

MINUTES  
**OAK PARK PLAN COMMISSION**  
OAK PARK VILLAGE HALL – COUNCIL CHAMBERS  
February 19, 2009 - 7:00pm

PRESENT: Chairperson Linda Bolte; Commissioners Deborah Fausch,  
Victor Guarino (present for first case only) Gail Moran,  
Michael Quinn, Susan Roberts, David Sokol

ALSO PRESENT: Craig Failor, Village Planner, Attorney Dick Martens

**CALL TO ORDER** Meeting called to order. Roll called.

**PC-0804 Planned Development Application (North Avenue Condominiums)**

Applicant John Scheiss was sworn in and requested a continuance until March. Mr. Scheiss explained that because the application has been dormant for a long period of time, he would like to refresh his memory and meet with the neighbors again, prior to the hearing. Chair Bolte asked if anyone present wanted to testify in the matter and could not return on March 19<sup>th</sup>. Charlotte and Ugo Buy and Peggy Lau all stated that they would return for the March meeting.

**MOTION**

Commissioner Sokol moved to continue the case until March 19<sup>th</sup>. Motion seconded by Commissioner Ruszczyk. Motion passed unanimously.

**CONTINUATION OF OPEN PUBLIC HEARING**

**Pc 08-03 Special Use and Zoning Text Amendment (Light Standards)** The applicant seeks approval of a Zoning Ordinance text to Chapter 3, Article 4, to amend Section **4.5.2AA Light Standards** to allow 100 foot tall light standards for athletic fields in the R-2 Single Family District and R-7 Multiple Family District residential districts as a special use, and Article 3 to amend Section **3.1 Summary Use Matrix** to add the aforementioned use to the reference table. Pursuant to the approval and adoption of Section 4.5.2.AA, the Applicant is also requesting Special Use approval from Section **4.5.2AA** to allow two (2) eight foot tall, one (1) 90 foot tall and one (1) 100 foot tall light standards surrounding their athletic field within the R-2 Single Family District and R-7 Multiple Family District. The Applicant is also requesting one allowance from Section **3.6.5.B.4.a** for the corner side yard setback of a light standard proposed in the southwest corner of the athletic field abutting Linden Avenue at a distance of 4.58 feet where 15 Feet is required. The proposed southeastern most light standard is proposed in the west half of the East Avenue right of way proposed for vacation.

Chair Bolte recalled that the applicants and the objectors were told that discussion on the application would not begin until 8pm and called for approval of past minutes.

**Approval of Minutes**

<b>Date of Meeting</b>	<b>Motion /Approve w/revisions</b>	<b>Seconded by</b>
June 19, 2008	Commissioner Quinn	Commissioner Roberts
November 29, 2008	Commissioner Sokol	Commissioner Moran
December 11, 2008	Commissioner Quinn	Commissioner Moran
December 18, 2008	Commissioner Moran	Commissioner Sokol
January 15, 2009	Commissioner Quinn	Commissioner Roberts
January 29, 2009	Commissioner Sokol	Commissioner Roberts
February 05, 2009	Commissioner Moran	Commissioner Quinn
February 09, 2009	Commissioner Sokol	Commissioner Roberts

Motions passed unanimously. Commissioner Rusczyk stated for the record that he listened to the tape of the February 9, 2009 meeting.

**Upcoming projects**

Mr. Failor listed the following applications that will be coming before the commission.

- 1) Walgreen's w/drive-thru at Oak Park & Madison – (projected hearing – April)
- 2) Madison & Highland – – 1<sup>st</sup> floor retail, 3 floors above for offices
- 3) Lake & Forest – 19 story mixed use (Village & Dev. working out agreements.)

**Update on past projects**

- 1) Madison & Grove – null & void, never applied for permits nor extension
- 2) Oak Park & South Blvd.- The Avenue – renovations were done in historic bldgs. Bldgs not full occupancy; have not applied for building permits, nor extension
- 3) SOHO, South Boulevard & Home project – will seek extension, requested Variance from ZBA)
- 4) Planned Development Ordinance – some modifications made by Village Board – Mandatory meeting still in place; conceptual review removed. Examples of compensating benefits replaced the “laundry list”. Public art requirements were added to plan developments.

Chair Bolte asked why conceptual reviews with other commissions were removed from the process. Mr. Failor explained that Village Attorney Heise felt this was not a good legal path because the commission would be involved with an application prior to a public hearing with the full commission.

Commissioner Rusczyk asked about negotiations with staff on compensating benefits. Mr. Failor said this would still be a part of it and that the commission could also suggest changes. There will still be an independent commission review.

There was also discussion about financial assistance for businesses that have to relocate due to developments.

New sign regulations will go to the board in March. Right now there are two: one for DTOP and one for the whole Village. The new plan would create different overlays.

Chair Bolte called for a break at 7:50 pm.

Meeting reconvened at 8pm.

### **PC-08-03 Commission Deliberation**

Mr. Failor gave commissioners a memo from Jim Budrick, Village Engineer, pertaining to the auto cad drawings previously referred to. He read the memo which pointed out problems with the MUSCO report on illumination levels. The memo offered two alternatives: Either have the light standards shift 10' east, or have MUSCO redesign the plan to match the drawings.

Mr. Martens stated that there is no ordinance related to foot candles. He stated that it would be up to the commission to decide between the alternatives. Derke Price, attorney for applicant, standing in for Mr. Keller, stated the applicant would have to match what is in the record and if unable to do so, then a permit would not be issued.

Chair Bolte called for a discussion of standards.

***Standard 1 - The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience and will contribute to the general welfare of the neighborhood or community.***

Commissioner Quinn spoke about the distinction between benefit to the high school and benefit to the community, noting that the community would benefit by having a place for kids to go on Friday nights. Commissioner Fausch felt that benefits to the students are also benefits to the community. Commissioner Sokol questioned the emphasis of organized sports over physical education. Commissioner Moran said the high school is important to the community and that this plan would allow more parent and student involvement. Commissioner Ruszczyk agreed and stated he did not see a separation in benefit between the school and the community. As for need, the school needs to stay competitive to attract good students and athletes. Commissioner Sokol pointed out that the state or regional champion, Maine Township, does not have lights so this would negate need. Chair Bolte stated it is important for the school to excel in all areas, and this would be a long term benefit to students as well as to the community, by getting residents involved in the high school, whether or not they have students there.

Commissioner Ruszczyk said he struggled with the balance of desire vs. need and general welfare vs. welfare of the school. Chair Bolte noted there is an overlap on standards, and she viewed this one more globally, looking at the broader view. Commissioner Moran

agreed, stating that when she first joined the commission, she was told this one is a broad standard.

***Standard 2 – The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare.***

Commissioner Quinn noted the impacts are light and sound, and, the most serious one, traffic. He spoke about Exhibit 19, self-imposed conditions, and felt that the applicant was “pushing it” in terms of LEED certification. He felt some of Mr. Hamilton’s testimony underestimated impact. Mr. Hamilton recommended the Village provide free parking. The commission does not know if there would be free parking on the deck, and plans to direct traffic on the lot. Without those, there is significant impact. As for sound, there is a commitment from the applicant to replace the sound system, but there is no detail and this impact is not addressed. There was mention of a three decibel reduction, but it is not known if that would be sufficient.

Commissioner Sokol spoke to the issue of change over a period of time at the high school. He noted that nothing is static and gave the example of anti-tourism signs that showed up on Forest Avenue. Neighbors of the high school are being told they knew there was a school when they moved there, just as the residents in the tourist district, knew about the area they moved into. Commissioner Sokol said the difference was between passive tourism and village-sponsored tourism, and the expectation of residents when they moved in. The school is overtly and consciously acting to change the area significantly. The anti-tourism signs disappeared because the neighbors and the tourist bureau worked out issues. There was no public hearing. Commissioner Sokol saw the stadium lights as a “cataclysmic change” in a way of living for the neighbors.

Commissioner Roberts was surprised that the high school did not work harder to find resolution with the neighbors. Even though one person told them that the issue was lights or no lights, they could have pursued discussion. Commissioner Roberts noted that she twice requested that the high school bring in witnesses to talk about sound mitigation, but they never did.

Commissioner Moran said her approach was to quantify the impact going from zero to one hundred. Presently there are already games, traffic, etc. in the midst of a residential neighborhood. Having charted out the hours, Commissioner Moran said it is important to keep in mind that some days, the lights would be used only for a half hour. Total light use would amount to sixty-six hours per year. The addition of lights would not cause a substantial undue impact, but if the application is approved, the commission should impose conditions, such as provisions for parking. Commissioner Moran was not bothered that the applicant did not get more information of sound mitigation, knowing that such efforts might be futile. She felt the self-imposed conditions are a good start.

Commissioner Ruszczyk stated this standard was the toughest one for him, but finding a balance would not be insurmountable. Commissioner looked at the schedule for light use

and noted that they would be off for quite a few months, and that this is not like a Home Depot parking lot. The lights will not be on every night, nor will they be on all year. They will be on for a certain number of months, and not constantly. Mondays through Thursdays they will be off by 8pm. Commissioner Rusczyk did not see this as a big change, as other events are often going on during those times. Friday night lights ending at 10 or 10:30 pm do not seem out of the ordinary in an area adjacent to Lake Street, which is a busy, bustling area. He agreed with Commissioner Moran that this is not a zero to one hundred % change.

Commissioner Fausch said that one consideration is that the high school has said it can by rights put in lights that would be less desirable, at a lower angle, with more light spillage into adjacent properties. This being the case, the application actually mitigates the affect of lights. Regarding traffic impact, Commissioner Fausch said she was not convinced by the arguments of either side and that conditions should be imposed. Commissioner Fausch noted that football game sounds will not be present every time the lights are on. While there is no question that football game noise is loud, the loudspeaker noise can be mitigated. A three decibel change is an audible difference. While Commissioner Fausch was not sure about noise testimony from experts, she noted this is about three or four nights a year and this does not present an undue impact.

Commissioner Sokol stated that in terms of number of days, it is very likely that the high school will come back again to ask for more nights that the lights could be on. He spoke about the “foot being in the door.” Regarding the neighbors’ recording of game noise, he did not believe the recording was amplified.

Commissioner Fausch agreed that it does seem odd to ask for approval of lights for such limited times and it would be reasonable to assume they would be used more. She asked how this would be dealt with. Attorney Martens said there would be another hearing process in such case.

Commissioner Roberts asked for comments from those commissioners who had gone to see other stadium lights. Commissioner Quinn said he went to Evanston where he saw some unidentified activity. He paced off the distance from the light pole to the nearest house. Commissioner Quinn stated that it seemed that MUSCO was able to direct the light where it wanted.

Commissioner Moran went to Evergreen Park. There was a railroad tract adjacent to the field, with its own lighting, along with street lighting. There were more fixtures than those proposed in this application. As for Evanston, at 4:30 pm, it was dark and the only impact of the 50’ candles was a little bit of shadow cast on the street. The spillage control was impressive.

Chair Bolte visited Oak Lawn, where the field angled to the residential street, right off 95<sup>th</sup> street which has commercial lighting. The lights were not overwhelmingly intrusive and the commissioner watched the activity of people going to the game, which was also not overwhelming. Chair Bolte said what concerned her about this application was the failure of the school to do their homework on mitigation strategies as well as the

incomplete traffic work. More parking restrictions are needed. Chair Bolte expressed concern about sending a recommendation to the Village Board with so many “blanks”, noting that this is not done with developers. Chair Bolte was unsure that the “promises” would be sufficient. Chair Bolte noted that one of the conditions imposed by the Board of Education was a committee of school and local residents that would meet twice a year. Although the applicant has offered to work with neighbors, there have been no specifics offered. The commission must think about what conditions should be included.

Commissioner Moran asked if the hearing would have to be re-convened to get more information from the applicant. Attorney Martens stated that such information can be requested without re-convening the hearing. Commissioner Moran stated the commission could give approval contingent upon certain plans to be presented to the Village Board. Chair Bolte replied that this commission should make the decision. Commissioner Moran felt that a joint committee of the residents and the high school could resolve some of the issues, but this could not happen between now and the next deliberations.

Commissioner Ruszczyk said there were a number of areas where commitment was given and agreed that it would be good to have details, such as for the safety, traffic and clean-up plans. As for a plan for a revised sound system, this would require an expenditure of money and time, without assurance as to approval.

Commissioner Quinn stated that five of the conditions offered by the high school (numbers 8, 9, 10, 11 and 12) aspirations, some easily implemented, some not. The board would be sure to have questions about these. As to recourse if conditions are not followed, Commissioner Quinn noted this would be a problem, and there are a lot more open issues in this application than normally dealt with by this commission. Commissioner Quinn said it was not know whether the high school could put in lights without the variance. As for as impact, Commissioner Quinn said that activity presently elsewhere, will be brought into the area, and the lighting policy only addresses when lights will be turned off, not when they are turned on.

Commissioner Moran agreed that numbers 10 and 11 were vague, but wondered how much more specific the conditions would have to be. Commissioner Ruszczyk saw the conditions as a commitment to attempt to mitigate impacts. Commissioner Quinn noted that if the applicant mitigates whatever is possible, there could still be a substantial impact. It is not enough to say they will try.

Commissioner Sokol said there were two ways to look at the issue. The applicant could show that it is not burdening the neighbors or there could be a quantification of noise reduction. Attorney Martens stated the purpose of conditions is to obtain compliance with standards.

Commissioner Fausch said that conditions 8 through 12 can not be framed to meet a standard. It is not known how much the sound system would mitigate noise and there is a limit to how much it can be reduced. As for traffic, the commission can set conditions. Commissioner Fausch agreed it would be unreasonable to accept a design for a sound

system before the application is approved. Commissioner Roberts mentioned talking to a sound expert about how much sound could be reduced. Commissioner Moran stated that standards are more objective and have nothing to do with good faith of either party. There is no burden of proof for good faith. Attorney Martens stated the applicant has the burden of proof to meet standards, Commissioner Quinn stated the commission can impose its own conditions.

Chair Bolte found it interesting that the south lights were never tested for meeting requirements. The commission could require such testing, along with whatever adjustments are necessary. Commissioner Faush asked at what point conditions should be discussed. Chair Bolte said this would be done as the deliberations go along and conditions should be discussed with each standard.

Commissioner Fausch noted that the staff memo shows that the lights are not “as advertised” and that issue should be addressed.

***Standard 3 – The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.***

Commissioner Moran stated that there has been no evidence shown that lights would not permit development and use of neighboring property. Commissioner Quinn disagreed, citing applicable district regulations, R2. The calendar submitted by the applicant shows light use for weekday evenings and every Friday. There is a cumulative affect of lights, traffic and noise.

Commissioner Sokol stated the use of neighboring property would be affected, as residents would not be able to live in their property as they want. Commissioner Quinn said the neighborhood, although residential, would be dramatically different. Commissioner Fausch asked about the difference between standards 2 and 3. Attorney Martens said Commissioner Quinn was on the right track; the question is whether residents within R2 within close proximity of the high school, are able to enjoy the benefits of an R2 district, given the installation of stadium lights.

Commissioner Moran felt this was feasible, Chair Bolte wondered if there would be a crucial difference and change in activity and whether the school has the right to change. Commissioner Quinn stated that of course the school has the right to change, but noted that Mr. Sargis had questioned whether of all the previous changes at the high school, any involved night time. They did not, and this is the significant difference.

Commissioner Moran said she did not find Mr. Abel’s testimony credible, that if lights are installed people who live across from the stadium would not want to invest in properties, and therefore a different “class” of people would move in. Calling that statement offensive, Commissioner Moran added she did not feel the residential area would change that much. Commissioner Roberts agreed that property values would not be affected and that it would continue to be a residential area.

**Standard 4 – *The proposed building or use complies with the more specific standards and criteria established of the particular building or use in question by Sections 2.2.7 and 4.5 of this Zoning Ordinance.***

Attorney Martens said this refers to planned development and there is nothing really applicable here, except perhaps 6.11 Residential Protection, which has already been addressed.

**Standard 5 – *The proposed building or use has been considered in relation to the goals and objectives of the Comprehensive Plan or the Village of Oak Park.***

Commissioner Moran said the high school is essential for a good residential neighborhood, but asked whether lights were essential for a good high school. The language of the Comprehensive Plan could be used for either argument. Lights could expand the tax base and would optimize use of the facility. Commissioner Quinn agreed that the Comprehensive Plan could justify approval or rejection, but that the goal to optimize the use of the facility should not be considered in isolation, but with the question “at what cost? “. Oak Park is a landlocked community; and the best way to provide activities may be to go off-site. Commissioner Quinn agreed the lights would not affect property values.

Chair Bolte was not in agreement with Dr. Abel’s contention that the high school was less important than the residential neighborhood, The high school is very important to the residential neighborhood. Commissioner Ruszczyk said he was not sure on this issue and was concerned about flow of traffic and parking.

March 5<sup>th</sup> was set as the date to continue deliberations. The hearing will be at 7pm; Mr. Failor will arrange for a meeting room.

Mr. Sargis presented a letter for Mr. Martens regarding a case cited by Mr. Keller. This was in regard to Historic preservation standards of Oak Park and those of the city of Chicago. Mr. Price objected that with that it was too late to be submitted into evidence. Attorney Martens said the letter would not be a part of the record.

### **Adjournment**

Motion made, seconded and passed unanimously to adjourn.

Meeting adjourned at 10pm

Liz Melara,

Recording Secretary