



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, February 19, 2019
Case #19-09

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:00 P.M.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take roll call.

Present: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas, Walberg.

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Addy Lozano, Building and Zoning / Planning and Zoning Secretary, Alderman Dennis Greco

Chairman Caslin said the first order of business was to approve the minutes of December 18, 2018, Case #19-08 for 18W100 22nd St., Petitioner Viking Partners Oakbrook, LLC for text amendments to the Zoning Ordinance.

Chairman Caslin asked if there was any final discussion.

No final discussions from the Commission.

MOTION Commissioner Freda moved and Commissioner Douglas seconded the motion to approve the minutes of December 18, 2018, Case #19-08 for 18W100 22nd St., Petitioner Viking Partners Oakbrook, LLC for text amendments to the Zoning Ordinance.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Chairman Caslin took the floor and stated, the Mayor, myself, and other people have had a couple conversations about all the variations that we have and should take a look at our Zoning Ordinance and try to make some adjustments. The Mayor put together a committee of Alderman Dennis Greco, Commissioner Donoval, myself, the Zoning Administrator, and the City Administrator. We had numerous meetings to try and look at things, we compared between Villa Park, Elmhurst, Lombard, and Downers Grove. We tried to find a happy medium in a lot of the things. I understand the City Council looked at it and had a few changed they might like to see.

Building and Zoning Administrator Dragan added, The Committee reviewed the City's 1980 Zoning Ordinance governing the Single Family Detached District and the section of the code concerning yards, which applies to both residential and commercial. The City Council directed a public hearing before the Planning & Zoning Commission.

The Committee recommends the following modifications:

Side Yards – Currently the code requires side yards in the single family residential district to be not less than 12% of the front yard at the building line or 10 feet whichever is greater. The Committee recommended this to be changed to requiring a side yard on each side of the main building of not less than 10 feet. There are no proposed modifications for the front yard, which remains at 30 feet and the rear yard remains at 25 feet.

Maximum Lot Coverage - The current code allows not more than 40% of the lot area to be occupied by the building and structures including accessory buildings, pavements, driveways, and walkways and no more than 35% of the required front may be occupied by structures. The Committee recommended the maximum lot coverage to remain the same at 40% for lot area. However, the Commission recommended a modification to the definition for structures so that it no longer includes decks, fences, swimming pools, pavements, driveways, walkways, and gazebos for the purpose of calculating the maximum permitted lot coverage.

Commissioner Freda asked, if we don't include in ground pools, above ground pools are very temporary, but in ground pools are much more permanent. They do take up a good portion of the yard. Will there be a differentiation or is it just swimming pools in general.

Building and Zoning Administrator Dragan answered, that the Committee proposed swimming pools in general, both in ground and above ground not to be included in the definition of structure.

Commissioner Freda then asked, if we are going to do the 40% of buildings, how much of the land is going to left for drainage of the water.

Building and Zoning Administrator Dragan answered, they are still subject to engineering review depending on the lot coverage. However, how much is left, it is really hard to say because it depends if you have a detached garage and a large driveway then there is more lot coverage.

Commissioner Ventura added, if you are proposing we stay at the same 40% but we are not including hard surfaces, I think there should be some sort of cap on that for the purpose of the storm water. I think we are pretty lenient at the 40% despite the size of the lot and I've spoken about this before, and for the record, I will say it again, that the new construction and remodeling of homes of Oakbrook Terrace is for the benefit of all of us. It improves everyone's property value. So it is a good thing, but some conformity within the neighborhood needs to be maintained as well.

Building and Zoning Administrator Dragan added, the required front yard remains the same at 35%, which only allows driveways and walkways in the front yard. There will still be a minimum of 65% greenspace in the required front yard. Side yards are proposed to be at 10 feet on each side of the house. It is proposed that the side yards remain open green space unless a detached garage exists and a driveway would be a permitted obstruction in the required yard.

However, driveways, walkways, detached garages, gazebos, and sheds are proposed to be allowed. A minimum of 25 feet in the rear yard would need to be maintained as open green space unless you have a detached garage, shed, or a gazebo which structures may encroach in the rear yard. We'll discuss shortly the proposed permitted obstructions in the required yards. So in response to your question, is there a cap? Yes, it's not a percentage but no other structures can encroach into the minimum required yard.

Commissioner Ventura asked, that is not included in the 40%?

Building and Zoning Administrator Dragan answered, under the current code no, under the new proposed code, it is proposed not to include driveways, sidewalks, patios, and gazebos. Sheds over 64 square feet in area will be included in the lot coverage.

Commissioner Ventura asked, so you don't have to calculate that in the 40%?

Attorney Pacione answered, correct, the lot coverage is 40% minus those items that are now included.

Alderman Greco took the floor and stated, the concrete is not dictated in the 40% lot coverage the only that it is capped, is with the green space that is required on the lot. So side yards setbacks, the front yard setbacks, and the rear yard setbacks. You are correct in the fact that someone can pour concrete over their entire lot except for they will not be allowed to do it in the setbacks. That leaves you conformity for lot to lot. For the watershed perspective, it still gives you the ability on each lot to deal with your water.

Commissioner Ventura asked, why not include all hard surfaces?

Alderman Greco answered, you have a lot of homeowners who are trying to build bigger homes, they all have to come in for a variation because nothing fits in our code without a variation and it was designed that way years ago. The goal is, for driveways for instance, most people won't cover their lot with concrete, but if you have a certain situation where the garage is behind the house, you need that long driveway to get to the garage. With this code, you will be able to do that, without a variation.

Attorney Pacione asked, if you use the example that you have up there and say you are going to create a new construction, would they have to maintain the side yard of the grass on each side? Could the driveway be as big if they wanted to build a house like the one used in the example?

Building and Zoning Administrator Dragan referred to the exhibit, and answered yes, if the new code will pass. The driveway can be as wide as shown, however it is proposed to limit the size of detached garage resulting in a smaller area for the driveway.

The Zoning Committee recommended modification to the table concerning permitted obstructions in the required yards for attachment B included in your memo. Specifically, the permitted obstruction table applies to all zoning districts. It is being proposed to be modified not to allow porches, terraces, decks, air conditioning and heating devices, solar collectors, wells, and balconies to be situated in the required yard. So under the current code, you can have this encroachment in the required yards. Based on what I hear today, we may amend this table. Under Item 1 it shows sidewalks and driveways to be currently allowed in all yards. The

new code is proposing sidewalks, driveways, no other access way in all yards, so you may not allow them as permitted obstruction. We can show that they are allowed in the front yard.

Building and Zoning Administrator Dragan at this time continued with the recommended modifications.

Garages – The Committee also recommends limiting the number of garages to only one either attached or detached. A detached garage shall not exceed 800 square feet.

Sheds - The Committee recommends that sheds under 64 square feet situated directly on the ground be exempted from the requirements for a building permit. A modification to the Zoning Ordinance is not necessary, but it requires an amendment to the City Code. The City Council will approve an Ordinance at the February 26th City Council meeting.

Landscaping Requirements for New Construction - The Committee proposed eliminating the landscaping requirements for new construction and allowing homeowners to choose their desired landscaping.

Building Height – The Committee proposed building height be allowed up to 35 feet to the ridge. At this time, the City Council would like the Planning and Zoning Commission to consider the building height at 33 feet to the ridge. Also, Alderman Greco would like to include in the Ordinance that homes shall not exceed 2 stories.

Right now under the current code we allow 25 feet up 35 feet. However, if a new house is over 25 feet in height we require more side yards, and additional front yard. It is proposed to allow 33 feet to the ridge.

Commissioner Jackson asked, is there a magical number that builders look for when they come in? Do they care if it is 33 or 35?

Building and Zoning Administrator Dragan answered, it is usually 35'.

Commissioner Jackson also asked, regarding the new house on Halsey, right now if they want to build the house on the south side of the street they could, they would have to come to the Commission if they are building on the north side because the measurement is from the curb? Do we want that? Do we want that difference?

Alderman Greco answered, the reason you would want to dictate it from the curb, when you look down the block all the houses seem to be in line.

That's why you would do that, if you didn't, it would look like the wild wild west.

Commissioner Freda asked, why 35 feet and not 25 feet, when we built our second floor we were held at 25 feet.

Building and Zoning Administrator Dragan answered, the code has been changed over time. So it was up to 30 feet and then it was changed to 25 feet and 35 feet. Under the current code it is just required to provide additional green space for side yards and front yards when building height is over 25 feet. Alderman Greco made discussion during the Zoning Committee meeting not to allow more than two stories on homes.

Alderman Greco added, so if we allow two stories at grade from the frontage, it will still allow a walkout basement.

Commissioner Ventura asked, was there any consideration given to new construction should require a new foundation versus using the old foundation?

Building and Zoning Administrator Dragan answered, no there was no discussion on that.

Commissioner Ventura added, I think it makes for a better quality construction.

Building and Zoning Administrator Dragan added, if everyone else agrees with Commissioner Ventura, in the letter of recommendation we can forward the recommendation to the City Council. But that requires a modification to the Building Code not the Zoning Code.

Commissioner Donoval added, I think if you are going to do a good job in a new construction you are going to get rid of the old foundation and put in a new foundation. The old foundation is going to sink and in the long run you are going to have problems.

Commissioner Cardenas added, I agree with Commissioner Donoval.

At this time, the Commission voted in favor to the following proposed text amendments recommended by the Zoning Committee.

1. Side yards on each side of the main building shall be not less than 10 feet.
2. The definition of Structure shall be modified to no longer include decks, fences, above ground swimming pools, driveways, and walkways.

3. Garage limitations to only one garage either attached, or detached; a detached garage shall not exceed 800 square feet.
4. Building heights shall not exceed 33 feet to the ridge.
5. Landscaping requirements for new construction to be eliminated.
6. Modifications to the table concerning permitted obstructions not to allow porches, terraces, decks, chimneys, air conditioning and heating devices, solar collectors, wells, and balconies. Driveways to be allowed as permitted obstructions in all yards, and other access ways to be allowed as permitted obstructions in the front yard only.

MOTION Commissioner Jackson moved and Commissioner Walberg seconded to approve Case #19-09 of the proposed text amendments to the Zoning Ordinance.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Building and Zoning Administrator Dragan added, the Letter of Recommendation will be placed on the Agenda for February 26 2019, City Council meeting at 7:00 pm. And the next Public Hearing will be March 5, 2019 at 6:00 pm.

MOTION Commissioner Douglas moved and Commissioner Freda seconded the motion to adjourn the meeting.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.

Chairman Caslin adjourned the meeting at 7:39P.M.

Respectfully submitted by,

Addy Lozano

Building and Zoning / Planning and Zoning Secretary