

MINUTES
SPECIAL MEETING OF THE OAK PARK PLAN COMMISSION
VILLAGE HALL- COUNCIL CHAMBER
December 10, 2015
7:00 p.m.

PRESENT: Chair David Mann; Commissioners Jeremy Burton, Mark Gartland, Douglas Gilbert, Garret Eakin, JoBeth Halpin, Greg Marsey (arrived at 7:09 p.m.) and Monica Sanders (arrived at 7:12 p.m.)

EXCUSED: Commissioner Kristin Nordman

ALSO PRESENT: Craig Failor, Village Planner; Jacob Karaca, Attorney Arista Strungys and Chris Jennette, Camiros LTD

Roll Call

Chair Mann called the meeting to order at 7:04 p.m. Roll was called. A quorum was present.

Non-Agenda Public Comment

None.

Approval of Minutes

None.

Public Hearing(s)

PC 15-07; Zoning Ordinance Amendment: Amendments to Article 3 (“Zoning District Regulations”), Section 3.9.6 “Madison Street Overlay District” of the Village of Oak Park Zoning Ordinance (“Zoning Ordinance”) by replacing it with “MS Madison Street District Regulations” and amendments to Article 9 (“Definitions”) of the Zoning Ordinance with various definitions. Key changes being proposed are as follows: 1. Merging the Madison Street Overlay District with the underlying zoning – creating one District; 2. B1-B2 General Business District uses will replace C Commercial District regulations; 3. Creation of a Retail Core Zone between Home Avenue and East Avenue allowing only retail uses on the first floor; 4. Allow residential (multi-family & townhomes) uses on first floor outside of Retail Core area; 5. Parking requirements reduced within ½ mile of train/transit stations; and 6. Allow sustainable rooftop accessory uses, such as wind turbines and solar panels.

Mr. Failor reminded everyone that this was phase one of a two-phase zoning rewrite process. The Village Board expedited the Madison Street portion and the rest of the zoning code revision will come at a later date.

Ms. Arista Strungys, from Camiros LTD, gave an overview of the public hearing draft. She reviewed the existing land uses between Home and East avenues. She said there were a number of properties that would become nonconforming under the retail-only corridor and the change would impact new uses in that section. She reviewed the current land uses allowed when changing the street to only B1/B2 from B1/B2 and Commercial. She suggested carrying over the Madison Street Overlay uses to the new MS designation and adding language that would allow certain uses as permitted that are already allowed in the district.

She said per the last conversation with the Plan Commission the rear setbacks have been increased from 20 to 25 feet, similar to what exists now. They've also updated the building types for the corridor with new sketches and drawings.

She said they reviewed the parking requirements and transit allowances and clarified the 25% reduction from transit stations would be for train public transit not bus lines. Those areas would be subject to 1.2 spaces per dwelling unit and non-train areas would be subject to standard parking requirements. She said they do not want parking lots to front on Madison Street, but ancillary businesses can put them behind buildings.

Commissioner Halpin asked if the rear setback included parking. Ms. Strungys said parking would be allowed but the building would not. Commissioners asked for clarification on a list of uses that would not be permitted with the B1/B2 designation and Overlay district. Mr. Failor reviewed the list with Ms. Strungys and explained that commissioners would need to provide feedback on the uses in red.

Commissioner Marsey asked staff what was recommended. Mr. Failor said staff was recommending incorporating the Madison Street Overlay restrictions into the new MS zoning restrictions, but if there were uses on the list that were not permitted, commissioners can recommend changing to special use or keeping as not permitted.

Ms. Strungys explained as they attempted to make Madison strictly B1/B2 the Overlay restricted some uses that they would like to carry over. When they move to the full zoning ordinance revision, they could do a further clean-up of uses in the Village.

Commissioner Sanders asked about existing businesses that would be impacted by the change in zoning. Mr. Failor said the uses in red would be the uses impacted. Commissioner Marsey suggested if the goal was to spur development along Madison restricting uses would not do that. Commissioner Sanders questioned why pawn shop and second-hand shop were under the same use and said she would prefer them separate as a second-hand shop should be permitted. Commissioner Marsey agreed and said he would like to look at each use individually. Chair Mann suggested the review of uses would be done during the complete zoning rewrite and to look at each individually without context was dangerous. Commissioner Gilbert asked when the Madison Street Overlay district was enacted. Mr. Failor said two to three years ago. Commissioner Gilbert said that process was instituted recently with a full public hearing and he felt they shouldn't revisit that. Commissioner Sanders disagreed.

Chair Mann asked staff what the plan was for looking at uses. Mr. Failor said the Plan Commission would have purview to examine each use if it was determined to be necessary. Ms. Strungys said a major issue for the full zoning ordinance was that the use structure was in bad shape and they anticipated doing a complete rewrite. She said for simplicity they suggest integrating the current standards to Madison Street then revisit when the full ordinance is rewritten. Commissioner Marsey asked for the time frame on the full ordinance rewrite. Ms. Strungys said the goal was mid-year of 2016 to have adoption. Commissioner Marsey asked if a development was coming to Madison Street that the expedited rewrite was trying to address. Ms. Strungys said they were not aware of a specific development; the TIF expiring gave impetus to do Madison Street first.

Commissioner Sanders asked what recourse would be offered to business owners or developers for relief from zoning restrictions. Chair Mann said they could ask for a text amendment.

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

Mr. Raymond Traynor, owner of 641 Madison St., said he opposed the rezoning as he was concerned the limitations on use would make selling the property more difficult. He said it was currently a plumber business with residential upstairs. He said he'd like the restrictions clarified and to know what the hardship recourses for building owners were. Commissioner Gilbert asked about the current use. Mr. Traynor said it was a contractor shop that was permitted with restrictions. Commissioner Gilbert asked if it was located in the proposed retail corridor. Mr. Traynor agreed.

Ms. Geri McLauchlan, a local Realtor and owns 900-912 Madison St., said Madison was very difficult to lease and to expect to get total retail was not realistic. She said usually service-oriented, small beginner businesses leased along the street. She said walkable urbanism was going to hair salons, yoga studios and guitar shops. She said she has done leasing on Oak Park Avenue, which has a retail overlay, and it was very costly for some landlords. She recommended service businesses along with retail.

Mr. Don McLauchlan owns a building that would be in the retail corridor. He said the building has seven storefronts and 31 residential units and only one of his existing tenants would fit the retail definition. He said he couldn't see how having vacant stores along Madison would bring vibrancy. He said by bringing more restrictive zoning that would be putting the cart before the horse.

Mr. Phil Berry, president of The Printing Store and his wife owns 621 Madison St, said to try to bring his building to strictly retail would be really tough to do. He said on the block, they have a dentist and an optometrist, and how would they fit in. He said it would be a major change and a lot of the buildings there weren't designed for strictly retail.

Chair Mann closed public testimony. He asked commissioners to go through the document section by section for comments.

Chair Mann asked for an explanation on the build to zone of 0-15 feet. Mr. Chris Jennette, Camiros LTD, said it had to do with maintaining the pedestrian experience, so near Austin Boulevard the street was a little wider and there was more room to build while other areas were narrower. Mr. Failor noted that was consistent with the Madison Street Overlay district.

Commissioner Gilbert asked what the rationale was for using ½ mile from train stops as the transit indicator. Mr. Failor suggested they could change it to major nodes or intersections instead of distance. Commissioner Gilbert said Madison was a walkable district to transit and suggested blanketing the whole street. Attorney Karaca suggested taking out the train designation to indicate bus lines as well. Commissioner Burton said bus lines could change and train lines had more permanence and suggested not making the change. Commissioner Gilbert suggested it would be easier to blanket the street because there wasn't an area that wasn't served by public transportation. Commissioner Gartland agreed. Commissioner Halpin agreed that it would be easier to follow. A consensus vote was taken and the majority of commissioners agreed to remove the train designation.

Chair Mann asked if the Forestry Department had been consulted on tree spacing. Mr. Failor said he consulted with the Village Forester who indicated the same spacing as parkway trees shouldn't be followed as it could be based on the type of tree that was put in, canopy size, etc. He said staff suggested including language leaving review to the zoning administrator. Commissioner Marsey asked if forestry would review it. Mr. Failor said forestry only reviews public trees, but the zoning administrator could consult with the Village Forester typically in project review meetings.

Chair Mann directed commissioners to Section 3, uses and the retail corridor between Home and East Avenues. Commissioner Gilbert said he was concerned the area doesn't have this character and they were forcing it at business owners' expense. Chair Mann said they heard testimony tonight about existing building stock that may not be easy to repurpose for this kind of use, unless smaller buildings were torn down or aggregated, the type may not physically fit. Commissioner Halpin said the desire for retail tends to follow residential development and it wasn't there yet; it was a process with the changing demands of a community to support retail and restaurants and she was not seeing this. Chair Mann said there were large redevelopment parcels, but he was concerned that for smaller properties it was going to be tough. Commissioner Gilbert agreed and said for village-owned sites the Village could control if the developer puts in retail and perhaps after development they could add a retail overlay but to do so now seemed to be

forcing it. Commissioner Burton noted the Village can establish Redevelopment Agreements on the village-owned developments. Commissioner Marsey said he appreciated the goal to create a more retail-friendly area because there were a lot of people in the area. He said he was torn because if you own a property then this could hamstring you. Ms. Strungys clarified that there would be no special use or variance for nonconforming uses. Chair Mann suggested adding personal services for smaller buildings. Commissioner Gilbert said an overlay works to protect a retail district and that doesn't exist and it wasn't the right time to do it.

Commissioner Marsey suggested keeping the corridor retail but allow for recourse for current owners if the retail doesn't work. Commissioner Halpin suggested eliminating the retail-only portion. A short discussion ensued about allowing special uses. Ms. Strungys said she wouldn't recommend adding in special uses as it would open up the space to uses other than retail.

Chair Mann proposed allowing personal service uses. Commissioner Gilbert noted that wouldn't include professional services. Staff agreed. Commissioner Marsey suggested if the road diet and development of the two corners play out, then the street would become attractive to retail but until that played out it was premature; perhaps imposing it in the future in conjunction with the full zoning code.

A short discussion ensued regarding second hand shops. It was determined that use was a separate use from pawn shops, pawn shops were not permitted while second hand shops were permitted.

Commissioners reviewed the remaining uses in red and suggested the following:

- Auto rental: special use
- beauty supply: special use
- craft breweries: special use
- employment agency: special use
- financial institutions: special use
- group quarters: not permitted
- mortuary (funeral homes): special use
- off track betting: not permitted
- research or testing labs: special use
- weight loss agency: permitted

Commissioner Gilbert moved to approve the amendment with the changes and deletions discussed- Section 3B(1) eliminated; Section 6A changed to incorporate standards in 6C; 6C distance eliminated and incorporate land use as discussed. Commissioner Marsey seconded. A roll call vote was taken:

Gilbert – yes
Marsey – yes
Halpin – yes
Eakin – yes
Gartland – yes
Burton – yes
Sanders – yes
Mann – yes

The motion was approved 8-0.

Commissioner Gilbert moved to direct staff to draft the Findings of Fact for the amendment. Commissioner Marsey seconded. A roll call vote was taken:

Gilbert - yes

Marsey - yes
Halpin - yes
Eakin- yes
Gartland - yes
Burton - yes
Sanders - yes
Mann - yes

The motion was approved 8-0.

Other Business

Mr. Failor explained that Lincoln Properties will take some time to look at the massing of their development and so the continuation of the public hearing scheduled for December 17, 2015 may be delayed. Mr. Failor will notify commissioners if it will be moved to January 7, 2016. Staff told commissioners there may be an additional plan commission meeting in January to approve the Findings of Fact.

Adjournment

Commissioner Gilbert moved to adjourn. Commissioner Eakin seconded. The meeting adjourned at 9:37 p.m.

Angela Schell,
Recording Secretary