

MINUTES
SPECIAL MEETING OF THE OAK PARK PLAN COMMISSION
VILLAGE HALL- Council Chambers
May 15, 2014
7 p.m.

PRESENT: Chair David Mann; Commissioners Mark Benson, Mark Gartland, Douglas Gilbert, Gail Moran, Greg Marsey (arrived at 7:01 p.m.), Steven Rouse

EXCUSED: Commissioner Jeremy Burton

ALSO PRESENT: Craig Failor, Village Planner; Jacob Karaca, Plan Commission Attorney; Tammie Grossman, Development Customer Services Director; John Schiess, Architect for applicant; Paul Zimmerman and Jonathan Shack, Altierra Development Group

Roll Call

Chair Mann called the meeting to order at 7:00 p.m. Chair Mann welcomed Commissioner Gartland to the commission. Roll was called.

Non-Agenda Public Comment

None.

Approval of Minutes

Commissioner Moran motioned to approve the minutes from May 1, 2014. Commissioner Rouse seconded. Chair Mann corrected the tense in a sentence on page 1 and asked that the rest of the minutes be reviewed for tense. Commissioner Moran motioned to approve the revision. Commissioner Gilbert seconded. The minutes were approved by a voice vote with the revision.

Public Hearing(s)

PC 14-02: Residences at Maple Place (1133 Chicago Avenue); The Applicant seeks approval of a Planned Development for a five story, eleven unit residential condominium building and twenty-two (22) first floor parking spaces with eight allowances from the Zoning Ordinance. **Continued from April 10, 2014.**

Chair Mann entered into the record the video and audio recording from the April 10, 2014 public hearing. He explained that the applicant sent the public notice to neighbors of the April hearing via regular mail, rather than certified mail, which was required by ordinance. The applicants have re-noticed for tonight's hearing via certified mail and Chair Mann entered into the record the proof of this notice. Chair Mann re-opened public testimony for tonight's hearing and the hearing will be continued to May 29, 2014 to allow further public testimony, should it be necessary, after reviewing the recording. He further stated that tonight, the Plan Commission will begin deliberations after the conclusion of public testimony but deliberations would continue to May 29, should it be necessary. The plan commission attorney will prepare the findings of fact and recommendations to be sent to the Village Board on May 29, 2014. Chair Mann asked Commissioner Gartland if he reviewed the testimony from April 10, 2014. Commissioner Gartland agreed. Commissioner Moran clarified it was a ten-unit development. Chair Mann agreed.

Mr. John Schiess, 905 Home Ave., the architect for the applicant, went over the revised elevations provided to commissioners. He said the revision was done after comments from the Oak Park Economic Development Corporation (OPEDC) and from the developers. He said the entryway had more articulation and some new materials were used- the stone was reconstituted limestone with real limestone banding that tied in with the adjacent building. He said there were new changes along the terraces. He said the

developer met with the Oak Park Public Arts Commission and the glass panels along the street will be art glass with a decorative design on them. He said there was added brick to the detailing on the bottom to give it a friendlier streetscape. He brought up the prior elevation to illustrate the changes.

Commissioner Moran asked about keeping the articulation on the first floor exterior but changing the height of the first floor. Mr. Schiess said the adjacent building was 18 feet tall and they had set the floor level of the second floor at 18 feet to ensure that the window ledge and parapet wall weren't too close. He said the ceiling and interiors remain 9 feet tall for the residential floors.

Commissioner Rouse said if the adjacent building's lease was only 5 years why extend the wall lines on the new development if there was a chance the adjacent building would be gone? Mr. Schiess said other buildings along the street were the same dimension. Commissioner Rouse asked if the building to the west was historic. Mr. Failor said it was not designated historic.

Commissioner Gilbert asked if the height of first floor was based on the needs for interiors or based on the building next door. Mr. Schiess said it was based on the building next door. Mr. Schiess referenced the west elevation and showed how the parapet was just above the roof of the adjacent building. Chair Mann asked if they could raise the sills on the second floor on the west side. Mr. Schiess said it was possible to raise them somewhat but they'd need to check that light and vent were adequate. Commissioner Gilbert said even raising the sill would only gain a foot. Chair Mann said perhaps two or three feet. Commissioner Moran said it might be worth it as the most consistent complaint from neighbors was that the height was too tall.

Mr. Schiess showed the east elevation where there would be an "eco-wall" or "living wall". He said panels above would be back-lit frosted glass. He reviewed the south elevation. He showed the roof plan that showed a vegetative roof. He said there would be two sections of vegetative roof of 2,323 square feet, which would help offset the open-space requirement.

Commissioner Moran asked what kind of plants would be on the vegetative roof. Mr. Schiess said it was maintenance free and drought resistant. Commissioner Benson asked if the roof would be open to residents. Mr. Schiess said no, but the open-space offset would be towards the heat island and water retention factors.

Mr. Schiess went over the first floor art glass saying it would be a design that incorporated color. The plan would be to have a contest on the design and it would be a permanent installation. Commissioner Moran asked about lighting. Mr. Jonathan Shack, developer, said the Art Commission advised that it not be lit from the back as it may affect the design but that it would be lit in some way.

Mr. Schiess showed pictures of the "living wall" and said the plantings would require maintenance and would help with heat gain. Commissioner Moran asked about the greenery. Mr. Schiess said it would likely be deciduous but they will bring specific planting designations for the wall and roof to the next meeting. Commissioner Rouse asked if it would be the first "green wall" in Oak Park. Mr. Schiess said he believed it would be the first to be on an exterior wall.

Commissioner Gilbert asked about the artistic glass and if provisions would be made for damage. Mr. Shack said the glass was still multi-pane glass so the interior pane was the art glass. He said they'd have glass that could be replaced in kind. Commissioner Rouse asked about proper insurance. Mr. Shack agreed it would be properly insured.

Mr. Paul Zimmerman, developer, handed out additional letters of support for the application. Commissioner Gilbert asked if the band of stone along the parapet was cast stone. Mr. Schiess agreed.

Commissioner Benson asked about comparable units in the area that were competitive to the proposed units. Mr. Schiess referred to their Realtor. Mr. Rich Gloor, of Gloor Realty, said there were few units in Oak Park that had the size of the proposed units- only a few at the Opera Club, the Oak Park Club and a few in River Forest. Mr. Gloor said as it was new construction, a similar property didn't exist in Oak Park right now.

Commissioner Moran asked if bike racks could go into the freed up space within the parking area. Mr. Shack said they would have bike racks without using up those spaces, which would be guest parking.

Commissioner Rouse said a big concern was that the applicant would be approved to build but wouldn't build for five years and so, what was the intent to build and what were the conditions to financing. Mr. Shack said the conditions for financing were four presales to break ground and their financing was through a local bank. Commissioner Rouse asked if they were using Community Bank of Oak Park River Forest. Mr. Shack agreed. Commissioner Rouse asked for an estimate as to when that might occur. Mr. Shack said they would break ground by late summer, early fall. Commissioner Gilbert asked if any initial marketing had been done. Mr. Shack agreed, saying they had a couple reservations at this point. Chair Mann asked if they believed the presales would go fast. Mr. Gloor said they have not put the property on the MLS site yet, the premarketing has been word of mouth through the office. He said he doesn't anticipate any problems on presales.

Chair Mann moved to public testimony. Attorney Karaca swore in those testifying. Chair Mann went over the procedure for public testimony.

Mr. Tom Northey, 638 S. Euclid, said he'd like to see a tax generating property on that site and was a big fan of mixed housing stock within Oak Park. He said people like to come back to Oak Park after becoming empty nesters. He said having local businesses in charge of the development was a good opportunity.

Mr. Brent Showalter, 800 N. East Ave., he said he operates three businesses near this location: Doggie Day Play, Yuppie Puppy and Hometown Handyman. He said if you come to ask for variances you need to look at the character of the neighborhood. He said the neighborhood was primarily retail and only one, two or three levels in height. He said the area was zoned retail. He said there were a number of buildings that were three or four story that had first floor retail. He said it would reduce the value of the property next door, which he has an option to buy. His bank said the building was worth \$575,000 today, but if the development goes up with an easement of air rights it would only be worth \$240,000-250,000. He objected to having a green wall on Maple Avenue as it would not be seen and the roof would not benefit residents or neighbors. He said the property has been a parking lot for over 65 years, it was not unimproved and it was only three years in its current state. He said the marketing on the lot was the driver as to why the property hasn't sold. He said the height was out of line with the character of the neighborhood. He said the developers shouldn't throw the zoning code out the window.

Ms. Jill Showalter, 800 N. East Ave. she said she also owned Yuppie Puppy and Doggie Day Play next door to project. She said there was some discussion at the previous hearing that the owners of Doggie Day Play were in support of the development and they were not, so she wanted to correct that. She said the development was huge and doesn't fit in with the area at all. She said developing the lot should be in line with the character of the neighborhood and block and it will dwarf everything and do a huge disserve to the neighborhood. She said this section of town has one-story retail and to put an enormous building in was not fitting to the area. She said the developer has a history of not completing projects in Oak Park and that concerns her.

Mr. Steve Citko, 739 N. Marion, said tonight's presentation was tweaking the design and was missing the key point of the whole development. He said the goal should be bringing in other businesses that created

synergy or bringing in parking as parking was needed to the area. He said this was zoned as retail and he didn't believe you should give major variances.

Ms. Monica Robinson, 408 N. Maple, said she was an avid gardener and appreciated open space and green space and the attempt to address those issues missed the whole mark. She said the living wall would only be living a couple of months in our temperature zone, while the rest of the year it would be concrete. She said the original design plan should adhere to what was required by zoning.

Mr. Schiess cross examined Mr. Showalter. Mr. Schiess asked if Mr. Showalter had reviewed the zoning ordinance. Mr. Showalter said he had not. Mr. Schiess said that retail was not required in the zoning ordinance. Mr. Schiess asked if a current appraisal was done on the property he has an option to purchase. Mr. Showalter agreed. Mr. Schiess said that appraisal should be part of the public record. Attorney Karaca said the Plan Commission can take testimony but cannot ask for documents from public speakers. Commissioner Rouse asked about the air right easement above Doggie Day Play. Mr. Schiess said it was currently being negotiated and referenced the easement elevation. Commissioner Rouse clarified it was a ten feet easement. Mr. Schiess agreed.

Mr. Schiess presented his closing statement. Mr. Schiess said retail was not a requirement and they were not asking for an allowance on retail. He said OPEDC supported the development and the development will support existing retail by bringing more residents to the region, and 12 local businesses have reviewed the plans and supported it. He said additionally, the owner of Element Bike shop was in support of the development and believed it would bring more foot traffic to the store.

Mr. Schiess said they were asking for a height variance but the height was derivative of the unique site features, affected by parking requirements and subject to economic realities. He said putting the parking lower and making the building only four stories was not a feasible solution as a ramp to get to a lower level takes up 60% of the footprint of the building, which would give only four cars versus 22. He said it wouldn't fit an economic model of what a bank would finance.

Mr. Schiess said concerns about traffic were voiced at the last meeting, but traffic generated by residential use has the lowest impact on a neighborhood and he believed the development's traffic would have a lower impact versus the previous use as a parking lot. He said the Village Engineer supported it and didn't require any modifications or alterations.

Mr. Schiess said the development would be an economic generator, bringing in an additional \$180,000 in real estate taxes, it would support local business through resident buying power and the developer has agreed to provide offsite improvements as part of the development. He said the proposed condominiums would have less of an impact on area schools. He said it would diversify the housing stock as there was a demand for upscale housing. He referenced the Chicago Metropolitan Agency on Planning (CMAP) and its report that this type of housing was in demand. Mr. Schiess went over the unique features of the site- no alley access, site dimensions and corner site. He said the developer had crafted the development based on market prices.

Chair Mann moved to commissioner deliberation. Commissioner Gilbert asked if this commercial district was ever considered for an overlay district. Mr. Failor said there was an overlay district – the Perimeter Overlay District- but only in the first block from Harlem. He said the transit related retail overlays pertained to train stations. Commissioner Gilbert asked if the site was within the perimeter overlay. Mr. Failor said yes, up to Maple Avenue.

Commissioner Benson asked what would happen if the development was shrunk along Chicago Avenue and Maple Avenue to allow some set back. Mr. Schiess said the heart of the economics formula was based on the price per square feet sale cost, so if they were to reduce the building it would reduce the

economic viability of the building and at some point it would be not viable. Also, shrinking would be on all floors. Mr. Schiess said developers' pro forma was not overly profitable. Commissioner Benson said the unique dimensions also meant choosing a small box and overbuilding on it. Mr. Schiess said it was a question of do we want to see the property developed, if so, this was the best possible development given the constructs. Mr. Zimmerman said they put the parking within the structure so there would be no negative impact on the business district already there. Commissioner Benson said the unique nature of the site made it seem like a building like this shouldn't go here. Mr. Schiess said a vacant lot in the community paid low property taxes of \$25,000. He said development was looking at unique opportunities within the village to help lighten the tax load and this was one of them.

Commissioner Moran asked about materials and white powder bleeding onto the brick. Mr. Schiess said this bleeding was called efflorescence on brick and has to do with moisture and how the brick is installed and temperature and weather conditions. He said the developer has not had any bleeding on brick.

Chair Mann asked the developers to respond to past development failures. Mr. Shack said the SOHO development was a bank failure issue- if the bank had not failed the project would've been a viable project. He said this time they were using local bank that wasn't in danger of failing. He said the Garden Grove development was a bank out of Atlanta that failed as well.

Commissioner Gilbert asked if they'd get final drawings annotated with materials. Mr. Schiess said on the May 29 hearing there would be drawings fully annotated by name and sample. Commissioner Marsey said the LEED requirements waiver had a third party acceptable to Village to show that the development meets LEED certification; he asked if Mr. Schiess was intended to be that third party. Mr. Failor said that had not been presented yet. Commissioner Marsey recommended that as Mr. Schiess was the architect he not be designated as the LEED certifier. Mr. Shack agreed. Commissioner Marsey asked if they will abide by ordinance 12-4-4 from the Housing chapter of the Municipal code which allows for the setting aside of an escrow fund of 2% of every condo unit price, to use those funds to remedy any punch list repairs as the units transition to a condo board. The developers agreed. Mr. Failor suggested it be a condition in the Findings of Fact.

Chair Mann asked about the process for the art glass design. Mr. Shack said they would work with the art commission to come up with guidelines for artists and the design would be carried through all panes. Commissioner Moran referenced the Auditorium Theatre along Congress as an attractive design. Chair Mann clarified they would be specifically commissioning a design. Mr. Shack agreed.

Chair Mann called for a break at 8:40 p.m. The meeting resumed at 8:52 p.m.

Chair Mann asked for comments and concerns regarding the standards. Commissioner Moran said it met the transportation and parking component of Comprehensive Plan. She said it met public services and economic development standards. Attorney Karaca clarified it would not have to meet every goal just be consistent with the Comprehensive Plan. Commissioner Rouse said zoning ordinance objectives 1 and 3 on **3.9.1(e)**, which was the creation of more desirable environment through strict landscaping was in question as were they putting too much in the space and could they compensate. Commissioner Rouse said the issue of the ability to complete the project was also a question.

Commissioner Benson said there was no open space. Chair Mann said the vegetative roof definition related to open space. Mr. Failor said vegetative roofs were incorporated into the zoning code so that it would meet open space requirement and be a part of LEED points. Commissioner Gilbert questioned would residents need access to the roof. Mr. Failor said they would meet the zoning code as it said the vegetative roof compensated what you might be losing on grade level. Commissioner Gilbert clarified that the open space variance requested was minimized. Mr. Failor agreed. Commissioner Benson disagreed, saying the space was not open to anyone. Attorney Karaca clarified the zoning code lot

coverage requirement for commercial district may be reduced by a two to one ratio with the type of vegetative roof proposed. Therefore it met the zoning ordinance requirement and reduces the open space allowance.

Commissioner Moran thought the development met the standards listed as it was a parking lot that was essentially vacant and would be bringing in foot traffic and economic development to the area. Commissioner Gartland said his concern was height and comparing it to the surrounding buildings, he was not sure you need to have the cornice line to match up. Mr. Schiess said the height flows out of the programmatic requirements and parking requirements, it was a whole package that pushed the envelope but also provided benefits to the village as a whole. Commissioner Gartland said you could do a development with three floors. Mr. Shack said if they could have done it, they would have proposed it. Commissioner Moran said she'd like to see some redesign to get it lowered three feet or so. Chair Mann said he doesn't see all the variances as equal, but with height, bulk and mass he has concerns about it- if the windows on the second floor was driving the 18 foot first floor, you could drop that and remove windows and lower the height. Commissioners Gilbert and Benson agreed. Chair Mann said the first floor looked out of scale with the neighborhood retail development. Mr. Schiess said one of the units on the second floor south has a master bedroom that looks straight out and the market drives the ceilings to be 9 feet tall. Commissioner Gilbert suggested they come back at the next meeting and look at the second floor plan and how units were arranged. Mr. Failor suggested commissioners give feedback on parameters. Attorney Karaca said the function of the commission was not to redesign the project but could vote on if something should be prepared for the May 29 meeting. Commissioner Marsey suggested if height was an overwhelming objection would a reduction of three feet really make a difference overall. Commissioner Moran said their obligation as commissioners was to listen to what the public had to say and to try to mitigate their concerns. Commissioner Rouse said three feet was immaterial. Commissioner Moran disagreed. Attorney Karaca said a presentation with a new height would involve new testimony because they would be amending the application.

Mr. Schiess said within the 18 feet first floor was a mezzanine area that housed storage and mechanicals. Mr. Zimmerman said the terraces on the building need to look above the adjacent building and they would need to have a window in a master bedroom based on the demographic of people they were marketing to. Commissioner Marsey asked the remaining public still present during the meeting if three feet would make a difference in their criticism to the project. Mr. Robert Skankel, 400 N. Maple Ave., said the main objection was scale. It was out of scale for the area and doesn't think a three feet reduction would be enough- he would like reduction of a story. Two other residents from Maple Avenue agreed.

Commissioner Benson proposed as a condition it would remove the fifth floor. Staff clarified that as the applicant wouldn't develop it in such a way, a vote on that shouldn't occur. Commissioner Gartland said it was not a floor, it was ten feet. Commissioner Gilbert said the project could be one floor less, even with four residential floors as the first floor issues could be worked out so that it doesn't have to be 18 feet. Commissioner Marsey said one of the marketing points was expressing storage availability and if they take it out or put it in the parking area then you'd lose parking and then it affects the pro forma. Commissioner Gilbert said he also has a problem with building on the lot line. Commissioner Rouse confirmed with staff it was code approved.

Commissioner Moran motioned to approve the application as presented with the following conditions- a six month traffic study, engaging a third party person to certify LEED standards, installing bike racks in the parking area, having an extensive green roof, engaging with the Public Art Advisory Commission to install art glass windows on the first floor facing Chicago Avenue, buying appropriate insurance to insure that art work, abiding by Ordinance 12-4-4, and creating the street improvements and planters offered in the application. Commissioner Marsey seconded.

Commissioners discussed the conditions. Commissioner Marsey said he was concerned about saying “extensive” green roof, Commissioner Moran amended to say, “a 3-inch depth vegetative roof” and added green wall to the conditions. Commissioner Moran said the application met the standards of the zoning ordinance. Commissioner Marsey seconded. Chair Mann added the public art being a specific custom design. Staff clarified the Public Art Advisory Commission will approve the artwork. Commissioner Moran agreed. A roll call vote was taken:

Moran – yes
Marsey –yes
Gilbert – no
Benson – no
Gartland – no
Rouse – yes
Mann – yes

The vote was 4-3. Attorney Karaca said it would not go forward as a recommendation of approval as it had to go to any absent commissioner for a vote first. Mr. Failor said Commissioner Burton could vote on the motion on May 22, 2014.

Other Business

Mr. Failor distributed the application for next week’s public hearing.

Adjournment

Commissioner Rouse motioned to adjourn the meeting. Commissioner Benson seconded. The meeting was adjourned at 10:08 p.m.

Angela Schell,
Recording Secretary