



**RIVERSIDE, ILLINOIS
OGDEN-HARLEM BUSINESS DISTRICT NO. 3 PLAN**

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&
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March, 2020

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I. Introduction

The Village of Riverside, Illinois (the “Village”) is a community located in Cook County, approximately 10 miles to the southwest of the City of Chicago’s “Loop”. The Village is generally bounded by the Village of North Riverside to the north, the City of Berwyn to the east, the Village of Lyons to the south and the Village of Brookfield to the west.

The Village has a rich development history. The Village was incorporated in 1875 and is often credited as being the first planned community in the United States. The community was originally designed by famed landscape architects Calvert Vaux and Frederick Law Olmsted. The designers took advantage of the Chicago, Burlington and Quincy Railroad to create a scenic commuter suburb characterized by curvilinear streets and a lack of right angle intersections. Much of the originally planned community is designated as the Riverside Landscape Architecture District, a National Historic Landmark.

Today, the community is still characterized as a commuter suburb with passenger rail service to Chicago, Illinois and other locations available through Metra Rail’s Burlington Northern Santa Fe line. Two stations serve the Village including one within the Harlem Avenue commercial corridor which runs along the Village’s eastern border.

Unlike the Village’s central commercial district, the Harlem Avenue commercial corridor developed in a piecemeal fashion throughout the Village’s history. The area, in part, was originally platted for single family residential uses, but developed to be predominantly made up by commercial and mixed uses in the early- and mid-20th Century. The corridor now serves as one of the Village’s major arterial roadways and acts as its eastern border with neighboring Berwyn, Illinois.

Certain conditions exist within the Harlem Avenue commercial corridor and its surroundings that limit its redevelopment potential. These include the presence of a defective and inadequate street layout and the deterioration of site improvements. These conditions impede private investment in the area resulting in an economic underutilization of the area as a whole.

The Village recognizes that economic development initiatives can offer communities an opportunity to overcome such conditions as well as potentially realizing other goals such as increasing property and sales taxes, creating a diversified tax base, increasing employment and services to local residents and reducing the presence of blighting conditions. Given the existing conditions of the area, the Village has determined that the area as a whole would not be redeveloped as a whole without the adoption of a Business District Plan.

A. Overview of Business Districts

The Business District Development and Redevelopment Act, 65 ILCS 5/11-74.3-1, et. seq., as amended (the “BD Act” or “Act”) authorizes Illinois municipalities to designate an area within the municipality as a business district. Business districts are a method of facilitating development or redevelopment of certain commercial areas, in part, by utilizing separate service occupation and

retailers' occupation and/or hotel operators' occupation tax revenues that are generated in those areas to pay for necessary public improvements and other eligible project costs. To impose such a tax, or taxes, the area to be designated as a business district must: (i) be contiguous (i.e. the properties within the area border each other); (ii) include only tax parcels of real property that will directly and substantially benefit from the proposed plan; and, (iii) is blighted, as defined in the Illinois Municipal Code, 65 ILCS 5/11-74.3-5.

B. The Business District Plan

A business district must be established in conformance with a specific plan officially approved by the designating municipality after holding a public hearing on the proposed designation. Kane, McKenna and Associates, Inc. ("KMA") has been retained to assist the Village in determining the eligibility of the area in accordance with the BD Act and in preparing this Business District Plan (the "Plan").

C. Municipal Powers Under the Business District Act

In accordance with the Business District Act 65 ILCS 5/11-74.3-3, the Village may exercise the following powers in carrying out a business district development plan:

- (1) To make and enter into all contracts necessary or incidental to the implementation and furtherance of a business district plan. A contract by and between the municipality and any developer or other nongovernmental person to pay or reimburse said developer or other nongovernmental person for business district project costs incurred or to be incurred by said developer or other nongovernmental person shall not be deemed an economic incentive agreement under 65 ILCS 5/8-11-20, notwithstanding the fact that such contract provides for the sharing, rebate, or payment of retailers' occupation taxes or service occupation taxes (including, without limitation, taxes imposed pursuant to subsection (10) below that the municipality receives from the development or redevelopment of properties in the business district. Contracts entered into pursuant to this subsection shall be binding upon successor corporate authorities of the municipality and any party to such contract may seek to enforce and compel performance of the contract by civil action, mandamus, injunction, or other proceeding.
- (2) Within a business district, to acquire by purchase, donation, or lease, and to own, convey, lease, mortgage, or dispose of land and other real or personal property or rights or interests therein; and to grant or acquire licenses, easements, and options with respect thereto, all in the manner and at such price authorized by law. No conveyance, lease, mortgage, disposition of land or other property acquired by the municipality, or agreement relating to the development of property, shall be made or executed except pursuant to prior official action of the municipality. No conveyance, lease, mortgage, or other disposition of land owned by the municipality, and no agreement relating to the development of property, within a business district shall be made without making public disclosure of the terms and disposition of all bids and proposals submitted to the municipality in connection therewith.
- (2.5) To acquire property by eminent domain in accordance with the Eminent Domain Act.

- (3) To clear any area within a business district by demolition or removal of any existing buildings, structures, fixtures, utilities, or improvements, and to clear and grade land.
- (4) To install, repair, construct, reconstruct, or relocate public streets, public utilities, and other public site improvements within or without a business district which are essential to the preparation of a business district for use in accordance with a business district plan.
- (5) To renovate, rehabilitate, reconstruct, relocate, repair, or remodel any existing buildings, structures, works, utilities, or fixtures within any business district.
- (6) To construct public improvements, including but not limited to buildings, structures, works, utilities, or fixtures within any business district.
- (7) To fix, charge, and collect fees, rents, and charges for the use of any building, facility, or property or any portion thereof owned or leased by the municipality within a business district.
- (8) To pay or cause to be paid business district project costs. Any payments to be made by the municipality to developers or other nongovernmental persons for business district project costs incurred by such developer or other nongovernmental person shall be made only pursuant to the prior official action of the municipality evidencing an intent to pay or cause to be paid such business district project costs. A municipality is not required to obtain any right, title, or interest in any real or personal property in order to pay business district project costs associated with such property. The municipality shall adopt such accounting procedures as shall be necessary to determine that such business district project costs are properly paid.
- (8.5) Utilize up to 1% of the revenue from a business district retailers' occupation tax and service occupation tax imposed under subsection (10) below and a hotel operators' occupation tax under subsection (11) below in connection with one business district that is:
 - (A) contiguous to the business district from which the revenues are received;
 - (B) separated only by public right of way from the business district from which the revenues are received; or
 - (C) separated only by forest preserve property from the business district from which the revenues are received if the closest boundaries of the business districts that are separated by the forest preserve property are less than one mile apart.
- (9) To apply for and accept grants, guarantees, donations of property or labor or any other thing of value for use in connection with a business district project.

(10) If the municipality has by ordinance found and determined that the business district is a blighted area under the Business District Act, to impose a retailers' occupation tax and a service occupation tax in the business district, in accordance with the Business District Act, for the planning, execution, and implementation of business district plans and to pay for business district project costs as set forth in the business district plan approved by the municipality.

(11) If the municipality has by ordinance found and determined that the business district is a blighted area under the Business District Act, to impose a hotel operators' occupation tax in the business district, in accordance with the Business District Act, for the planning, execution, and implementation of business district plans and to pay for the business district project costs as set forth in the business district plan approved by the municipality.

The service occupation and retailers' occupation taxes may be imposed at a rate of not exceeding one percent (1%), must be imposed in quarter percent (0.25%) increments. It may not be imposed on "food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purposes of rendering it usable by a person with a disability and insulin, urine testing materials, syringes, and needles used by diabetics, for human use". It may only be imposed for no more than 23 years. These taxes, if imposed, shall be collected by the Illinois Department of Revenue and then disbursed to the Village.

The hotel operators' occupation tax may be imposed at a rate of not to exceed one percent (1%), must be imposed in quarter percent (0.25%) increments, may only be imposed for no more than 23 years and, if imposed, must be collected by the Village.

D. Business District Goals & Objectives

The Village has established a number of economic development goals and objectives which would determine the kinds of activities to be undertaken within the Business District.

Given the potential community benefits that may be gained from redevelopment of the Business District, efforts should be made to obtain the following goals for the Business District:

1. Reduce or eliminate the adverse impacts described in Section II of this Plan which deter private investment in the Business District
2. Return underutilized property located within the Business District to productive use and strengthen and enhance the Village's tax base
3. Provide for high-quality development within the Business District that facilitates community and economic development goals
4. Accomplish redevelopment of the Business District over a reasonable time period

These goals may be accomplished by pursuing the following objectives for the Business District:

1. Promotion of the redevelopment of underutilized property located within the Business District
2. Provision for the assembly or coordination of private and public property for viable redevelopment projects
3. Improvement of existing rights-of-way and infrastructure including, but not limited to roadways, streetscape, traffic signalization and parking improvements
4. Provision of necessary site preparation including, but not limited to, grading, demolition and environmental remediation
5. Provision of public investment that improves the physical condition and visual aesthetic of the area including those in the public realm (e.g. streetscaping) and the private realm (e.g. facades and signage)

These objectives may be pursued independently by the Village or in private partnership by entering into redevelopment agreements in order to redevelop existing property or induce new development to locate within the BD.

II. Qualification of the Business District

A. Overview of Qualification Criteria

Business District development and redevelopment is specifically provided for in the BD Act. Pursuant to the Act, the Village may designate a specific area as a business district only after the holding of a public hearing and the making of a formal finding that:

- 1) The business district on the whole has not been subject to growth and development through investment by private enterprises or would not reasonably be anticipated to be developed or redeveloped without the adoption of the business district plan; and,
- 2) The business district on the whole conforms to the Village's zoning ordinance which acts as the Village's comprehensive plan for the development of the municipality as a whole.

Additionally, the Village may designate a specific area as a business district with the authority to levy an additional Service Occupation and Retailers Occupation tax or Hotel Operations Occupation Tax therein after the holding of a public hearing and the making of a formal finding that the area conforms to the following definition:

“Blighted area” means an area which by reason of the predominance of defective, non-existent, or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area or a menace to the public health, safety, morals, or welfare.”

The business district, as it currently exists, demonstrates factors which support its qualification as a blighted area under the above definition. These factors include the presence of a defective, inadequate or non-existent street layout and improper subdivision or obsolete platting and are described below. Their presence alone, and in combination, constitute an economic liability and economic underutilization of the area as a whole.

B. Qualification Factors

Defective, Inadequate or Non-Existent Street Layout

The Business District is adversely impacted by a defective and inadequate street layout. The defective and inadequate street layout creates inefficient traffic flow which, in turn, adversely impacts existing users, limits the scope and feasibility of future redevelopment opportunities and creates an unfriendly and dangerous environment for pedestrians, bicyclists and motorists. Specifically, deficiencies in the street layout include a lack of: (i) turning lanes and appropriately-spaced curb cuts and; (ii) traffic calming measures including intersection signalization. These deficiencies are exacerbated by the presence of the major arterial intersection of Harlem Avenue and Ogden Avenue.

There is an overall lack of traffic management controls within the area that are sufficient to fully take advantage of redevelopment opportunities. Examples of such improvements include dedicated left-turn lanes and appropriately-sized and placed curb cuts for site entries and exits. Dedicated turn lanes create a sense of order for motorists and can limit unsafe traffic behaviors such as swinging into a parking lane to avoid a left-turning motorist that is impeding traffic flow. In the case of the Business District, there are no dedicated left-turn lanes to serve sites with frontage along Harlem Avenue.

Similarly, appropriately-sized and placed curb cuts for site entries and exits limits the number of areas where traffic flow can be disrupted. In the case of the Business District, there is an unnecessary amount of entries/exits to sites which contain similar adjacent uses (e.g. medical offices) with frontage along Ogden Avenue. The close spacing and frequency of curb cuts creates a confusing and chaotic environment that results in traffic congestion and presents a dangerous environment to pedestrians, bicyclists and motorists. These conditions are exacerbated due to close proximity of the major intersection of Harlem Avenue and Ogden Avenue, the lack of traffic signalization into these sites and the sharing of a left-turn lane for the intersection as well as for entry into the sites.

The mitigation of these conditions and the installation of certain traffic calming improvements like dedicated left-turn lanes and traffic signalization, would create a more predictable and friendly environment within the Business District, which in turn would promote the general use of the area and increase the scope and feasibility of redevelopment opportunities.

Deterioration of Site Improvements

As part of the development of this Business District Plan, KMA. performed site surveys of the area in the Fall and Winter of 2019 which, in part, included the evaluation of the conditions of site improvements within the Business District. Site improvements throughout the Business District were found to be in a state of deterioration. Specifically, parking lots serving existing users were found to be poorly maintained and in a state of disrepair. Asphalt was commonly found to be cracking and/or crumbling and depressions causing water retention (i.e. “potholes”) were also observed throughout the area.

The extent of this deterioration signals an overall lack of reoccurring maintenance and reinvestment in the area. It also has a direct adverse impact on future redevelopment opportunities by contributing to a “tired” and “worn down” visual aesthetic in the area. This aesthetic deters private reinvestment and encourages the onset of other blighting conditions.

Formal Blighted Area Findings

As part of this Plan's preparation, the Village hereby makes a formal finding that the Business District is a blighted area pursuant to the requirements of the Business District Act as by reason of the predominance of defective, inadequate or non-existent street layout and deterioration of site improvements within the Business District, the Business District constitutes an economic liability to the Village and an economic underutilization in its present condition and use.

III. Business District Description

A. General Description

The Business District consists of certain tax parcels adjacent to the west side of Harlem Avenue generally bound by Blackhawk Road to the north and Ogden Avenue to the south and tax parcels adjacent to the northern portion of Ogden Avenue from Lionel Road to the west and Harlem Avenue to the east.

B. Legal Description

The legal description of the Business District is included as Exhibit A. It includes only parcels of real property that will be directly and substantially benefited by this Plan.

C. Business District Name

The official name of the Business District is the Ogden-Harlem Business District No. 3.

IV. Business District Redevelopment

A. Business District Policy Criteria

The Village has established the following policy criteria to guide development activities within the Business District:

- 1) Preserve and create an environment within the Business District which will promote the economic and social welfare of the Village including opportunities for new retail/commercial growth and for retention of existing commercial activities.
- 2) Exercise powers provided for under the Business District Act in the promotion of the public interest and enhancement of the tax base and tax revenues to the Village.
- 3) Enhance the economic well-being and strengthen the retail/commercial sector within the Business District by encouraging private investment and reinvestment through public financing vehicles, if necessary, to increase business activity, attract sound and stable commercial growth, create and retain job opportunities and enhance and diversify the tax base.
- 4) Address the need for economic feasibility, cost efficiency and economies of scale in development through encouragement of coordinated development of projects and through prudent and appropriate acquisition and assemblage of parcels. The Village will review projects on an individual basis in order to determine the need for assistance.
- 5) Provide necessary public infrastructure that enhances the Business District to create an attractive service and/or shopping environment to encourage and support private investment.
- 6) Establish adequate and safe vehicular and pedestrian circulation and provide adequate parking in locations easily accessible for patrons and other users of commercial activities.
- 7) Advance the general goals and policies of the Village.

B. Private Development Actions

The Village has a commitment to be prudent regarding the use of public resources in the assistance of economic development activities. Accordingly, Village assistance to economic development projects located within the business district, as generally described below, (the "Development Projects") will require thorough review of the need for public assistance and the Village will need to approve the terms of assistance in development agreements with private entities.

Private development actions must conform to the Business District Policy Criteria set forth the above subsection of this Plan. Private entities will need to evidence capacity to implement

Development Projects. Development Projects must conform to the appropriate Village planning provisions. Development Projects must serve to improve the economic and tax base of the Village.

C. General Project Description

The Village intends to provide or enter into agreements with developers or other private sector interests to provide certain public and private improvements in the Business District to enhance the immediate area and to serve the needs of development.

Village projects may include:

- 1) Installation, repair and/or relocation of public utilities including construction or replacement of the public utility mains, service lines and related system improvements
- 2) Installation, repair and/or relocation of certain street improvements including construction or replacement of roadways, traffic signalization and other surface improvements
- 3) Facilitation of site preparation including the acquisition, subdivision or consolidation of property to support coordinated redevelopment within the Business District
- 4) Rehabilitation of structures and the construction of site improvements including parking improvements
- 5) Facilitation of certain other public or private improvements that are essential to the preparation of the Business District for use in accordance with this Plan, but which are located outside of the geographic boundaries of the Business District.

D. Business District Project Costs

Estimated costs are shown below. Adjustments to these cost items may be made without amendment to the Plan. The costs represent estimated amounts and do not represent actual Village commitments or expenditures. The “Total maximum Expenditure Amount” set forth in Table 1 shall constitute a ceiling on the aggregate amount of possible expenditures of funds in the Business District.

Table 1. Business District Project Cost Estimates

Program Actions/Improvements	Estimated Costs
(a) Land Acquisition and Assembly	1,500,000
(b) Site Preparation	1,000,000
(c) Infrastructure, Right-of-Way and Other Public Improvements	1,000,000
(d) New Construction and Rehabilitation	1,750,000
(e) Professional Costs	250,000
(f) Financing Costs	150,000
Maximum Expenditure Amount	\$5,650,000

The Maximum Expenditure Amount does not include any costs associated with the issuance of debt obligations, if applicable.

All project cost estimates are in 2020 dollars and are subject to inflationary adjustments. In addition to the above stated costs, any bonds or debt obligations (including notes) issued by the Village may include any required interest payments and an amount of proceeds sufficient to pay customary and reasonable charges associated with the issuance of such bonds or obligations as well as to provide for capitalized interest and reasonably required reserves. Adjustments between the estimated line item costs above are expected. The individual costs will be reevaluated in light of the nature of the private development and resulting tax revenues as the project is considered for public financing alternatives that the Village may provide.

The amounts of the line items set forth above are not intended to place a specific limit on the described line item expenditures. Adjustments may be made in line items within the Maximum Expenditure Amount, either increasing or decreasing individual line item costs.

Adjustments to these cost items may be made without amendment to the Plan as long as the Maximum Expenditure Amount is not exceeded.

The Village may issue obligations pursuant to the BD Act in order to pay for business district project costs. The obligations may be secured by BD taxes and other sources the Village deems appropriate.

One or more series of obligations may be issued from time to time in order to implement the Business District Plan. Obligations issued by the Village pursuant to the Business District Plan and the Business District Act shall be retired pursuant to the requirements of the Act.

V. Public Financing Assistance

The Village has an obligation to be prudent with the use of public resources in commercial development activities. For this reason, it is very important that, whenever the use of public financing is at issue in relation to commercial redevelopment goals for a proposed project, the Village have a process in place to govern conditions under which it will make private development incentives available.

That process must allow for adequate analysis of a request for public financial assistance and the evaluation of the project to determine if it meets the needs and objectives of the Village. All this should be incorporated into a business development agreement which may only become effective with approval by the Village. This process should include the following steps.

- 1) Developer approaches Village for specific private development incentives assistance and presents a request to the Village.
- 2) Village will review request. If deemed a potentially viable and beneficial project, Village will begin review of development project.
- 3) Village will review and analyze information submitted by developer. Any additional information required by the Village shall be submitted in a timely manner.
- 4) If request is deemed feasible, then the request may be processed by the Village.
- 5) Village attorney will initiate preparation and negotiation of a business district development agreement.
- 6) Village staff will undertake negotiations regarding the proposed Development Project and business district development plan with developer.
- 7) The development project will then be presented with Village staff recommendation for review and approval by the Village Board.

Note: Many of the steps noted above may be consolidated depending upon the timetable and characteristics of the development project.

VI. Sources of Funds to Pay Development Project Costs

Upon designation of the Business District by Village ordinance, the Village intends to impose the service occupation tax and the retailer's occupation tax provided for by the Business District Act within the Business District at a rate of 1.00% of gross sales for the term of the Business District (the "Special Business District Taxes"). Said Special Business District Taxes shall be a source of funding for paying Business District Project Costs within the Business District and any obligations incurred by the Village to pay such Business District Project Costs.

A separate ordinance shall also be adopted by the Village that shall create a separate fund entitled the "Ogden-Harlem Business District No. 3 Tax Allocation Fund" in order to receive the Special Business District Taxes from the Illinois Department of Revenue. Pursuant to the Business District Act, all Special Business District Taxes shall be deposited into this special fund.

VII. Establishment and Term of the Business District

The establishment of the Business District shall become effective upon adoption of an ordinance by the Village's Board of Trustees adopting this Plan and designating the Business District. Development agreements between the Village and any developer or other private party shall be consistent with the provisions of the Business District Act and this Plan.

Pursuant to the Business District Act, the Special Business District Taxes described in Section VI may not be imposed for more than 23 years pursuant to the provisions of the Business District Act. It is expected that the Business District shall expire upon termination of the imposition of the Special Business District Taxes

VIII. Formal Findings

Based upon the information described in Section II, and the attached Exhibits, the Village hereby finds and determines as follows:

- 1) The Business District on the whole has not been subject to growth and development by private enterprises or would not reasonably be anticipated to be developed or redeveloped without the adoption of this Plan;
- 2) The Business District Plan conforms to the Village's zoning ordinance which acts as the Village's comprehensive plan for the development of the municipality as a whole;
- 3) The Business District is qualified as blighted as defined in the Business District Act by reason of the predominance of defective, non-existent, or inadequate street layout and improper subdivision or obsolete platting constituting an economic liability and an economic underutilization of the area as a whole;
- 5) The Business District is a contiguous area.

IX. Plan Amendments

The Village may amend this Plan from time to time by adopting an ordinance providing for such amendment in accordance with the Business District Act.

Exhibit 1 Legal Description

Exhibit 2 Boundary Map

Exhibit 3 Existing Land Uses
