

MINUTES
OAK PARK PLAN COMMISSION
OAK PARK VILLAGE HALL – COUNCIL CHAMBERS
March 05, 2009 - 7:00pm

PRESENT: Chairperson Linda Bolte; Commissioners Deborah Fausch,
Gail Moran, Michael Quinn, Susan Roberts, Steve Ruszczyk, David Sokol

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

CALL TO ORDER Meeting called to order at 7:10 pm. Roll called.

CONTINUATION OF OPEN PUBLIC HEARING – DELIBERATION PHASE

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 asked if there were any further discussion on Special Standard Use Number 5 which was discussed at the previous meeting. There being none, Chair Bolte asked if there were discussion on the last standard.

Standard 6. There shall be reasonable assurance that the proposed building or use will be completed and maintained in a timely manner, if authorized.

Commissioners concurred that Standard 6 was not an issue in this application.

Chair Bolte then asked if there were any comments on factors required for re-zoning. There being none, Chair Bolte asked for general comments on the application.

Commissioner Roberts noted that the Planned Development Application had been approved by the Village Board. Chair Bolte said it is not applicable to this case and called for a motion on the application. Commissioner Roberts asked whether the vote would be final or would just be used to spur discussion. Attorney Martens said if the motion is to deny the application, it would be a yes or no vote. If the motion is to approve the application based on certain conditions, there would be discussion. Attorney

Martens further clarified that whatever motion passes will be a directive to him to prepare Findings of Fact, which will be reviewed and then voted upon. He noted that rarely is there change from the direction of the vote to the Findings of Fact.

Commissioner Sokol asked how there could be a motion to approve with conditions and said it seemed the applicant would have to come back. Chair Bolte said that the direction of the Village Board in previous cases has been not to send open-ended conditions.

MOTION

Commissioner Moran moved to approve the application as presented by the high school on December 11, 2008, with any amendments that might be added. Commissioner Ruszczyk seconded the motion. Attorney Martens noted that changes had been made since the first application was submitted. The changes included::

Condition 1 – A maximum of nine night games in the fall.

Condition 2 – Varsity Friday night games – six in the spring three, 7 to 9pm – to be completed by 9pm. – three 7:30 pm-10:30pm,. (Exiting and clean-up to be completed by 10:30 pm.) unless the game were to go into overtime

Friday night Lacrosse, soccer and field hockey to start no later than 7pm. To be completed by 9pm, including clean-up.

Commissioner Fausch suggested the language should read *all other Friday turf sports*.

Attorney Martens said the other condition was that no other external groups will use the stadium with or without the lights, except for July 4th.

DISCUSSION ON MOTION

Commissioner Sokol: The burden is on the applicant to show the impact on the community would be minimal. It has been shown that this is not the case by any stretch of the imagination. The neighbors made a good case that the lights would cause a dramatic change to what they are used to. The lights are not necessary. As for want vs. need, the fact that a high school without stadium lights won the state championship disproves the need.

Commissioner Roberts: In order to vote for the application, the conditions would have to be a lot stronger., including no extra parking and traffic on Linden and a 50% reduction in sound. The high school has not shown good will in trying to reach agreement with the neighbors.

Commissioner Quinn: Standard 5 dealing with the Comprehensive Plan, under Chapter 3, Page 30, transportation and parking – refers to maintaining residential neighborhoods, minimizing traffic problems on residential streets. While it may be possible to design a parking traffic system that would do this, it has not been done in this case.

Commissioner Moran: A condition could be added regarding parking, to give incentive for parking in the high school garage, to allow one-way traffic on Scoville, and parking on one side of the street. (Commissioner Moran later corrected this to Linden Avenue.)

Commissioner Bolte: Parking has not been adequately addressed. There are lots of questions. It is not known whether a 50% sound reduction is possible. The school should be able to install lights, but they have not done enough study. The Village Board will not want open conditions.

Commissioner Sokol – Regarding incentives for use of the parking deck – there is no guarantee on what the Village would do. This would be up to the Parking and Traffic Commission and the school.

Commissioner Fausch: There are many issues. The school should have the opportunity to install lights but conditions should be stronger. The lighting study is not accurate and the applicant must meet the limits it claims. There should be some standards met toward LEEDS certification. Parking and traffic could be mitigated but a performance standard must be set. The noise issue is the most difficult. A standard could be set for the loudspeaker, but the crowd noise cannot be controlled.

Commissioner Moran: The commission can impose specific conditions such as one-way traffic on Scoville, parking on one side of the street, incentives for parking away from school and neighborhoods. As for noise, it would not be going from 0 to 100; there are already games, noise and traffic. This would be an incremental addition.

Commissioner Quinn: This is not entirely accurate, as activity would be moved there from another location, and the noise and traffic would change from Saturday afternoons to Friday night.

Commissioner Sokol: The terms outlined by Commissioner Moran are not specific such as, for instance, a recommendation to plant six trees.

Chair Bolte: One pitfall in the traffic analysis is that the restrictions can impact other streets, “pushing the problem downstream.” The “Hillside Strangler” is an example of such a mistake. As for noise, there are no specifics on the new sound system. There might be a significant reduction of noise, but this is not known for sure.

Commissioner Ruszczyk: Until a project is completed, even a study can not prove impact. This is putting the burden on the applicant.

Commissioner Quinn: Whiteco is an example of a project where there was substantial negotiation between the applicant and the Village to reach agreement.

Commissioner Moran: Traffic for Friday night football games would not be that much more than that for Saturday afternoon games and Farmers Market. Is the traffic study presented by the high school being dismissed?

Commissioner Quinn: There are problems with credibility in the numbers in that report.

Commissioner Sokol: The day to night shift in traffic and noise, (including weeknight practices) must be considered. The variables can not be isolated. If the application is rejected, the high school could come back, having negotiated the issues. There is a substantial difference in terms of expectations for Saturday afternoons and night time.

Commissioner Ruszczyk: All factors must be considered together, but a balance must be found between moving forward and burdens. The question is whether there is balance here – improving the facility for the community vs. the burdens. The lights would not be on all year long, nor every night. There is an impact, but everything this commission considers has an impact. There is a balance, and there are ways to mitigate concerns.

Commissioner Moran: In terms of process, there have been months of meetings. If the commission is going to turn down the application, why were the **traffic study** conditions not asked for months ago? Maybe this is being over-discussed.

Commissioner Roberts: The request was made twice to bring someone in to talk about improvements to the sound system. The fact that this request was ignored shows lack of good faith.

Commissioner Ruszczyk: A sound system takes research, planning, specs, goals and objectives. This calls for an investment. We have a commitment and it is not reasonable to expect the high school to commit time and money without an answer.

Commissioner Sokol: “Trust me” is not enough. Commissioner Sokol stated he began this hearing with an open mind, and the commission has gone through this long process. The commission is here tonight because there were not sufficient answers from the applicant. If the application is voted down, the high school will have to buckle down and negotiate with neighbors.

Chair Bolte asked Attorney Martens whether some of this discussion can be included in the Findings of Fact. She noted that no one is suggesting the applicant begin all over again, but rather that they focus on certain questions. Attorney Martens explained that if there are less than 5 votes for approval, it will not pass. Some of the findings would address areas of deficiencies and ambiguities in level of detail addressing certain standards. Much of this is about undue impact on neighbors. If the commissioners are not comfortable proceeding with what has been presented, this can be included in the Findings of Fact. It is possible the Board will send this back for re-consideration.

Attorney Martens said there are performance measures on traffic and the Village could give input. For sound issues, there are experts who can be consulted. The commission is not here to make the case for the applicant. The applicant must make their case.

Commissioner Moran stated she was comfortable if the vote is to approve with the conditions proposed by the high school; that balance has been achieved and the applicant has met standards. Commissioner Ruszczyk did not see this as a “trust me” issue, but as a condition of the application – “The public address systems shall be designed to minimize sound.” According to Dr. Thunder this can be done.

Chair Bolte called for a vote on the motion to ask Attorney Martens to provide Findings of Fact in support of the application, based upon Special Use Standards and the proposed text amendment, subject to conditions discussed earlier.

Commissioner Moran amended the motion to include the wording “*subject to conditions discussed earlier and subject to limitations in the illumination survey.*” The amendment was accepted by Commissioner Ruszczyk who had seconded the motion. . A roll call vote was taken

Moran – yes

Ruszczyk – yes

Sokol – no

Quinn – no

Roberts – no

Fausch – yes

Bolte – no

The motion failed with a vote of 4 to 3.

Attorney Martens said the commission can move to deny the text amendment and the Special Use, or can move to approve it with certain conditions.

MOTION

Commissioner Sokol moved to deny both the text amendment and the Special Use permit. Motion seconded by Commissioner Moran. Chair Bolte asked Attorney Martens the purpose of this vote. Attorney Martens said it was to see if there would be a super-majority vote with five in favor. A roll call vote was taken:

Sokol- yes

Moran – no

Ruszczyk – no

Quinn – yes

Roberts – yes

Fausch – no

Bolte – no

The motion failed with a vote of 4 to 3.

Attorney Martens said that the commission could move to approve the application with different conditions than those enunciated in the first motion. Conditions should be identified.

Discussion followed regarding what conditions could be required. Commissioner Moran suggested specific parameters on noise and traffic. Chair Bolte suggested a sound study. Commissioner Moran asked how noise at a football game could be quantified and stated that the fact that it cannot is why the state statute exempts sports. Commissioner Roberts suggested a 50% reduction from the noise of a Saturday afternoon game.

Commissioner Sokol felt that such discussion should be held with neighbors, to look for concrete measures in the issue. He said he did not understand how this motion could produce what is needed, and the high school must go back to the table with the neighbors.

Chair Bolte said that there are two concrete suggestions on sound – one is to install the maximum number of speakers to minimize sound, and the other is to look at the possibility of installing sound absorption barriers, as this was not fully looked into. Testing would be done by a licensed engineer with experience in such systems. Commissioner Moran felt it would be unfair to make the applicant spend time and money with the uncertainty that it would meet conditions once installed. Commissioner Moran suggested that instead of a licensed engineer, the wording be “qualified industry professional.”

Commissioner Roberts felt the commissioners were working too hard to make the applicant’s case. Commissioner Sokol repeated that they should be required to meet with the neighbors. Chair Bolte noted that the Board of Education approval included the establishment of a Neighborhood Advisory Committee and this could be made a condition. The results of studies should be acceptable to both parties. Chair Bolte was disturbed that both sides would not continue discussion.

Chair Bolte said the traffic report was not thorough and should be expanded to address concerns, including pedestrian movement. The Hamilton report could be included with additional investigation of concerns raised by neighbors. Commissioner Sokol stated that studies and meetings are not enough, if there is no specific plan. Commissioner Quinn suggested requiring a traffic plan that would minimize use of Linden and Scoville, and concentrate use on arterial streets.

Commissioner Sokol; reiterated that a study is not sufficient. There must be goals and levels. Commissioner Moran said the goal would be to minimize traffic on residential streets. Chair Bolte said the Neighborhood/School Committee should discuss goals to show that the school has done everything possible to mitigate impacts, and the Village would have to agree this was the case. Mr. Failor said the condition should state that a traffic study would have to go to the Transportation Commission. Commissioner Moran wondered how long such a process would take and said the students are being punished.

Mr. Failor said the length of time would depend on the commission's schedule. how long another study would take, how many people would speak at the hearing, etc.

Commissioner Rusczyk suggested Village Staff could be called upon to make suggestions. Chair Bolte said a traffic study would not be done "from scratch" but would build upon the Hamilton study. Any changes would have to go to the transportation commission.

Attorney Martens asked for clarification on the conditions being proposed. Chair Bolte called for modification of the language in the application – condition 8 – *The public address system should be designed by a licensed engineer to minimize sound impact on surrounding property.* Commissioner Rusczyk repeated the wording suggested previously by Commissioner Moran: "*qualified industry professional.*" Chair Bolte continued with the wording "*as many speakers as necessary to achieve maximum sound reduction.*"

Commissioner Rusczyk stated that the professional should make a comprehensive effort to explore all commercial technology available for sound mitigation.

There was discussion about how often the neighborhood advisory committee should meet. The suggestion was made they meet regularly with administration and at least one member of the Board of Education to monitor conditions, impact on the citizenry and to discuss concerns related to the use of outdoor facilities. Commissioner Fausch noted that some of the current conditions state the high school will meet with the neighbors to establish policy. Commissioner Fausch asked about specific conditions for traffic, sound and lights. Commissioner Moran asked if the effort was to get something approved bilaterally or to address concerns.

Attorney Martens suggested the language state that the applicant will work with the neighbors to develop a safety plan, a noise reduction plan, etc. Commissioner Fausch suggested adding to condition 8 on the application "in consultation with the neighborhood advisory committee" and that condition number seven say that the lighting design must meet standards set.

Chair Bolte said number 10 should include creation of a traffic plan to minimize use on Linden and Scoville, with traffic using arterial streets, as per the system articulated in the Comprehensive Plan. There should be other options besides those offered by Hamilton.

Chair Bolte asked if there were any other conditions to be included. There were none. Attorney Martens said that five votes would be necessary to recommend that with these conditions the applicant would satisfy the standards. Commissioner Sokol did not agree that the recommendation should be made for approval with contingencies, as so many of the factors are dependent upon studies. Commissioner Sokol asked Attorney Martens whether he considered such approval realistic. Attorney Martens replied that such judgment is for the commission to make, and the Village Board will look at it. Chair Bolte asked about validation of conditions. Mr. Failor said that if the Village Board accepts the conditions, validation would be up to staff and no permits would be issued

until conditions are met. Commissioner Sokol felt this would not be practical. Chair Bolte noted the Village Board could say there is too much uncertainty.

MOTION

Chair Bolte called for a vote on the motion to direct Attorney Martens to draft Findings of Fact to approve the application contingent upon aforementioned conditions being met. Commissioner Fausch so moved. Motion seconded by Commissioner Moran.

A roll call vote was taken.

Fausch – yes

Moran – yes

Sokol – no

Ruszczuk – yes

Quinn – no

Roberts – no

Bolte – yes

The vote was 4 to 3 in favor. Attorney Martens noted this was not a 5-affirmative vote. The conditions can be worked on and the Findings of Fact with a recommendation to delay the decision can be sent to the Village Board. Commissioner Moran asked whether the motion would be included in the Findings of Fact. Attorney Martens said it will be reflected in the minutes. It was noted that if the Village Board sends the matter back to the commission, the discussion will be narrowed to conditions.

Mr. Keller asked what Findings of Fact could be given to the board if there was not a significant majority and Mr. Sargis asked whether the motion for denial needs more than simple majority. Attorney Martens read the rules pertaining to this.

MINUTES

Commissioner Quinn moved to approve the February minutes as corrected. Commissioner Moran seconded the motion. Motion passed unanimously.

Platte of Vacation

Attorney Martens stated that this was to be contingent upon a favorable decision on the zoning change. Mr. Failor said the board can approve it without the change. Attorney Martens said the standard is whether it would serve the public interest. Commissioners agreed that it would as the Village would not have to maintain the property.

MOTION

Commissioner Quinn moved to approve the application. Commissioner Moran seconded the motion. A roll call vote was taken. The motion passed unanimously.

Chair Bolte said the next regular meeting will be on March 19th. The applications to be heard include one on North Avenue, Walgreen's on Oak Park and Madison and another on Highland and Madison.. These are applications that came in before the planned development regulations were approved...

ADJOURNMENT

Commissioner Moran moved to adjourn to hear Finding of Fact on April 16th. Commissioner Quinn seconded the motion. Motion passed unanimously.

Meeting adjourned 9:20 pm,

Liz Melara, Recording Secretary

APPROVED April 16, 2009