



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, July 21, 2020
Case #21-01

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

Chairman Caslin said the first order of business was to approve the minutes of June 16, 2020, Case #20-11 for 1S130 Summit Avenue, Petitioner, Union Group of Illinois, LLC.

Chairman Caslin asked if there was any final discussion.

MOTION Commissioner Jackson moved and Commissioner Freda seconded the motion to approve the minutes of June 16, 2020, Case #20-11 for 1S130 Summit Avenue, Petitioner Union Group of Illinois, LLC.

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

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

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Chairman Caslin said the second order of business was to approve the minutes of June 16, 2020, Case #20-12 for 17W433 Karban Road, Petitioner, Nicole Marie Berkshire.

Chairman Caslin asked if there was any final discussion.

MOTION Commissioner Jackson moved and Commissioner Freda seconded the motion to approve the minutes of June 16, 2020, Case #20-12 for 17W433 Karban Road, Petitioner Nicole Marie Berkshire as amended, and underline Chairman Caslin's comment on page three, first paragraph, last sentence to emphasize his point.

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

Ayes: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Cardenas, Walberg
Nays: Chairman Donoval
Absent: None

MOTION PASSED WITH A 6-1 VOTE.

Building and Zoning Administrator Dragan took the floor and stated, as you are aware the City's Zoning Committee was formed in 2018 and has reviewed various sections of the City's Zoning Ordinance along with other municipal codes including Villa Park, Elmhurst, Lombard, and Downers Grove.

In 2019 a public hearing was held before the Planning and Zoning Commission. The Planning and Zoning Commission reviewed and recommended approval of modifications to the Zoning Ordinance concerning residential single family detached zoning district regulations, and yards in regards to permitted encroachments in the required yards.

Since then, the Zoning Committee finalized the review of various regulations from the Zoning Ordinance, and at this time the Committee is proposing several modifications to the current code.

The Zoning Committee consists of Alderman Greco, Planning and Zoning Chairman Caslin, Planning and Zoning Commissioner Donoval, Planning and Zoning Commissioner Freda, Assistant to the Mayor and Administrator Sarallo, and myself.

The proposed text amendments were presented to the City Council at the 1/28/20 City Council meeting. In your packet you received a copy of the memo presented at the meeting marked Exhibit A, and a copy of the minutes from the City Council meeting. The City Council directed a public hearing before the Planning and Zoning Commission to further discuss the proposed text amendments.

Since the presentation of text amendments before the City Council at the January 28, 2020 City Council meeting, the City Attorney Peter Pacione and I met to review the proposed text amendments for clarification and corrections prior to sending the legal notice for publication.

On February 20, 2020, The Zoning Committee met to review the final draft memo concerning the proposed text amendments. Per Exhibit B attached in your packet, and recommended final changes per Exhibit C also included in your packet.

At this time, the Planning and Zoning Commission will review each item per legal notice, and if you have any questions, myself or any other member of the Zoning Committee will be happy to answer.

Item 1 - Add Section 156.075 (A) (2) to the Zoning Ordinance to prohibit solar panels on the ground in the R-1 Single-Family Detached zoning district.

Item 2 - Amend Section 156.075 (C) (6) of the Zoning Ordinance by eliminating roof mounted private solar collection panels as a special use in the R-1 Single-Family Detached zoning district and inserting "Reserved".

Item 3 - Add Section 156.075 (B) (7) to the Zoning Ordinance to allow roof mounted private solar collection panels as a permitted use in the R-1 Single-Family Detached zoning district.

Items 1, 2, and 3 shows that private solar collection panels subject to be installed on roof surface in the R-1 single-family detached zoning district are

proposed to be permitted without a public hearing. Solar panels on the ground are proposed to be prohibited. In 2019 a homeowner applied for a public hearing to request a special use. The City approved the Special Use and solar panels were installed. Prior to the meeting you received pictures showing the solar panels installed. Since then, the Building and Zoning Department had several requests from other homeowners and advised the permit applicants to wait until text amendments will be presented instead of scheduling public hearings for each individual homeowner.

The Zoning Committee is proposing to allow them in the single family homes not as freestanding, only when mounted on the roof top. If the code is to be passed, it applies to the residential central south area behind City Hall, a few homes in the Westlands, and a few homes located north of Berkshire. At the City Council meeting Alderman Rada mentioned that the condo bylaws does not allow them to install solar panels.

We have today with us Bethany Hoffman from Sunrun Solar who will share with us her expertise about solar panels.

Bethany Hoffman was sworn in by Planning and Zoning Secretary Addy Lozano.

Bethany Hoffman took the floor and stated, I am Bethany and I am with Sunrun Solars, and I have a client here in Oakbrook Terrace who changed the structure of his roof just so he can have solar panels. He had an east-west roof, which still works, but you get a lot more power if you have a south facing roof. We try to explain to our customers that each house is different and give them options. We are a nationwide company, at the end of 2019 we had 298,000 customers. One of the things that is neat about solar panels that a lot of people don't know, is that you are storing energy on the grid, and then you take that energy back in the later months when needed. A big misconception in Illinois is that why would solar panels work here. But we find a system to produce back and then use it later.

Building and Zoning Administrator Dragan asked, do you know for how long the grants are currently available?

Bethany Hoffman answered, the federal incentive last year was 30% of the total, its 26% this year, next year it will be 22%, and then it will go away.

The state incentive works a little bit different, it actually pays the vendor and the vendor has to pass that discount to the customer. It's in three bins of money, and based on how soon you sign up. We are in the second bin of money, and the next one will be even less.

Commissioner Ventura asked, what is the average cost?

Bethany Hoffman answered, it's different for every house because every house has a different number of panels. 20% of our customers purchase it, and 80% go with the option where we install it, maintain it, and insure it for 20 years. We give you a fixed rate for that energy for that amount of time and the Illinois Power Association will tell you what you will be saving.

Commissioner Donoval asked, did any of your customers get rebates from Commonwealth Edison where they buy back the energy?

Bethany Hoffman answered, no, they don't do that anymore. They will not buy it back. It's like roll over minutes now, from the very first date of your billing cycle, you're accruing one kilowatt, and for every kilowatt you send to the grid you get one kilowatt credit. In the months of April, May June, and July you produce the most energy, send it to the grid, and later use it when you need it.

Commissioner Jackson asked, why do we prohibit solar panels on the ground?

Bethany Hoffman added, and with the high winds, it's actually not the best option.

Commissioner Jackson commented, the high wind is going to hit the roof most likely than the ground.

Bethany Hoffman added, they are installed into the roof in the rafter.

Commissioner Jackson directed his comment to Building and Zoning Administrator Dragan, it's your understanding that there are no cosmetic approval issues, I know when we approved the house on Leahy Road there was some discussion on it being in the back of the roof, but it needs to be where the sun is.

Building and Zoning Administrator Dragan answered, that is what the petitioner explained at the time.

Item 4 - Add Section 156.076 (A) (2) to the Zoning Ordinance to prohibit solar panels on the ground in the R-2 Single-Family Attached zoning district.

Item 4 shows to prohibit solar panels on the ground in the R-2 single-family attached zoning district. R-2 is Oliviabrook on the north side of Butterfield Road. If they would like to install solar panels they need to come for a public hearing and get association approval.

Item 5 - Amend Section 156.076 (B) (1) of the Zoning Ordinance to prohibit roof mounted private solar collection panels as a permitted use in the R-2 Single-Family Attached zoning district.

Item 6 - Add Section 156.076 (C) (3) to the Zoning Ordinance to allow roof mounted private solar collection panels as a special use in the R-2 Single-Family Attached zoning district.

Items 5 and 6 show that a special use is required to allow roof mounted private solar collection panels in the R-2 district.

Item 7 - Amend Section 156.039 (B) (4) and Section (B) (6) of the Zoning Ordinance to increase the required fence or wall height from six (6) feet to eight (8) feet between business/nonresidential uses and residential uses which shall be applied to new businesses and/or additions to existing buildings.

This requirement applies to new businesses, new building, or additions to the existing buildings when commercial abuts residential. The current code requires a fence 6 feet in height, the new code requires a fence of 8 feet in height and that came during discussion for 1S131 Summit Avenue, a medical building proposed to be converted to a day spa. The property abuts residential and we didn't have an 8 foot requirement in the code. However, the Council at the time asked if she would consider the 8 foot fence and they also directed discussion to the Zoning Committee if they agree with the requirement.

Commissioner Ventura asked, did we require this for Union Group of Illinois, LLC?

Building and Zoning Administrator Dragan answered, no.

Commissioner Ventura asked, can we change it?

Building and Zoning Administrator Dragan answered, it was discussed and the Planning and Zoning Commission determined 6 feet is okay.

Attorney Peter Pacione asked? So there is an amendment to add new businesses?

Building and Zoning Administrator Dragan answered, yes, if the Commission agrees.

Item 8 - Amend Section 156.004 of the Zoning Ordinance by adding a definition for "Digital Signs".

The Zoning Committee recommends to add a definition for digital signs. The Zoning Code never had a definition for digital signs, but it had something in regards to no electronic message signs are allowed, based on this every time someone applies for a digital sign they come for a public hearing. However, other municipalities have definitions and we thought it was appropriate to officially adopt a definition for digital signs.

Item 9 - Amend Section 156.043 (B) of the Zoning Ordinance to add language limiting a business in a multi-business building to a pro rata share of the allowable wall signage for the entire building for newly constructed buildings.

The Zoning Committee recommends to add language to the existing section of the code. When you have a freestanding building it's easier. However, many times landlords in a multi-tenant center don't have a specific requirement in the lease on how much signage they allow. So the first tenant will ask for signage and we issue a permit and then there is hardly anything left for future tenants, and sometimes they have to come in for a public hearing for variations from the Sign Code. We think that for signage coordination it will be great if we use a formula to allow signage based on

the tenant frontage, a specific amount of signage. A tenant with a wide frontage should get more signage. For example, we have a building with tenant A, B, and C. The frontage for tenant A is 60 feet, tenant B, 150 feet, and tenant C, 20 feet. This building has a 230 feet frontage. If this building would be a single tenant, they would be allowed to have 300 square feet, being a multi-tenant they are also allowed 300 square feet. With the proposed formula, if 230 square feet building frontage allows 300 square feet of wall signage, the tenant with 60 feet building frontage would be allowed to have a wall sign not to exceed 78 square feet.

Commissioner Jackson asked, why can't the landlord figure that out?

Commissioner Freda answered, they never do that.

Commissioner Jackson answered, sure they do, they want their building full.

Commissioner Freda then answered, yes, they give the big client everything and when a smaller client comes they barely get anything.

Commissioner Jackson added, I don't think it's something the City should be in control of.

Chairman Caslin added, well, we control signage.

Commissioner Jackson answered, I understand, but this is beyond that.

Commissioner Ventura directed her question to Commissioner Jackson, do you want every tenant to have a big sign?

Commissioner Jackson answered, no, I want the landlord and tenant to figure it out between them.

Commissioner Walberg added, but this is the proper way to do it, by square footage.

Item 10 - Amend Section 156.043 (B) (2) of the Zoning Ordinance by deleting the language regarding additional signs for shopping centers and inserting "Reserved".

Item 11 - Amend Sections 156.043 (B) (3) of the Zoning Ordinance relating to the maximum gross surface area of a single sign.

The Zoning Committee recommends to delete the existing language. The current code allows wall signs plus one freestanding sign in the shopping centers not to exceed 80 square feet per side. The Zoning Committee recommends to delete the additional freestanding and is proposing new regulations which will be discussed shortly.

Item 12 - Amend Section 156.043 (B) (3) (a) of the Zoning Ordinance relating to the maximum gross surface area of freestanding signs.

The Zoning Committee recommends to amend the current ordinance relating to the maximum area of freestanding signs per table included in the memo presented at the January 28th City Council Meeting. Specifically, in the commercial district, in addition to wall signs, a freestanding sign will be allowed. For example, if the street frontage is up to 50 feet, a freestanding sign with a maximum area of 50 sq. ft. will be allowed. If the sign is double faced, 25 sq. ft. area per sign face will be allowed. Only one freestanding sign is proposed to be allowed for each zoning lot if there is not a wall sign variation.

If you look in the memo, Exhibit A on page four, depending on the street frontage every property, regardless if it's a freestanding building or multi-tenant, they will be allowed to have one sign. Under the current code we allow one freestanding sign per street frontage. However, the new code is proposing only one per zoning lot.

Attorney Peter Pacione added, the reason for all these changes, is that so people don't come in for all these variations. There would be no point in making these changes if you are breaking variances to these changes.

Building and Zoning Administrator Dragan added, unless it's a true hardship like a PUD.

Item 13 - Amend Section 156.043 (B) (3) (e) of the Zoning Ordinance by adding language to clarify that window signs are not included in calculating the total amount of allowable signage on a Zoning Lot.

It is proposed that window signs not to be included in calculating the total amount of allowable signage on a zoning lot. The code only allows 25% of the window area to be covered by sign.

Commissioner Jackson asked, we are not addressing the 25% correct?

Building and Zoning Administrator Dragan answered, no, that stays the same.

Item 14 - Add Section 156.043 (B) (3) (h) to the Zoning Ordinance to regulate the number and maximum gross area of digital signs.

The Zoning Committee recommends to regulate the number and area of digital signs as follows:

To permit one digital sign per zoning lot for properties containing a restaurant, retail, or hotel use.

This means that if an office use would like approval for a digital sign they will need a public hearing because it is not proposed to be allowed.

A digital sign is limited to freestanding signs, and shall not exceed 50% of the freestanding area permitted for the zoning lot. The level of illumination shall not exceed 50 foot candles.

Commissioner Jackson asked, Committee members, why do we care?

Commissioner Freda answered, because there's other things that go on signage besides the digital advertising. We want something that states the name of the building and is not going to be flashing through a digital sign.

Commissioner Jackson asked, the landlord of the building can't decide that by themselves?

Building and Zoning Administrator Dragan added, I think it depends on how the Commission decides that the ordinance will be written. The can actually have an entire sign face digital and the other one just with tenant panels advertising businesses. If it is single face, it cannot be 50% of the area.

Item 15 - Amend Section 156.004 of the Zoning Ordinance by adding a definition for "Roof Signs".

For a long time the City allowed roof signs because of the way the building was designed. Some can only have roof signs. The building located on the southwest corner of Summit Avenue on 14th Street, is hard to have a wall sign because of the architectural design. So if a tenant moves out I allow another roof sign as long as it meets the standards, so it is proposed that we allow them.

Item 16 - Add Section 156.043 (B) (3) (i) to the Zoning Ordinance to regulate the maximum gross area of roof signs.

The Zoning Committee recommends to regulate the area of roof signs. Specifically, the regulations for area of roof signs shall be the same as for wall signs. Roof sign area shall not exceed 25% of the wall area on which it is applied, and no part of a roof sign shall extend more than four (4) feet from the building or structure to which it is attached.

Item 17 - Amend Section 156.043 (G) (7) of the Zoning Ordinance by deleting the daily \$15 fee for temporary banners.

The current code allows temporary signage to advertise special events in certain business districts up to four times per year, no more than 4 days. It is proposed to delete the requirement for the \$15 daily fee.

Item 18 - Amend Section 156.049 (H) (2) of the Zoning Ordinance by adding language to allow a cash or money donation to the City of Oakbrook Terrace in lieu of landscaping points if the required number of landscape points cannot be met.

One of the members of the Zoning Committee felt that many times developers require variations from the landscaping ordinance with respect to the number of landscaping points, and suggested that the City get a cash donation of the points cannot be met and use that cash to do landscaping in other parts of the City.

Commissioner Donoval added, I don't remember discussing this.

Chairman Caslin added, when we discussed this, it had to do with La Quinta. They had a wall area where they couldn't put plants because the cars would kill them and requested something else. It was then suggested that if he cannot meet the planting square footage, then he would make a donation to the City. I really hate the words that were used "cash" I don't like that. I would say something like you have to buy X amount of plantation and donate it to the City where it would be planted in an area that is needed.

Commissioner Donoval added, I think we should change the language.

Attorney Peter Pacione asked, so you don't want money donations?

Chairman Caslin added, I don't like the money sound of it. I like donation of plant life.

Attorney Peter Pacione then asked, so the City would be required to take the actual plants?

Chairman Caslin answered, yes, whatever they can't meet in their landscape plan, they will donate it to the City to plant.

Commissioner Ventura added, it's not the concept, it's the language.

Attorney Peter Pacione added, I just want to be clear on how it's going to operate. So when it says they can't meet the landscaping points, it doesn't mean that they don't want to meet it, it means that they physically cannot put the landscaping on the property.

Building and Zoning Administrator Dragan added, because they need parking for example.

Attorney Peter Pacione then asked, so those points that cannot meet in a certain area, can they allocate to other areas of the property where they can meet the points?

Chairman Caslin answered, yes.

Attorney Peter Pacione added, in that case, it's not that they are not able to meet the points. The proposed text amendment says if you can't meet the points. So you can allocate the points in another area of the property and not make a donation to the City.

Commissioner Ventura asked, can we eliminate this section? It just doesn't sound right to me.

Attorney Peter Pacione added, so the language has to be changed, and we have to set a dollar amount per landscape point. If this is something the Commission wants to do, is there a recommendation on how much one point equals?

Commissioner Jackson added, in the memo received, it says \$10 per point.

Attorney Peter Pacione added, item 18 should be amended to: Amend Section 156.049 (H) (2) of the Zoning Ordinance by adding the language If the required amount of landscaping points is unable to be met, the City of Oakbrook Terrace may accept a monetary contribution of \$10.00 per landscaping point in lieu of the required amount of landscaping points for landscaping elsewhere in the City of Oakbrook Terrace.

Item 19 - Amend Section 156.102 (E) (14) (b) of the Zoning Ordinance by deleting the language regarding parking for cocktail lounges within a restaurant within a building and inserting "Reserved".

Item 20 - Amend Section 156.102 (E) (14) (d) of the Zoning Ordinance to define and regulate parking for fine dining establishments.

Item 21 - Amend Section 156.102 (E) (14) (e) of the Zoning Ordinance to regulate parking for fast food establishments, fast casual establishments, and video gaming cafes.

The Zoning Committee recommends modifications to the current code concerning parking for restaurants as follows:

Fine dining restaurants. 12 parking spaces per 1,000 sq. ft. of gross floor area for all new restaurants when the space was not previously used for a restaurant.

Fast food, fast casual, take-out restaurants, video gaming café, one parking space per 250 square feet of gross floor area.

Parking requirements for a bar shall apply only when the single use is a bar. The current code requires 3 parking spaces per 100 square feet of seating area, it is proposed to remain the same.

For example, Lou Malnati's 7,056 square feet, is proposing 237 seats and 71 parking spaces. The City's current code requires 22 parking spaces. The City's previous code would require 89 parking spaces.

The City of Elmhurst requires 10 parking spaces per 1,000 sq. ft. of gross floor area which would require a total of 71 parking spaces.

The Village of Lombard requires 16 parking spaces per 1,000 sq. ft. of gross floor area which would require a total of 91 parking spaces.

The Zoning Committee recommends 12 parking spaces per 1,000 square feet of gross floor area.

Building and Zoning Administrator Dragan then added, this is the last item, unless the Commission has any further discussions, you are allowed to discuss under item 22.

Commissioner Jackson added, we appreciate the Committee's effort.

Chairman Caslin stated, the while principle behind this is, I was asked by a former Mayor why do we have all these variations? Why are people always asking for a zoning variation? And we looked at other towns and other towns are very limited in variation. We tried to find a common ground where we are fair. Basically, Mihaela picked out items that always come up and that was what we looked at and tried to find a happy medium. Some of these items haven't been looked at in many years.

MOTION Commissioner Jackson moved and Commissioner Freda seconded to approve Case #21-01 as amended.

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

Ayes: Chairman Caslin, Commissioners Ventura, Freda, Jackson, Cardenas, Donoval, Walberg
Nays: None
Absent: None

MOTION PASSED WITH A 7-0 VOTE.

MOTION Commissioner Jackson 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 7:35 P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary