

MINUTES
MEETING OF THE OAK PARK PLAN COMMISSION
VILLAGE HALL- ROOM 201
March 1, 2018
7:00 p.m.

PRESENT: Chair David Mann; Commissioners Glenn Brewer, Lawrence Brozek (arrived at 7:14 p.m.), Jeremy Burton, Paul May (arrived at 7:20 p.m.) Kristin Nordman and Iris Sims

EXCUSED: Commissioners JoBeth Halpin and Greg Marsey

ALSO PRESENT: Craig Failor, Village Planner; Gregory Smith, Plan Commission Attorney
Tammie Grossman, Director of Development Customer Services

Ms. Katie Stegemann, applicant for text amendment and special use

Roll Call

Chair Mann called the meeting to order at 7:01 p.m. Roll was called. A quorum was present.

Non-Agenda Public Participation

None.

Approval of Minutes

Commissioner Brewer moved to approve the minutes from February 1, 2018. Commissioner Burton seconded. A voice vote was taken and the minutes were approved unanimously as submitted.

Public Hearing

PC 18-01; Zoning Ordinance text amendment – Side Yard Setback for Accessory Buildings

The Village has requested an amendment to Article 9 (“Site Development Standards”), Section 9.3 (“Accessory Structures and Uses”), Subsection (A)(5)(a) of the Oak Park Zoning Ordinance, by changing the existing requirement that detached accessory structures, including those listed in Section 9.3 and Section 9.4 of the Oak Park Zoning Ordinance, must be setback, unless otherwise permitted or restricted by the Oak Park Zoning Ordinance, “One foot from any interior side lot line,” to “One and one half feet from an interior side lot line and two and one half feet from the opposite interior side lot line.” Continued from February, 1, 2018

Approval of Findings of Fact

Chair Mann directed commissioners to the Findings of Fact. He asked for any comments or revisions. There was none. Commissioner Sims moved to approve the Findings of Fact as submitted. Commissioner Nordman seconded. A roll call vote was taken:

Sims –yes
Nordman – yes
Burton –yes
Brewer – yes
Mann – yes
The motion passed 5-0.

PC 18-03; Zoning Ordinance text amendment – Physical Therapy

The Applicant has requested an amendment to Article 8 (“Uses”), Section 8.3 (“Use Restrictions”), Table 8-1: Use Matrix of the Oak Park Zoning Ordinance, by adding “Physical Therapy Clinic” to the list under the “Medical” category within the “Use” column as a Special Use (S) within the HS – Harrison Street District.

PC 18-04; Special Use – Physical Therapy

Pursuant to the approval of the Zoning Ordinance text amendment, the Applicant has requested approval of a special use application to allow a 1,840 square foot Physical Therapy Clinic to be established within the HS – Harrison Street District located at 207 Harrison Street.

Attorney Smith swore in those wishing to testify.

Ms. Katie Stegemann, applicant, reviewed her responses to the text amendment approval standards. She said the clinic would benefit residents and businesses by providing a needed service and repeat customer traffic. She said the Arts District was in support of the clinic. She reviewed her responses to the special use standards.

Mr. Failor reviewed the staff report. He said staff supports both of these requests and believed the use would support the area as it would have consistent hours and bring people into the district during those hours. He reminded commissioners they would need to vote on the text amendment and special use separately.

Chair Mann asked the applicant how many customers were expected at the same time. Ms. Stegemann said it will depend on the growth of the clinic; in the beginning it will be two to three patients at a time with hopes to grow to seven patients at one time. Chair Mann asked how they would be contributing to the Arts District. Ms. Stegemann said she will integrate music to her family-oriented services as well as yoga. She said she’s exploring having artists contribute artwork to the practice. She said she’s also a former dancer and treats a lot of dancers; also, she’d be open to offering her space for smaller arts businesses to hold events.

Mr. Failor said two emails were sent in support of the application: one from the Arts District and one from the Oak Park Economic Development Corporation.

Chair Mann opened public testimony.

Mr. Vik Schrader, with the Oak Park Economic Development Corporation, said they were in support of the applications. He said this would bring needed foot traffic to the street and would not compete with parking demands in the district.

Chair Mann closed public testimony and opened deliberations. Commissioners had no discussion.

Commissioner Burton moved to approve the text amendment. Commissioner Brewer seconded. Attorney Smith noted commissioners who were late would need to review a recording or transcript of the missing testimony; therefore, they could not vote tonight.

A roll call vote was taken:

Burton – yes

Brewer – yes

Nordman – yes

Sims – yes
Mann – yes
The motion passed 5-0.

Commissioner Sims moved to approve the special use application. Commissioner Burton seconded. A roll call vote was taken:

Sims – yes
Burton – yes
Nordman – yes
Brewer – yes
Mann – yes
The motion passed 5-0.

Chair Mann moved to the Findings of Fact, which Attorney Smith prepared two versions, in favor of and opposed, ahead of time.

Mr. Failor directed commissioners to the approval of the text amendment Finding of Facts. Commissioner Brewer moved to approve the Findings of Facts. Commissioner Sims seconded. A roll call vote was taken:

Brewer – yes
Sims – yes
Burton – yes
Nordman – yes
Mann – yes
The motion passed 5-0.

Chair Mann moved to the approval of the special use Findings of Fact. Commissioner Brewer moved to approve the Findings of Fact for the special use. Commissioner Nordman seconded. A roll call vote was taken:

Brewer – yes
Nordman – yes
Burton – yes
Sims – yes
Mann – yes
The motion passed 5-0.

PC 08-05; Zoning Ordinance text amendment – Community Residences

The Village has requested the creation of a new Zoning Ordinance Section 8.4(E) (4); “4. *Requests for reasonable accommodations will be reviewed and acted upon in accordance with federal, state, and local laws and regulations.*”

Mr. Failor reviewed the staff report. He noted commissioners have received information from Mr. Daniel Lauber, who provided information on the topic previously. Ms. Tammie Grossman, Development Customer Services Director, said staff tried to simplify the zoning ordinance during the update and wanted the zoning ordinance to reflect the values of the community. She said the village had done an analysis of fair housing impediments in the past and during that analysis the village was directed to look at community residences as well as the definition of family; this was updated during the zoning ordinance rewrite. She said staff was comfortable with the recommendations outlined in Attorney Smith’s memo.

She suggested commissioners look at the size restrictions but staff was comfortable with the recommendations.

A short discussion ensued regarding occupancy standards. Ms. Grossman clarified the occupancy standard, in the building code, was based on square footage per person.

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

Mr. Daniel Lauber said the commission had received inadequate information and asked for more time to testify. Chair Mann allowed for ten minutes of testimony.

Mr. Lauber reviewed his qualifications. He said the ordinance proposed was neither open nor inclusive as it didn't have the definition of family. He said without a definition of family the regulation of community residences could not occur. He said the zoning proposed was illegal and Oak Park was going down the wrong path. He said the U.S. Supreme Court has upheld definitions of family. He suggested variations to the proposed ordinance. He suggested a definition of family with a cap on the number of people unrelated; if a community residence fit within this definition no other regulations (spacing, size, etc.) would be allowed. If it exceeded the cap then a reasonable accommodation provision could be used. He suggested a cap of 10 people. He said community residences should be allowed in residential districts subject to a rationally based spacing distance of about one block and having a license and certification. He said the village could be subject to litigation and fines if the proposed zoning was approved. He urged commissioners to start over on this subject.

Ms. Grossman said she did agree with removing the special use provisions for seven or more in the R-6 and R-7 zoning districts as the village could use the occupancy standard to regulate size. She asked Attorney Smith to weigh in. He said it would remove a hurdle and the whole process was subject to the reasonable accommodations provision regardless. Ms. Grossman said staff was comfortable with Attorney Smith's review and was not concerned about clustering of group homes. A short discussion ensued about state licensing.

Commissioner Brewer asked why 'functional' was used in the definition of community residences. Ms. Grossman said it was a generic term to encompass various disabilities. Attorney Smith suggested doing more research on that term. Commissioner Brewer said when looking at neighboring communities, Oak Park seems to have the most inclusive language.

A short discussion ensued regarding the legal decision out of Chicago Heights, the definition of family and the licensing requirement. Mr. Lauber reviewed various legal decisions related to community residences.

Chair Mann opened commissioner deliberations. Commissioner Burton said he was comfortable with Attorney Smith's review and had a problem with defining family. He said he read some of the cases differently as an attorney. Commissioner Brewer agreed that defining family was problematic; he had an issue with the use of the term 'functional' and agreed with removing the special use provision. Commissioner Sims asked about the analysis provided by Attorney Smith. Attorney Smith reviewed the background and sources on his analysis.

Staff reviewed the topics discussed, including the functional disability clause and removing the special use requirement. Attorney Smith noted further action on this would require a notice and another hearing as the scope of tonight's hearing only applied to the reasonable accommodations language; the commission could continue this hearing and notice on the new items to make a recommendation on all three.

Commissioner Brewer moved to continue the hearing. Commissioner Sims seconded. A voice vote was taken and the motion was approved unanimously.

Other Business

Remanded Zoning Ordinance provisions – discussion

Draft Single Family Design Standards

Mr. Failor said these would be presented at the April meeting. A planned development application was tentatively scheduled for that meeting as well.

Adjournment

Commissioner Burton moved to adjourn. Commissioner Brewer seconded. The meeting adjourned at 8:46 p.m.

Angela Schell,
Recording Secretary