

**APPROVED MINUTES  
OAK PARK PLAN COMMISSION  
OAK PARK VILLAGE HALL – COUNCIL CHAMBERS  
JUNE 18, 2009 - 7:00pm**

**PRESENT:** Chairperson Linda Bolte; Commissioners Gary Belenke, Deborah Fausch, Vic Guarino, Gail Moran, Michael Quinn, Susan Roberts, Steve Ruszczyk

**EXCUSED:** Commissioner Steve Rouse

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

**CALL TO ORDER:** Meeting called to order 7:05 pm. Roll called.

**APPROVAL OF MINUTES**

Commissioner Quinn moved to approve the May 14th minutes as submitted. Commissioner Moran seconded the motion. Motion passed unanimously.

Commissioner Ruszczyk moved to approve the May 21st minutes as amended. Commissioner Fausch seconded the motion. Motion passed unanimously. Chair Bolte went through the minutes, noting the materials the commission requested from the applicant.

**OTHER BUSINESS**

**Plat of Subdivision: 1120 Wisconsin Avenue Subdivision**

Mr. Failor said that the applicant is in the process of concrete removal. The applicant must meet requirements to consolidate four parcels into two plots of record. The proposed subdivision will meet all zoning requirements except for coverage.

**MOTION**

Commissioner Ruszczyk moved to allow the Chair to sign off on the plat of subdivision. Motion seconded by Commissioner Moran. Motion passed unanimously.

**PUBLIC HEARING PC 09-01: Planned Development Application (Highland Madison LLC)**

All those wishing to give testimony were sworn in by Attorney Martens. It was clarified that only those who had originally signed up to cross-examine the applicant would be allowed to do so.

Hearing reconvened. Chair Bolte asked that the applicant present the materials previously requested prior to public comment.

Nevin Hedlund, 7985 Lake Street, River Forest, project architect, presented refinements to the original plan. Among the changes was the elimination of the trellis element the addition of more brick detail and enhancement of shadow and reveal lines. The glass area of the retail section was maximized. A view from Highland looking north without snow was shown. Mr. Hedlund noted that the view from South Harvey is blocked by trees.

Pictures of the loading areas for Bar Louie and Winberie's were presented. Bar Louie's loading area is in the alley and Winberie's gets all deliveries through the front door. Mr. Hedlund characterized the loading area for this project to be somewhere in between those two. He said the project would not burden the main artery, Madison, and that the residential alley will not be used.

To address concerns about the project's effect on property values, Mr. Hedlund introduced Mr. Grimes an independent appraiser. Mr. Grimes has a B.S. in Business Administration and multiple degrees from the Appraisal Institute. He is also a member of the Oak Park Board of Realtors.

**Michael Grimes (Appraiser), 1040 North Blvd., Suite 250**, noted that he used to live on the 800 block of South Harvey, and therefore was familiar with living right next to a commercial area. Mr. Grimes said that he had not had sufficient time to do so, but by the next meeting would put into writing his findings regarding the effects of such a project on neighboring home values. He mentioned the Starbucks and a large building next to homes in Forest Park, and said he would look at values before and after.

Commissioner Ruszczyk asked whether there is a difference in property value change for those homes nearer to such a project. Mr. Grimes stated that in his experience, generally the property nearest to the commercial district will be affected no matter what. He stated the project is viable and productive and would benefit the community as a whole, including the neighbors.

Commissioner Quinn noted that Mr. Hedlund had testified that other similar developments have improved neighboring property values. He said that should be the focus of Mr. Grimes' report. Mr. Grimes said it was not his intent to prove values will increase, but rather to prove they will not decrease. Commissioner Quinn recalled Mr. Hedlund's statement that with similar projects, neighboring property values has gone up. Chair Bolte asked Mr. Hedlund to tell the commission about previous instances. Mr. Hedlund said that the statement he made was his opinion and he apologized for not having such information ready but said it would be completed. Chair Bolte clarified that the commission wants to know what the impact has been with similar projects. Mr. Hedlund stated that no two projects are exactly the same. Commissioner Belenke said the commission would like the most recent data possible, although he noted that the economic conditions in the last couple of years may be not be representative. Commissioner Roberts asked if Mr. Hedlund could include correction for changes in the

market. Mr. Grimes said it would be difficult to find something exactly the same, but he can do an overall analysis. Commissioner Quinn noted that West Suburban Hospital demonstrated that proximity to an emergency room had no effect on property values, comparing the community as a whole to the project area.

Mr. Hedlund showed the brick samples as requested by the commission.

Regarding the environmental report, Mr. Hedlund stated that on the garden center parcels, phase one showed clear. The parcels previously owned by the Village call for modest remediation but this is not required.

As for public comments from the January 20<sup>th</sup> meeting, Mr. Hedlund said he did not have them now but would submit them.

Commissioner Ruszcyk asked questions about the design. The windows on the tower were enlarged. Material is metal, pre-finished. The decorative rail is 42" high. Commissioner Fausch asked about the purpose of the tower. Mr. Hedlund said the main entry is below the tower, and the elevator shaft is behind it. Commissioner Fausch said the design felt monolithic, pointing out the heavy masonry and glass bands.

Mr. Hedlund spoke about creating a horizontal element alluding to prairie style. He said the clear glass panels are attractive to office users. On the first floor, retail needs are met and there is space for plants. The tower is located in the middle, breaking up the mass of the project. The detailing in the brick element will add distinction; there is a cowling effect on the brick.

The solar panels are gone from the south side, as the neighbors did not like the appearance. The LEED Silver Certificate can still be achieved without them.

Commissioner Moran asked about ingress and egress for the loading area. Mr. Hedlund demonstrated this on the power point. As for delivery schedules, Mr. Hedlund thought this would be up to the ownership association. Chair Bolte suggested Mr. Hedlund inquire about the number of weekly deliveries for Bar Louis and Café Winberie's.

The question of parking spaces came up. Mr. Failor said he would get information on the relations of current permit spaces and spaces in the new building. Mr. Failor said his understanding was that the developer and the Village had discussed this and that the developer had said he would offer some overnight spaces. Current space use was discussed. Commissioner Roberts asked about the 55 vehicles currently using 24 hours spaces. Mr. Hedlund said they could use overnight spaces and/or could lease a day spot. Chair Bolte asked whether a one for one replacement could be guaranteed. Mr. Hedlund said that the original plan called for a third level of parking but this was not supported by the Village Board. He said this project would provide additional overnight spaces.

Chair Bolte referred to Tab 13, Exhibit 3. Mr. Hedlund said it was just a casual survey and not complete. He stated that the traffic study accommodated for park district use.

Regarding the retention of trees, Mr. Failor said the Village Forester confirmed what Mr. Hedlund had stated. There are trees within the property line which must be removed. A number of plantings will be relocated. One tree is dying and will be replaced. Mr. Failor noted the Village has a tree preservation ordinance which would govern this.

Commissioner Roberts noted resident concerns about aesthetics on the back of the building and statements that the underpass feels like a viaduct. Mr. Hedlund again noted that the solar element was removed and that the corbelled brick would continue around the back. He said the underpass is a clear span with no columns. Clearance is 15' high. The 60' span of finished concrete will be lit and open, thereby providing no place to hide. Commissioner Moran asked about the lighting. Mr. Hedlund said it would have to meet certain standards for safety, security, and glare (no spillage). He said this would be a balancing act. The walking surface will be illuminated with the same type of lights as the streets. Commissioner Moran asked about making the underpass warmer and friendlier. Mr. Hedlund noted that putting things in would give a roosting area to the birds, causing another problem. Chair Bolte suggested a pattern in the concrete.

Commissioner Ruszcyk asked about the area where the two designs meet. Mr. Hedlund said they were straight across, not recessed. Commissioner Ruszcyk asked about the drain lines from the planters. Mr. Hedlund said there was internal draining.

Mr. Hedlund said he would change the renderings based on input from this hearing.

Chair Bolte called for a break at 8:30 pm. Hearing reconvened at 8:45 pm.

Chair Bolte said that cross examination would be on new information only.

**John Murphy, 537 South Highland** said he would like to see the report from the real estate appraiser before the next meeting. He felt the public should be able to cross examine that witness. Chair Bolte said that the sign-up for cross-examination was months ago and there would be no new sign-ups. Commissioner Quinn noted that the public can ask someone who signed up to ask their questions or they can submit questions to commissioners who will ask them if they are relevant. Questions can also be included in public comment for commissioners to follow up on. Commissioner Ruszcyk asked whether questions could be sent to Mr. Failor. Chair Bolte clarified that questions should come from the public hearing. Mr. Hedlund said he would provide the requested information at least a week prior to the next meeting. Mr. Failor said he will give the information to Mr. Schmaus.

### **Cross Examination**

Chair Bolte read off the names of those eligible to cross-examine the applicant.

**David Kralik, 526 South Highland**, asked whether the traffic bump outs allow for a turning radius for semi trucks or whether they could only go north on Highland. Mr. Hedlund said they will make sure that the radius allows for such trucks. Mr. Kralik asked if there were anything to limit truck circulation on Highland. Mr. Hedlund noted that

Madison will be the fastest route and therefore more likely the one used. UPS and Fed Ex may use Highland because they also deliver on residential blocks.

Mr. Kralik asked about the transition between the two building types. Mr. Hedlund explained the building is L shaped. Mr. Kralik asked about the 40-50' of blank wall with no fenestration and no windows. Mr. Hedlund said it is tucked in a corner over the parking garage and is hard to see. This is where the gym would go and that does not call for windows. Mr. Kralik clarified that he was referring to the view from east of Highland. Mr. Hedlund said he will show that view at the next hearing date. Commissioner Ruszczyk asked if the view north from Mr. Kralik's backyard was blank wall. Mr. Kralik said he won't know for sure till it is up, but he feels the tree coverage is limited.

**Warren Schmaus, 521 South Highland,** reiterated the request for a winter view of the south elevation with the new brick facing and without the trellis. Mr. Hedlund said he could provide this. Mr. Schmaus asked if the estimated \$500,000 in real estate taxes takes into account the park district in the gym. Mr. Hedlund said all the building space would be private, not public. Commissioner Quinn explained the space is not tax-exempt. Mr. Hedlund said all lessees must pay taxes. Buyers can apply for tax-exempt status. Mr. Hedlund agreed that that the figures could be lower than projected but noted that the agreement with the park district would allow them to sell their existing building, which would then go back on the tax roll. Mr. Schmaus asked for the total real estate tax revenue for Oak Park. Attorney Martens said this could be provided by the assessor's office.

Commissioner Fausch inquired whether the design would be reconfigured if the park district does not take the space. Mr. Hedlund said that in such case the applicant would come back to the commission for permission for re-configuration. Mr. Failor suggested the applicant present two scenarios in order not to have to come back before the commission. Mr. Hedlund said their hope was to get the park district in but he thanked Mr. Failor for the offer.

End of Cross Examination

### **Public Comment**

Chair Bolte noted said that if some of the public wanted to hold comment until hearing further information they could do so. It was agreed that if anyone wished to comment tonight and again at the next hearing, the second comment period would only pertain to new information.

**Paul Hamer, owner of property at 532-34 South Highland,** spoke about buying property and knowing what can and can not be built next to it. He said that in 1996 developers met with two staff people to rewrite zoning laws and those now residents must come in to argue for their own protection. He said that if a developer comes in with plans that comply with the ordinance, then residents would have nothing to say. Mr. Hamer said the commissioners are supposed to protect citizens, but this commission seems to be

more interested in design than parking issues. He said 81 parking spaces in the existing lot would be lost. The 24 hour spaces are very valuable to landlords; they make the difference between being able to rent or not being able to rent property.

Mr. Hamer showed commissioners pictures of Village Hall, which is set back properly. He said the neighbors are an unprotected class. Regarding off-loading docks, Mr. Hamer said he has a business on Harrison Street. Two semi trucks deliver to two very small restaurants there. Truck traffic on Highland would have a negative effect. He noted that the trend is to large delivery trucks, rather than several smaller ones.

Mr. Hamer said that if the developer is to be a success, he cannot do so without the neighborhood because that's where people will park. Mr. Hamer said a trustee informed him there would be no metering on the ground floor and there would be no Village parking on the deck.

Mr. Hamer said that public bodies are to do things that benefit everyone. This proposal originally was for District 97, the Township and the gymnastics center. This would cost taxpayers. The development, if built, should ensure sufficient parking and should not be harmful to the neighbors. He stated that the Turano Bakery Building is a similar one and that adding 40' to the building would give an idea of what this project would look alike.

**Ethan Israelsohn, 518 South Highland (five houses from proposed development)**

stated that now see can see across Madison from his backyard. If the development were to go in as shown, he and his neighbors would see only brick.

Mr. Israelsohn stated that if parents have to pay a metered space for drop-off and pick-ups of children using the gymnastics center, they will instead park on a residential block. This will have an enormous impact on parking and traffic.

He further stated that the size and scale of the proposed development are way out of proportion to the homes on Highland. The developer says there is no profit in making a smaller development, but there has been no factual testimony to back this up. The Plan Commission should consider this development out of scale.

As for delivery, he said he posed the question: if there is a semi parked in the bay on Highland, and three or four other delivery trucks pulling up, where these trucks go? He spoke about pollution from idling trucks. With no control over when deliveries are made, there is not enough room to accommodate a significant number of trucks.

Speaking about the view of the southern façade, Mr. Israelsohn noted that there will not be leaves on the trees for half of the year.

**John Murphy, 537 South Highland (3/4 block from proposed development,)** said he understands that he lives near a commercial district and he understands change happens. He said that people who buy near commercial districts are told to "get over it", but that the developer must also make concessions. The building is too big and there are environmental concerns such as trucks idling, increased traffic, parking issues. He disagreed that more parking is needed. He noted that children walk from Washington

across Madison, down Highland to get to Longfellow School. As it is now, it is problematic to get off Madison from Highland and now with a Dunkin Donuts drive through it will be worse. If the parking is doubled, it changes the nature of the neighborhood and makes it dangerous for children.

Mr. Murphy urged the commission to take into account the aesthetic issue. He said the underpass at South Boulevard is separated from the residential area, but this would not be the case here. If the second level of parking was eliminated from the west end of the eastern part of the building, this would leave a straight thoroughfare, with the loss of only 33 spaces. He said he had more comments that he would forward via e-mail

**Donna Andree, 511 South Highland**, said her house would be the one most affected, as it is right next to the proposed development. She said the house across the street was sold, but no one knows who bought it. Ms. Andree has lived in her home since 1997 and has invested a lot of money in it. When delivery trucks come they will stop right in front of her house or in her alley, causing problems for entry and exit from her garage. Three vehicles have run into her fence already. She said she is not against businesses but that the proposed underpass is awful. Ms. Andree is concerned about the value of her home and plans to have it appraised as is, and then as depicted in the architect renderings. She is not so concerned about her backyard and understood that by right, a 50' high building could be constructed there. She was worried about the danger the traffic would pose to children.

**Lois Love, 541 South Highland**, said that her visceral reaction was that she was living in a nice little sailboat, and a cruise ship just moved in next to her. She said setbacks would improve the project but felt that the overpass with cars on it will not provide a good look.

**Donna Diederich, 523 South Highland**, stated that she has a handicapped individual in her home. If parking will be one way northbound to Madison this would force her to have to push the wheelchair across the street in the winter in the snow. Ms. Diederich has a handicap spot in the current lot. Two years ago, Village Manager Barwin promised there would be a cul de sac. She has repeatedly called Mr. Barwin but he does not return her calls. She is also worried about crime at the underpass. Ms. Diederich said that previous discussions included no mention of a viaduct. She feels that only the residents around the high school are afforded the attention of Village officials.

Commissioner Quinn said the street would not be one-way; from the alley to the south. Highland would be two-way. Ms. Diederich said this information was different from plans she had previously seen.

**David Kralik, 526 South Highland**, said his two biggest concerns are safety and traffic. He bought his house with the understanding that there would be a cul de sac to provide more protection for the children. He said if the parking plan is for paid parking in the structure and free parking on the street, people will naturally use the free parking. He suggested that the plan go to the Transportation Commission for a solution, such as resident only parking allowed on the residential streets.

End of Public Comment.

### **Commissioner Comments**

Chair Bolte asked for commissioner feedback to the applicant.

Commissioner Quinn said he would like to look at eliminating the overpass. Commissioner Guarino agreed. Mr. Hedlund said the plan was according to the accepted average for parking ratio to office space. To eliminate 33 spaces would put the development below acceptable standards. Commissioner Guarino suggested a scaled-down project should be considered.

Mr. Hedlund noted that the Village nixed a third level for parking and said replacement parking was not needed for this development. He also felt residents would not be happy with a third level garage. He said he felt this was a balanced solution which responded to the Madison Street Corridor Plan.

Commissioner Belenke felt a cul-de-sac was called for. Mr. Hedlund said the applicant supported a cul de sac on Highland and on Harvey but that this is a separate process. This project would not prevent that. Chair Bolte noted that the Village does not want any more cul de sacs because they interfere with emergency response from the fire and police departments. Commissioner Belenke noted that he lives three doors down from Harrison and he just deals with the parking and traffic issues, but nonetheless there are concerns that must be addressed. Commissioner Moran noted that cul de sac would exacerbate alley traffic. Mr. Hedlund said the developer supports Residential Parking Only on the residential blocks. Chair Bolte noted that traffic must go somewhere. If the bridge is removed and vehicles can not park on the streets, this would leave them no place to park.

Commissioner Guarino stated that the obvious solution is to scale down the project. Commissioner Roberts suggested eliminating the bridge and adding another parking deck. Chair Bolte noted that the Village had said no to another parking level. Mr. Hedlund stated that the Board said the development must meet the standard of two spaces per 1000 feet. He noted that a third level would add massing to the back of the building. He said the parking as shown is as efficient as possible. A third level of public parking would be problematic and would create traffic problems in the parking structure.

Commissioner Moran stated she understood that residents did not like the viaduct but it seems like the best solution to keeping parking off the street. The delivery system is not ideal but there may be no way to control it. This is a commercial street and this development is consistent with the Madison Street Plan.

Commissioner Guarino stated that the idea that “something’s got to give” is not true. The commission is here to vote on variances and there is zoning is for a reason. One option is building according to right. Chair Bolte noted that building by right would raise the same issues for residents. Commissioner Guarino noted there would be a 25’ setback.

Commissioner Ruszczyk said a by-right building would not answer neighbor concerns and Commissioner Belenke agreed that any development would raise the same issues.

Commissioner Moran suggested having the Village Engineer address the commission about putting traffic lights on Highland or Harvey. Mr. Failor said he would check with schools regarding travel paths and crossing guard placement.

Mr. Hedlund asked if the changes to the back of the building (brick instead of solar panels) were acceptable. Commissioner Moran noted this is what the neighbors prefer. Mr. Hedlund asked about the changes to the front. Commissioner Fausch felt the long brick bands were heavy handed. Commissioners agreed that the brick samples were acceptable.

Mr. Hedlund agreed to ascertain the number of deliveries for Winberie's and Bar Louie. He also will provide the requested winter view. The appraiser's report will be submitted one week prior to the next meeting.

Commissioner Moran asked about complaints to police regarding deliveries to Bar Louie and Café Winberie's. Commissioner Belenke also asked for information from the schools.

Commissioner Moran asked about the west building windows. Mr. Hedlund said they do not wrap around because this is a party wall. (next to another building.)

#### **ADJOURNMENT**

Commissioner Guarino moved to adjourn the meeting until July 16<sup>th</sup> at 7pm. Commissioner Moran seconded the motion. Motion passed unanimously.

Meeting adjourned at 10:40 pm.

Liz Melara, Recording Secretary