



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, May 21, 2019  
Case #20-02

The Planning and Zoning meeting was called to order by Chairman Caslin at 6:04 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 May 7, 2019, Case #20-01 for 17W045 Hodges Road, Petitioner 17W045 LLC.

Chairman Caslin asked if there was any final discussion.

Commissioner Ventura asked that on page three a correction be made on her comment stating that we are setting a new precedence that digital signs may now be on buildings as well.

MOTION Commissioner Freda moved and Commissioner Ventura seconded the motion to approve the minutes of May 7, 2019, Case #20-01 for 17W045 Hodges Road, Petitioner 17W045 LLC as amended.

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 asked all those who will be speaking this evening to please stand up and be sworn in.

Enrique Castel, from Enrique Castel Architect and Shiwanna Townsend, Petitioner were sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Enrique Castel took the floor and stated, currently this a one story building and the plan is to demo the interior and create a beauty salon for Ms. Townsend and her associates. We plan to subdivide and have little suites for the different services that will be offered. In order to accommodate those needs we have to modify the parking lot in order to provide the adequate number of parking stalls that are required. The plan is to upgrade the front parking lot to accommodate the size of the handicap parking and in the rear of the property, which is currently just landscape, we are going to modify the space to have paving for the additional parking that is needed. There's a couple conditions on the property that are not up to code such as the driveway, it is not as wide as the code requires but it will still serve as a two way ingress and egress. There is an existing patio that is currently there that will remain for the moment. On the actual exterior of the property there won't be any changes.

Shiwanna Townsend took the floor and stated, I've been in business for four years in Oakbrook Terrace and I actually have a spa with a doctor who will be in one of the suites but I would like to expand and offer more services. I saw that this building was for sell and became interested since I would like to own rather than rent. It's a perfect location, I work around the corner so I do not foresee any problems for me or my clients. I maintain a clean and safe environment, so there shouldn't be any problems.

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

Commissioner Freda asked, you are proposing to increase the coverage of the ground by putting in additional parking in the back yard, you want to go from 7,190 sq. ft. of coverage to 10,148 sq. ft. which as your plan says its 67% of the ground cover. Where is all the water going to go?

Enrique Castel answered, the engineer is currently working on that, so that the water doesn't go to the properties behind.

Commissioner Freda then asked, there is a variation requested for a fence in the front yard? I don't understand that.

Building and Zoning Administrator Dragan answered, I can explain, I worked through the process with Shiwanna and her architect, we came up with all these requests for variations; however, the variations requested from the Zoning Ordinance reflect existing conditions. Item 3 shows that the existing fence in the front of the yard may continue to remain as existing until it fails, or cannot be repaired. Item 3b requires fence and landscaping along the rear lot line within 24 months following the date of the ordinance approval, and item 3d shows that the existing patio which is partly located in the north side of the yard may continue to remain as existing until the patio fails into disrepair, at which time must be removed, and cannot be replaced with a new one. At a previous meeting the Commission recommended approval of various amendments to the Zoning Ordinance including no more encroachments in the required yards.

Commissioner Freda also asked, will you install new fire alarms, and safety system?

Enrique Castel answered, yes.

Commissioner Freda also added, since you will be doing a different process then the dentist, I don't know if you will be needing additional air purification for the different things.

Enrique Castel answered, the code requires that at any nail station you have to have some sort of ventilation, so yes.

Commissioner Ventura asked, how does the parking relate to what we have now, because it looks like a lot of shrinkage in the parking lot particularly on the east end of the building from 13.9 ft. from what we have required at 19.9 ft. that's a 6 foot difference. So that really tightens up the front of the building and then on the side yard and the side lot line as well. It just looks like a lot of parking getting squished in and I want to know how different that is from what we have already allowed.

Enrique Castel answered, right now in the upper corner of the property there is a handicap stall that does not meet the ADA requirements, the rest of the

parking stalls are kind of squished in together and stripped as tight as possible. We are trying to provide the minimum ADA requirements. In the front we've gone with an 8 ft. by 8 ft. stall which is required by state code, were actually losing parking on the front. I think there is four stalls in the front and we are losing one. In the back we planned for what the City requires, 19 ft. deep stalls with 9 ft. wide.

Commissioner Jackson asked, what you are saying is that there are stalls that are not in compliance with the code and the rest of them are?

Enrique Castel answered, correct.

Commissioner Jackson then asked, why ask for the fence in the front to be existing until it falls down?

Building and Zoning Administrator Dragan answered, that was the recommendation you put a stipulation for the front fence to be removed upon approval of the project, but this was my recommendation to allow the fence to remain as existing as we did with other projects. We thought it was a good idea not to issue a permit for replacement of an existing fence which is not allowed in the front yard in the business district.

Commissioner Jackson also asked, that's why 3d is different, that says they have to replace the fence in 24 months?

Building and Zoning Administrator Dragan answered, no that is 3b, the property in the back is currently not in compliance with the code with respect to requirements for fence, and landscaping. In two years, if the project is approved, I think it will be recommended that the owner will budget to have a nice fence and landscaping between the residential and commercial.

Commissioner Jackson commented, I have problems with the front fence and the patio in that it seems very open ended that somebody other than the City is deciding when they failed and replaced.

Enrique Castel answered, with respect to the patio, I understand where she is coming from because right now part of it encroaches in the setback requirements, whoever installed it years ago just crossed that line.

Building and Zoning Administrator Dragan added, it was under a different code.

Enrique Castel added, now the setback has changed, and with respect to the fence there is a chain link fence that goes all along the side of the property. I am not sure which one is in our property. We are working on getting an updated plat for clarification.

Commissioner Jackson asked, we are being asked for a patio to remain, a patio that was approved on a prior ordinance but not under this one?

Building and Zoning Administrator Dragan answered, under the new code it is no longer allowed.

Commissioner Donoval asked, how many employees do you plan on having?

Shiwanna Towndend answered, about six.

Commissioner Donoval then asked, how many businesses will be there? Is the dentist staying?

Shiwanna Townsend answered, no, they will be leaving.

Commissioner Donoval also asked, you have 14 parking spaces, where are the rest of the people going to park?

Shiwanna Townsend answered, everyone will have different hours, we do by appointment only. We won't all be there at the same time, and they are short services so clients won't be there all day.

Commissioner Donoval added, I don't think you have enough parking, but that is up to the City to decide.

Commissioner Walberg asked Building and Zoning Administrator Dragan if they were in compliance with the parking requirements?

Building and Zoning Administrator Dragan answered, yes.

Commissioner Walberg asked, is the patio in good condition?

Enrique Castel answered, the last time I was there it looked okay, it wasn't falling apart.

Commissioner Walberg then asked, are they under any restrictions on how badly the patio has to be before it comes down?

Building and Zoning Administrator Dragan answered, during the property maintenance inspections, if it is visible from the street in the commercial district and we receive a complaint, then we will investigate the issue and if it looks like it needs maintenance, or removal then we require compliance based on the property maintenance code.

Commissioner Walberg also asked, couldn't that be addressed before they are permitted?

Building and Zoning Administrator Dragan answered, yes, there will be inspections during the permit process but if the Commission is concerned with allowing continuance of the patio due to encroachment in the required side yard, it can be included in the motion.

Commissioner Walberg added, yes, I understand that, I'm just saying to avoid those confrontations once they are permitted and they are allowed to go forward, and then suddenly have stipulations that they can't meet, or are not in agreement with. I think those should be ironed up prior.

Commissioner Jackson added, wouldn't the fence already have been inspected as part of the procedure you just talked about because there was a commercial building there. So wouldn't it had been inspected?

Building and Zoning Administrator Dragan answered, recently, I made a visual inspection of the property due to the zoning issue, but it wasn't bad.

Commissioner Jackson answered, you just said we have inspections of commercial properties, it's been a commercial property. Someone had to have made an inspection under the previous owners and were to believe that is was not okay.

Building and Zoning Administrator Dragan answered, we did not send any notices for this address.

Chairman Caslin added, were drifting off the idea, because the reason it's there it's because it is okay, the reason it has to go is because we don't allow fences in the front yard not because its disrepair. It's not supposed to be there under the new Zoning Code.

Commissioner Jackson answered, and I'm trying to come to a point where it's more certain that when it falls into disrepair it gets removed and she is saying we have inspections of that and it will happen.

Commissioner Freda added, it sort of ties with what Peggy brought up, if they are going to tear up the back yard and add additional asphalt, why not just tear down the patio at the same time, that way you reduce the amount of ground coverage.

Commissioner Ventura added, the front fence maybe should be considered to be in compliance too.

Chairman Caslin stated, I'm going to tell you upfront, I have problems with this. This is a 75 year old house it was built as a residential property not commercial. When you build residential, the esthetic load is different than the esthetic load in commercial. Meaning how much it will carry. Most commercial properties are built on concrete. You say you are going in and demo the interior and I trust you are going to rewire the whole property, new service meeting the standards of today, which is one of my biggest complaints. A lot of these don't do that, they just move in. It's 75 years old, I worry about that. I rather see a commercial building there than to keep rejuvenating these residential houses. We keep giving people more variations on these properties and if we keep doing that, they will never go away, and I'm sorry, I'm not trying to hurt your feelings, I know you are a business person in town and I'm glad you are here, I hope you stay here. But in this particular circumstance I have a problem with giving people more variations. We've given variations to the other house down the street, much to our dismay we all really didn't care for it. We gave it extended time to do work on their parking lot because of the weather. You are asking for 2 years to build a fence between you and the residential district, which I cannot go along with. It has to be there, you have to have it, not in 2 years but before you move in as far as I'm concerned. I noticed when I drove through the property there is black top on the north side of the building where the garage was, I'm assuming that it is going to be removed and landscaped. The patio in the back, I understand that, and I agree with what Pat was saying. Why would you want to leave it there? I have a lot of problems with variations, I wish it will work out for you, but I don't see us giving you all that time, I would like it done before you move in.

Shiwanna Townsend answered, and I intend on doing that, I want to make it the best looking house on that street.

Attorney Pacione asked for the petitioner and architect to address the text amendment because the use is not permitted right now.

Chairman Caslin added, when we do text amendments it's a change in law and if I change the text amendment to allow those salons in the B-1, it's not necessarily just for your property and I have fear of that. I don't like text amendment change, it sets a precedence for to many things to happen. With that, I will close my comments.

Chairman Caslin asked for any positive or negative testimony from the audience.

No testimony from the audience at this time.

Building and Zoning Administrator Dragan added, I know the use issue was hardly addressed, but Shiwanna is seeking approval for a text amendment as you said to add a new special use, and a special use to allow beauty parlors and day spa. I just wanted to clarify, if the text amendment is approved, future applicants will have to come for a public hearing to require a special use permit so it doesn't become a permitted use on the east side of Summit Avenue B-1 Zoning District. B-1 currently allows for offices of architects, engineers, and medical use. If a new medical office would occupy the building for example, a public hearing will not be required. Since the request is to permit a day spa at that location, based on this we addressed all the variations for the existing conditions as we have to bring the ordinance into compliance.

Chairman Caslin commented to the Commission, I will leave it up to you and how you want to address this. Do you want to address it one at a time, or all together?

Attorney Pacione suggested that the Commission take one separate from the other because one is for the text amendment and everything else can follow.

MOTION Commissioner Ventura moved and Commissioner Freda seconded to approve Case #20-02 to allow for a text amendment to add beauty parlors and day spa.

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



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

MOTION PASSED WITH A 7-0 VOTE.

Commissioner Freda added, I have a comment on the other variations, I think when we do all businesses, that we ask that they be in compliance instead of all these variations. Why not clean up the majority of them right away. Remove the patio, and do the fence, that will eliminate some of the variations.

Building and Zoning Administrator Dragan added, I think it will be a lot easier if you vote separate on items 3a, b, and d based on the discussion that came up tonight.

Commissioner Freda asked, when do you plan on opening?

Shiwanna Townsend answered, I was told the process would take about 4 months but I am sure it will be more, perhaps in 6 months.

Building and Zoning Administrator Dragan added that Attorney Pacione should suggest the motion to make it easier for enforcement.

Attorney Pacione added, for the record the motion would be to approve Case #20-02 items 2, 3, all subparts, and 4 with the condition that for items 3a, b, and d be done prior to Certificate of Occupancy. So the fence in the front and patio in the back can remain until Certificate of Occupancy is issued and the fence in the back has to comply with the code with a new fence and landscape prior to Certificate of Occupancy.

MOTION Commissioner Ventura moved and Commissioner Freda seconded to approve Case #20-02 as stated per Attorney Pacione.

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

Ayes: Chairman Caslin, Commissioners Jackson, Ventura, 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 May 28, 2019, City Council meeting at 7:00 p.m. and that there are no public hearings scheduled for the month of June, and asked the Commission if they would like to cancel.

MOTION Commissioner Jackson moved and Commissioner Freda seconded the motion to cancel the meetings for June 4, 18, 2019.

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

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 6:50 P.M.

Respectfully submitted by,

Addy Lozano  
Building and Zoning / Planning and Zoning Secretary