

MINUTES
OAK PARK PLAN COMMISSION
VILLAGE HALL- Council Chambers
August 1, 2013
7 p.m.

PRESENT: Chair Linda Bolte; Commissioners Mark Benson, Jeremy Burton, Douglas Gilbert, Sonny Ginsberg (arrived at 7:06 p.m.), David Mann, Gail Moran, Steven Rouse

EXCUSED:

ALSO PRESENT: Craig Failor, Village Planner; Jacob Karaca, Plan Commission Attorney Loretta Daly, Village Business Services Manager; Rick Kuner, urban planner and transportation specialist; Trustee Colette Lueck, Trustee Ray Johnson, Trustee Bob Tucker

Roll Call

Chair Bolte called the meeting to order at 7:05 p.m. and roll was called.

Non-Agenda Public Comment

None.

Approval of Minutes

Commissioner Rouse motioned to approve the minutes from July 11, 2013. Commissioner Mann seconded. Minutes were approved upon submission.

Public Hearing(s)

None.

Other Business:

Chair Meeting Recap

Chair Bolte explained that there was a new Cook County law for rental owners that there can be no discrimination on rental payments, previously known as Section 8 vouchers. The Housing Advisory Committee and the Community Relations Commission will be having a joint meeting on August 12, 2013 to discuss the new law and if there might be any additional changes locally in Oak Park. She urged any realtor, rental owner and or anyone interested to go to the meeting. Commissioner Rouse explained it was in regards to alleged discrimination to Section 8 voucher holders. She said she reported to the other chairs on the Comprehensive Plan progress. The next meeting of the chairs would be in October 2013. Also, there were a dozen or so vacancies on the commissions and if anyone knows someone who might be a good fit to encourage them to join a commission.

South Town Business District - Transit-Related Retail Overlay District (TRROD) Discussion

Chair Bolte explained she'd like to structure the discussion similar to a public hearing- first have staff give an overview, then hear from anyone who'd like to offer comments and then the Plan Commission could have discussion.

Mr. Failor said the validity of the TRROD for South Town came up during a Village Board meeting and the board asked for a discussion. Commissioner Rouse asked if they were voting on something or making a recommendation. Mr. Failor said it would be a recommendation to the Village Board. Chair Bolte said

the recommendation wouldn't have to be specific such as a boundary; they could give a general overview. Mr. Failor agreed, saying commissioners could recommend cancelling it, reducing it or keeping it the same. If the board decided to have a public hearing then that would be when details would be discussed.

Mr. Failor went over the staff report, explaining the history of the changes to the business districts in the zoning ordinance and how some uses were encouraged and discouraged. The Perimeter Overlay district was established first; then the B-1 district was amended to restrict office districts near rail and other transportation areas. Mr. Failor said that previous language and amendments started the trend to the current TRROD. He said the consultants to the Village Board back in 2002 originally recommended putting the TRROD only on the north part of South Town, north of the I-290 expressway. In minutes from a board meeting during this hearing, a board member wanted to include the south part as well. The discussion at that time included conversations from the Chamber of Commerce and business districts in the area.

Mr. Failor said a traditional Transit Overlay District (TOD) looks at and encourages a mix of uses, a mix of moderate and high density development that provide a variety of housing options. It promotes pedestrian activity, and using infill to create higher densities. He said a TOD also looks at the land use portion of it.

Mr. Failor discussed the 2002-2003 character plan given to commissioners for South Town, saying it identified the mix of what was necessary for a TOD, but it had mostly not come to fruition. He said it indicated the CTA Blue Line ridership at that time. Current ridership had increased during the week and weekend. He said without doing a survey on people getting off the train it would be difficult to know if they were patronizing the businesses.

Mr. Failor went over the market analysis from 2008. It said there were a small group of South Town businesses with long reputations and it had convenient cross-shopping. A big challenge was the I-290 barrier – it limited visibility and limited expansion potential. The report said stores needed refreshing and parking was a serious issue. It gave a retail strategy recommendation of filling current vacancies with non-retail, like office or financial uses that could bring new traffic in the area.

Mr. Failor referenced the 1990 Comprehensive Plan, saying it looked at the area as a buffered parking or business expansion area – the residences on either side were proper locations to become buffered parking lots should expansion occur. He said that has not occurred.

Mr. Failor said there had been three use variances since 2002: one for a veterinarian clinic, one for Pan's parking lot, and one for a food marketing office. Commissioner Moran asked if they were granted by the Zoning Board of Appeals. Mr. Failor agreed.

Mr. Failor said he had conversations with the Zoning Administrator, Michael Bruce. Mr. Bruce said if calls come in for the side streets, Garfield and Harrison, they were mainly for office requests. Mr. Failor said the side streets were mainly grandfathered office uses right now. Possible reasons for this include facing I-290 and having nothing across the street to play off of; parking was difficult; and the streets were very narrow and difficult to get through. Chair Bolte said it was similar to discussions they've had about South Boulevard and South Marion Street- not having someone to play off of made retail difficult.

Mr. Failor referenced a report submitted by the Chamber of Commerce director, Cathy Yen. In that report, 53% of uses were non-conforming. Mr. Failor said that report didn't take into account some businesses that had variances. Mr. Failor used the data on Oak Park Avenue but shifted out the side streets, which were mainly office uses and businesses with variances and found that 36.5% were non-

conforming. Commissioner Rouse asked if there were more north or south of I-290. Failor said more were on the south side.

Chair Bolte noted that if you take out the residential properties that changed the picture dramatically. Mr. Failor said a lot of residential was on the side streets.

Commissioner Moran asked how long the space now occupied by Divine Consign was vacant. Mr. Failor said 7 years. Commissioner Moran asked about the former teacher supply store. Mr. Failor said 1-2 years.

Chair Bolte moved on to a presentation by Rick Kuner, a resident of the area, a urban planning and transportation specialist and one of the leaders of the group studying the I-290 expansion plan. Chair Bolte said she asked Mr. Kuner to speak to get some expert knowledge of the area.

Mr. Rick Kuner, 728 S. Euclid, gave a presentation on the South Town area.

Mr. Kuner said in terms of existing conditions, I-290 was a negative factor- walking across the bridge was not a pleasant environment, and stores were not visible from either side. IDOT wants to rebuild the expressway and bridges and the CTA wants to rebuild the Blue Line train platforms. He said there was a relationship between the residential and commercial; you could not consider a TRROD without considering how it would affect residential. Garfield and Harrison have substandard widths so parking was difficult. Likewise, narrow alleyways created some friction between residential and commercial.

Mr. Kuner said the retail market was finite and predatory- a lot of retail wanted to take market share from other retailers. Some vacancies were normal, but a high vacancy rate would reflect an excess of supply. A lot of retail was submarket- for example, the Avenue Ale House, where early in the evening there would be seniors and families with children, later there might be dating couples and singles and sports enthusiasts. Foot traffic supports retail- examples included transit riders from the Oak Park exit, neighborhood traffic and destination retail like Divine Consign.

Mr. Kuner said the challenges were major ones: connecting across I-290; the conflicts between what the zoning said should be there and what was there; the role of the private and public sectors- Mr. Kuner said he personally believed there should be a mix of this; resolving residential and commercial conflicts; accounting for the impact of internet sales; and compatibility among uses.

Mr. Kuner suggested commissioners try to fix the TRROD for South Town as it wasn't working as well as it should now.

Commissioner Moran asked for suggestions on fixing it. Mr. Kuner said first relate it to the Comprehensive Plan now under revision. Then relate it to the purposes of the TRROD and craft an ordinance to accomplish those purposes through a public hearing. He said good planning would have the Zoning Ordinance and the Comprehensive Plan consistent with each other.

Mr. C.K. Palani, owner of 817-823 S. Oak Park Ave. He said he has owned the building for 31 years and the area was not a destination location- it was not attracting people from outside the district. He has two spaces that are vacant- one for over two years and one for about 3 months. He said the existing size of the older buildings made it difficult to attract retail businesses- the space was only 1000 to 1100 square feet. He suggested having offices there as they were a convenience for visitors within the area. He said the plan that was in place didn't come through as expected so they should remove the restrictions. If he has vacant spaces he gets a tax reduction, which means less revenue for the Village.

Commissioner Ginsberg asked if there was a choice for a neighboring building to lease to a retail tenant or an office tenant, who he would prefer. Mr. Palani said he had no preference, as professional offices were not a bad thing to have in the area- one or two additional offices were not an influx. Chair Bolte asked about the inquiries for his two vacant spaces. Mr. Palani replied that one inquiry was a specialty hair braiding shop, but he already had a long-standing hair salon tenant. He said no to that inquiry because he didn't want the two businesses competing and wanted to support his tenant. He said he had professional office inquiries but he had said no. He said he has a management company marketing it. He said the zoning at it existed now interfered with his business. Chair Bolte asked if he might consider applying for a variance for one of the office inquiries. Mr. Palani said he would have to take the initiative and he could not ensure the potential tenant that the variance would be approved.

Ms. Sara Faust, president of the Oak Park Development Corporation (OPDC). She said OPDC annually provides an update on vacancies and occupancies. She said vacancy in 2007 was at 93%; in 2010 it dropped down to 73%; in 2011 and 2012 it was 95% occupancy on the first floor within the district. She said there were a number of significant investments in recent years in retail projects like the Avenue Ale House and mixed use developments. She said property tax in the district had been pretty stable since they started tracking it in the last two years.

Chair Bolte asked about the longevity of the existing retail. Ms. Faust said Divine Consign was the newest infill, large retail; Avenue Ale House was longer than 10 years; Snip City, Westgate Flowers, Hole in the Wall, the Oak Park Bakery- some of these were long-standing businesses.

Mr. Jim Kelly, 1043 S. Harvey Ave., said he was curious to know how many commissioners had walked on Oak Park Avenue between Van Buren and Lexington- he said it was a visceral experience. He said the side streets of Harrison and Garfield were bottlenecks; it was difficult to make left hand turns onto Oak Park Avenue as traffic backs up. He said he disagreed that there wasn't destination retail – some of the long-time establishments couldn't last relying just on local residents. He said the vacancy rate was encouraging but it was a challenging place with the I-290 barrier and the deteriorating sidewalks and streets.

Mr. Kuner added that with Garfield and Harrison many times vehicles would try to use them as one-way streets. It was in the top 10-15 streets in terms of accidents in the Village.

Commissioner Benson asked Mr. Kuner if any national retail chains would have an interest in opening in this area. Mr. Kuner said not national retail with a large square footage but said a common opinion on retail was you needed a mix of national and local retail of different sizes as you really don't know who will survive and who will not.

Chair Bolte asked Ms. Daly and Faust if having different use restrictions within one overlay district would be more confusing for potential clients coming in. Ms. Daly replied it really depended on the audience looking at the issue, as zoning wasn't very intuitive to many people and could be confusing but there were a number of people working in the community that would help clarify the issues. Ms. Faust said zoning exists and they help businesses with it- but there was some confusion in the language and within definitions. She said sometimes it was hard to explain why something was allowed in one area but not another as people don't automatically see a market distinction but they do a good job explaining the variance relief.

Ms. Faust said in response to the national retailer question, once they heard the Pan's building came on the market, they were very quick to start suggesting that property to national retailers and there were 5,000 to 8,000 square foot tenants that would look at that property especially with the parking lot. She said they've also talked with smaller national retailers regarding infill developments of smaller spaces like

1000-1100 square feet. Commissioner Moran asked for examples of the retailers for the Pan space. Ms. Faust said fabric stores, hardware stores, bowling alleys and other grocery stores, but if Pan's wanted to stay in that building they've been an anchor for decades.

Chair Bolte moved onto commissioner discussion.

Commissioner Ginsberg said they could start by looking at whether retail overlays work- and he believed they did when retail tenants would eventually rent in the space- but if you go years with large vacancy rates then you would be forcing the issue and it wouldn't work. He said he thought of South Town as two areas, south of the highway and north of the highway and they should look and see if applying the same rationale to both areas would work.

Commissioner Benson said Mr. Palani said it best- the zoning interfered with his business and the area was not a gateway or destination area. He said he lives in the area and walks there and the only people using the retail over there were people who work or live there. To have people to use the businesses you would need a mix; services and professional offices would provide people to have lunch at the Ale House, for example. He said as a business owner he wouldn't care what opened next door as long as it brought people to the area.

Commissioner Moran said she believed looking at two areas separately was the right thing to do. She felt a better feel on the north side than the south side, as there were so many non-conforming uses on the south side so the only bright spot was Taste of Brasil.

Chair Bolte said the side street turning was difficult in both directions and the transit in the area was really unappealing, but as more and more people were using it it was a testament to transit support in Oak Park. Chair Bolte said the vacancy rates struck her as low. Ms. Daly and Faust agreed. Chair Bolte said one of the things she agreed with in the strategy paper was that the district was very tired looking, but even so there was something going on with the low vacancy rate.

Commissioner Ginsberg said he disagreed about it not being a destination spot as he doesn't live there and will drive from work and park to get sushi and while waiting, go to Pan's or the Ale House. As long as there was viable retail like restaurants and bars that would bring people from around the region. Chair Bolte agreed there were regional or municipal draws like Sen Sushi, Pan's, Oak Park Bakery, Divine Consign, and Kinderhook in the business district. Commissioner Burton agreed, saying he didn't believe anything needed to be fixed as the vacancies were full and there was a use variance allowed to give zoning relief if needed to fill the vacancies. He said it wasn't an area that needed intervention other than more municipal investment in beautification and sidewalks and addressing the parking issues.

Commissioner Mann agreed, saying if looking at Harrison and Garfield and the southern part of Oak Park Avenue, almost all of the non-conforming uses go away. He said the current building stock south of the alley on Oak Park Avenue was never meant for retail and a few tweaks to the zoning code might be beneficial.

Commissioner Ginsberg suggested that some non-retail uses might be beneficial to create foot traffic and maybe they consider those for a variance. Chair Bolte said maybe in the list of the exclusions some become permitted in this particular district or perhaps in other districts.

Commissioner Rouse said no one addressed Mr. Palani's issues of having vacant space for years and to get relief he would have to hire a lawyer to ask for a variance and that would be wrong. He agreed south and north were different but he also thought that some sort of vacancy trigger that would allow for a streamlined, easier process to get zoning relief to help lease the space was necessary. Chair Bolte said it

went back to previous hearings they've had where they've talked about providing evidence of someone's attempt to lease a space.

Commissioner Moran asked what other mechanism was available other than use variances to give zoning relief. Attorney Karaca said some municipalities have "de minimus variations" that were administered by zoning staff. A short discussion ensued about how onerous it was to come before the ZBA for a use variance. Commissioner Ginsberg said it was difficult as an owner didn't want to do it unless they had a tenant and a tenant wouldn't agree unless they knew they could get in; for a national chain they were resources to do so, but for a small storefront it was a big expense. Commissioners discussed the new use variance standards and how the standards now required evidence. Commissioner Rouse said if the board sent the South Town issue back to the Plan Commission, he'd like more discussion on streamlining relief for the smaller spaces as this was an issue that has come up in TRRODs before. Mr. Failor suggested defining the offices, such as a professional office, to distinguish it from other offices that may not bring in foot traffic. Commissioner Gilbert said he was on the fence as the district as a whole has been functioning fine but he wasn't sure it was because of the overlay—most of the businesses had been there for years and years and predated the overlay, so why impose that extra regulation on something that was working fine.

Chair Bolte asked staff if the consultants for the Comprehensive Plan process were looking at TODs. Mr. Failor agreed. Chair Bolte said it seemed premature for the Plan Commission to make any decision or recommendation to the board until they could see that information. Mr. Failor said that information could be at the end of August.

Chair Bolte suggested there were some fixes that could be made in relation to north versus south but they'd like to defer any recommendation to the board until they see what the consultants come up with in the Comprehensive Plan process. Attorney Karaca clarified the board asked for a recommendation on whether it should come back to the Plan Commission and there was a general agreement that it should, especially in terms of north of the expressway and south and in terms of readjustment to the variation procedures.

Mr. Failor suggested the majority of the plan commission believed some portion of it should remain but it needed to be fixed in harmony with the Comprehensive Plan information.

Attorney Karaca repeated the recommendation for a verbal vote: a majority of the commission agreed that the timing was not right to look at the issue without the Comprehensive Plan information, however a majority felt the TRROD at South Town should remain but some fixes may be necessary including splitting the north and south boundaries and looking at expediting variation procedures and looking at some potential uses.

Attorney Karaca said there were four fixes discussed so far: north and south division; de minimus variation procedures; a look at the uses; and a look at the boundaries.

The commission verbally agreed.

Chair Bolte asked staff if anything was scheduled for the September Plan Commission meeting. Mr. Failor said nothing unless the board sent the South Town issue back to them. Chair Bolte suggested reviewing the statement via email to staff before it was sent to the Village Board, but if there were substantive revisions there should be a meeting. Mr. Failor agreed.

Chair Bolte asked staff on the timing for Colt project and Comprehensive Plan. Mr. Failor said the end of the year for the Colt project and perhaps the beginning of the new year for Comprehensive Plan.

Adjournment:

Commissioner Rouse motioned to adjourn the meeting. The meeting was adjourned at 9:18 p.m.

Angela Schell,
Recording Secretary