

MINUTES  
MEETING OF THE OAK PARK PLAN COMMISSION  
VILLAGE HALL- COUNCIL CHAMBER  
November 3, 2016  
7:00 p.m.

PRESENT: Chair David Mann; Commissioners Lawrence Brozek, Mark Gartland, JoBeth Halpin and Kristin Nordman

EXCUSED: Commissioners Jeremy Burton, Doug Gilbert and Greg Marsey

ALSO PRESENT: Craig Failor, Village Planner; Jacob Karaca, Attorney

**Roll Call**

Chair Mann called the meeting to order at 7:05 p.m. Roll was called. A quorum was present.

**Non-Agenda Public Comment**

None.

**Approval of Minutes**

Commissioner Gartland moved to approve the minutes from October 6, 2016. Commissioner Halpin seconded. A voice vote was taken and the minutes were approved unanimously as submitted.

**Public Hearing(s)**

**Harrison Street Alley Vacation** located between 201-211 Harrison Street and 213-215 Harrison Street; The Applicant seeks the vacation of a portion of an abutting commercial alley located between the referenced addresses, which are both owned by Harrison Street Ventures. The portion of the village right-of-way to be vacated is approximately 16 feet in width (east to west) and 47 feet long (north to south).

Mr. Failor reviewed the application and staff report. He reviewed the alley vacation process. He said the synopsis of this process was also included in the staff report. He said there was a prior request in 2010 to vacate this alley and there was a review of that in the staff report. He noted a memo from the fire department was provided to the commission as well. He said property owners who abut the alley were notified of this hearing by letter. He said he has received a number of emails from residents indicating they favored the vacation and a couple emails have been against the vacation. He said staff was in support of the approval but wanted an easement for utilities and that the naming of a permitted tenant be a condition of the approval.

Commissioner Gartland asked if the alley would be owned by one side or the other. Mr. Failor said the same owner owned both properties on either side. Attorney Karaca clarified that it would not be consolidated into the lots of record so it could not be split, it would go to one side or the other if a property was sold. Chair Mann asked how a utility easement would work if a building was built on top. Mr. Failor said a building would not be allowed to be built unless the owners relocated the utilities.

Chair Mann asked for testimony of the applicant.

Attorney Karaca swore in those wishing to testify.

Mr. Brien Wloch, the applicant from Harrison Street Ventures, said they were excited about the possibilities. He said their goal was to maintain the integrity of neighborhood but create an atmosphere to draw people and businesses to the area. To do this, they think it is critical to attract restaurant tenants. He said in talking with possible tenants and there was a request for outdoor seating in the alley. He said they

have support from residents in the area through a petition. He said people who were opposed were not opposed to the seating area; they were opposed to the village losing control. He said when negotiating a lease from a potential tenant part of the lease was the outdoor seating area and although there was a permitting process in place there was risk that it might not be approved for whatever reason. He said this would put them at risk for possible legal action and it was important for them to secure a tenant with the seating area. He said those opposed also worried about a permanent structure on the space, but they were envisioning a seating area accented by trellises or canopies with a string of lights. They would like that sort of flexibility to give to possible tenants. He said they agreed with the staff recommendation that it be finalized only after a tenant was secured.

Chair Mann asked for questions from commissioners. There was none. He moved to public testimony.

Mr. Ben Ahring, 1043 S. Cuyler Ave., said when he saw trends in outdoor dining downtown. He said the road diet would create more plaza space and slow people down to get them to spend money here. He said something like this would be unique and special and he would love to see it in the neighborhood.

Ms. Laura Maychruk, owns the property directly behind the alley at 905-911 Harrison and also owner of Buzz Café. She said in regards to the history of this alley vacation it felt like déjà vu as the third partner in this venture is Chris Kleronomos, who has not shown much respect for Harrison Street. Back in 2010 neighbors were worried about giving more property to this person. She said the village has renovated the alley and invested in the property. She said the opposition was not for outdoor dining but was ownership and it was leasable to a tenant. She said she owns a restaurant and has outdoor dining on the sidewalk, which were available in front of these buildings for outdoor dining.

She said the Arts District board has been in talks with the village to create more parking in the area. One of the areas being investigated was to add angled parking along Flournoy and Lombard. She said the access to that parking would be through this alley. She doesn't want that alley to be an issue as a pass through for pedestrians. She told commissioners she had some letters included in a packet and asked commissioners to respect those opinions.

Commissioner Brozek asked if the owners could build over in the future and connect the two buildings. Mr. Failor said there would be an easement that would not allow utilities to be built over. He said staff was in process of determining which utilities were there.

Ms. Janice Elkins, owner of Gallery Pink building, said she was in favor of allowing the developers to do this as it could become a magical space and bring in businesses, if done right. She said if the developers were willing to put additional money into the easement that was a good sign. She doesn't think there was enough space on Flournoy for parking and doesn't think this was a good reason to prevent the vacation.

Commissioner Brozek asked if the applicants could have a long-term lease for outdoor dining. Mr. Failor said the Village Board could make that determination but the application was for an alley vacation. Commissioner Brozek said if there were no utility issues and the Village vacated it then the applicant could build between the two buildings. Mr. Failor said an addition would then trigger other zoning requirements like parking, setbacks, etc.

Commissioner Brozek said he doesn't see the need to vacate rather than leasing. Commissioner Gartland said the applicant said it was a stronger sell to get a tenant if they own the space. Some discussion ensued about the village's outdoor dining licensing process. Chair Mann said most of the public response they've received has been in favor of this and the applicant did a good job articulating why ownership was better than a long-term lease.

Mr. Wloch said leasing long-term would get them the same space except that at the end of the lease term there was the potential for decrease in value because of the possibility of the space not being renewed. He said it would depend on the length of time of the long-term lease. Attorney Karaca told commissioners that public rights-of-way are held by the Village in public trust and certain regulations existed; it was not like a lot the village owned that could be leased in a conventional way.

Mr. Wloch said he was the managing member and had unilateral decision making ability on the properties. He said they would love the idea of people walking through the alley to access parking and would work with their architect to create a walkway as it would give visibility to their restaurant and that would benefit everyone.

Mr. Failor suggested commissioners could add a condition of a pedestrian easement. Commissioners agreed.

Chair Mann asked for additional comments or questions. There was none.

Commissioner Brozek motioned to approve the alley vacation with the following conditions: a pedestrian easement; an appropriate tenant be in place prior to the closing; and an easement for public utilities. Commissioner Gartland seconded.

Commissioner Gartland added that the non-development of the area has been really disappointing and he welcomed the re-invigoration of that street. He was in favor as long as the walkway was included. Chair Mann agreed and said he would like to see this happen soon as it has been too long.

A roll call vote was taken:

Brozek - yes  
Gartland – yes  
Halpin – yes  
Nordman – yes  
Mann – yes

The motion passed 5-0.

### **Other Business**

#### *Draft Zoning Ordinance*

Mr. Failor said there were four items to touch base on since commissioners last saw the draft:

Coach houses- they added more definition on where a dwelling unit could be placed, which would be over the garage.

Planned development – back in 2003, there were two levels of planned development- major and optional/voluntary planned development. These were modified to major and minor planned developments and both were required. Prior discussion with the Plan Commission indicated a preference for only one planned development but staff and consultants were considering adding back a minor planned development that would be voluntary. This would be for extenuating circumstances of a small development on a vacant lot that might want to go through planned development process.

Hospital district – there was some concern about expansion close to a residential neighborhood. Currently, there were two different standards on setbacks if there was an alley or not, so they wanted to keep the setback the same of thirty feet.

Tour house- they wanted to add the title into the use matrix.

Commissioners discussed the upcoming public hearing. Chair Mann indicated they would review each chapter of the proposed code and also have a presentation from Camiros. Mr. Failor said it would go to Village Board after the hearing and hopefully it would be reviewed in first quarter of 2017. Chair Mann asked for documentation on any public comments Camiros received in the process.

Mr. Failor said a planned development application for 717 South Blvd. would be coming to the December 1, 2016 meeting. If there was a need to continue to another meeting, that was planned for December 15, 2016.

Chair Mann said Commissioner Monica Sanders had submitted her resignation from the Plan Commission. He said appreciated her service and the time she spent as a commissioner.

### **Adjournment**

Commissioner Halpin moved to adjourn. Commissioner Gartland seconded. The meeting adjourned at 8:10 p.m.

Angela Schell,  
Recording Secretary