

MINUTES
SPECIAL MEETING OF THE OAK PARK PLAN COMMISSION
VILLAGE HALL- ROOM 101
DECEMBER 15, 2016
7:00 p.m.

PRESENT: Chair David Mann; Commissioners Lawrence Brozek, Jeremy Burton (arrived at 7:05 p.m.), Mark Gartland, Doug Gilbert, JoBeth Halpin and Paul May

EXCUSED: Commissioner Greg Marsey and Kristin Nordman

ALSO PRESENT: Craig Failor, Village Planner; Greg Smith, Attorney
Richard Van Zeyl, Wight & Co
Art Gurevich and Mark Bolun, Applicants
John Schiess, Architect for the applicants

Roll Call

Chair Mann called the meeting to order at 7:02 p.m. Roll was called. A quorum was present. Commissioner Halpin noted she was a friend of the applicant, John Schiess. Attorney Smith asked if she was able to be fair and impartial during the hearing. Commissioner Halpin agreed. Attorney Smith said there was no conflict and she would be able to proceed.

Non-Agenda Public Comment

None.

Approval of Minutes

Commissioner Gartland moved to approve the minutes from November 3, 2016. Commissioner May seconded. A voice vote was taken and the minutes were approved unanimously as submitted.

Commissioner Gilbert moved to approve the minutes from November 16, 2016. Commissioner May seconded. A voice vote was taken and the minutes were approved unanimously as submitted.

Public Hearing(s)

PC 16-02: Residence of South Boulevard; 715-717 South Boulevard. The Applicant seeks approval of a planned development for a mixed use project consisting of approximately 900 square feet of first floor commercial space, 14 condominium units, and 20 enclosed parking spaces. The applicant is requesting an allowance to increase the building height from 45 feet as required in Section 3.8.1 A(2) of the Zoning Ordinance to a height of 60 feet, an allowance to increase density from the allowed 10 dwelling units as regulated in Section 3.8.1 A(1)b of the Zoning Ordinance to 14 dwelling units, and a request to reduce the number of required parking spaces from 30 as stated in Section 6.2.2(D) of the Zoning Ordinance to 20 parking spaces, but received administrative approval to use the allowed 25% reduction provision to bring it to 23 parking spaces, which would reduce the request to three (3) parking spaces.

Chair Mann reviewed the order of proceedings. Mr. Failor noted there were reports from the Village's architectural consultant, Wight & Co. and the Historic Preservation Commission (HPC), who reviewed the application. Mr. Failor clarified the parking variance requested: the zoning code allows for a 25% reduction in parking spaces because of the development's proximity to transit locations, so the parking variance requested would be for three parking spaces. He said in relation to the Greater Downtown Master Plan this area was classified as a secondary retail street, which would indicate this area was for offices or smaller retail. He reviewed the staff report. He said staff was in support of a higher density use as it was close to the tracks. He said the applicant was working through the public art process; the Village

will be eliminating the Public Art Advisory Commission and creating a new review group through the Oak Park Arts Council.

Mr. Richard Van Zeyl, from Wight & Company, the village's architectural consultant, reviewed the memorandum regarding the architectural review. He said the materials were a nice compliment to surrounding buildings, but the horizontal band that emphasized the floor lines with headers above and below was distracting and took away from the bands. He said they strongly objected to the projecting balconies. He said they also had questions regarding the rentability of the second floor units regarding the light and views.

Commissioner Gartland asked if that was part of Wight's scope, the rentability of the units. Mr. Van Zeyl said it wasn't part of the architectural review; it just came up while reviewing the development.

Chair Mann noted the letter from the HPC. He asked for the applicant's presentation. Attorney Smith swore in those wishing to speak.

Mr. John Schiess, the architect for the development, introduced the development team. Mr. Art Gurevich, principal for the development, said he would be involved in the project from the sale of the land to the completion of the project. He said he and his partner, Mr. Mark Bolun, have been in business together for 18 years and the core of their business was residential construction. Mr. Bolun reiterated they were construction professionals.

Mr. Schiess reviewed renderings of the development in a presentation. He said at the request of the Village Engineer, they increased the height of the first floor so that the front and back balconies were at 14 feet. He said the market does drive some of the design features; for example, the units will be accessible as there was a demand for that. He said although it was not a formal transit oriented zoning district it was so close to transit that lowering the parking count was appropriate. He noted the setbacks for the top floor were a direct result from working with the HPC and their comments. He said they had two neighborhood meetings and incorporated comments from neighbors and the HPC into these designs. He said they changed the balconies from all metal to metal with glass panels to lessen the visual impact. He said eliminating balconies would mean a direct loss of revenue for the project and a smaller balcony would destroy the design as well. He reviewed the windows on the second story and noted the windows in relation to the adjacent buildings. He reviewed the landscaping and construction plan. He noted the standards addressed in the application from the Comprehensive Plan, Municipal Services Standards and Neighborhood Standards. He said they were working on meeting with the Arts Council for the public art component. He said compensating benefits would be tax base generation and they were looking at some form of beautification of the train embankment, which they will discuss with the Arts Council. He noted the raised first floor would be a benefit for pedestrians walking as well.

Chair Mann asked for public testimony.

Mr. Rich Morrissey said his home sits across the alley of the development. He said this part of Oak Park has congestion issues from parking, pedestrian traffic and restaurants. He said he has to deal with truck traffic from restaurants in the alley and it would be a problem that traffic would exit this development into the alley. He said this development would have a negative impact in terms of congestion and sight-line issues. He said the corridor was becoming overbuilt. He said the development should stay within the rules that were in place for zoning.

Mr. Scott McNab, a resident of 129 S. Euclid Ave. He said limiting the parking was a wise choice and a mixed-use development made sense. He said as a neighbor and developer, he found the scale of the building concerning. He said the top floor was going to be very apparent and the development was out of scale. He has concerns about service vehicles off the alley as there were current problems with vehicles

blocking the alley. He said the balconies stick out over the public right of way and he doesn't believe there was reasonable space for this development in that lot. He said as a neighbor, this building was scaled up too much and he'd like it brought into the existing zoning requirements.

Ms. Mary Dykus, 105 B South Euclid Ave, said they appreciated all the changes that had been made to the development to reduce the impact of shadow on their property from the fifth floor. She said she had concerns about the balconies overhanging the sidewalk as someone could accidentally drop something and hit someone below. She said all other balconies in Oak Park hang over their own property.

Chair Mann closed the public testimony. Mr. Schiess said he had a letter from the owner of the property to the west supporting the development. Chair Mann noted they also received a letter not in support of the development. Mr. Failor noted Ms. Dykus signed up to cross-examine the applicant. Ms. Dykus said her comments were sufficient. Chair Mann opened up deliberations.

Commissioner Brozek said he was very concerned about the scale of the development. He thought the development would be better with one less story. He said the balconies were out of character for that area. He said there was a lot of pressure in the area for parking and he was concerned about granting a parking variance. He said he would not encourage granting the height or parking variance.

Commissioner Gilbert asked staff about the balconies and if this had any precedent from prior developments. Mr. Failor said any permanent structure that hangs over the public right-of-way has to have an easement from the Village; the last development that had balconies that hang over the property line was Lake & Forest- other than this there were no other balconies that hang over in the greater downtown area. Commissioner Gilbert asked about the easement process. Mr. Failor said the developer would work with the Village Engineer and it would go to the Village Board for approval. Commissioner Gilbert asked if it was within the Plan Commission's purview to weigh in on the issue. Mr. Failor agreed. Chair Mann asked if there was a fee for the easement. Mr. Failor said there was not.

Commissioner Gilbert asked about how parking would be allocated to residents and retail. Mr. Gurevich said the parking would be deeded and the retail space would be one or two spaces; extra spaces would be available for purchase. Commissioner Gilbert asked about the building to the east and the windows installed on the party wall. Mr. Schiess said the prior Chief Building Official for the village told him there was a letter to the property owner that should a development be done the windows would need to be removed by the property owner.

Commissioner Gilbert said he was concerned about the vegetation on the second floor in the side yard setbacks given the small space and limited light. Mr. Schiess said the system they've specified was a hardy mix that was pre-seeded and self-sustaining; he said they've used them in dark places before.

Commissioner Gilbert said the narrow, floor to ceiling window in the closets would allow for a view from the street that wouldn't be appealing. Mr. Schiess said the window was designed to get light into the closet and as it was a north facing window during the day you would not be able to see into it, plus it was very narrow.

Commissioner Gilbert asked for clarification of the loading in the alleys. Mr. Schiess reviewed the 10 foot recess near the building for the short term loading berth. Mr. Schiess said vehicles would still be able to come and go as it would not interfere with the garage door and vehicle movement. He said it was sized for moving trucks. He said a box truck could fit into the garage. Chair Mann asked if they could restrict semis from parking in the alley. Mr. Gurevich said they could put it in the declarations.

Commissioner Halpin asked about accessible parking, as there was only one spot. She asked what would happen to the count if another accessible space was required. Mr. Gurevich said in their experience, they

have not sold an accessible spot but it would be first-come, first-served. Commissioner Halpin questioned that they were meeting the accessible standard for the Comprehensive Plan. Mr. Schiess said the standard was an aspiration and they would be meeting the code requirement.

Commissioner May clarified the recess on the various renderings as there were inconsistencies. Mr. Schiess explained it should be recessed as noted on the floor plans. Commissioner May asked about access to the green roof on the penthouse level and who would have maintenance responsibilities. Mr. Schiess said the penthouse owners would have access and the association would have maintenance responsibilities. Commissioner May said he wouldn't object to the reduction in parking as there were no spaces lost in the front of the development.

Commissioner Gartland asked about the viability of the project if it were four stories instead of five. Mr. Schiess said their pro forma came to a reasonable number and that guided the design. He said they've looked at the price of the land, the price of construction and the sales price. Mr. Gurevich said their construction costs for this building would approximately 30% more than a standard condo building because they were building a high-end product with high-end finishes; it could be cheaper but they think it would be a disservice to the community to do that. Commissioner Gartland asked if it was viable to build a four-story building. Mr. Gurevich said not to this level of quality. Commissioner Brozek suggested doing another setback. Mr. Gurevich said they would lose two units and the economics would not be good. Commissioner Brozek said it would still be viable. Mr. Schiess said the quality would suffer. Mr. Gurevich said a bank would look at the total development profit and it needs to be between 18-22% and this building was at 19.5%, so going below was undesirable.

Chair Mann said there wasn't much of a market study and he questioned that these units were above the average condo unit, due to the size; he asked for more information in comparison to other developments in Oak Park. Mr. Gurevich said District House was priced at about \$400 a square foot and this would be around \$300-325. Mr. Schiess said there was a difference in the market due to location compared to District House. Chair Mann questioned the viability of a three-bedroom unit at 1,900 square feet. Commissioner Gilbert asked if they considered a mix of unit sizes rather than all three bedroom units. Mr. Gurevich said at the SoHo development the three bedroom units sold quicker than the two bedroom units, people want to buy three bedroom units. Mr. Bolun said they've had one bedroom units in their developments sit unsold for over a year. Mr. Schiess said the developers themselves were the market study as they have first-hand experience on what the market wants and they've had direct feedback from brokers on what the market wants.

Commissioner Gilbert asked what type of tenant they envisioned for the storefront space. Mr. Schiess said it would be good for a service professional. Commissioner Gilbert said he was troubled by the balconies on the South Boulevard side but understood balconies add value to a unit; he asked if there was some value in creating a tradeoff for a rooftop common area if there were no balconies. Mr. Gurevich said a common area on the roof would not replace a balcony; the balcony off the living room was imperative and would be a tremendous loss.

Commissioner Gilbert asked staff about the compensating benefits to offset the variances requested in the development. Mr. Failor said there were not a lot of public improvements necessary in this area: the applicants did talk about expanding the required art program and getting an art improvement on the viaduct across the street. Commissioner Gilbert asked if other projects have gone through that have offered limited compensating benefits. Mr. Failor said generally the recent planned developments have been during times streetscape improvements were made and the developments added to those improvements. He said the Chicago and Maple development replaced public walks and some trees; small infill developments were more difficult to incorporate compensating benefits. Commissioner Brozek asked if there was a building fund to do improvements. Mr. Failor said there was not as they typically keep compensating benefits tied to the area that the development was in; but the Village Board could

explore that from a legal standpoint. Commissioner Brozek suggested a fund for public art. Mr. Failor said a percent for art initiative has been discussed for many years but has never gotten approval; more discussion may be underway but was not in place at this time. Commissioner Brozek said cleaning the embankment was not a true compensating benefit and suggested funding towards something else in the future.

Chair Mann asked how the balconies would be hung. Mr. Schiess said it would be painted steel. Chair Mann asked if the glass panels on the balconies would be clear and suggested everyone's possessions could be seen and that may not be appealing. Mr. Schiess said the glass would be clear. Chair Mann asked about the band coursing on each floor and how they could make a definition per Wight's comment. Mr. Schiess agreed and said shadow panels would be necessary. Chair Mann suggested frosted glass in the closet windows. Mr. Schiess agreed. Chair Mann said he agreed with Commissioner Gilbert regarding the balconies over the right-of-way; the developer was getting a monetary value off of public land. Commissioner Gilbert said he had concerns with it setting a precedent in other developments as it wasn't occurring in Oak Park. Mr. Gurevich said if the question was compensation for the use of space, they were open to doing so. Commissioner Gilbert said it concerned him more they were hanging over the right of way where people are walking and looking over the streetscape; he would be open to some compromise with less overhang. Mr. Gurevich suggested Juliette bedroom balconies and also setting in the living room ones by two feet. Commissioner Gilbert said this was a good start and he'd like to see how that was articulated. Commissioner Halpin suggested making the front unit two bedrooms and recessing the balconies completely. Mr. Gurevich said that wouldn't work with the market.

Commissioner Gilbert said he was not too concerned with the height of the development, he appreciated the setback on the top floor and the site was an urban area. He said the parking was reasonable. Mr. Gurevich said they took time to research the area and this development fit the context of the area. Commissioner Halpin said she had concerns with bikes on the balconies and suggested a bike room to store them. Mr. Gurevich said there will be space in the garage to store bikes. Chair Mann suggested adding no bikes or grills in the declarations. Attorney Smith asked if the commercial space will be sold and part of the same association as the condo units. Mr. Gurevich agreed.

Chair Mann asked if the building to the east was demolished and a larger building built, what would happen to the units. Mr. Schiess said by right they could build 45 feet up on the lot line. Mr. Gurevich said they would be required to have a five foot setback and combined, a ten foot setback was plenty of space for light. Commissioner Burton noted it would likely impact two or three units. Mr. Schiess said the fire chief had looked this over and it was fine from a life-safety standpoint.

Commissioner Gilbert said he appreciated the brick color as it complimented surrounding buildings and asked for material samples. Mr. Schiess said they did not have material samples. Commissioner Burton suggested adding an eave or canopy to conjoin the balconies. Chair Mann said he'd like to see the recessed balconies first. Commissioners discussed the materials; Mr. Schiess said they could return with a color palate. Chair Mann said he agreed with how they were approaching the colors and would like a good quality brick. Mr. Gurevich said on the façade a longer brick would be used but a utility brick would be used on the sides. Chair Mann said he'd like to see how it would look as well as the transitions from the corner. Commissioners discussed the storefront and suggested complimenting the adjacent storefronts. Commissioner Gilbert suggested a consistent color range for the brick.

Chair Mann asked if they could lower the parapet and put a glass rail behind it to mitigate the height. Mr. Schiess said they could lower it to the minimum allowed and bring it back to the commission. Commissioner Brozek suggested lowering the ceiling heights. Mr. Schiess said from a marketing standpoint, they needed over 9 feet; but they would lower the parapet to 45 feet, which was allowed by code. Commissioner May suggested considering the sightline from the L platform when lowering the parapet.

Chair Mann said the commission would like to see modified design before voting and reviewed some of the changes noted:

- for the north façade: balcony setback on east, Juliette balcony on west
- large header panels with definition and shadow line
- closet windows to be frosted
- no bikes or grills allowed on balcony put into the declaration
- reduction of the parapet
- first floor storefront should have complimentary base details of adjacent storefront
- materials brought back for approval
- belt coursing continuous around the building
- bike storage noted
- restricting semi-trucks from the loading dock into the declaration
- public art on the embankment

Chair Mann discussed scheduling and upcoming meetings. Commissioners decided on January 19, 2017 for continuing the public hearing. Mr. Schiess asked if Findings of Fact could be approved that night. Attorney Smith said they could be prepared for approval. Commissioner Gartland suggested polling commissioners on the project as the Findings of Fact were going to be prepared.

Chair Mann asked if commissioners would support the application with the modifications discussed and no additional modifications. A roll call poll was taken:

Halpin- yes
Gilbert – yes
Brozek – yes
Gartland – yes
Burton – yes
May – yes
Mann – yes

Commissioner Burton moved to continue the public hearing to January 19, 2017. Commissioner Brozek seconded. A voice vote was taken and was approved unanimously.

Other Business

Mr. Failor briefly told commissioners that a number of projects were coming in for review in the first half of next year.

Adjournment

Commissioner Halpin moved to adjourn. Commissioner Burton seconded. The meeting adjourned at 9:45 p.m.

Angela Schell,
Recording Secretary