

MEMORANDUM

TO: Mayor Walsh and Village Board of Trustees

FROM: Village Planning Board

CC: Pat Cleary, Village Planning Consultant
Benedict A. Salanitro, Village Consulting Engineer
James Staudt, Village Attorney
Amanda L. Brosy, Village Attorney

DATE: July 23, 2020

RE: Planning Board comments on Elk Chatsworth, LP Special Permit application

Upon referral from the Village Board of Trustees, the Planning Board has reviewed Elk Chatsworth, LP's (the "Applicant"), application for a Special Permit at 108-114 Chatsworth Avenue (the "Site"). The proposed project is classified as a Public Amenity Supplemented Mixed-Use Development, and permitted subject to the approval of a Special Permit by the Village Board.

This memorandum outlines the Planning Board's comments on the proposed project's compliance with the Special Permit requirements established in §381-51.N (shown in *italics*).

1. *10,000 square foot minimum lot area; 40-foot minimum lot width; 0-foot front yard, 0-foot side yards, 0-foot rear yard, 100% principal building coverage, maximum number of stories: 4, principal building maximum height: 50 feet from existing grade along the Chatsworth Avenue frontage of the subject property; provided, however, the Village Board may allow a partial additional story as provided in Section 381-51.N. Within these maximums, coverage, height and story limitations will be set by the Village Board on a case-by-case basis as part of the Special Permit process.*

The proposed project complies with the applicable dimensional regulations. A partial 5th floor is proposed, which is subject to the Village Board's approval.

2. *A Public Amenity Supplemented Mixed-Use Development shall be located within the RC - Retail Center zoning district.*

The Site is located in the RC zoning district.

3. *The proposed Public Amenity Supplemented Mixed-Use Development shall be designed, occupied and utilized in a manner that results in a substantial enhancement to the Village's business district, as determined by the Village Board.*

This determination shall be made by the Village Board. The proposal provides for 2,450 square feet of retail space on the ground floor which, with the exception of

the residential lobby, provides for a continuous commercial building frontage and streetscape. At the Planning Board's July 16th Special Meeting, our Board inquired about the Applicant's efforts to design and market the retail space. Any additional information that the Applicant can provide on this topic would be valuable, as the viability of this space is crucial for the Village.

4. *The site shall be located to the east side of Palmer Avenue and west of Vanderburgh Avenue, with frontage on Chatsworth Avenue.*

The proposed project complies with this locational requirement.

5. *The site shall be a minimum of 10,000 square feet in area.*

The Site is 11,070 square feet in area, which complies with the minimum lot area requirement.

6. *A minimum of 50% of the first floor's gross floor area (exclusive of off- street parking) shall be occupied by retail, restaurant, theater, food establishment or group fitness class uses. A minimum of 70% of a Chatsworth Avenue building's street level frontage shall be occupied by the above stated non-residential uses. No first floor (street level) residential dwelling units are permitted to front on the Chatsworth Avenue street frontage, and if provided on the first floor of the building, must be located so as to not face the Chatsworth Avenue street frontage. The only residential component permitted to front on the Chatsworth Avenue street level street frontage is a lobby entrance.*

- The gross floor area of the ground floor is 4,700 square feet. The 2,540 square feet of retail space equals 52.1%, which complies with the minimum requirement.
- The retail frontage amounts to 73.9% of the total building frontage, which complies with the minimum requirement.
- No first-floor residential units are proposed. The only residential element of the project on the Chatsworth Avenue frontage is a 23' wide lobby.

7. *To be eligible for the Special Permit, an applicant shall provide, in addition to other public enhancements, (and in addition to the off-street parking required for the building) a public amenity of municipal parking. The requirement to provide an enhancement to municipal parking and other public amenities can be satisfied by an in-kind contribution or fee in lieu to be set by the Village Board during the Special Permit process, commensurate with the zoning density benefits that are achieved.*

The Applicant is in the process of addressing this requirement with the Village Board.

8. *If there is municipal parking adjacent to the applicant's property which does not have adequate pedestrian access to Chatsworth Avenue, one public amenity shall be an improved accessway of a width and design to be determined by the Village Board and Planning Board in the Special Permit/Site Plan process which shall include it being designed to meet, at a minimum, ADA requirements, provided through the applicant's property to Chatsworth Avenue, to be dedicated for public use. Appropriate easements or other property rights shall be granted and/or exchanged to facilitate this requirement.*
- A public amenity of an 8' wide public walkway along the east side of the building is proposed by the Applicant. The walkway widens to approximately 10' as it intersects the Chatsworth Avenue sidewalk. The Planning Board believes this is an important amenity for the Village.
 - The walkway is proposed to be stamped concrete. At the Planning Board's July 16th Special Meeting, the Applicant described some additional proposed features of the walkway, including lighting and screening. The Planning Board believes there are opportunities to enhance the character of the walkway.
 - The details of the walkway should be provided to the Planning Board to review during the site plan phase. The walkway itself and any design features and screening should be high quality and aesthetically pleasing, as this walkway opens directly onto Chatsworth Avenue.
 - The interaction between the walkway and the active driveway on the adjacent property should be considered. This can also be addressed during site plan review.
9. *The applicant may be required to provide to the Village other public amenities, such as infrastructure improvements, as the Village Board deems commensurate with the zoning density benefits that are achieved by the applicant.*

The Planning Board has been advised that the Applicant is in the process of addressing this requirement with the Village Board.

10. *If the Village Board determines that the public amenities being provided sufficiently exceed those the Village Board would otherwise deem adequate pursuant to subsections (6), (7), and (8) above, the Village Board are sufficient, it may, in its sole discretion, permit an additional partial story to be constructed. Provided, however, such partial story, if permitted, must be set back by at least 25% of the depth of the building from the Chatsworth Avenue facade of the story below it, and can be no more than 60% of the square footage of the story below it and it shall be no more than 13 feet in height. Among the considerations/determinations to be made by the Village Board shall be that such partial story, if permitted, will not result in a significant adverse visual impact.*

The proposal includes a partial 5th floor, which is setback by 35% of the depth of the building and is 59% of the floor area of the 4th floor, and is 13' in height. These dimensions comply with the applicable requirements. As noted above, the Village Board is in the process of assessing the public amenity provision.

11. *Off-street parking shall be provided in accordance with §381-64, except that the requirement for multi-family dwellings shall be 1.25 per unit.*

- The proposed project is deficient in required off-street parking by 1 space.
- At the Planning Board's July 16th Special Meeting, our Board had considerable discussion with the Applicant about potentially using the existing 10' easement for ingress and egress to the Site. The Planning Board has requested that the Applicant evaluate alternatives for ingress and egress. The Board recommends that the Village Board follow up on this discussion with the Applicant.
- At the Planning Board's July 16th Special Meeting, our Board expressed concern about the reliability of the semi-automated parking system that is proposed for the garage. The Planning Board suggests that the Village Board inquire further into the reliability of these types of systems. The Planning Board also requested that the Applicant explain and illustrate in greater detail the operational features to be included along the entire length of the easement, including those affecting the neighboring properties. Such features might include, but not be limited to: a signaling system for cars and pedestrians, traffic speed control techniques, and proposed flow control methods.
- At the Planning Board's July 16th Special Meeting, our Board expressed concern about the inherent security issues related to an open access garage, without access control measures which are standard practice at other, comparable multi-family residential properties in the Village.

12. *Awnings and canopies shall be of such height, width and design as may be determined by the Village Board in its sole discretion.*

We recommend the Village Board discuss the details of awnings and canopies further with the Applicant, in order that the use of awnings and canopies reflect the character of the Village's streetscape along the important retail center corridor.

13. *A Public Amenity Supplemented Mixed-Use Development shall, at a minimum, comply with the following design guidelines. For good cause shown, the Village Board may grant a waiver of these guidelines upon consultation with the Planning Board.*

- a. *To maintain a unified streetscape, a minimum of 85% of the building's street facade shall be located on or within three feet (3') of the front property line.*

Eight-nine percent (89%) of the building frontage is within 3' of the front property line.

- b. *Ground level non-residential spaces that face Chatsworth Avenue shall have clear-glass on at least 60% of their facades between 3 and 8 feet above grade.*

Sixty-six percent (66%) of the building facade includes clear glass.

- c. *A continuous sidewalk shall be maintained along the building's Chatsworth Avenue frontage. No more than 5% of the sidewalk's length shall be crossed by features such as driveways, alleys or service bay openings.*

The sidewalk is uninterrupted across the Site's frontage.

- d. *No overhead utility wires shall be permitted along the building's principal street frontage.*

It is our understanding that the Applicant proposes to provide underground wires as required.

- e. *Street trees, lighting and other streetscape features shall be provided along the street frontage consistent with the existing streetscape.*

The proposed project calls for maintaining the existing street trees, street lights, and streetscape features. Two new bike racks are also proposed.

- f. *The development shall include secure enclosed bicycle storage for residents and commercial tenant employees. Additionally, a public bike rack, accommodating a minimum of 5 bikes, shall be provided for visitors and customers, and located as required by the Village Board.*

A lower level enclosed bike storage room is proposed in the building. Two new bike racks are proposed on the Chatsworth Avenue sidewalk, each supporting two bikes. It is recommended that the Applicant find space for one (1) additional bike, to meet the Special Permit criteria.

- g. *A Public Amenity Supported Mixed-Use Building shall make a tangible effort to reduce its carbon footprint through employing green building measures such as those advocated by the US Green Building Council or the Green Building Institute. The building shall be built to LEED Certification standards and shall include measures such as*
 - *Utilizing energy star, water sense, green seal or other similarly endorsed mechanical equipment and appliances.*

- *Utilizing sustainable building materials with a high percentage of recycled content.*
- *Utilizing construction materials with low levels of volatile organic compounds.*
- *Utilizing energy efficient windows and doors.*
- *Utilizing insulation with high R-values.*
- *Utilizing a green or low reflectivity roof.*
- *Providing electric vehicle charging stations.*

The application speaks generally about incorporating LEED measures. The Planning Board suggests that the Village Board request specific details regarding which of these measures are proposed, in order to avoid the inclusion of seemingly inconsequential, so-called “green” elements, without adding value to the tangible effort of the Applicant to reduce the carbon footprint of the proposed site plan improvements.

14. *The building shall be composed of high quality, durable building materials that reflect the character of the Village, and relate harmoniously to adjacent properties.*

It is our understanding that the Village Board will be further evaluating building architecture, including quality of materials, so that the appearance of the proposed project will reflect the character of the Village. Note that at the Planning Board’s July 16th Special meeting, our Board inquired as to potential alternatives for land-use planning that could otherwise impact the design of the proposed application. One example of how this might relate to Code compliance is the proposed design of the rear facing façade, which currently appears to be a shear brick wall, running the entire width of the property, inclusive of the ground floor as seen from the publicly accessible municipal parking lot and Wendt Avenue.

15. *Such other design features the Village Board may require.*

To be determined by the Village Board.

16. *The granting of the special permit will not result in development which will substantially over-burden Village infrastructure (e.g. storm sewer, sanitary sewer, water supply systems) nor substantially exacerbate already overburdened infrastructure.*

The Planning Board will evaluate these issues, with the assistance of the Village’s consulting engineer, during the site plan review process.