



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, March 17, 2015
Case #15-12

The meeting was called to order by Chairman Noble at 6:00 P.M.

Present: Chairman Noble, Commissioner's Schneider, Ventura, Myszkowski, Donoval, Smurawski

Absent: None

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Building and Zoning / Planning and Zoning Secretary Janice Coglianese, Catherine Fallon, Executive Director of the Oakbrook Terrace Park District, Timothy Hoppa, Attorney for the Oakbrook Terrace Park District, Tod Stanton, ASLA, President of Design Perspectives, Inc., and Matt Adams, Landscape Designer of Design Perspectives, Inc.

Chairman Noble said the first order of business was to approve the minutes of February 3, 2015, Case #15-11, 17W275 Butterfield Road to consider certain text amendments to the Zoning Ordinance.

Chairman Noble asked for any discussion from the Commissioners. There was no discussion.

Chairman Noble asked for a motion to approve the minutes.

MOTION Commissioner Schneider entertained a motion to approve the minutes of February 3, 2015, Case #15-11.

Commissioner Myszkowski seconded the motion.

Ayes: Chairman Noble, Schneider, Ventura, Myszkowski, Donoval, Smurawski

Nays: None

Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE OF 6-0.

Chairman Noble said the second order of business was to consider Case #15-12, a request by the Oakbrook Terrace Community Park District, 1S325 Ardmore Avenue, for a zoning amendment, special use, and variances for property to be annexed to the City of Oakbrook Terrace as follows:

-Pursuant to Section 156.075 (B) (3) of the Zoning Ordinance to allow a special use for a Park District facility.

- A variation from Section 156.075 (E) (1) (b) of the Zoning Ordinance reducing the minimum required front yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

- A variation from Section 156.075 (E) (2) (b) of the Zoning Ordinance reducing the minimum required side yard of not less than ten (10) feet in depth on each side of the lot for paved area to five (5) feet for the north side yard and four (4) feet for the south side yard.

- A variation from Section 156.075 (E) (3) (b) of the Zoning Ordinance reducing the minimum required rear yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

- A variation from Section 156.104 of the Zoning Ordinance to eliminate the requirement for a loading dock for each building having a gross floor area of ten thousand (10,000) square feet.

- A variation from Section 156.049 of the Zoning Ordinance to eliminate the landscaping requirements to allow landscaping on the property to remain as it exists.

- A variation from Section 156.039 (B) (4) of the Zoning Ordinance to eliminate the requirement for a fence and landscaping between the residential and nonresidential uses.

- A variation to allow the Park District Monument Sign of eighty two and a half (82.5) square feet to be located in the right of way on the east side of Ardmore, fifteen (15) feet west of the Park District property line.

Chairman Noble asked all who would be speaking to stand and be sworn in.

Petitioners Catherine Fallon, Executive Director of the Oakbrook Terrace Park District, Timothy Hoppa, Attorney for the Oakbrook Terrace Park District, Tod Stanton, ASLA, President of Design Perspectives, Inc., and Matt Adams, Landscape Designer of Design Perspectives, Inc. were sworn in by Building and Zoning / Planning and Zoning Secretary Coglianese.

Chairman Noble asked the Petitioners to state their case.

Petitioner Adams took the floor and presented a diagram pointing out requested modifications to Heritage Park, a park within the Oakbrook Terrace Community Park District, the proposed master plan improvements for the Oakbrook Terrace Community Park District, which they hope to have completed sometime the summer of 2015, most of the project pending the AS-LAID Grants. A big portion of this design was based off of a series of public in-put sessions and board meetings based off of the Oakbrook Terrace Community Park District's master plan.

Petitioner Adams stated that a large portion of the design in the south area was to maximize the open space. They are moving many of the uses on the south and condensing them closer to the Community Center to maximize the open space requested by the public and the board.

Petitioner Adams continued to say that the area on the north will remain as a parking lot; however it will be expanded and set a little bit closer to the building. The existing splash pad will hopefully be renovated due to many mechanical problems with plumbing; they hope to expand the splash pad. They are proposing the installation of a small scale of a skate pod / park. The tennis courts and volley ball courts will be moved up from the south maximizing the open space. The detention basins are on the outskirts, which will maximize the open space.

Petitioner Adams concluded with the last major feature describing the installation of the new multi-use trail around the entire site with a couple of outdoor fitness stations with outdoor equipment to help generate a fitness trail in the park.

City Attorney Pacione asked the Petitioner to go through the list of variances for the record.

Attorney Hoppa took the floor to go through each variation; the first to allow a special use for the Park District facility and for annexation; the second variation, reduces the minimum required front yard from ten (10) feet to zero (0) feet due to the way the property is laid out; the third variation requires a side yard of not less than ten (10) feet in depth on each side of the lot for the paved area to five (5) feet on the north side, and four (4) feet for the south side; the fourth variation reduces the minimum required rear yard from ten (10) feet in depth to a paved area of zero (0) feet; the fifth variation requests the elimination of a loading dock for each building with the gross area of ten thousand (10,000) square feet not to incur the expense of a loading dock which the Park District has no

need of; the sixth variation is to eliminate the landscaping requirements and to allow the existing landscaping. Attorney Hoppa mentioned that the code requires more landscaping and features which would detract from the use of the park. The seventh variation is the elimination of fencing and landscaping between residential and non-residential uses which generally is used for a buffer between commercial and residential use. Attorney Hoppa said there is a residential area right past the parking where they plan on placing the trail. Since they want to draw people into the park, they are asking not to create too many barriers. The eighth variation is to allow the existing eighty-two and a half (82.5) square foot Park District monument sign to be located in the right-of-way on the east side of Ardmore Avenue, fifteen (15) feet west of the Park Districts property. To move the sign would cause financial hardship since the park is in the neighborhood and setting it back would defeat the purpose of the sign.

Commissioner Smurawski asked what the open space stood for and what was its purpose.

Petitioner Adams stated the open space was a term for open turf, a recreational space for any athletic function or festival or whatever the Park District would like.

Chairman Noble was concerned about the residential area on the south side and if the open area would cause any problems to the residents.

Petitioner Fallon commented, currently there are tennis courts which have not caused problems and by moving these courts away from the residential area keeps away any type of activities.

Chairman Noble commented that they still plan on having projects or parties at this location or football games, and these could cause problems.

Petitioner Fallon stated that there is only a chain link fence surrounding the tennis courts and the residents can see into the park at all times.

Chairman Noble asked if they considered putting a fence up around the open space.

Petitioner Fallon commented that they want to encourage people to come into the park and this would deter people from wanting to do this; if a fence was erected it would be a barrier to people.

Petitioner Adams commented that the general consensus at the public meetings was that people appreciated the fact that the tennis courts were to be moved farther north.

Chairman Noble asked if Versailles Apartments had any negative issues.

Petitioner Fallon said they did not.

Petitioner Stanton joined in by saying the open space is a gain of about one-third of an acre, which is giving back a small amount of green space back to the park, which is not tripling the open space, but will be a dramatic improvement, and the open space will be slightly higher, which provides visual screening. It also has a sidewalk that runs along the front face of the apartments that people use on a regular basis. Petitioner Stanton continued to say by moving the tennis courts removes some of the active use and restores passive green space and allows this space to be open; it will never be a mecca for big tournaments or festivals just for modest sized community events.

Chairman Noble asked if Petitioner Stanton had ever been at the Park District's Summer Fest, which hosts two hundred (200) children.

Petitioner Stanton replied that he has been with the Park District for five (5) years seeing different levels of activity and a couple hundred children isn't really a very large gathering.

Petitioner Fallon commented it hasn't caused any problems so far and by moving the tennis courts and opening the green space she does not envision creating any additional issues; the summer program will not necessarily be changed.

Petitioner Stanton mentioned that if the Commission was concerned with the space, they could still add some landscape buffering.

Commissioner Donoval asked what the cost of the entire project was.

Petitioner Fallon stated \$800,000.

Chairman Noble commented that he thinks the residents taxes will go up.

Petitioner Fallon said they would not.

City Attorney Pacione directed the Commission saying it was not relevant and has nothing to do with the Petitioner's project.

Chairman Noble asked how the Petitioners would support the project and asked if they had enough money.

City Attorney Pacione directed the Commission once again stating this is the Petitioners' project and they should determine whether or not they can proceed with the project, and it has nothing to do with whether or not the Commission grants variations.

Chairman Noble asked whose jurisdiction the Park District falls under, the Planning and Zoning Commission or DuPage County.

Petitioner Fallon commented DuPage County.

Chairman Noble asked the Park District's why they wanted to annex into the City.

Petitioner Fallon commented there were many reasons; she feels like they are already part of the community, two (2) of their facilities reside within the City of Oakbrook Terrace, and it is easier to work with the local government than it is to work with the county government. Petitioner Fallon said after speaking with the Mayor, looking at this park, and what they provide to the community, the Petitioners thought it would be best to add it into the City.

Commissioner Myszkowski asked who was paying the \$800,000.

City Attorney Pacione stated once again that this was not an issue for the Commission to determine.

Commissioner Donoval commented he would rather have a break on the property tax bill than have to pay for the Oakbrook Terrace Community Park District and he thought the City could do a better job running the Park District than the Park District. Taxes paid to the City really affect the poor people, but this was not up to him but others to decide.

Attorney Hoppa observed that three (3) Commissioners expressed concerns about the scope of the project and the cost; however, as the City Attorney mentioned the cost of this project is not relevant to whether or not they meet the requirements for variances under the City's Code. Attorney Hoppa continued to say that five (5) members of the Park District's Board have a track record of being responsible with the taxpayers funds and they are still not 100% sure that this project is going to be funded; there are still some issues. The proposal for the project does meet what the community is asking for and the variances requested meet the requirements for the variations under the City Codes.

Commissioner Schneider asked if any landscaping would be removed because of this project.

Petitioner Adams mentioned that there would be some basic tree removal to maximize the open space, but what they are removing will also be replaced plus much more.

Petitioner Stanton took the floor and pointed out that a few old Siberian Elms would be replaced with Oaks and Maples that are suitable for longevity; there will be some selected tree removal. Petitioner Stanton said they will make a great effort to save as much tree canopy as there is on site whether the height be six inches or twenty inches.

Commissioner Schneider asked what the conditions were with children at night time in the park, if the park was under supervision in the evenings.

Petitioner Fallon said there was very little trouble, but parks statistics show there are always going to be some incidents when you have an open space; there has been nothing in the past three (3) years and those that had occurred were far and in between. Petitioner Fallon stated that they are offering kids in their teens something to do keeping them out of trouble.

Commissioner Ventura pointed out that currently the property falls under the Oakbrook Terrace Community Park District and she feels that it services mostly Brandywine residents and if that being the case, the money that the Park District is placing into this project, will this deter from other parks in Oakbrook Terrace which need attention.

Petitioner Fallon replied Oakbrook Terrace residents along with Brandywine residents and Versailles residents utilize this facility; Oakbrook Terrace residents have the summer camp, they utilize the splash pad, playground, volleyball courts, and they will use the open space for outside activities.

Petitioner Stanton took the floor and spoke how they have been working on the master plan since 2010 and have been updating to identify the needs according to public input and they would like to annex into the City to be part of the community.

Attorney Hoppa mentioned that the plans would also call for renovations.

Petitioner Fallon mentioned that Terrace View Park would be the next park to be renovated, which was based off of the master plan and community input as to prioritizing which parks would be worked on first.

Commissioner Ventura mentioned that they are currently paying taxes to the Park District so she is sure the Park District didn't come up with this plan to have taxpayers have their taxes increased.

Petitioner Stanton indicated that the Park District is very financially responsible and conservative in how they tackle projects.

Petitioner Ventura asked if the project was funded mostly by grant money that comes from the state.

Petitioner Stanton stated they secured half of the money from the state and presently the governor has frozen the grants; they are not cancelled, just on hold as they are waiting to hear something in the next two (2) to three (3) months.

Chairman Noble asked if the park was going to be lit in the evenings and if there were a certain time when they turn off the lights.

Petitioner Fallon mentioned the pathway will not be fully lit; however, the building has lights which have timers set to go off in the morning when it is light out and go on at dusk and the tennis courts will shut off when the park closes at 10:00 P.M.

Chairman Noble asked if a person had to make reservations for the tennis court.

Petitioner Fallon commented that it was first come; first serve.

Commissioner Ventura asked if Metra uses the facility.

Petitioner Fallon stated that Metra uses the facility every Thursday in the upstairs theater, the tennis camp in the summertime, and the park in the summer to run different camps for the children.

Chairman Noble asked if there were any other questions from the Commissioners. There were none.

Chairman Noble asked if Building and Zoning Administrator Dragan had any comments.

Building and Zoning Administrator Dragan stated they advertised the park district annexation in the legal notice; however, the Planning and Zoning Commission is advised to make a recommendation concerning the special use and variations from the zoning code. The council will consider the request for annexation, the letter of recommendation from the Planning and

Zoning Commission concerning special use and variations, and also, the council will consider the request to allow the sign to remain as it exists in the right-of-way. That request specifically is not in the zoning code, it's the City's right-of-way code, so only the council can grant the variation or find some other alternatives such as to require a licensed encroachment agreement or anything else they may choose to do concerning the location of the monument sign. So, the request before them tonight is for the special use and variations from the zoning code to allow the improvements within private property within the property line.

Commissioner Ventura said that this hearing was not in relation to annexation but for the variations.

City Attorney Pacione said the annexation was not an issue for the Planning and Zoning Commission.

Commissioner Myszkowski said she was wondering the same thing.

Commissioner Schneider asked if there was a set time to close the park to skateboarders.

Petitioner Fallon said the park closes at 10:00 P.M. being monitored by the DuPage County Sheriff.

Chairman Noble asked if there were any comments from City Attorney Pacione.

City Attorney Pacione stated his only comment was in regards to the sign; the variation to allow the sign within the right-of-way is not a variation within the zoning code, so the Commission need not take a vote on this particular issue; however, he recommended taking an individual vote on each variance.

Chairman Noble opened the floor for public participation.

Chairman Noble asked if there was any positive testimony from the public. There was none.

Chairman Noble asked if there was any negative testimony from the public. There was none.

Chairman Noble closed the public portion of the meeting.

Chairman Noble asked for a motion for each of the cases.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.075 (E) (1) (b) of the Zoning Ordinance reducing the minimum required front yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Donoval
Abstained: Chairman Noble
Absent: None

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 5 -1.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.075 (E) (2) (b) of the Zoning Ordinance reducing the minimum required side yard of not less than ten (10) feet in depth on each side of the lot for paved area to five (5) feet for the north side yard and four (4) feet for the south side yard.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.075 (E) (3) (b) of the Zoning Ordinance reducing the minimum required rear yard of not less than ten (10) feet in depth for paved area to zero (0) feet.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.104 of the Zoning Ordinance to eliminate the requirement for a loading dock for each building having a gross floor area of ten thousand (10,000) square feet.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.049 of the Zoning Ordinance to eliminate the landscaping requirements to allow landscaping on the property to remain as it exists.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 4 -2.

MOTION Commissioner Ventura entertained a motion to approve Case #15-12, a variation from Section 156.039 (B) (4) of the Zoning Ordinance to eliminate the requirement for a fence and landscaping between the residential and nonresidential uses.

Commissioner Schneider seconded the motion.

Ayes: Schneider, Ventura, Myszkowski, Smurawski
Nays: Chairman Noble, Donoval
Absent: None

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 4 -2.

City Attorney Pacione asked Attorney Hoppa if he concurred to withdraw the last variance request for the record.

Attorney Hoppa withdrew the last variance request for the record.

City Attorney Pacione mentioned that it was a separate section of the code.

Chairman Noble asked Building and Zoning Administrator Dragan when the petition would be presented to the City Council.

Building and Zoning Administrator Dragan stated that the Letter of Recommendation will be placed on the April 14, 2015 City Council meeting agenda and at that meeting the City Council will discuss the annexation of the property as well as the Letter of Recommendation from the Planning and Zoning Commission, the request for the sign, and the right-of-way.

Chairman Noble closed Case #15-12 at 7:05 P.M.

Respectfully submitted by,

A handwritten signature in cursive script that reads "Janice Coglianese".

Janice Coglianese
Building and Zoning / Planning and Zoning Secretary