



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, July 5, 2016  
Case #17-5

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

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Bossle to take roll call.

Present: Chairman Noble, Commissioners Schneider, Ventura, Jackson, Cardenas, Donoval, Smurawski

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Michelle Bossle, Building and Zoning / Planning and Zoning Secretary, Guy Sabella, Resident and Clyda Robinette, Resident

Chairman Noble said the first order of business was to approve the minutes of June 7, 2016, review of Plat for Bernardo Subdivision at the SW Corner of 16<sup>th</sup> Street and Luther Avenue.

Chairman Noble asked if there was any final discussion. There was no discussion.

A VOICE VOTE WAS TAKEN AND PASSED 7-0.

Chairman Noble said the second order of business was to approve the minutes of June 7, 2016, Case #17-2 for Anyway's Pub and Restaurant located at 5 East Roosevelt Road for Petitioner 5 East Roosevelt, LLC.

Chairman Noble asked if there was any final discussion. There was no discussion.

A VOICE VOTE WAS TAKEN AND PASSED 7-0.

Chairman Noble said the third order of business was to approve the minutes of June 21, 2016, Case #17-3 for 1S722 Midwest Road for Petitioner Oakbrook Terrace Retail Investors, LLC.

Chairman Noble asked if there was any final discussion. There was no discussion.

A VOICE VOTE WAS TAKEN AND PASSED 7-0.

Chairman Noble said the fourth order of business was to approve the minutes of June 21, 2016, Case #17-4 for 17W400-460 22<sup>nd</sup> Street for Petitioner OBT Donuts, Inc.

Chairman Noble asked if there was any final discussion. There was no discussion.

A VOICE VOTE WAS TAKEN AND PASSED 7-0.

Chairman Noble said the fifth order of business was to consider the request by City Council of the City of Oakbrook Terrace, Illinois for the following text amendments to the Zoning Ordinance of the City of Oakbrook Terrace:

1. Amend Section 156.101 (A) (1) (a) to read as follows:

“(a) The parking of any vehicle or trailer shall only be permitted when located upon a driveway or off-street parking area on a zoning lot that is paved with asphalt, concrete, or paving brick.”

2. Amend Section 156.101 (F) (1) (b) to read as follows:

“(b) Surfacing. All parking spaces and access thereto shall be improved with asphalt, concrete, or paving brick in accordance with specifications approved by the Zoning Administrator. Driveway aprons shall not be improved with paving bricks unless a waiver provided for by the City of Oakbrook Terrace is executed by the owner. All owners of residential properties with gravel driveways or grass paths used as driveways shall comply with this Section by August 1, 2017.”

City Attorney Pacione took the floor to give some background information regarding the text amendment. He began by stating that these text amendments are being proposed by the City Council to resolve the issues with residences that have non-conforming driveways; meaning gravel driveways, grass driveways or anything that is not on conventional asphalt, brick paving or concrete. City Council is giving residents until August 1, 2017 to rectify the situation and get their driveways in compliance. After that date, Code Enforcement will be able to step in and force compliance.

Chairman Noble asked if there were any questions or comments from the Commissioners.

Commissioner Cardenas asked for thoughts on those residents that are elderly and cannot afford to fix their driveways. If help can be provided from the City of Oakbrook Terrace to make these improvements for those that are on fixed income.

City Attorney Pacione stated that it is out of their purview to handle or discuss these issues, but grants are available through the County and there should be programs to help with fixing up their driveways.

Building and Zoning Administrator Dragan said that those residents with issues should come to the City Council meeting when the Letter of Recommendation will be discussed with the City Council and express their concerns.

City Attorney Pacione continued restating that it is something that is not within the Commission's purview, but there are programs available that will help people redo their houses. He then asked Building and Zoning Administrator Dragan if she had anything else to add regarding the text amendment.

Building and Zoning Administrator Dragan took the floor and stated that City Attorney Pacione made the presentation. The City Council specifically made a request for a public hearing to consider modifications to the Zoning Ordinance and require compliance as many driveways in the residential districts are currently not paved. It will be required that driveways be paved with asphalt, concrete or paving brick by August 1, 2017.

City Attorney Pacione stated that the two text amendments are together and the end result is that the driveways have to be concrete, asphalt or brick paving.

Building and Zoning Administrator Dragan continued stating that many times requests have been made, especially from new homes, for the driveway aprons to be bricks. The City Council is also considering that as long as the homeowner would sign a waiver with the City of Oakbrook Terrace, that in the event that the apron would be damaged, it would be the responsibility of the homeowner to repair. The City of Oakbrook Terrace would not provide replacement although damage could be caused by snowplowing or if work needs to be done in the apron or the right of way. The City of Oakbrook Terrace will only replace concrete, not paver bricks.

Chairman Noble asked if the Commissioners had any other questions or comments.

Commissioner Schneider commented that as a resident that lives in Oakbrook Terrace, and an owner of five rental properties, eight years ago he was required to pull out driveways and replace them because they had alligator cracks. He sealcoated them every year and they looked presentable, but he was told to take them out and he did. There are people that have driveways in this neighborhood that look like trash. He totally agrees with the text amendment and questions why it did not happen many years ago. In the past an outside person was hired to look at rental homes and residential homes since it may be a difficult situation for our City Inspector to approach some residents and tell them. If they need the outside help again, that outside person should go around and look at these driveways and let them know about it. He then asked why is it August and if there will be fines imposed when it's not done.

City Attorney Pacione responded that there needs to be a period of time because of taking an existing condition and requiring a change. So a year is a sufficient amount of time legally to give people time to repair their driveways. And after that time, it would become an enforcement issue so that tickets could be issued if people did not comply after August 1<sup>st</sup>.

Commissioner Donoval asked about existing paver driveways.

Building and Zoning Administrator Dragan replied that the amendment is only about gravel and grass driveways that will have to be in conformance with the code.

Commissioner Donoval asked about the wording requiring approval by the Zoning Administrator and if special approval was needed for pavers. He questioned whether the wording should be removed from the text.

City Attorney Pacione stated that the wording does not say whether brick pavers are allowed or not, but that they need to meet the specifications of how they are supposed to be designed, like weight. Brick pavers are allowed, they just need to meet the specifications required.

Commissioner Cardenas responded in that it is just the brick pavers in the apron that need to be approved, not the driveway.

City Attorney Pacione clarified that brick pavers on the regular driveway are fine; it is on the apron that certain specifications must be met.

Commissioner Smurawski asked if it is just the twelve properties specified in the pictures that are affected.

City Attorney Pacione replied that as far they know, but there may be others that they don't know about.

Building and Zoning Administrator Dragan agreed that as far as they are aware of, only the twelve properties are affected. The Property Maintenance Inspector drove around the city, as he was requested to do so, and took pictures of the gravel and grass driveways.

Commissioner Jackson asked for clarification as to why the Zoning Administrator's approval is needed for the paving brick on the regular part of the driveway.

City Attorney Pacione said that maybe he is misstating what it is; whether it is asphalt, concrete or brick paving, it has to be in accordance with the specifications approved by the Zoning Administrator.

Commissioner Jackson questioned whether there are Zoning Ordinances stating what paving bricks need to be; that is independent of what the Zoning Administrator approves or doesn't approve.

Building and Zoning Administrator Dragan replied that no, there is not, but there are many other ordinances about the driveways.

Commissioner Jackson asked if it is the Zoning Administrator's judgement as to whether they satisfy the ordinances or not.

City Attorney Pacione said that the language used is the existing language in the current code. Since the section is up for text amendment, if the language needs to be adjusted at this time, it can be done.

Commissioner Jackson agreed that since the requirements cannot be specified in an infinitive way, the language was written that way in order to leave it open for the Zoning Administrator to decide on a case by case basis. Assuming there are only three choices for driveways and maybe other choices cannot be imagined at this time, but if the goal is to require impervious surfaces, why can't other materials be used; why limit to just the three choices.

Commissioner Ventura stated that those three choices are given in order to provide conformity and aesthetics, and most driveways are of those three types.

Chairman Noble added that they are using general terms right now because those are the only three alternatives that are being used. Any changes can be addressed by the Building and Zoning Administrator.

City Attorney Pacione agreed that it is more for uniformity and there are current standards for concrete, asphalt and brick paving.

Commissioner Schneider suggested adding wording about driveways that are not in good repair.

Building and Zoning Administrator Dragan replied stating that it is covered in the International Property Maintenance Code.

City Attorney Pacione added that the two sections were identified specifically outlining that driveways cannot be anything other than concrete, asphalt or brick paver so that there cannot be dirt, grass or gravel driveways; that is the issue identified and trying to be corrected.

Commissioner Jackson stated that the City Council had a question about the fact that nowhere is it specified that a driveway is required.

City Attorney Pacione agrees that a driveway is not required, but for residential there may be a requirement for off street parking.

Building and Zoning Administrator Dragan added that there is a definition for a driveway, but there is no code that says that a driveway is required.

Commissioner Schneider concluded that if someone lives in a home and has no cars, they do not have to have a driveway, but if there are cars that need to be parked on the property because parking on the street is not allowed, then the requirement is a driveway under any vehicle or trailer, or receive tickets.

Chairman Noble asked if there was any other way of informing the homeowners of the ordinance that is being passed tonight.

Building and Zoning Administrator Dragan replied that the residents from the specified photos were notified and a letter was mailed so that they could have the opportunity to be heard in case there were any issues.

City Attorney Pacione added that as the date got closer and changes had not been made, additional notices would be sent reminding residents that the date is getting closer and that they could face penalties if they do not correct the driveway.

Chairman Noble opened the floor for public participation.

Chairman Noble asked for any positive or negative testimony.

Resident Guy Sabella was sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Resident Sabella began by stating that he received the letter about the driveways and he will have two driveways that need to be done and would like to request additional time. He added that he does not disagree with the driveway issue at all, but he just needs more time if possible since he has two to do. He has two different properties with two gravel driveways so that's maybe a cost of \$5,000-\$6,000.

Commissioner Jackson asked what the right amount of time is.

Resident Sabella replied that if it was his choice he would do one for next year and one the year after. They have been gravel driveways for 50 years, so it would make it easier for him to not have to pay both of them by next year.

Commissioner Jackson countered that there are a number of residents of the City of Oakbrook Terrace, both residents and owners of rental properties, who are anxious to see the value of their properties increase and one of the things that does that is to reduce the amount of gravel and grass driveways. They are anxious to see that happen sooner rather than later. He questioned how to respond to them if the Commission becomes accommodating to his request.

Resident Sabella concluded that he does not have an answer because his concern is with himself not everyone else.

Resident Clyda Robinette was sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

Resident Robinette began her testimony stating that she understands people's desire to get ahead or to make money off of their property, but it does not give them the right to dictate to other people. Based on Resident Sabella's testimony it appears that he has money directions other than what everybody here or the other population wants. It sounds prejudicial against people that don't have as much resources. The direction of this community has changed. Oakbrook Terrace historically used to be a lower income city in a lot of ways. Now a lot of people come here for reasons they think they are going to get low taxes or the schools have a very good reputation and they come with good professional backgrounds where they are making a good income. In her opinion she has been judged and insulted about the property she owns. Even though the Mayor said to her that this ordinance is going to go through, she does not think it is right. She had mentioned to the Mayor that the cement has the dust and has poison in it and asphalt has things that are not good for the environment.

Resident Robinette continued stating that people dictate to her all the time how to live and that her house is paid for; how many people's homes are paid for and does that even matter. She said that she assumes the Mayor goes to conventions where he sees what the aspiring goals of all these cities are and that they are image conscious. When talking about wanting properties improved and the value to go up, that is true and that's not true, because when the values go up, so do the taxes. She mentioned that the Mayor told her about the complaints regarding her house and she accepts that, but the next time she said to send them to her. She would be happy to listen and if she could do something, she will; she is not insensitive.

Commissioner Jackson asked how important property taxes are to this city.

Resident Robinette replied that she thinks they are important to every city.

Commissioner Jackson continued stating that the City of Oakbrook Terrace uniquely doesn't depend on property taxes to support the city.

Resident Robinette stated that is why people buy here, but at some point taxes are going to go up.

Chairman Noble asked if the Commissioners had any other questions.

Commissioner Cardenas again mentioned that there might be some programs for homeowners to do some improvements.

Resident Robinette stated that she is on Social Security and it is a low income. She has been thinking about doing some work on her driveway or even tearing down her garage or new windows. But she does not want to build herself up where she can't manage it and a driveway is not a priority as much as would be new windows, but the dictates of the Commission, it could become her priority.

Chairman Noble closed the public portion of the hearing.

Chairman Noble asked if the Commissioners had any other questions or comments.

Commissioner Schneider commented that the date in August is just fine. He's been in this position with the City of Oakbrook Terrace, owning five rentals and was required eight years ago to replace two driveways at once.

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

Chairman Noble asked the City Attorney Pacione if he had any comments.



City Attorney Pacione had no comments, but clarified that if there is going to be any language change; it needs to be made in the motion.

MOTION Commissioner Jackson entertained a motion to approve the request by City Council of the City of Oakbrook Terrace, Illinois for the following text amendments to the Zoning Ordinance of the City of Oakbrook Terrace:

1. Amend Section 156.101 (A) (1) (a) to read as follows:

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Commissioner Donoval seconded the motion.

Chairman Noble asked the Commissioners for any final discussion.

Commissioner Schneider questioned the registration of the vehicles or trailers to the homeowners of the property.

City Attorney Pacione replied that would be a separate issue.

Commissioner Smurawski asked if the City of Oakbrook Terrace could provide guidance to those homeowners who would be required to redo their driveways such as a pool of good contractors.

Building and Zoning Administrator Dragan stated that contractors are not necessarily recommended, but information can be provided of other contractors who did a good job during a previous season. A list of experienced contractors can be provided but the homeowners would also be encouraged to discuss with other homeowners who used the same contractor about how they feel one year later after their driveway was installed.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Bossle to take the roll call.

Ayes: Chairman Noble, Commissioners Schneider, Ventura, Jackson,  
Cardenas, Donoval, Smurawski  
Nays: None  
Absent: None

MOTION PASSED WITH A VOTE OF 7-0.

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 July 26, 2016 City Council meeting agenda. The City Council meeting starts at 7:00 P.M. and all are welcome to be in attendance at the meeting.

Commissioner Noble then stated that what the Commission is trying to do is recommend to the City Council as far as this particular case, 17-5 and then it is all up to the City Council to approve it as an ordinance. Any other questions can be asked at that meeting. The City Council has the final say as far as the ordinance.

Chairman Noble asked for a motion to adjourn the meeting.

MOTION Commissioner Schneider entertained a motion to adjourn the meeting.

Commissioner Smurawski seconded the motion.

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

Chairman Noble adjourned the meeting at 6:50 P.M.

Respectfully submitted by,

Michelle Bossle  
Building and Zoning / Planning and Zoning Secretary