

MINUTES  
OAK PARK PLAN COMMISSION AND ZONING BOARD OF APPEALS  
VILLAGE HALL- Council Chambers  
May 1, 2013  
7 p.m.

**PRESENT:** **Plan Commission:** Chairperson Linda Bolte; Commissioners Jeremy Burton, David Mann, Gail Moran, Douglas Gilbert, Sonny Ginsberg (arrived 7:07 p.m.) Steven Rouse; **Zoning Board of Appeals:** Chair Michael Quinn; Members Adrienne Eyer, Maya Katznelson and Alan Raphael

**ABSENT:**

**EXCUSED:** Plan Commission Member Mark Benson; ZBA Member Steve Ruszczuk

**ALSO PRESENT:** Craig Failor, Village Planner; Mike Bruce, Zoning Administrator; Jacob Karaca, Plan Commission and ZBA Attorney

**Roll Call**

Chair Bolte called the meeting to order at 7:03 p.m. and roll was called for both commissions.

**Non-Agenda Public Comment**

None.

**Approval of Minutes**

ZBA Member Raphael motioned to approve the minutes from April 17, 2013. ZBA Member Eyer seconded. Commissioner Gilbert motioned to approve the minutes from April 17, 2013. Commissioner Rouse seconded. Chair Bolte asked to change 'south' to 'north' on page 2. Commissioner Moran noted to add 'said' and correct 'combining' and 'then' on page 9. ZBA Member Katznelson said to correct '7' to '8' on page 10. The minutes passed with corrections.

**Public Hearing(s)**

**PC 13-02: Zoning Ordinance Text Amendment;** Board Direction for a Joint meeting to review and make recommendation on a proposed amendment to the Oak Park Zoning Ordinance (Sections 3.1 Summary Use Matrix, 3.9.2 Perimeter Overlay District, 3.9.3 Transit-Related Retail Overlay District, and 2.2.4 Variations) relative to uses within the aforementioned overlay districts and to review and make recommendations on the standards and criteria for use variance applications within the Perimeter Overlay District and Transit Related Retail Overlay District. – FINDINGS OF FACT

Commissioner Rouse motioned to approve the Findings of Fact. Commissioner Moran seconded. ZBA Member Raphael motioned to approve the Findings of Fact. ZBA Member Katznelson seconded. Chair Bolte asked for comments and corrections going through each page.

Commissioner Moran suggested changing 'restricted' to 'restrictions' on page 5. Commissioner Moran suggested deleting an 'a' on page 10, paragraph 28.

ZBA Member Eyer said she was concerned residents may interpret the 50 feet restriction as a bulk variance request rather than a use request. She believed it could be interpreted as a setback restriction. Commissioner Moran asked if the ZBA had a procedure similar to the Plan Commission, where staff

reviews an application first. Mr. Bruce agreed, but said it was an issue he deals with in the transit overlays- if a use was not prohibited in a business district but was restricted in the overlay due to the location (the first fifty feet of the street line) then it could be argued that it was due to the location and would require a bulk variance. Mr. Failor said to counter that, if the code said a use was prohibited in the first fifty feet in order to allow for that use, you would need a use variance. Attorney Karaca said the Village code considered it a use restriction.

Chair Bolte said this issue followed with the testimony provided by Ms. Yen at the hearing, the Village needed to provide a simple, graphic, visual representation of what each variance means. Chair Bolte suggested it be created by a marketing person tailored to users, with simple language in a brochure so that when a person comes to Village Hall it could be handed out before filling out forms, etc. ZBA Member Eyer said also from a risk management standpoint, since there was no guarantee Mr. Bruce would always be the Zoning Administrator, leaving it up to staff discretion opened the Village to risk.

Attorney Karaca said there was an appeals process in case staff would change so residents had that process as well available to them. Commissioner Ginsberg said while he agreed it may be confusing, it did provide a lot of control to the ZBA and Plan Commission and Village Board to manage development in the downtown areas. He said if it was made easier for businesses then you'd also have things going through that might not be appropriate—simple wasn't always better. Chair Bolte agreed, saying there wasn't a lot of open area in Oak Park when it came to development and managing it was necessary; but addressing issues to keep things consistent and understandable should be important.

ZBA Chair Quinn asked if ZBA Member Eyer had any language changes to add to the Findings of Fact in order to address her concerns. ZBA Member Eyer disagreed, saying it was more of a general concern.

ZBA Member Eyer said on page 21-23, the governing body still indicated the ZBA would hear the variances. ZBA Chair Quinn said that was correct as the ordinance currently stood. Chair Bolte said the Board of Trustees could do three things regarding which member body would hear the variances: one, do nothing and keep all existing procedures; two, add additional phrasing that ZBA recommendations would go to the Board for final approval; and three, the Board would send use variances in the TRROD and Perimeter Overlays to the Plan Commission for a recommendation and then back to the Board for final approval.

A roll call vote was taken to approve the Findings of Fact with the modifications:

Rouse- yes  
Moran-yes  
Ginsberg-yes  
Gilbert-yes  
Mann-yes  
Burton-yes  
Bolte-yes

The motion passed 7-0.

The ZBA voted on the same motion. A roll call vote was taken:

Katznelson-yes  
Eyer-yes  
Raphael-yes  
Quinn-yes

The motion passed 4-0.

Chair Bolte said the Findings of Fact would go to the Board on May 20, 2013. She suggested staff also indicate to the Board that the Plan Commission and ZBA weren't done looking at the zoning code; she suggested asking the Board for a broad mandate to look at the various zoning categories.

**Other Business:**

Chair Bolte asked staff about the Colt site development proposal presented to the Village Board on April 29, 2013 and when it might be heard by the Plan Commission. Mr. Failor said he hoped something would come before the Plan Commission before the end of the year, but that staff was required by state law to ask for Requests for Alternative Proposals, which was going out this week. He said he estimated the Board to make a decision in late summer or early fall. Chair Bolte pointed out that the Plan Commission would be holding hearings on the updated Comprehensive Plan at that time and hoped they could work out suitable scheduling for both issues. Mr. Failor agreed.

**Adjournment:**

Commissioner Rouse motioned to adjourn the meeting. Commissioner Ginsberg seconded. ZBA Member Raphael motioned to adjourn the meeting. The meeting was adjourned at 7:38 p.m.

Angela Schell,  
Recording Secretary