

On November 6th, the Village Board continued the hearing regarding the proposed Eastman development to allow further discussions with the developer regarding their project. Since the board meeting, staff has had conversations and a meeting with the developer to discuss what potential changes the developer may be willing to make. After these conversations the developer has provided the following modifications to their plan:

1. Three units have been removed from the 5<sup>th</sup> floor of the northwest corner of the building, reducing the northwest corner of the building to four stories. This is the corner of the building directly across from the eastern most single-family home on the north side of St. James Street. For this portion of the building the developer is now proposing the first floor of the building to be set back 10 feet from the right-of-way line. Floors 2-4 would be set back 20 feet in the northwest corner of the building, and floors 5-6 would be set back 50 feet. The northeast portion of the building on the 5<sup>th</sup> level contains three units and would continue to be set back 20 feet floors 2 through 5.
2. A second-floor amenity space fitness room has been removed on the south portion of the building and replaced with two units.
3. Overall, the unit count has been reduced by one unit from 136 to 135 units. The overall number of bedrooms has been reduced from 158 to 155 (see attached for unit mix changes)
4. The north stair tower has been relocated from the western portion of the building towards the east, further away from the residential homes.
5. In efforts to address some of the concerns relative to potential pool deck, the pool deck has been shifted 4 feet east to provide for a landscape area on the exterior, and a decorative cabana fence buffer has been added to the westside of the second-floor pool deck. The cabana would have an approximate 12' roof covering.
6. The parking count remains the same, although the ratios for parking increased and the parking surplus over code increases from 27 spaces to 29 spaces. Additionally, the number of tandem stalls has been reduced from 23 to 21.

In addition, staff requested the developer consider removing the asphalt pavement east of their development site in front of the AT & T building and restoring it to grass parkway with potential parkway trees. While this property is not immediately adjacent to their property it would enhance the streetscape along St. James and would improve the aesthetics of the street. The developer has agreed to this improvement when they construct the building if it is feasible. There are four existing man hole covers in the existing right-a-way that is believed to belong to AT & T for infrastructure going into their building. While the area in question is Village public right-a-way, the Village will need to confirm with AT & T that it is practical to remove the asphalt pavement and restore it to parkway. As a result, a proposed additional condition is suggested below.

With the modifications proposed to the number of units and bedrooms, there are a few minor adjustments that would need to be made to the recommendation to align with the newly revised plan. In addition, while the number of units has been reduced from 136 to 135, and the bedroom mix reduced from 158 to 155, the number of required affordable units remains consistent at 7, although the bedroom mix allocation changes slightly.

#### Modified Recommendation

Below is a modified Staff Development Committee and Plan Commission recommendation to reflect the changes made to the proposed 116 – 120 W. Eastman redevelopment project.

Text that is **bold green** is added text, text that is ~~red-strikethrough~~ is deleted text.

### Zoning Actions Requested:

1. Planned Unit Development to allow a ~~136~~ 135-unit multi-family residential development on the subject property
2. Land Use Variation to allow a predominately multi-family residential development in the B-5 District
3. Conceptual Special Use Permit approval for a restaurant on the subject property,
4. The following variations from Chapter 28 of the Municipal Code:
  - a. Section 10.2-8, to allow a 22.1' wide drive aisle where code requires a minimum of 24' in width.
  - b. Section 6.1-5.1, to allow tandem parking stalls.

The Plan Commission voted 7-0 in favor of **APPROVAL** subject to conditions. The Staff Development Committee recommends **APPROVAL** of the application subject to the following modified conditions:

### General

1. The outdoor roof deck area along the western side of the building shall be restricted from use between the hours of 10 pm to 10 am Sunday through Thursday and from 11 pm to 10 am on Friday and Saturday. There shall be no building-mounted or permanent speakers/audio system installed on the outdoor pool deck. All personal music and speaker usage on the outdoor deck must end by 9pm on any night. Usage of the outdoor deck area must abide by these restrictions and the Applicant must take any action necessary should the Village notify them of complaints of excessive noise emanating from the outdoor deck usage on the subject property. The Village reserves the right to establish additional restrictions on the general usage times and music/sound from said outdoor deck should the occupants of the subject property fail to abide by these restrictions or cause excessive nuisances.
2. All restaurants that desire to operate within the PUD must obtain a special use permit or receive a waiver of the special use permit requirement if deemed acceptable by the Village.
3. At time of application for building permit, the Applicant must provide a detailed final construction schedule and logistics plan that identifies staging areas, material storage, lane closures and construction worker parking for review and approval by the Village. Any work taking place within the right-of-way must be scheduled to minimize disruption to other businesses, residential neighbors, and patrons of the downtown and nearby vicinity. Construction traffic must be limited to pre-approved lanes and locations to be determined by the Village. The petitioner shall provide a truck parking and truck access plan for review and approval by the Village. Emergency access must be maintained at all times during each phase.
4. Conversion of the building from rental to condominium units will require an amendment to the Planned Unit Development and the provision of sufficient parking for such change as determined necessary by the Village.
5. The Applicant must provide all required impact fees in accordance with the requirements of Chapter 29 of the Village Code.
6. The Applicant is responsible to ensure that the Planned Development is and remains in full compliance with the requirements of Article XVII of Chapter 7 of Village Code, being the Village's Inclusionary Housing Ordinance, and the Village's Inclusionary Housing Guidelines, including, without limitations, the following:
  - a. Providing, at a minimum, 7 actual on-site units (a minimum of 5% of the total units) in the Planned Development and fee-in-lieu for ~~3.2~~ 3.125 units (a maximum of 2.5% of the total number of units) or a total of ~~10.2~~ 10.125 units (7.5% of the total number of units) in compliance with Section 7-1707(b)(1) of the Village Code.
  - b. Ensuring compliance with all other provision of the Inclusionary Housing Ordinance and the Inclusionary Housing Guidelines as applicable.
7. The Applicant must comply with all Federal, State, and Village codes, regulations, and policies.

### Parking Related

8. Parking within the garage shall be operated as per the below:
  - a. Residential parking spaces within the garage shall be leased separately from units and must not automatically be included within any residential lease.
  - b. Any tenant desiring 2 parking spaces within the garage must lease tandem spaces (with first priority going to two-bedroom units). Once all tandem spaces have been leased, no other unit shall be allowed two parking stalls.
  - c. No more than ~~23~~ 21 units shall lease two spaces within the garage.
  - d. Studio units shall be prohibited from leasing more than 1 parking space.
  - e. No residential unit shall lease more than two parking spaces within the garage.
  - f. Residential guest parking within the garage shall be made available and at no time shall there be less than ~~2~~ 5 stalls assigned as guest parking stalls (ADA stalls cannot count as a guest stall). Garage spaces that are unleased by residential tenants shall be made available for guests and added to the guest parking pool.
9. At the request of the Village, the Applicant must provide details and data on the operation, management, and usage of the parking within the residential garage and on-street parking space usage. If parking issues arise, the Applicant must work with the Village to modify the Parking Management Plan (dated as received 9/11/23) to address any such issues, to the satisfaction of the Village. The Applicant must use good faith efforts to implement and enforce the parking conditions and restrictions outlined, and may have the ability to adjust the restrictions outlined in condition #8 so long as the project remains in substantial conformance and the Planned Unit Development continues to adequately accommodate the development's parking demand to the satisfaction and approval of the Village.

### Loading Conditions

10. Loading operations are restricted to the following:
  - a. Commercial/Restaurants: Allowed only between the hours of 7:00am to 5:00pm.
  - b. Residential: Residents moving in/out must schedule their loading dock time in advance. Move-ins/move-outs will take place in the loading dock on Eastman and be allowed between the hours of 7:00am to 7:00pm. Loading operations will be prohibited between the hours of 7:00pm to 7:00am.
  - c. Trash: All trash must be loaded onto trucks within the loading area in compliance with loading times in 10.a.
  - d. All loading/unloading for the commercial space, move-ins/move-outs for the residential tenants, and trash collection shall occur onsite and within the dedicated loading zone. These activities shall be prohibited from occurring on-street.

### Traffic/Street Infrastructure Conditions

11. The petitioner shall revise the garage exit from an angled driveway exit on to Highland Ave to a 90-degree exit/intersection with Highland with no or minimal flares, for final review and approval by the Village.
12. Right turn egress from the garage to northbound Highland Avenue shall be prohibited. Should continue right turns be observed by the Village, the petitioner shall propose and implement a solution to correct the issue, which may entail video monitoring of garage movements and fines for residents that break the rules.
13. If it is determined by the Village that there is unsatisfactory traffic circulation and congestion within and through the subject property, the Applicant must work with the Village to modify the site circulation and access as necessary to mitigate for any such issues.

14. The Applicant shall work with the Village to implement improvements to the following intersections:
  - a. St. James/Highland: Stop sign shall be installed at the northbound approach.
  - b. Highland/Eastman/Bank Drive Aisle: Stop signs shall be installed at the eastbound approach and the westbound approach (as feasible) at this intersection.
15. The Petitioner shall remove the blacktop and restore the parkway with grass and parkway trees immediately east of the subject property (see Exhibit A), if determined feasible by the Village.

#### Site Related

16. No later than issuance of a building permit, the petitioner shall execute a public access/sidewalk easement along the south side of the building, at the discretion of the Village and as necessary to comply with ADA pathway widths.
17. Final Streetscape along Eastman shall be consistent with Downtown standards and certain modifications may be required at time of building permit (additional sidewalk width, revised tree grates, recessed building doors, etc.) at the discretion of the Village.
18. The garage warning system shall be equipped with afterhours technology to reduce or shut off the noise during overnight times.

#### Building Related

19. The Applicant must comply with all of the requirements set forth in the August 22, 2023 motion of the Village's Design Commission concerning approval of the design for the building within the Planned Unit Development.
20. All building-mounted and site mechanical equipment (meters, panels, utility connections, fire department connections, transformers, utility pedestals, etc.) must be appropriately sited and screened from public view, as determined by the Village. To the fullest extent possible, these elements must be internalized within sound attenuation structures. Prior to issuance of a building permit, additional information/manufacturers specifications on sound levels and attenuation and capacity for additional sound attenuation around the units must be provided for Village review.
21. All utility service lines must be underground.
22. The petitioner shall continue to work with the Village on the design of the proposed Fire Department Connection. Said connection shall be a low-profile design, to the satisfaction of the Fire Department, and shall not encroach into the ROW.
23. The location of the northernmost Roof Top Unit (RTU) shall be shifted further south, as feasible, and screened with additional sound buffering panels as determined necessary by the Village.
24. The petitioner shall work with the Village on the proposed lights on the northern building elevation to ensure that they are located at low elevations and are angled towards the ground.

## SUMMARY OF EASTMAN MODIFICATIONS

**Development Modifications Chart**

	May, 2023 Proposal	11/6/23 Proposal	Revised Proposal
<b>Total Number of Units</b>	150	136	135
<b>Studio</b>	22	47	46
<b>1-Bdrm</b>	113	67	69
<b>2-Bdrm</b>	15	22	20
<b>Commercial (sq. ft.)</b>	2,000 SF	1,875 SF	1,875 SF
<b>Height (Story's and Feet)</b>	7-story (82')	6-story (76.8')	6-story (76.8')
<b>Overall Number of Bedrooms</b>	165	158	155
<b>Bedrooms Per Unit</b>	1.1	1.16	1.15
<b>Setbacks</b>			
<b>First floor to North</b>	0.6'	10'	10'
<b>Upper Story Setbacks to North</b>	3rd floor 20' setback	2nd to 5th floor 20' setback 6th floor 50' setback	2nd to 4th floor 20' setback 5th & 6th floor 50' setback
<b>South</b>	0.9'	0.7'	0.7'
<b>East</b>	0'	0'	0'
<b>West</b>	6.1'	6.1'	6.1'
<b>Underground Parking</b>	1 level (partial)	1 level (full)	1 level (full)
<b>Total Number of Parking Stalls</b>	215	175	175
<b>Residential Parking Stalls</b>	201*	167*	167*
<b>Commercial Parking Stalls</b>	14	8**	8**
<b>Res. Parking Stalls Per Unit</b>	1.34	1.23	1.24
<b>Res. Parking Stalls Per Bedroom</b>	1.22	1.06	1.08

\*Tandem stalls are included in this total

Per code, 6 parking spaces are required for the commercial uses

Per code, 140 parking stalls are required for the residential uses

### **Parking At B-5 Requirements**

Use	Square Footage / # of Units	Parking Ratio	Required Parking
Residential	135		
Studio/1 Bedroom	115	1 per unit	115
2 Bedroom	20	1.25 per unit	25
Commercial	1,967		
Restaurant - 1st Flr. (seating area)	1,171	1 Space per 200 sq. ft. of seating area	6
<b>Total Required</b>			<b>146</b>
<b>Standard Garage Spaces Provided (Residential)</b>			<b>146</b>
<b>Tandem Garage Spaces Provided (Residential)</b>			<b>21</b>
<b>Total Garage Spaces Provided (Residential)</b>			<b>167</b>
<b>Total Exterior Surface Parking Stalls Provided (Commercial)</b>			<b>8</b>
<b>Total Provided On-site</b>			<b>175</b>
<b>Surplus / (Deficit)</b>			<b>29</b>

November 17, 2023



**Exhibit A** – Parkway Restoration Area



Parkway to be restored in this area



View from W. St. James Street Looking West

