



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, October 6, 2020
Case #21-06

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 September 15, 2020, Case #21-05, 17W648 22nd Street Petitioner, Hawthorne Race Course Inc.

Chairman Caslin asked if there was any final discussion.

MOTION Commissioner Freda moved and Commissioner Ventura seconded the motion to approve the minutes of September 15, 2020, Case #21-05, for 17W648 22nd Street, Petitioner Hawthorne Race Course Inc.

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.

Property Manager, Steve Abdallah and resident Donald Schoppelry were sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Steve Abdallah took the floor and stated, I am here to present the landscaping plan for 17W240 22nd Street. The current plan that we have was approved in 1980, it's a 40 year old plan and it is outdated. We are asking for approval of a new landscaping plan that we have submitted. To address any issues we have with the building regarding landscaping such as the screening in the back, and the landscaping in the back. Our initial plan was to do landscaping on the west end of the wall as well but due to a utility easement we had to revise the plan so there won't be much landscaping on the west side of the wall but there will be plenty on the north side facing the residential area behind the building. The reason we are not going with the original landscaping plan is because a lot of the trees and vegetation that are on the original plan are no longer available or hard to come by. We discussed with our landscaping company that we would like the new plan to be submitted with something that is available and would make the building look presentable to the public. You have an image of what the current back of the building looks like. Last year we had to remove a lot of dead trees and I can see how this is an issue with the residents behind the building. With the new plan, most of the things that will be planted are anywhere from 6 to 10 feet tall. That should provide sufficient screening for the building.

Commissioner Freda asked, the retaining wall closest to MacArthur Drive is a mess, it looks like it has not been taken care of. What are you planning to do to support the earth that is washing away?

Steve Abdallah answered, for the retaining wall, part of the new plan is to replace it.

Commissioner Freda also asked, the property itself looks like it hasn't been taken care of, with this new landscaping plan are you proposing to enhance the look of the property?

Steve Abdallah answered, correct, I currently have the building listed for sale. I just came on as the project manager this year and I want to make

sure we do what we can to please the residents, City, and neighboring businesses.

Commissioner Freda added, I would say if it looks good on the outside people will be less likely to think there's something wrong on the inside.

Steve Abdallah added, unfortunately our landscaper could not be here with us today, but his recommendation was, if this new plan gets approved, not to plant anything until spring of next year. My recommendation is to at least do the screening in the back of the building this year.

Commissioner Freda commented, I did my retaining wall just before Thanksgiving and it's a stone retaining wall and it was fine.

Steve Abdallah answered, unfortunately the current retaining wall we cannot just repair it because of the type of wood used is no longer available.

Commissioner Ventura asked, is the landscaping that you are putting on MacArthur Drive limited to arborvitaes and evergreens?

Steve Abdallah answered, no there are multiple types of greenery such as blue spruce, evergreen, and arborvitaes.

Commissioner Ventura commented, no trees though, it would be nice to put some trees.

Steve Abdallah answered, I can discuss that with the landscaping company.

Commissioner Ventura also asked, where is the difference in the landscaping? What is going to be missing? Is it along the east?

Steve Abdallah answered, in the west side we are adjoining with Giordano's so there is not much that can be seen there. Right along the entire west side of the building there is utility easement.

Commissioner Ventura then asked, the building has been for sale for five years?

Steve Abdallah answered, from my knowledge it's been on and off for sale for the past five years.

Commissioner Jackson asked, the original landscaping plan addressed all four sides, the issue that we are focused on today, is the north side which is right along MacArthur Drive?

Steve Abdallah answered, that's the east side, the north side of the building is where we are putting the screening, but the one place we are not putting landscaping is the west side of the building due to utility easement and two of the reasons we are asking for a new landscaping plan is because the type of vegetation is no longer available, and cost prohibited. The original landscaping plan received an estimate of \$50,000 without the retaining wall. The retaining wall estimates to be \$25,000. With this new plan, we are looking at a landscaping bid of about \$25,000-\$35,000 and the retaining wall \$25,000.

Commissioner Jackson then asked, will MacArthur Drive be covered sufficiently to keep the lights that were addressed in the residents objection?

Steve Abdallah answered, correct, I had an electrician go out last week to look at the timer, and the lights go off at 8:00 p.m. and if it needs to go off earlier, we are more than happy to change that.

Commissioner Donoval asked, how long have you owned the building?

Steve Abdallah answered, the owner has owned the building since 2014-2015.

Commissioner Donoval then asked, when it was occupied, you didn't save money for maintenance?

Steve Abdallah answered, that I can't speak of on behalf of the owner. I just came on this project this year.

Commissioner Donoval added, the property has been neglected for a long time, and a City Ordinance calls for an 8 foot fence between the commercial and residential area. I don't know if you want to apply it to this project or just install good screening, because what you are proposing is not good screening.

Steve Abdallah asked, the City Ordinance requires an 8 foot fence in the back?

Commissioner Donoval answered, between commercial and residential properties.

Steve Abdallah asked, when was the ordinance put in place?

Building and Zoning Administrator Dragan commented, the ordinance in effect at the time when the building was built called for a 6 foot fence and they obtained a variation from the Zoning Ordinance in 1988 for the requirement to install the fence contingent on proposed and approved landscaping. The ordinance clearly shows that the City waived the requirement to install a fence contingent on installation of landscaping. At this time, there is missing landscaping so they are proposing a new landscape plan.

Commissioner Walberg asked, would you be interested in putting the fence to bring it up to code?

Steve Abdallah answered, I would be interested in anything the Commission asks of. If we were to install a fence on the north side of the building facing MacArthur Drive would that mean that no landscaping would be required?

Commissioner Walberg answered, well you should still install landscaping because the landscaping that you are proposing is not going to give privacy to the residents. I am reading his letter and he has been looking at bright lights and a garage every day, and I am sure that was not the agreement. I was not on the board at that time but I'm certain this body would not approve of that.

Steve Abdallah answered, based on the current landscaping plan, a lot of the vegetation going in are 4 to 6 feet high as well as anywhere from 10 to 20 feet wide and because where everything will be planted is up on a slope, it will give the effect of proper screening.

Commissioner Walberg asked, how fast is it growing?

Steve Abdallah answered, it depends on what size we get. Some of the trees we are getting come in at 6 feet tall.

Commissioner Ventura commented, I would question how aesthetically pleasing it would look to have a fence. I personally don't think it would look attractive to have a fence back there.

Commissioner Freda added it's a very narrow berm.

Commissioner Donoval asked, what kind of guarantee do we have that you are going to finish this project if the building sells tomorrow?

Steve Abdallah answered, one of the things I propose if the new plan gets approved is to start work on the retaining wall even if the building is sold before the work is complete. I will talk to the attorneys and have a contingent put in where landscaping has to be done before the building is sold.

Commissioner Freda asked, is the retaining wall going to be stone or timber?

Steve Abdallah answered, timber.

Commissioner Walberg asked, can you guarantee that the beaming will be large?

Steve Abdallah answered, the legend on the landscaping plan shows what each thing will come in as far as height.

Commissioner Walberg added, I think we are interested in passing, and your position should be to comply with that or to supply us with what would be amenable to that.

Steve Abdallah answered, of course.

Chairman Caslin added, in 1988 a variance was approved for planting in lieu of a fence, that doesn't mean that you don't have to put up a fence. At this point in time, you are asking for a variance on the original plan which means that everything is on the table now and from what I can see the screening you are proposing is a lot smaller, and it's a very sore spot with that particular tract of property. Starting with the Holiday Inn in 1993 when I was on the Council they wanted a variance for a zero lot line in the parking lot. We gave it to them in lieu of that the fence would be installed outside of their property and the vegetation that was required be put outside of their fence. In the meantime, the Holiday Inn was sold and re-sold again, and they said were not responsible, it's not on our side of the property. There are people on this board and the other board that face that property and are tired of it and have made it very clear. We need a way to solve the problem, and I think a fence is in order because of the lights on the garage that shine through. I think you can minimize some of the greenery but you have to

maintain it. That's the problem we had with the Holiday Inn, the trees died and they said it wasn't their responsibility to replace them. We are not going to take the tax payers dollars to replace property that belongs to you. We can sit on the argument that your property line ends on a certain point but as you have a house, the City's easement on the front of your house, you maintain it. You maintain it because the City gave you the authority to crossover with your driveway. My theory is that a fence needs to be installed at least on the north side of the building and put in some trees. As far as what Jan said, we've had many promises before where businesses have asked for more time to do the work and nothing gets done. So there has to be some contingency put in on this approval by us and the City Council. I hope you understand what I am trying to say. I think a fence is in order, how the Commission decides its up them.

Attorney Peter Pacione directed his question to Steve Abdallah, there has been suggestion to amend the plan you have presented. You as the project manager, do you have the final authority to approve any changes?

Steve Abdallah answered, I will make whatever decision needs to be made to make sure the project is complete as well as any recommendation the board might have.

Attorney Peter Pacione added, so regardless of what the cost is you have the authority to make it happen? I just need to make sure that is on the record that if they approve something, you will be able to make the decision whether it's a fence or different landscaping.

Steve Abdallah answered, it would depend on the cost.

Attorney Peter Pacione added, that is one issue that I wanted to address, if the Commission is going to ask for something different my recommendation would be to come back on a new date with the revision of the plan of that is the direction the Commission wants to go. It was also brought up what would happen if you sell the property. What I recommend is that in the ordinance we put that if work has to be done prior to the sale and you will not be able to sell the property if it is not done.

Commissioner Freda asked, could you revise the plan and come back in two weeks?

Steve Abdallah answered, yes.

Commissioner Jackson added, I think we should get a sense of the Commission's opinion of landscaping versus the fence.

Chairman Caslin asked, would you like a consensus of the board?

Steve Abdallah answered, yes.

Commissioner Freda, no fence, I am leaning towards a very dense coverage so they don't have to be looking at the lights from the parking lot.

Commissioner Ventura, no fence.

Commissioner Jackson, no fence.

Commissioner Cardenas, no fence.

Commissioner Donoval, how about a fence close to the building to screen the building and landscaping on the other side?

Commissioner Freda added, you wouldn't be able to see the fence if it's close to the building because of the berm.

Commissioner Donoval added, okay that is fine with me. If you have good landscaping, that's fine.

Chairman Caslin added, the Commission is not in favor of the fence and that is fine, City Council may change their mind but that's up to them. More denser greenery, more trees for better screening will work.

Chairman Caslin opened the floor to the audience for any positive/negative testimony.

Donald Schoppelry took the floor and stated, I am Don Schoppelry I am here with my wife Ann Schoppelry, we are residents of Oakbrook Terrace, we live at 1S727 MacArthur Drive. We bought the lot in 1995 and build out home in 1999 knowing that there was commercial property directly across. The value of the property lowered due to the commercial property but that didn't bother us as landscaping completely blocked the view of the commercial property. The last few years there has been trees dying but it was still providing adequate screening. Last year the dead trees and all the undergrown vegetation was removed so there is no screening left at all. Now from the front of our house we have a view of the parking garage and

office building, and at night time you would not believe the amount of light that comes from the parking garage. We were hoping that they would get around to replacing the landscaping this spring but I understand the lack of action due to Covid-19. Now the owner is asking for a relaxation of the landscaping screening requirement facing MacArthur Drive. We live on MacArthur Drive a residential street, their property is on 22nd Street, a commercial property. Looking out the front of our house and driving on MacArthur Drive looks more like a commercial street than residential. This affects the whole community not just us. Also, with visible commercial property the value of our property probably lowered more. We strongly object to any relaxation of the landscaping screening requirement from what they agreed to when they built, and as far as the fence I don't see how a fence would be a substitute for the landscaping. Thank you.

Chairman Caslin added, we appreciate it, thank you.

MOTION Commissioner Freda moved and Commissioner Walberg seconded to continue Case #21-06 for October 20, 2020, 6:00 p.m.

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

CASE CONTINUED

Attorney Peter Pacione commented to the Commission, I was asked to address regular zoning procedures basically from the start when somebody is asking for a variance, special use, or any other zoning entitlements that they would like. If the City doesn't agree with the request, that's okay. The City can express their opinion that they are not in favor of a certain project but ultimately the petitioner has the right to present anything that they want in the application whether we agree or disagree, they have the ultimate right. If they submit it, we have to accept it and go forward with it. I've been involved in scenarios where the municipality, not this one, did not want to allow them to move forward and it's not a pretty thing because were just ultimately going to get sued. So if someone wants something they have the right to ask for it. If there are any questions anyone has regarding zoning procedures, I'd be more than happy to answer them now.

Commissioner Jackson asked, have people been turned away here?

Attorney Peter Pacione answered, no, not here.

Commissioner Freda asked, if we don't approve it, they lose the money the spent?

Attorney Peter Pacione answered, correct, they go forward at their own risk. We can only advise and they decide if they want to move forward and they have that right.

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 6:45 P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary