

CITY OF HIGHLAND PARK

Tuesday, February 5, 2019

**REGULAR MEETING OF THE PLAN AND DESIGN
COMMISSION OF THE CITY OF HIGHLAND PARK, IL**

MEETING DATE: Tuesday, February 5, 2019

MEETING LOCATION: Council Chambers, City Hall, 1707 St. Johns Avenue,
Highland Park, IL

I. CALL TO ORDER

At 7:30 PM Chair Hecht called the meeting to order and asked Director Fontane to call the roll.

II. ROLL CALL

Members Present: Glazer, Hecht, Kutscheid, Leaf, Lidawer, Pearlstein, Reinstein

Members Absent: None

Director Fontane took the roll and declared a quorum present.

Staff Present: Cross, Fontane, Jackson, Awsumb

Student Rep.: Rubin

Council Liaison: Passman, Stolberg

III. APPROVAL OF MINUTES

December 18, 2018

Chair Hecht entertained a motion to approve the minutes of the December 18, 2018 meeting. Commissioner Kutscheid so motioned, seconded by Vice Chair Reinstein. On a voice vote, the motion carried unanimously. Chair Hecht and Commissioner Leaf voted present.

January 15, 2019

Chair Hecht entertained a motion to approve the minutes of the January 15, 2019 meeting. Commissioner Kutscheid so motioned, seconded by Commissioner Pearlstein. On a voice vote, the motion carried unanimously. Chair Hecht voted present.

IV. SCHEDULED BUSINESS

1. Continuation of Public Hearing #18-12-ZTA-005 and Consideration of Staff Drafted Findings of Fact Recommending Approval for Proposed Text Amendments to Chapter 150, the City of Highland Park Zoning Ordinance of 1997 (As Amended), related to Public and Private Covenants, Easement, Restrictions and Subdivision Building Lines (Also Known as Subdivision Setback Lines).

Director Fontane stated they had findings of fact staff drafted based on the last meeting. They had a public hearing on this topic and the Commission directed staff to prepare findings of fact related to the consent portion of this removing the requirement that others consent to the building line setback. This is before the Commission for vote and recommendation to Council. Staff is asking for a continuance of the public hearing to February 19th to provide additional information related to this matter that have not been decided upon by the Commission. They are asking for a vote to adopt the staff drafted findings of fact related to the consent portion of the building line matter and a continuation of the public hearing to February 19th to consider all other related matters.

Commissioner Glazer stated the proposed variation includes a hold harmless agreement which he did not remember as being part of the discussion.

Mr. Passman stated that requirement is in the current code. He stated there are three requirements for subdivision setback lines: one is notice to property owners, the second is the consent item and third is the hold harmless agreement. They reformatted the hold harmless provision to be part of what will remain as Subsection D.

Commissioner Lidawer stated the only thing taken out was the abutter's part.

Mr. Passman stated that was the crux of the discussion.

Chair Hecht entertain a motion to approve the findings of fact recommending approval of the proposed text amendment. Commissioner Glazer so motioned, seconded by Commissioner Kutscheid.

Commissioner Leaf stated there was a minor typo on page 26 in the second to last paragraph – it should be goals rather goats.

Director Fontane called the roll:

Ayes: Lidawer, Pearlstein, Leaf, Kutscheid, Glazer, Reinstein, Hecht

Nays: None

Motion passed 7-0.

Director Fontane stated they are asking for a continuation of the public hearing to February 19th.

Chair Hecht entertained a motion to continue the public hearing to February 19th. Commissioner Lidawer so motioned, seconded by Commissioner Pearlstein. On a voice vote, the motion carried unanimously.

2. Pre-Application Discussion: I – Light Industry Zoning District & Land Uses in Highland Park.

Planner Cross made a presentation for the above item including land uses in the I zoning districts, master planning efforts by the City for the Hwy. 41 corridor and the Briergate district. The master plan was completed 15 years ago before desktop publishing and they are in the finishing phases of reformatting it for a more user friendly document. They want to distribute the master plan chapter for the Skokie Hwy. corridor. It is in a more useable format - two posters double-side one for the north part of the corridor and one for the south.

Planner Cross stated they would like to discuss industrial land use in Highland Park. This discussion comes within the context of two proposals. Both of these are for land zoned for light industry. Also both of the projects propose to rezone from light industrial to residential. They will examine the roll light industrial plays in Highland Park as a way to have a more enlightened discussion about requests to change the zoning of industrial properties in Highland Park. It takes an examination of how the Commission views light industrial property and how it has been viewed in the past and how it is envisioned in the master planning documents. The master planning documents are almost 20 years old and they need to discuss what roll it plays. The Commission's input is valuable and essential.

Planner Jackson made a presentation including existing conditions, Highland Park zoning map, Highland Park industrial zones, industrial zoning, industrial in Highland Park, industrial vacancy, market opportunities, impacts of industrial land, specific industrial land use policy, Highland Park master plan, 1700 Old Deerfield Rd. - Solo Cup site, 1535 Park Avenue West and discussion points.

Chair Hecht asked if the tax revenue was to the City or overall.

Planner Jackson stated it was overall.

Director Fontane stated this item is coming forth tonight based on questions the Commission had about industrial land. They want to take the opportunity to do some planning with the Commission and to inform Council on some of these items. This provides some background for the context related light industrial. They would like to hear from the Commission about what has been presented so far.

Planner Cross stated this is not about the right or wrong answer and not necessarily a formulaic if they get the right data they can put it in a computer and come out with the answer. They would like a policy discussion and help the Commission identify if they have a shared vision in responding to these points.

Commissioner Leaf stated with two current pre-app discussions what does it mean to change the zoning when there is an active proposed project. How would the developer receive it and what about the legal liabilities.

Director Fontane stated for this discussion there is no proposal to change the zoning. Deputy Director Awsumb will talk about a zoning change. He wanted to focus on these discussion points before they get to that.

Chair Hecht this was very broad.

Director Fontane asked what is the roll of the light industrial district and what is it now and what should it be. They have seen the presentation of 20 years ago and a lot has changed. The land uses are zoned I and heavily utilized. There is a lot of land in transition. What is the best future role for these areas. The time is right to consider whether polices for these areas should be changed.

Chair Hecht stated Planner Jackson mentioned the vacancy rate as 2.3% and asked if this included Solo Cup and the Greenberg site. He thought is was very low.

Planner Jackson stated it was tenant space.

Director Fontane stated a lot has been removed and they demolished Solo Cup. There is land that could be developed into leasable space.

Chair Hecht stated he did not know how they were calculating the vacancy rate.

Commissioner Kutscheid asked about the definition of light industrial zoning.

Planner Cross stated there was a text definition in the code, but it is Highland Park's most permissive land use category. If there is a commercial land use that you can do it in Highland Park you can do it in the I. It is the broadest land use category and allows the most intense commercial uses in Highland Park. There is an exhaustive list of allowable uses in Article IV of the zoning code.

Director Fontane stated it provides for light manufacturing, storage, wholesaling and distribution operations. It also permits limited commercial uses, certain facilities required to serve educational, outdoor commercial and other needs of the area may be allowed within the district as conditional uses subject to restrictions intended to preserve and protect the compatibility with regularly allowed uses and adjacent uses in other districts.

Commissioner Kutscheid asked if there were lot size restrictions.

Planner Cross stated when it comes to bulk, Highland Park's residential zoning districts have very strict land use lot sizes and the commercial districts not as much. There are density considerations in commercial districts that allow multi-family but there is not a lot size minimum and there are setback requirements, but these are much more loose in commercial districts. He mentioned the pre-app discussion for the 28-acre redevelopment of Solo Cup and the 28 acres represent a significant of the industrial property in Highland

Park. It is a large factor but what does it mean. If it converts to a different use is that good or bad. The intent for tonight is to provide a context for that. There is still demand for industrial use in Highland Park. This is a preliminary policy discussion and any actual changes to the code would be at a public hearing. What does it mean if they rezone 28 acres of industrial land in Highland Park. They are trying to get at the root of discussing meaningfully about what it means if they rezone 28 acres of industrial land. They need to think about potential land uses especially with the property on Park Ave. It is zoned industrial and that is the most permissive use in Highland Park. There could be a very intense use on that property with no public process. Maybe the planning context around this property and other I zoned properties has evolved where there should be more of a discussion about what can happen there. They need to think about industrial properties on Hwy. 41 that are zoned I. They need to think about the role the I district plays in Highland Park.

Councilman Stolberg asked, given the broad land use, they need to think about how long the Greenberg property has been vacant. Given the flexibility of what could go on there, it has been vacant at least 10 years.

Chair Hecht stated the building that has sat vacant forever is now a Tesla dealer. He asked how long it was vacant.

Director Fontane stated he was not sure.

Councilman Stolberg stated not as long as Greenberg.

Director Fontane stated they are talking about long term planning. They cannot chase the market. Land use planning is not just about that. However it should be informed by a context of what you want to see in your community in terms of land use. And whether or not a different future might be more viable as both more compatible for the community and more likely to happen. There are many reasons why properties go vacant for a long time and some of it has to do with how it is marketed. Some of it has to do with upgrades that may be necessary. There could also be legal issues. With larger scale tenant spaces change over is slower. It depends on what the land owner is trying to achieve. There is a strategy and maybe someone is looking to divide and rent in little pieces or they want the whole thing.

Commissioner Lidawer asked about the difference between commercial and industrial. If industrial is the most flexible and they are looking at an office building, does it come under industrial or is commercial broad enough.

Planner Cross stated it is land use intensity. Office is more general. They can think of warehouses and cold storage. This is not something you would want to see in downtown Highland Park.

Director Fontane stated they had Simply Self-Storage which was approved. Recently they came in and requested to revert back to what they originally had. This was because the market changed for that type of storage space and they assessed the market. The long

term trend is that self-storage spaces are expanding. Residential is not allowed in the industrial zone.

Commissioner Glazer asked about the current demand for traditional industrial usage and if there were prospective tenants they are turning away because they cannot accommodate them in their existing supply of light industrial properties.

Planner Cross stated it was hard to answer and the numbers were based on research and there is demand.

Director Fontane stated in the last five years they filled in a lot of that space.

Chair Hecht stated they took out a tremendous supply. He asked if there was data on the regional vacancy rates.

Planner Jackson stated Planner Cross did some research on regional trends and within the Chicago region there continues to be demand for industrial space. Industrial as a whole is very strong in the economy.

Director Fontane stated you have to look at the industrial land they have available and is it best suited for say a distribution center. They can look at market slices or they can look at what the community sees itself as. They would like the Commission to look at these various pieces of land and how they see them working together.

Vice Chair Reinstein asked if the I zoning extends along the west side of the highway from Lake-Cook to Clavey.

Director Fontane stated it was the grey area.

Vice Chair Reinstein stated this had been zoned I for a long time. He stated there are 171 acres and a certain number of uses under the zoning that has been there for decades. If you look at the uses very few are really industrial uses. There is no one making anything. No one is bringing in plastic pellets and melting them down. He asked if they were having the conversation because they think the zoning classification is broken and needs to be fixed or because there is a site on Park Ave. that never should have been zoned I and there is a big 29-acre site zoned I that who knows what it is going to be. He asked if there is something specific wrong with the zoning classification and are afraid someone is going to come to the 28-acres and start spewing potash into the neighborhood. He asked why they were having this conversation.

Planner Jackson stated there were two ways they could go. They are trying to be proactive and set policies. The City is deciding what they want there. If the City does not decide and puts a put a policy in place of what they see this to be then someone else will decide for them. They already have had applications for multi-family. They have an opportunity now to set that policy in motion. Is multi-family the best use for these sites or is it commercial or should it remain industrial.

Director Fontane stated given the fact that these questions are being posed informally through pre-app now and likely to be formally followed up on in both cases there is a background the Commission needs and it is part of the reason for looking on this issue is not that I is broken and it serves an important purpose. They have some I zoning that is under utilized due to transitions. Similarly the Toys R Us transition is going on with a large tenant space in the B3 zone. The catalyst for this conversation is there are three main areas in the Briergate district that are in transition in terms of ownership and potential land use that beg the question of is everything going along with the existing policy for 20 years the right way to go or is there a different way the community would like to see this land redeveloped. This is the time major decisions will be made about these lands. Applicants are coming in for different zoning but that does not mean they have to give them that. It is an opportunity to say that maybe the community should function differently. There are probably few areas that are good areas to zone I district.

Vice Chair Reinstein wanted to talk about the Park Ave. West site and what it should be.

Director Fontane stated when you look at the master plan it was not the essential focus of that area. The zoning was based on an existing land use and was kept that way because of the use that is there. It is not always the best way to zone, but that is the way is happened.

Chair Hecht stated the best you can do is maybe have some light retail adjacent to Park Ave. There is a rail line behind.

Director Fontane stated staff saw this as an opportunity to think differently about the long term.

Commissioner Leaf asked about the Economic Development Commission and if they had weighed in on this issue as far as rezoning and should they.

Director Fontane stated they had not and the recommendations come through the Plan & Design Commission.

Commissioner Lidawer stated it sounds like once they give up industrial the only question has to do with residential. She did not see how just because an application comes before them that means that they are going to change it. It is up to the Commission to accept or not.

Planner Cross stated it was a good point and the discussion tonight and in the future will help the Commission say no. Applicants have come forward showing market demands showing there is a lot of demand for models of housing and certain products and is that grounds for rezoning. The intent of the discussion is to help the Commission think about what the I district means to the City and put the decision in context rather than at a public hearing saying they are going to invest this in the property and take it out of the industrial land use.

Director Fontane stated they are trying to provide information on what the Commission's thoughts are. They do not just automatically rezone because there is someone interested in doing so. There are realities about market changes. This is a time that is ripe because

these parcels are being actively marketed after many years of not seeing any type of redevelopment. The market does change and there are waves of construction in various things whether it be office, retail or multi-family. The decisions made here will be decisions that have long term consequences.

Chair Hecht thought this was on point and the only exception was if they see a site that there is no way that it would attract a use ever. He did think Greenberg was zoned properly but he did not feel the same way about Solo Cup. It is sitting in an industrial zone that is an island between residential and commercial. It concerned him that they are entertaining a different use that is going to be more intense with infrastructure and is going to take more than it gives.

Commissioner Glazer stated there are all kinds of questions associated with this. Does zoning drive development or does development drive zoning and they do not know this. When you look at Greenberg it has sat vacant for 20 years. Did it stay vacant because it is zoned industrial or were there people who might have wanted to bring a housing development sooner but did not want to fight the zoning. What is the demand and what are they hearing from prospective tenants about taking out industrial properties. Do they want to keep an industrial property zoned industrial if there is not a tenant base.

Director Fontane stated the macro economic situation has changed with regard to manufacturing. What interest there is in a particular parcel depends on the zoning. The market is saying this is a good location meaning multi-family. They seem to be that type of use that is most competitive in terms of land pricing. The price involved is a shadow price, but it appears to be higher than the price the land would yield with by right uses under the I zoning.

Councilman Stolberg stated he was not a fan of spot zoning. It is OK if a piece of land sits empty if it is not the right use. He thought what was important is not what could or could not be in front of the Commission. He thought staff was trying to see the evolution in the next 20 years and how it fits into the master plan and are some of the areas zoned 20 or 40 years ago still applicable and appropriate. He did not think it was about what is in front of them today but what this will dictate in the future and what things will look like 30 years in the future. He asked if they had talked to the BOA and what they have seen

Director Fontane stated there are a lot uses important to a community.

Chair Hecht asked if the City had tried to recruit tenants to replace Solo Cup and an effort to bring these users into the community and we found it was not working.

Vice Chair Reinstein asked if the lines at the Solo Cup site were delineated on the graphic.

Planner Jackson stated it was the dashed lines.

Chair Hecht stated it was a broad based discussion about the whole area. He did not know if they needed to separate Briergate from this pre-app discussion. He asked what the City had done to try to find users.

Councilman Stolberg asked if there was some fiber optic infrastructure on the Solo site.

Director Fontane stated he did not know.

Commissioner Kutscheid stated the infrastructure for light industrial is different and the City has invested in infrastructure for light industrial as far as transportation, water, electric and other uses that would change if the zoning changed completely. He asked if that was disrupting other things physically.

Director Fontane stated it goes to sizing and capacity. Electric use will be different for a manufacturer compared to multi-family. That would be privately funded types of infrastructure. There might be public infrastructure in terms of roadway improvements and other types of stormwater and water improvements. It depends on whether the applicant would be doing it or the City. It would be addressed as the applicant went through the process. In the Briergate TIF district it is intended to have public improvements as part of it.

Commissioner Kutscheid asked if the Solo Cup site was within the TIF.

Director Fontane stated yes all but the police station.

Director Fontane stated this is a pre-application and the City is considering how to best to fashion its recommendation with regard to the changes, if any, to the zoning in the Briergate district. They are the representatives of the City Manager and who can petition for zone changes.

3. Pre-Application Discussion: Land Use, Business Mix and Zoning Scenarios for the Briergate Business District.

Deputy Director Awsumb made a presentation including Briergate district B-3 zoning and uses, three district catalysts, three action by City, "Red Flag" Resolution, focused on the B-3 portion of the Briergate District, existing zoning, existing land use, plants, animals and related uses, transportation and related uses, storage, processing and wholesaling uses, materials supply and construction uses and Commission feedback.

Director Fontane stated they could see the uses and it might be helpful to get some guidance on whether or not they see those categories as those they want to see in these locations or maybe there are particular uses within these categories they understand but the others they would like to continue to see allowed. They can do a survey of the Commission and they could collect the information, tabulate it and present it back to the Commission at a future meeting. It is up to the Commission how they want to proceed.

Mr. Passman stated he would address the reason for what has happened so far and why the red flag resolution exists. He mentioned Commissioner Leaf asking what happens to a

developer if there is an amendment in the midst of something they are planning or doing. It is a very complicated legal question and goes to the doctrine of invested rights. It would take far too long to go through every nuance. Depending on how much a property owner or developer has done under the old zoning rules, they might be allowed to continue under the new zoning rules even if the code has completely changed. The reason for the resolution is that there is case law in Illinois that draws a clear distinction between what a developer can rely on and what they cannot rely on if the legislative body sends a signal it is considering a change. What this represents is the City Council and planning staff recognizing that the current zoning of these properties might not be appropriate for today and tomorrow with and the concern that something may come in and someone may have a vested right that the City could not stop. The fact they have this red flag resolution is a modest directive to move with some speed through this. The whole purpose is the City wanted to signal if there is a problem let's catch it and change it now before a developer can claim a vested right.

Commissioner Lidawer asked if this inferred the City lead them to believe that there could be a change coming and therefore they may believe they have a vested right. She asked if the vested right could already have occurred.

Mr. Passman stated probably not because vested rights include they take a certain steps. It is very fact specific and they should not worry about who is out there in the B3 that might be able to claim a vested right if the laws change tomorrow. They should be mindful that if there is an issue they allow today that if the City decides it is not appropriate they clear it off the books now. They know there are development sites in this area.

Commissioner Lidawer stated they should give some direction to Council.

Mr. Passman stated yes and to the developer as well.

Deputy Director Awsumb it is for the market also and gives fair certainty to private sectors that they act on behalf of the City.

Commissioner Lidawer asked if there had been studies with regard to multi-family developments that have been approved. She asked how much demand was out there.

Commissioner Glazer stated they were not voting tonight.

Director Fontane stated this is where you see the community going and what types of uses you want to see in this area, but more generally in the Briergate area. Whether the market is driving a collection of uses or not it is important to understand those in general terms. They are asking if these are a collection uses you would like to see for this particular area of the City. Is this what you see this area being leased and used for. There may market demand for any and all of these. From a land use perspective what you try to do try to provide for a broad array of uses throughout the community. It does not mean all uses are allowed in all places. There is a collection of uses in these four categories they have identified and ask the Commission if these are the uses they want to see here. They do not need to do a market analysis on the demand or lack thereof for each use. They are looking at is this an appropriate use for this area given its proximity to other uses and

what they see in the long term vision of the area. When they have PUDs come before the Commission there are market analyses done to demonstrate there is a demand.

Commissioner Glazer stated some of these are by right and they are correct in bring them to their attention. They were not anxious to see the former Toys R Us replaced with a cement plant or a muffler shop.

Deputy Director Awsumb stated this was correct. These are permitted uses today but is this what they see as the most appropriate business activity at that shopping center.

Chair Hecht stated that center has a lot more vacancies than Toys R Us and is a troubled strip and has been for a long time.

Director Fontane stated they believed the time was right to look into this and had talked to Council about what their view was of the area in 2018.

Vice Chair Reinstein asked about retail designation.

Director Fontane stated retail uses area allowed in a number of districts and this is a B3 district that Deputy Director Awsumb was pointing to for this exercise and there are retail uses that are allowed.

Vice Chair Reinstein asked if B3 was a retail designation.

Director Fontane stated it was one and there are other districts that have it.

Vice Chair Reinstein asked if this was zoned B3 because it was lower intensity which means one story.

Deputy Director Awsumb stated the way Highland Park uses B3 would be like a general commercial district – retail, restaurant, neighborhood services and certain offices. It is a pretty flexible district. This is how it was authored and what is on the books today.

Chair Hecht stated he thought people would be more comfortable if it stayed retail.

Fontane Director stated B3 is a district that exists beyond just this area. There are B3 districts in other places where some of these uses may be fine. They are not prepared to speak to how all of these uses came to be in the original zoning code, but this is what is permitted. Does this meet today's thoughts about this area and the uses that could be there. They came before Council and said they should take a look at this.

Commissioner Leaf asked if their suggestions after they deliberate will be like an overlay.

Deputy Director Awsumb stated there is a lot of real estate and change in this part of Briergate, but as they talk about this red flag and zoning that is probably the most straightforward solution to adopt some use overlay for just this part of B3 where you could tailor the uses.

Commissioner Kutscheid asked if they could change the uses from permitted to conditional.

Director Fontane stated they could and it is important to realize that conditional uses are uses that are permitted with reasonable conditions associated with them. There could be a denial, but generally they are permitted uses with appropriate reasonable related conditions of approval.

Commissioner Glazer asked under what circumstances would they consider allowing, as a conditional use, a truck terminal.

Commissioner Kutscheid they had a whole list of motor vehicle shops and he could see that maybe there was a dealership with these ancillary uses that could be reasonable but would they want the whole site to be a muffler shop.

Director Fontane stated any of these kind of companies do repairs and is that what they see for this site. They should think about them at the highest level being the categorical level.

Chair Hecht stated he liked the idea of an overlay for the Toys R Us site and thought they cannot change the whole zoning district. He did not want to see a bus terminal and it is a retail center and it needs the right management. He thought it needed to stay retail. He did not see Greenberg staying as industrial. It is a triangular property between two immovable objects. There was discussion for a senior facility which met with derision. He thought they should decide what this is going to be. He thought they were giving away too much commercial. Northbrook has four times as much industrial space available as Highland Park and the real estate taxes are half of Highland Park's for residential.

Commissioner Leaf stated Northbrook had many more square miles.

Chair Hecht stated it did not. It is not that much bigger. He did not want to give up what they have as it will only make the problem worse.

Director Fontane asked if the problem was the tax base.

Chair Hecht stated it does change. Residential is a much more intense use in terms of infrastructure and the economic benefit of commercial is necessary.

Director Fontane stated he had the answer to Vice Chair Reinstein's question. The question was regarding the dimensional requirements of the area, bulk and density. In terms of the I district, you are allowed to have a 45' tall principal and 45' tall accessory structures in that zoning district and the setback are 20' front yard and a side and rear yard are 20'. In B3 it is 10' adjacent to a residential district, 29' rear yard and 0' if it is not adjacent to a residential district and 45' height limitation.

Commissioner Kutscheid stated what he would like to see within these uses is commercial retail related uses.

Deputy Director Awsumb stated that was a good direction. The buildings that exist form the development and would be a neighborhood retail development.

Chair Hecht stated it is a big box space and that would be the easiest thing to go in there.

Deputy Director Awsumb stated it is a strong market and people want to be here.

Commissioner Leaf stated the traffic flow with the lights seems to be made for higher intensity retail.

Deputy Director Awsumb stated Council's resolution focused on plants, animals, related uses, transportation, storage, processing, wholesaling uses, material, supply and construction uses. They thought these additional categories of uses in B3 should be considered. B3 does not allow residential with the exception being a nursing home care facility. Food and beverage uses are permitted. Communications and public utility uses are permitted. Educational and support services are permitted. Offices, back offices and medical services, financial uses, business services uses, offices and professional uses and medical and related uses are permitted. He stated staff seeks Commission consideration and feedback. The removal of any permitted or conditional uses would be considered by the Commission at a public hearing.

Commissioner Leaf stated he was confused about reuse of the current structures vs. allowing a different use. If it is a different use would a mixed use be appropriate.

Deputy Director Awsumb stated these are pretty targeted to turnover and tenancy and what is permitted by right under the code but what if someone wanted to do a total redevelopment. Under B3 there is no residential.

Director Fontane wanted to correct in terms of the height limitations for the B4 there are four stories and 51' and for the B3 it is a maximum height of 45'.

Deputy Director Awsumb stated it is really targeted to specific uses in zoning. When they look at this nationally they are seeing a lot of adaptive reuse, infill redevelopment, and new ways to use those sites. In Highland Park there is Crossroads in other shopping centers. When you look at huge retail corridors even those are being looked and repositioned. Even the indoor shopping malls are being reimagined. They need to think about the zoning uses and the more targeted actions and they should think about it in the bigger planning context as well. Subareas for discussion include Briergate, Silverado, Old Skokie/Old Deerfield industrial, Richfield triangle, Richfield south and Elston Ave. Real Estate Co. LLC. They can (1) maintain the same, (2) remove specific uses from B3 (overlay), (3) Solo Cup land use conversion, (4) redevelop shopping center into mixed-use property, (5) targeted and coordinated site rezoning and (6) districtwide approach.

Director Fontane stated in these cases they are talking about rezoning to a B4.4 which would be the mixed use zoning in terms of the appropriate intensity.

Commissioner Leaf asked if they had the option to B4.4 with a lower height restriction as an overlay.

Director Fontane stated yes, the overlay could mirror the B4.4 uses but keep the same height. If you want to allow a four-story building you really need that much height.

Vice Chair Reinstein stated he thought the Commission had approved a four-story building on Roger Williams. So on Deerfield Rd. it should be a little easier.

Director Fontane stated you could do that and there is a reason behind the 51' and that is probably the best height.

Commissioner Leaf stated it could be a mixed use with one less story.

Director Fontane stated this was true if that was the intent.

Vice Chair Reinstein stated he liked the B4 for the retail site. He was not sure about the triangle and the Solo Cup site taking them off the I designation. He liked dual site for mixed use.

Commissioner Kutscheid stated the roadway system seems to hinder development or changes as they move forward. It is funny on how you have to drive through this area. He asked if there was a way to make that better through the whole area. Would Ridge be better coming out onto Deerfield.

Director Fontane stated that is beyond the scope of what they are looking at with the police station there.

Commissioner Kutscheid stated it can go by the police station and they can switch the parking.

Director Fontane stated there could be R.O.W. adjustments in terms of parking. There also could be R.O.W. expansions using some of the private land to make things work more efficiently. There is also Ridgefield that goes through that area. It would involve more land owners and land to do something more substantive.

Vice Chair Reinstein asked if they were going to entertain a rezoning of everything and it make sense to look at the connectivity.

Commissioner Leaf asked if they had their druthers would they like to see everything considered.

Director Fontane stated they put forth the different considerations because they think they are all viable in different ways. Number six would provide for a broad array of uses which would unify zoning in a way that you could see a coherent redevelopment in the area with regard to changing over time. If you maintain different districts you are going to have long term different uses. They are also providing more regulatory certainty. It depends on what you see happening. They think B4.4 is a viable district in this area.

Vice Chair Reinstein asked if they zoned the triangle B4.4 what happens to all the uses in there.

Director Fontane stated they become pre-existing non-conforming legal uses. They would have to inventory them to see what the crossover would be.

Vice Chair Reinstein asked what happens asked if there is a vacancy and there is a new set of rules.

Director Fontane stated you could if you allow the use to expire.

Deputy Director Awsumb stated they have the two ends of the spectrum with numbers one and six and there is nothing more significant. In something realistic and viable this is as about as significant for redevelopment of the area as you can get.

Director Fontane stated what would happen with the triangle long term if the two blue parcels were successfully redeveloped it would change the market for that triangle. In the long term someone would probably come in for rezoning.

Vice Chair Reinstein stated one of the reasons he was comfortable with the higher density mixed use zoning on the retail side is it is tucked in against the track and the highway in a sizeable row that separates it from the residential on the west side of Deerfield Rd. If you moved the density to the Solo Cup site it is a lot bigger.

Director Fontane stated the industrial zoning district can allow quite a bit.

Vice Chair Reinstein stated there is a buffer in place right now and when you change it to B4 the buffer is no longer required and it will change.

Director Fontane stated they have the buffer which they believe needs to remain for the I. In terms of rezoning they could do some type of intermediate split zoning along that area.

Vice Chair Reinstein asked if they could do that and transition zone that site.

Director Fontane stated he thought they could.

Commissioner Leaf asked if you could subdivide it or would be it an easement.

Director Fontane stated you could chose to do an underlying zoning district in such a way that there is a split zone on this large property. That makes the zoning along Ridge a step down and less intense than maybe the zoning further back.

Commissioner Leaf asked if they could do that on the southern property line.

Director Fontane you could do it on the southern property as well to mimic those boundaries.

Vice Chair Reinstein stated it needs that kind of transition.

Commissioner Glazer stated seeing the different versions it reminds him of when the School Board came put up all different permutations of the schools that would close or combine and it stirred a lot of public reaction. He asked if this was the kind of thing they want to take the opportunity to have input from the community. He thought a lot of this was going to require public input.

Director Fontane stated there are ideas they are talking about that extend beyond the main focus of the red flag. Their intent is to come back to Council to discuss this and obtain input. Regarding the red flag the B3 area is something of importance. They do want to follow up in terms of their recommendation to bring some certainty to that issue. That would be the area they follow up with a public hearing. They could also open it up to additional uses.

Commissioner Leaf asked if the priority was the Solo Cup property and the vested rights issue.

Commissioner Lidawer thought it was Briergate.

Deputy Director Awsumb stated it was really the shopping center site.

Commissioner Leaf stated there is a proposal for the Solo Cup property and asked if it should be included.

Planner Cross stated it will come before the Commission for a public hearing and there will be a petition for rezoning. There will need to be a resolution in the form of findings of fact and recommendation to Council. The intent of this evening was to have some of this background be part of the discussion.

Commissioner Leaf stated industrial does not allow residential.

Commissioner Lidawer stated there are a couple of points and they could say with Briergate they are indicating they may be lenient toward some kind of change. If someone looks at it and takes the next step and says they have already looked at it for one and perhaps with Solo Cup they are moving in the same direction. She did not want to lead someone astray by saying that seems to be the way the Commission is going and is that a trend.

Mr. Passman stated there is no vested right in a law that does not exist.

Commissioner Lidawer stated she appreciated the clarification. These three parcels are a significant portion of the industrial as a community. Part of the beauty of the community is having the industrial and all the different uses.

Commissioner Pearlstein stated they are trying to be proactive and at the same time remain in the essence of Highland Park.

Deputy Director Awsumb stated these comments are the crux of the whole night. Some of these six scenarios might be uncomfortable for some, but to the proactive comment that is exactly why they have structured the discussion tonight.

Commissioner Pearlstein stated when you are proactive you have to be creative and be careful not to be too rigid.

Deputy Director Awsumb stated in these processes one thing that is helpful is the process of elimination and feedback from the Commission. They believe in general out reach to the public. Regarding the scenarios, they see this as a slow moving conversation. The process of elimination is helpful also.

Director Fontane stated what they would suggest is for the B3 area uses they obtain some guidance from the Commission.

Vice Chair Reinstein asked if they were going to send something to the Commission.

Director Fontane stated they can send additional information. Regarding the other considerations on the broader area look, they would not necessarily be coming back just with a hearing, but would go to Council. There are two things, the smaller area in terms of these uses may not be right and here are what we think has changed, and maybe they can do an overlay. The other area might be looked at also and say some additional out reach to the community might be appropriate. He thought they were hearing they should come back about the B3 shopping area and provide more information. They could also talk about what the overlay might be. They could make a recommendation to start a public process about this. He asked if they wanted to take it up at the next meeting.

Chair Hecht stated he was concerned about the agenda.

Director Fontane stated the next meeting would be preferable.

Planner Cross stated they would determine if the March 5th date was feasible and it was the premier opportunity to have this discussion. This was still a workshop discussion.

Chair Hecht stated they could go with March 5th.

Deputy Director Awsumb stated the next step is to distribute the survey and it will be delivered to the Commission and they will go from there.

V. OTHER BUSINESS

1. Legal Training with Highland Park Corporation Counsel.

Director Fontane stated it was the will of the Commission.

Chair Hecht asked for motion to continue the legal training.

Director Fontane stated it will depend on the Corporate Counsel's availability. Their goal is to make sure it occurs each year.

Mr. Passman stated if not March 5th, he will work with staff.

Planner Cross stated this is not something they want to tackle at 10:30 PM.

2. Next Regular Meeting – February 19, 2019.

3. Case Briefing.

Planner Cross stated he had been working on a Commission orientation binder. It contains orientation and introductory materials that is comprehensive and has been helpful to Commissioner Lidawer.

Commissioner Lidawer stated having the ordinance in one portion and being able to refer back and forth was helpful. She thought it was a good resource.

Commissioner Kutscheid asked if it was available in pdf format.

Planner Cross stated he could email it and a hard copy could be made available.

Planner Cross stated it can accompany you from meeting to meeting and you can keep ongoing notes and have a constant resource.

Director Fontane stated Council considered and recommended approval of the 1850 Green Bay Rd. PUD. They directed Counsel to draft appropriate documents. This is at the preliminary stage and will be back before the Commission at the final stage for conformance review.

Vice Chair Reinstein asked if they will have their agreement with Sunset.

Director Fontane stated the Commission had conditions of approval and there were staff conditions of approval. Counsel also had conditions of approval. They will probably be before the Commission in April or May.

Vice Chair Reinstein asked about Klairmont.

Director Fontane stated Council had approved this per the Commission's recommendation. They are now preparing for closing and there was a government shutdown. HUD has approved this and they need them to sign off on final documents. They are expecting a smooth process. They do not have an exact date.

VI. BUSINESS FROM THE PUBLIC

Mr. Mike Laxner, 1967 Cavell, Highland Park, IL, spoke on the 1535 Park Ave. West property and stated it is surrounded by single family residences, leading developers into a sense they were looking at the because it said R1, R2, asked it be kept R1 to residential,

should be developed as single family, it is a massive development, development will be 160 units, getting waiver to do that, do not have to account for memory care units.

Director Fontane stated it is not a dwelling unit.

Mr. Laxner stated is had to account for something.

Commissioner Glazer stated he would have to go to Council and try to get the code amended.

Mr. Laxner mentioned the units at Central and Deerfield.

Director Fontane stated they would take this under advisement.

VII. ADJOURNMENT

Chair Hecht entertained a motion to adjourn. Vice Chair Reinstein so motioned, seconded by Commissioner Kutscheid. On a voice vote, the motion passed unanimously.

The Plan and Design Commission adjourned at 10:40 PM.

Respectfully submitted,
Joel Fontane, Secretary