, while anticipating change and progress in the future, by

offering seniors the ability to stay within the community, in a high-quality senior care/assisted living facility, something that does not currently exist within the Village (Comprehensive Plan Goal 1), that the proposed Project is a well-designed, compatible and economically sustainable use of the Subject Property (Comprehensive Plan Goal 2), and that the Project will encourage new residential development that provides for the needs of the Village population, through its creation of a high-quality senior care/assisted living facility, something that does not currently exist within the Village (Comprehensive Plan Goal 3).

The Village Planner analyzed the Project's relationship to the Village's Comprehensive Plan. The Village Planner's analysis provides in part:

Overall, the proposed senior care facility is appropriate for the location along Harlem Avenue. It is less intense than other commercial uses permitted in the C2 District and should serve as an appropriate transition/buffer between the heavy traffic and intensity of Harlem Avenue and the existing single-family homes west of the subject property on Bonnie Brae.

The Village Planner also notes that the Village's River Forest Corridors Plan (2010, adopted as an addendum to the 2003 Comprehensive Plan), contains core principles and economic development strategies that support the proposed Project.

The DRB concurs with the Village Planner's analysis, and, after considering the Application, the materials submitted regarding the Project and testimony presented at the Hearing, the DRB finds that the Project is consistent with the character of the Village. Based on the evidence presented, the DRB finds that this standard has been met, so long as the Conditions are met.

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

Testimony at the Hearing from the Petitioner and the Village's staff demonstrated that the Project would not result in any condition that would be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of residents in the Village. Testimony at the Hearing from the public raised concerns regarding the compatibility of the Project with nearby single-family residential uses, height, landscaping, traffic circulation parking, noise and light pollution relative to ambulance calls to the Project, snow removal, emergency evacuation, and building materials, among others. Some concerns were addressed directly by the Petitioner (redesigning the building, for instance, to lower the height of the "wings" to three stories, in order to lessen its impact), and others have been addressed by the DRB in the Conditions to the extent necessary to ensure a balance between the benefits provided by the Project and the general welfare of the nearby residents. Overall, the use will provide a high-quality senior care/assisted living facility, a beneficial housing option for seniors that does not currently exist within the Village. A majority of the DRB finds that this standard is met, so long as the Conditions are met. A minority of the DRB finds that this standard has not been met.

C. The proposed use or combination of uses will not diminish the use or enjoyment of other property in the vicinity for those uses or combination of uses which are permitted by this zoning title.

On balance, the testimony showed that the Project will not diminish the use or enjoyment of properties in its vicinity, as the Project will consist of a high-quality senior care/assisted living

facility, something that does not currently exist within the Village. Many permitted uses in the C2 Commercial Zoning District would be higher intensity than the proposed Project use. The Project will provide an appropriate transition and buffer between the noise and intensity of Harlem and the residential neighborhood to the west. While members of the public raised a number of concerns during the public hearing, some concerns were addressed directly by the Petitioner (redesigning the building, for instance, to lower the height of the “wings” to three stories, in order to lessen its impact), and others have been addressed by the DRB in the Conditions to the extent necessary to ensure a balance between the benefits provided by the Project and the general welfare of the nearby residents.

A majority of the DRB finds that this standard has been met, so long as the Conditions are met. A minority of the DRB finds that this standard has not been met, citing concerns about the height and size of the Project, and its impact on the adjacent single-family residential uses.

D. The establishment of the proposed use or combination of uses will not impede the normal and orderly development and improvement of surrounding properties for uses or combination of uses otherwise permitted in the zoning district.

The surrounding area is already fully developed. In addition, the DRB finds the use to be an appropriate one in the C2 Commercial Zoning District, in that it is consistent with other uses in the District. The addition of the Project would not impede adjacent uses. While a number of concerns were raised by residents in the vicinity of the proposed Project, some of those concerns were addressed directly by the Petitioner (redesigning the building, for instance, to lower the height of the “wings” to three stories, in order to lessen its impact), and others have been addressed by the DRB in the Conditions to the extent necessary to ensure a balance between the benefits provided by the Project and the general welfare of the nearby residents.

Based on this evidence, a majority of the DRB finds that this standard has been met, so long as the Conditions are met. A minority of the DRB finds that this standard has not been met since this use is not permitted under the Zoning Ordinance.

E. The proposed use or combination of uses will not diminish property values in the vicinity.

Evidence presented by the Petitioner suggested that there would be no diminishment of property values in the vicinity of the Project, and no credible testimony or evidence to the contrary was presented to the DRB. The Project will be of a high quality, and is designed to compliment the architecture prevalent throughout the Village. A majority of the DRB finds that this standard has been met so long as the Conditions are met. A minority of the DRB finds that this standard was not met, citing concerns that the Petitioner used a generic economic impact study and did not focus its analysis on the River Forest properties impacted.

F. 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.

There are adequate utilities, road access, drainage, police and fire services, and other Village services, to serve the improvements set forth in the Application. No evidence was presented suggesting or establishing that the Project would be hampered by a lack of utilities, road access, drainage, police or fire services. In response to concerns about snow removal, one of the Conditions proposed by the DRB is a requirement that all snow be stored on the Subject

Property or relocated off of the Property by the Petitioner and its agents, and that no snow may be relocated into the public right-of-way. The DRB finds that this standard has been met, so long as the Conditions are met.

G. Adequate measures already exist or will be taken to provide ingress and egress to the proposed use or combination of uses in a manner that minimizes traffic congestion in the public streets.

Evidence presented by the Petitioner suggested that generally there would be no negative traffic impacts due to the Project. No credible testimony was presented that the Project would unduly burden traffic on the public streets adjoining the Subject Property. The Petitioner is acquiring certain existing residential properties as part of the Project, and the existing curb cuts onto Harlem Avenue for those residences will be eliminated, decreasing the existing curb cuts onto Harlem at the Subject Property from five (5) down to one (1). Locating the curb cuts back from the Chicago and Harlem Avenue intersection should facilitate traffic flow. The DRB has proposed a condition that only right turns onto Harlem Avenue be permitted from the Subject Property. Testimony at the Hearing from the public raised concerns about delivery hours. The DRB has proposed a Condition limiting delivery hours to between 6:00 AM and 5:00 PM. The DRB finds that this standard has been met, so long as the Conditions are met.

H. The proposed use or combination of uses will be consistent with the character of the Village.

As set forth in Standard A. above, the DRB concurs with the Village Planner's analysis regarding the compatibility of the Project and the Comprehensive Plan and the compatibility of the Project with the character of the Village. The Petitioner has designed the building based on its observation of the character of the Village, including extensive use of brick and a low pitched roof on the center portion of the building. After considering the Application, the materials submitted regarding the Project and testimony from the Hearing, the DRB finds that the Project is consistent with the character of the Village. Based on the evidence presented, a majority of the DRB finds that this standard has been met, so long as the Conditions are met. A minority of the DRB finds that the size and height of the Project exceeds that in line with the character of the Village and that the use, which is not explicitly allowed in any zoning district within the Village is not, therefore, in keeping with the character of the Village.

I. Development of the proposed use or combination of uses will not materially affect a known historical or cultural resource.

The evidence presented at the Hearing showed that the Project will have no material affect on a known historical or cultural resource. The DRB finds that no historic or cultural resources would be materially affected by the Project. Based on the evidence presented, the DRB finds that this standard has been met, so long as the Conditions are met.

J. The design of the proposed use or combination of uses considers the relationship of the proposed use or combination of uses to the surrounding area and minimizes adverse effects, including visual impacts of the proposed use or combination of uses on adjacent property.

The Project proposes a use that provides a transitional buffer between the noise and intensity of Harlem Avenue and the residential area to the west. The use is less intense than many uses permitted in the C2 Commercial Zoning District. The design of the Project is complimentary to

the surrounding area, including a step down in height from four (4) stories to three (3) stories on the north and south wings to minimize adverse effects on surrounding properties. Based on the evidence presented, a majority of the DRB finds that this standard has been met, so long as the Conditions are met. A minority of the DRB finds that this standard has not been met due to the height and overall size of the Project.

K. The design of the proposed use or combination of uses promotes a safe and comfortable pedestrian environment.

The evidence presented established that pedestrians will not be put at risk by the Project. There are no expected pedestrian impacts resulting from the Project. No credible testimony was presented at the Hearing demonstrating that there was any risk to pedestrians based upon the improvements requested for approval in the Application. Based on the evidence presented, the DRB finds that this standard has been met, so long as the Conditions are met.

L. The applicant has the financial and technical capacity to complete the proposed use or combination of uses and has made adequate provisions to guarantee the development of any buffers, landscaping, public open space, and other improvements associated with the proposed use or combination of uses.

Evidence presented at the Hearing and in the Application demonstrates the Petitioner's financial and technical feasibility to complete the Project. Petitioner is an experienced builder of senior care communities throughout the Chicagoland region. The DRB included a condition requiring the Petitioner to revise the parking area to provide additional landscape buffering for the adjacent residences by eliminating a minimum of eight (8) parking spaces along the west side of the Subject Property. No other negative impacts are expected on buffers, landscaping, public open space, and other improvements associated with the Application, and the DRB included a Condition requiring the Petition to post a letter of credit or cash in favor of the Village for the costs of construction of any public improvements required as a result of the construction of the Project. Based on the evidence presented, the DRB finds that this standard has been met, so long as the Conditions are met.

M. The proposed use or combination of uses is economically viable 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.

The Petitioner produced evidence that the construction and operation of the Project are economically viable and provide an overall economic benefit to the Village. The DRB finds that there is no evidence the proposed uses in the Project will increase the burden on Village services, the Village's tax base, or other economic factors that affect the financial operations of the Village. Based on the evidence presented, a majority of the DRB finds that this standard has been met, so long as the Conditions are met. A minority of the DRB finds that the alleged economic benefits to the Village do not outweigh the burden that the Project will place on adjacent property owners.

N. The proposed use or combination of uses will meet the objectives and other requirements set forth in Section 10-19-3 of the Zoning Ordinance.

The Project meets the objectives of the Zoning Ordinance and other requirements of Section 10-19-3 for the reasons set forth above. Based on the evidence presented, the DRB finds that this standard has been met, so long as the Conditions are met.

O. The application meets the additional standards for multi-family housing in Section 10-19-3(O) of the Zoning Ordinance, except to the extent site development allowances have been granted.

Based on the evidence presented, the DRB finds this standard to be inapplicable to the Project.

SUMMARY OF RECOMMENDATION: Based upon the foregoing findings, a majority of the DRB, by a vote of four (4) in favor and two (2) opposed, recommends to the President and Board of Trustees that the Board approve the Application, including the site development allowances, subject to the following Conditions:

1. Only right turns shall be allowed onto Harlem Avenue from the Subject Property;
2. The Village's Traffic and Safety Commission review the possible imposition of resident permit parking only on the 800 block of Bonnie Brae, Iowa between Bonnie Brae and Harlem, and other nearby residential streets;
3. The Off-Street Parking Plan for the Subject Property be revised to remove a minimum of eight (8) on-site parking spaces in favor of providing additional landscaping and trees along the west side of the Property adjacent to residences. The revised Parking Plan showing the landscaping and tree additions shall be provided to the Board of Trustees for its consideration of the Planned Development.
4. All snow shall be stored on the Subject Property, or relocated off of the Property by Petitioner or its agents. No snow shall be moved to or stored in the public right-of-way.
5. Deliveries and garbage pickup to the Subject Property shall be limited to between the hours of 7:00 AM and 6:00 PM.
6. The Petitioner shall continue to offer to plant trees on residential properties immediately adjacent to the Subject Property at the request of those property owners and at the sole cost of Petitioner, in order to provide additional buffering.
7. Prior to issuance of a building permit for any portion of the Project, the Property owner shall post a letter of credit in favor of the Village in a form acceptable to the Village Attorney, or a cash deposit with the Village, equal to 125% of the Village Engineer's estimate of the costs of the public improvements of the Project, to secure the completion, maintenance, and/or repair of the public improvements. The letter of credit or cash deposit shall be held, if not already drawn and/or spent, for no less than six months after issuance of the final certificate of occupancy for the Project.

8. Prior to issuance of a certificate of occupancy for any portion of the Project, the Property owner shall grant an easement in a form acceptable to the Village Attorney to enter upon, on and over the exterior areas and interior common areas on the Subject Property (together the "Common Areas") for the purpose of inspecting the Common Areas, to determine whether the Common Areas have been and are being properly maintained in conformity with applicable ordinances, laws and regulations of the Village or any other governmental entity. If it is determined that the Common Areas are not in conformity with applicable ordinances, laws and regulations, the Village shall give the owner of the Subject Property written notice of such determination. Further, the Village shall have the ability, but shall have no obligation, to correct or to compel the correction of any problem concerning maintenance or any work required by any ordinances, laws or regulations of the Village or any other governmental entity, after providing fifteen (15) days written notice to the owner of the Subject Property, provided, however, that no notice shall be required in the event of an immediate threat to public health, safety and welfare. If the owner of the Subject Property fails to perform the necessary maintenance or work within fifteen (15) days after the date of notice, the Village shall have the right to perform or cause to be performed, such maintenance or work necessary to preserve the Common Areas, to fulfill the requirements of applicable ordinances, laws, or regulations of the Village or any other governmental entity. All the Village's costs, charges and expenses thereof in enforcing its authority under the easement, including its reasonable attorney's fees and court costs, shall thereupon be a lien against the Subject Property.
8. The Subject Property shall remain on the property tax rolls as fully taxable for the life of the Planned Development. This Condition does not prevent the Petitioner from appealing any property tax assessment as allowed by law. The Petitioner and the Village shall enter into a written agreement incorporating this condition that will be recorded and run with title to the Property.

Signed: _____
Frank Martin, Chairman
Development Review Board
Village of River Forest

Dated: _____