

MINUTES  
MEETING OF THE OAK PARK PLAN COMMISSION  
VILLAGE HALL- COUNCIL CHAMBER  
February 2, 2017  
7:00 p.m.

PRESENT: Chair David Mann; Commissioners Lawrence Brozek, Jeremy Burton, Mark Gartland (arrived at 7:20 p.m.), Doug Gilbert, Greg Marsey (arrived at 7:02 p.m.), Paul May (arrived at 7:02 p.m.) and Kristin Nordman

EXCUSED: Commissioner JoBeth Halpin

ALSO PRESENT: Craig Failor, Village Planner; Jacob Karaca, Plan Commission Attorney

**Roll Call**

Chair Mann called the meeting to order at 7:00 p.m. Roll was called. A quorum was present. Attorney Karaca swore in those wishing to testify.

**Non-Agenda Public Comment**

Mr. Henry Fulkerson said he was a member of the steering committee for the Oak Park Homelessness Coalition. He said many in the coalition were concerned about the changes in the zoning code: the rise in housing costs and the lack of specific and mandatory set asides for affordable housing would threaten the economic and racial diversity of Oak Park. He said they ask the Village Board and the Plan Commission to mandate affordable housing set asides with specific guidelines. He said the coalition would like to partner with the village on this initiative.

Mr. Joshua Clayman said he lives on North Marion Street. He said there was a meeting on Monday with developers for a future development at 1000 Lake Street. He said there was a fairly unanimous negative reaction on behalf of the citizens there. He collected some of the concerns of people at the meeting and presented them to commissioners:

- the building's potential damage to Austin Gardens through shading;
- an increase in population density with no plan for green space;
- an increase in traffic on Lake Street and smaller neighboring streets;
- increase pressure on village services especially as it was adjacent to the new Vantage building, which has also increased density;
- the abandonment of the 2005 Master Plan, which designated having a public square in that spot or in the area- there was no plan to make up for this;
- no plan to increase diversity and no subsidized housing units; as well as other objections raised.

Mr. Clayman said there were concerns with the idea that dense development would lower taxes as there was no evidence of this; in general, places with higher density have higher taxes. He said the developer paid \$5 million on the parcel with the anticipation of building an 18 story tower and it's been argued the developer would lose money having to build within code; but it was not the village's responsibility to guarantee a return on a risky investment. He said there would be massive public opposition to the project that would continue as the project develops.

Chair Mann said Commissioner Burton noted there will be public notice of all zoning and planned development hearings and the site would be posted with signage 15 days prior to the hearing; a newspaper would have a public notice and neighbors within 500 feet will receive notice.

**Approval of Minutes**

Commissioner Marsey moved to approve the minutes from January 5, 2017. Commissioner Gilbert seconded. A voice vote was taken and the minutes were approved as submitted.

Commissioner Marsey moved to approve the minutes from January 19, 2017. Commissioner Gilbert seconded. Commissioner May noted a change on page 4. A voice vote was taken and the minutes were approved unanimously with the change.

### **Public Hearing(s)**

*A public hearing shall be held by the Plan Commission to consider the application of the Village of Oak Park for a comprehensive update of the Oak Park Zoning Ordinance and Map. Continued from January 5, 2017- Findings of Fact*

Chair Mann said this was a continuance of the public hearing. Attorney Karaca noted the language was a little different than the usual Findings of Fact because the Illinois Municipal Code required certain language when amending an entire zoning code.

Commissioner Gilbert moved to approve the Findings of Fact. Commissioner Marsey seconded. Chair Mann asked for comments. Commissioner Gilbert said on page 3 there was a missing date, Attorney Karaca noted it. Commissioner May said on page 2 the year was incorrect. Attorney Karaca noted it. A roll call vote was taken:

Gilbert – yes

Marsey – yes

Nordman – yes

Brozek – yes

Burton – yes

May – yes

Mann – yes

The motion passed 7-0. Chair Mann said this would close the public hearing on the zoning rewrite and it would be forwarded to the Village Board in March with their recommendation.

Mr. Failor said the zoning ordinance draft going to the Village Board would be available for review on [www.oakparkzoning.com](http://www.oakparkzoning.com).

### **Other Business**

Commissioner Gilbert asked if community meetings were required for planned development projects. Mr. Failor said a neighborhood meeting was required, but the format was up to the developer; a list of those attending was required and a synopsis of issues discussed was also required by the village. Chair Mann asked if a meeting wasn't as informational as was typical would the Plan Commission recommend another one. Mr. Failor said it was up to the developer to decide the format, whether it was an open house or presentation; it was up to them if they'd like to hold another. Commissioner Marsey suggested members of the public could reach out to the developer to hold another meeting; he asked about contact information. Mr. Failor said it was on the notice.

Commissioner Brozek asked who provided the tax revenue calculation on a development project. Mr. Failor said the applicant would provide the information and the village would review it; the developer would need to meet with the Fire, Police and the Director of Public Works regarding the project and the services it would require. Mr. Failor said the village would review the economics and verify information. Commissioner Brozek asked if they would have to list any infrastructure improvements that might be required. Mr. Failor said if the village finds that the development needed to have utilities increased they would require it; it hasn't been an issue in the past because the utilities downtown were replaced in the late 1980s/early 1990s and were provided overcapacity at that time to accommodate future development.

Commissioner Brozek asked if commissioners would know if utilities have been reviewed when they get planned development materials. Mr. Failor agreed.

Commissioner Gilbert asked about a study of the traffic lights along Lake Street. Mr. Failor said the village was doing an independent traffic study of the downtown area that would look at the recent developments and that study would look at timing of lights and geometry of streets. He said they hoped the study would be done before the next planned development application comes before the commission. Commissioner Marsey asked about the boundaries of that study. Mr. Failor said Ontario Street to the north, Pleasant Street to the south, Harlem Avenue west and Oak Park Avenue to the east. Commissioner Marsey suggested extending it to Euclid Avenue. Mr. Failor said he will ask staff.

Chair Mann said commissioners have talked with him about conducting a review of compensating benefits in planned developments. He reviewed the zoning ordinance definition. He asked commissioners for discussion. Commissioner Brozek said in his experience in the northeast, communities would have a fund that developers could contribute to as a compensating benefit. He said the funds could be used for things like streetscape improvements, for example. He suggested the fund could be used to opt-out on some requirements like public art or landscaping and could be used for affordable housing. Attorney Karaca warned that funds for development could veer into contract zoning, when a developer paid a certain amount to receive zoning relief: this was not allowed in Illinois. He said it must remain within the framework of the building like density relief. Commissioner Marsey said the last few large developments have used cash to contribute to affordable housing in lieu of providing affordable housing. Attorney Karaca said affordable housing funds were specifically allowed and not considered contract zoning. Commissioner Brozek said it was very typical in a development that only 50 trees could physically fit but 100 trees were required so the developer would pay for the 50 missing trees. Mr. Failor said in the zoning code there was a landscape fund that does the same. He said the recent affordable housing contributions in the planned developments were negotiated in redevelopment agreements on property that the village owned; for private transactions it would be different. Commissioner Burton said there was also a danger if a developer and municipality can't come to an agreement you could come to taxation or constitutionality issues regarding a payment that was required for a development. Mr. Failor said he had a brief conversation with the Village Attorney regarding this; the Village Attorney would like to review it and provide a memorandum on the issue. Mr. Failor said the village has never required impact fees so this might be an issue the Village Board could look into.

Commissioner Gilbert said public art was a requirement in a planned development. Chair Mann said it was not a percentage of the development but it was required. Commissioner Gilbert said sometimes developers present it as a compensating benefit that they were giving art, but in reality, it was a requirement and compensating benefits were a separate issue.

Chair Mann said the Village Attorney would provide some feedback on the fund issue and they would revisit the discussion of compensating benefits in planned developments.

Chair Mann asked about reviewing the rules of procedure. Mr. Failor said he could bring a review in March and the commission could finalize after the zoning code was adopted. Chair Mann agreed.

### **Adjournment**

Commissioner Burton moved to adjourn. Commissioner May seconded. The meeting adjourned at 7:40 p.m.

Angela Schell,  
Recording Secretary