

MINUTES
SPECIAL MEETING OF THE OAK PARK PLAN COMMISSION
VILLAGE HALL- COUNCIL CHAMBER
November 16, 2016
7:00 p.m.

PRESENT: Chair David Mann; Commissioners Lawrence Brozek (arrived 7:15 p.m), Jeremy Burton, Mark Gartland, Doug Gilbert, JoBeth Halpin and Kristin Nordman

EXCUSED: Commissioner Greg Marsey

ALSO PRESENT: Craig Failor, Village Planner; Michael Bruce, Zoning Administrator; Greg Smith, Attorney
Arista Strungys and Chris Jennette, Camiros Ltd., Zoning Consultants

Roll Call

Chair Mann called the meeting to order at 7:00 p.m. Roll was called. A quorum was present.

Non-Agenda Public Comment

None.

Approval of Minutes

None.

Public Hearing(s)

A public hearing shall be held by the Plan Commission to consider the application of the Village of Oak Park for a comprehensive update of the Oak Park Zoning Ordinance and Map.

Chair Mann reviewed the procedure for the public hearing. He noted that staff had provided to him all of the public outreach on the zoning rewrite process including: a project website, social media outreach, 30 key person interviews, interviews with governmental agencies, business associations and neighborhood groups, one-on-one meetings with business groups, letters to over 300 property owners who would be impacted by changes to the code, 13 public meetings through the Plan Commission and four public meetings at large by the consultants. Chair Mann said the importance of the rewrite was clear and welcomed comments from the public tonight.

Ms. Arista Strungys, the village's zoning consultant from Camiros, Ltd. gave a presentation on the rewrite process so far. Mr. Chris Jennette reviewed the district structure in the document. He noted an error on the presentation map that the Frank Lloyd Wright Home & Studio was included in the Institutional District; it should be in the residential district and will be corrected. Ms. Strungys briefly reviewed the design standards and uses table. She highlighted some of the areas where the code was clarified, like coach houses and parking requirements. She reviewed the clarifications in the administration section. She noted the changes in the planned development section.

Mr. Failor went over a list of items received from public comments that staff suggested should receive more attention or discussion:

- Hospital District (Article 6): setbacks, height and FAR
- Add Children's Home to code and use matrix (article 8)
- Add Tour House use matrix (article 8)
- Coach House discussion
- Application completeness process and timing of it (less than 15 days)
- Planned Development Optional option

- Rezoning of properties on North Kenilworth, just south of Post Office
- Live/Work Units if the work portion goes away
- Map Issues: including North Boulevard
- North Avenue issues

Chair Mann moved to public testimony. Attorney Greg Smith swore in those wishing to testify.

Ms. Simone Boutet, a resident and former Assistant Village Attorney. She said use variations were eliminated because it was said they were illegal and in her opinion that was wrong. She said the state code authorized it and said two Illinois Supreme Court cases where use variations came before the court, those cases ruled on whether the municipality was correct in denying the variance, not on the legality of the variance itself. She said in the past, people would come forward to ask for relief from the Transit Related Retail Overlay Districts and those requests were often granted. She said walling off the possibility of a use variance was boxing the village in and it would create hardship for property owners. She said she would also counsel getting a legal opinion on compensating benefits as part of the planned development process.

Ms. Judith Alexander, Chair of The North Avenue District and a resident. She thanked consultants and commissioners for addressing some of her previously discussed concerns including: special use classifications on non-restaurants that serve alcohol and small manufacturers of alcoholic beverages; and prohibiting pawn shops and payday loan stores. She said some of the recommendations that were not accepted contribute to the vacancies along North Avenue: the maximum height restriction should be raised from 45 feet to 65 feet. She said a higher height would attract more development and would not be out of scale, the south side of the street would not cast shadows and their organization was open to setback requirements from neighboring residential properties. She said the consultants had suggested a compromise of 55 feet and she hoped the commission would consider that. She said they hoped townhomes would be permitted rather than as special use. She asked to reclassify day care centers from special use to by-right. She said these businesses were done very well along North Avenue. She asked that strip malls become special use. She suggested a flooding reduction proposal that would decrease impermeable surfaces and decrease flooding in the northeast part of Oak Park and urged commissioners to consider asking the board for a cost-sharing program on this.

Mr. Eric Davis, 1112 N. Lombard Avenue and speaking as a member of The North Avenue District. He asked commissioners to reconsider raising the height allowance along North Avenue and thanked everyone on the job done so far.

Mr. Chris Wyatt, of 322 N. Humphrey Avenue. He said his property was adjacent of the parking garage of West Suburban Hospital. He asked commissioners to consider lowering the maximum height allowed in the Hospital District because if the garage was torn down and a 10 story building was built in its place he would live in shadow most of the year.

Ms. Cindy Gray Schneider thanked everyone for the zoning code revision. She said creating residential streets that have a character similar to the original character of Oak Park was important. She was concerned about the lot coverage and setbacks and wondered about the methodology regarding these.

Ms. Jennifer Misiak, a resident of the 100 N. Humphrey Avenue block and adjacent to the West Suburban Hospital campus. She said staff had shared documents regarding neighbor concerns in the Hospital District area and would like further discussion regarding this. She said they were concerned about size and scale in this district and looking for relief on height and setbacks. She said the village needed to respect the residential aspect of their neighborhood.

Mr. David Thomas, 320 N. Taylor Avenue and shares the alley with West Suburban Hospital. He said he'd like guidance available for any potential future building so that the impact wouldn't change the

character of the neighborhood. He said current zoning would allow for a new building that would cast a dark shadow on the whole neighborhood.

Ms. Cathy Schornstein a resident of the 300 N Taylor Avenue block. She said there have been many changes in the neighborhood and many changes to the hospital in terms of ownership. She supported having a starting place set so that if something was built it wouldn't change the character of the neighborhood, either through setbacks or through a tiered system, something that wasn't a monolith.

Ms. Tatiana Weinstein said she was concerned about a shadow cast on her home. She was concerned about the height and would like something in place now before a future building was developed.

Ms. Misiak briefed commissioners regarding the 2006 West Suburban ER expansion. She said a 10 year master plan was supposed to be on record with the village. She said there were plans for the parking lot and requested the master plan be included in the zoning ordinance.

Chair Mann closed public testimony. Chair Mann asked for commissioner deliberations and suggested starting with hospitals first and moving chapter by chapter.

Chair Mann asked about the 10 year master plan from West Suburban Hospital. Mr. Failor said there was a plan developed and was on file with the Village, it was approved in 2008 and would expire in 2018. It would be up to the Village Board to ask for an extension of the plan. He said there were three exterior changes noted in the plan- demolishing the nursing school; adding two floors to the parking structure; and an option to add a second floor to the emergency room. He said they have not done any of these items and there was no indication that they were planning to do these before 2018. Chair Mann clarified the master plan was not recorded in the zoning ordinance. Mr. Failor agreed. Staff had asked Camiros to propose some changes to the setbacks and heights in the district and showed commissioners drawings of the modifications. The current proposed ordinance has a rear yard setback to 30 feet, Camiros has suggested 30 foot setback with a 50 foot height requirement in the first fifty feet and a 125 foot height requirement overall.

Mr. Failor noted that the hospitals would need to be informed of any potential changes to the height and setback requirements before the Plan Commission could vote on the changes. Commissioner Halpin asked for clarification on the setbacks. Mr. Failor clarified the setback requirements would be adjacent to residential so it could be a side and rear yard. Commissioner Gilbert said this was a starting point and wondered if there was a way to develop a planned development process for going above a certain height to ensure the character of the neighborhood. Mr. Failor said if there was relief requested in height or setbacks, it would be appropriate to use the planned development process; if the suggestion was all large development in the district should go through the planned development process then further discussion was necessary. Commissioner Gilbert suggested if a height was above 50 feet it would be a planned development. Mr. Failor said then the code should establish 50 feet as the height limit for the district so that the relief would then move it to a planned development. Commissioner Halpin clarified the current height and setbacks in the district: currently it is 125 feet with 20 feet setbacks adjacent to residential with an alley, 30 feet without an alley.

Chair Mann said he wasn't sure these suggestions quite addressed the comments of neighbors regarding protecting the character of the neighborhood as there were a lot of comments on light and shadow. He suggested more study on the light and shadow and adding conversations with the hospitals and pick up the discussion after this has occurred. Commissioner Gilbert suggested a side yard setback be established as well. He asked if Rush Oak Park Hospital neighbors had similar concerns. Mr. Failor said they have not heard from residents near Rush. Chair Mann asked for a shadow study and suggested commissioners try to visit the areas to visualize the requirements.

Chair Mann moved to Articles 1-3 and asked for comments. Chair Mann suggested defining the roof type to clarify height measurement. Commissioners agreed.

Chair Mann called for a break. The meeting resumed at 8:48 p.m.

Mr. Failor said they would like to add Children's Home into the definitions in Article 2. He read through the definition to the commissioners. Commissioners agreed. Chair Mann asked how "temporary" was defined in terms of time. Ms. Strungys said it was only used in temporary uses, which have time limits assigned in them through permits.

Chair Mann asked for comments for Articles 4-6. Commissioner Brozek asked about adding in affordable housing. Mr. Failor said some municipalities have inclusionary zoning in their code but Oak Park does not; however, the planned development process has it listed as one of the compensating benefits. Ms. Strungys said some communities add inclusionary housing as a separate ordinance as discussion was necessary on what was affordable, etc. Mr. Failor said the Board would be discussing inclusionary housing next year.

Mr. Bruce addressed Ms. Gray Schneider's comments on front yard setbacks in the residential districts. He suggested clarifying the wording so that the setbacks match the neighboring properties should a new property be developed. Commissioners agreed and discussion ensued about how to clarify the wording. Commissioners suggested removing "whichever is greater" on the front yard setback requirement.

Chair Mann said on page 5-4 there were some inconsistencies in building height maximums in the DT district and planned developments have been approved that go beyond the height allowances. He said he was concerned that certain parcels off of Lake Street could be developed up to a height of 125 feet by right and now would be a good time to try to clean up the code. Mr. Failor said most of the downtown buildings went through the planned development process because the developer asked for relief. Chair Mann said he was concerned about the area along Forest Avenue, south of Lake Street. Mr. Failor said if the height would be changed then the Downtown Oak Park Business District should be notified. Commissioner Gartland agreed, but said further discussion was warranted with the district. Commissioner Gilbert said it may be a complicated discussion that would require more time. Chair Mann suggested cleaning up the tail properties and looking at it at another time.

Chair Mann moved to North Avenue. Mr. Failor said the commission had discussed prior that the village would be conducting a North Avenue plan and suggested talking with those impacted by a proposed height increase before doing an amendment to the zoning code. Commissioners agreed a public process that further discusses this change would be more appropriate so that residents could weigh in. Commissioners said permitting townhomes should be part of the North Avenue discussion as well. Commissioner Gilbert said as there were impacts to neighbors with traffic and drop-offs on daycares centers, he suggested keeping it as a special use was appropriate. Commissioners agreed. Commissioners asked Ms. Alexander for clarification on the strip mall issues. Ms. Alexander said there were a lot of vacancies in the North Avenue strip malls and they would like to make North Avenue a more walkable environment. For those reasons they would like strip malls to be a special use. She reiterated that town homes would be appropriate for North Avenue. Staff clarified that strip malls were restricted on Roosevelt and Madison due to parking restrictions on the street. Commissioners agreed that given a North Avenue plan was forthcoming these issues should be addressed in a comprehensive way rather than piecemeal. Commissioner Burton said the permeable surface flood control plan needed data; Chair Mann agreed and said it may be more of a village infrastructure issue rather than a zoning issue. Mr. Failor suggested the Village Engineer should weigh in on soil types and other contributing factors.

Chair Mann asked for comments on Article 6. Commissioner Gartland asked if the Park District had provided input. Mr. Failor said it had and the school districts were also interviewed initially and all were provided the draft for comments. No comments have been submitted thus far.

Chair Mann asked for comments on Article 7-8. Mr. Failor said Tour House and Children's Home should be added to the matrix. Commissioners moved to the row houses on North Kenilworth, which was proposed to be rezoned R-7 as the area east and west were residential. Mr. Failor said two residents contacted him regarding this- one believed keeping the zoning commercial would result in a better resale value and the other currently has an office in place. Mr. Failor noted offices were allowed as part of home-based occupations and a current office would be grandfathered in. Chair Mann said he agreed with the rezoning as it would be odd to have a tiny commercial district in a residential area. Commissioner Gilbert agreed.

Chair Mann moved to use variations and asked for a legal opinion. Ms. Strungys said the removal of the 50 feet requirement of retail use along Oak Park Avenue was based on dimensional restrictions and thus variances granted were based on dimensional variances, not use variances, as the uses requested were allowed in the district. Ms. Strungys said they would not want to create any loophole that allowed people to bring in uses that were prohibited in districts. Mr. Failor said the Village Attorney could provide a legal opinion if further information was necessary. Commissioners agreed that would be helpful.

Mr. Failor asked about live/work buildings: should the work portion go away, would the residential be permitted on the ground floor. Commissioner Gilbert said it could become a loophole for residential in an area where they wouldn't want residential on the first floor. Ms. Strungys said wherever live/work was allowed, residential on the ground floor was allowed as well. She said many live/work spaces have commercial in the front and residences behind. Mr. Failor suggested clarifying that the front space would have to remain commercial. Commissioner Burton agreed.

Chair Mann asked for comments on Articles 9-11. Mr. Failor asked commissioners about coach houses. Commissioner Halpin said she was concerned coach homes could be turned into AirBnBs and they could change an area of a district. Chair Mann said with the large size of the lots required it would allow people the creativity to stay in Oak Park as taxes rise. Commissioner Gilbert noted an extra family on a large lot would not create a density issue and there were positive benefits like in-law living or other family situations. Commissioner Halpin agreed. Commissioners agreed coach houses could be beneficial.

Chair Mann asked for comments on Articles 12-14. Commissioners discussed the timing of the complete application process of zoning applications as a suggestion came in to make this shorter. Staff said 15 days would give a buffer should it be a busy time although many applications were processed in a shorter time frame. Attorney Smith suggested clarification on the noticing requirements as days were defined as business days. Staff agreed. Attorney Smith also noted recent court decisions have expedited school-based zoning application requirements. Staff said they will review. Ms. Boutet suggested the legal opinion on variations would differ based on if it was done through the Zoning Board of Appeals or the Village Board as the Zoning Board would be held to a stricter standard. Commissioners discussed variations and the village bodies that hear each variance. Ms. Strungys suggested if a use would like to go into a district where it wasn't allowed a thoughtful consideration should occur through the text amendment process. Commissioners agreed.

Other Business

Mr. Failor said a planned development application was coming to the Plan Commission. He polled commissioners on a special meeting date. December 15, 2016 will be the date for the special meeting.

Adjournment

Commissioner Gilbert moved to continue the public hearing on the proposed zoning code to December 1, 2016. Commissioner Brozek seconded. A voice vote was taken and the motion was approved unanimously.

Commissioner Burton moved to adjourn. Commissioner Halpin seconded. The meeting adjourned at 10:08 p.m.

Angela Schell,
Recording Secretary