



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday April 15, 2014  
Case #14-14

Chairman Noble reconvened the meeting at 7:30 P.M.

Present: Chairman Noble, Commissioner's Schneider, Ventura,  
Myszkowski, Almeroth, Donoval

Not Present: DeVries

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Myszkowski, Almeroth, Donoval

Not Present: DeVries

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Planning & Zoning Commission Secretary Janice Coglianese, Attorney Mark Daniel, Daniel Law Office, P.C., Gary Heigl, Chief Executive Office of WH&H Realty Advisors, LLC, Peter Heigl, Senior Vice President & Principal of WH&H Realty Advisors, and Paul Di Cosola, Senior Property Manager of NAI Hiffman

Chairman Noble said the fourth order of business, Case #14-14, was to consider the request by 1S450 Summit Oaks LLC (owner and petitioner), to approve an amendment to a previously approved site plan with variations as authorized under Section 156.023 (B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance"). Petitioner requests the following variations from the Zoning Ordinance in relation to the parking lot:

1. From Section 156.100 (A) (3) of the Zoning Ordinance to permit a change in use of as much as 10% of the gross floor area to medical office use without additional parking facilities beyond those authorized;
2. From Section 156.101 (D) (1) of the Zoning Ordinance to permit 90-degree parking stalls with a width of 8.5 feet, instead of 9 feet, if they are not subject to accessibility requirements;

3. From Section 156.101 (G) (2) of the Zoning Ordinance to permit maintenance of parking spaces at a distance as great as 460 feet from the entrance, instead of 300 feet (intended to maintain the current parking and drive aisle alignment);
4. From Section 156.102 (E) (6) (a) of the Zoning Ordinance to permit the authorized parking spaces at a ratio less than 1:250 square feet gross floor area, provided that (a) at least 340 parking spaces will remain on site and (b) the use of the building remains professional office or a combination of professional office and medical office with the medical uses occupying not greater than 9,315 square feet;
5. From Section 156.102 (E) (6) (b) of the Zoning Ordinance to allow the authorized parking spaces to be utilized for medical offices, provided that not more than ten percent (10%) of the gross floor area shall be utilized for medical offices;
6. From Section 156.049 (I) (1) of the Zoning Ordinance to allow the elimination of planting islands except in the east and west circular drive areas as depicted in the amended site plan;
7. From Section 156.040 of the Zoning Ordinance to permit maintenance of the parking field drive aisles and lanes substantially as they exist today and as authorized under the amended site plan; and
8. From Section 156.101 (D) (2) of the Zoning Ordinance to permit required handicapped parking that meets the standards of the Illinois Capital Development Board or the ADA Accessibility Guidelines (ADAAG) promulgated by the United States Access Board instead of the Zoning Ordinance;

Petitioner seeks additional variations from the Zoning Ordinance in relation to addressing conformity of the existing development with the modern zoning ordinance as follows:

9. From Section 156.101 (E) of the Zoning Ordinance to permit maintenance of the existing Summit entrance drive at a width between 42 and 73 feet, instead of 35 feet, and flares up to 15 feet on each side, instead of 5 feet;
10. From Section 156.103 (A) (2) of the Zoning Ordinance in order to permit maintenance of the existing west circular drive for loading operations;

11. From Section 156.103 (D) of the Zoning Ordinance in order to permit maintenance of the existing west circular drive for loading without screening;
12. From Section 156.104 of the Zoning Ordinance to eliminate the requirement for a loading berth;
13. From Section 156.039 (B) (4) of the Zoning Ordinance to eliminate the requirement for a fence and 12-foot landscape buffer along the north and west lines of the Subject Property, except as such fencing is required for the trash enclosure;
14. From Section 156.035 (C) (3) of the Zoning Ordinance in order to permit maintenance and eventual replacement of existing light standards at a height up to 32 feet above grade, instead of up to 16 feet above grade;
15. From Section 156.049 (H) (1) of the Zoning Ordinance to eliminate the requirement for a 12 foot wide landscaped yard with full screen/buffer along the north and west lot lines except as it exists presently; and
16. From Section 156.049 (I) (2) of the Zoning Ordinance to eliminate the requirement for perimeter parking lot landscaping except as it exists presently.

Petitioner and Owner seek those variations necessary to allow the improvement of the parking lot and maintenance of facilities according to the site plan last revised on March 12, 2014, which is on file with the City of Oakbrook Terrace.

Chairman Noble asked the petitioners and anyone else who wished to speak to be sworn in.

Mark Daniel, of Daniel Law Office, P.C., Gary Heigl, owner of property and Chief Executive Officer of WH&H Realty Advisors, LLC, Peter Heigl, owner of property and Senior Vice President and Principal of WH&H Realty Advisors, LLC, and Paul Di Cosola, Senior Property Manager of NAI Hiffman, were sworn in by Planning and Zoning Secretary Coglianese.

Chairman Noble asked the petitioner's to state their case.

Attorney Daniel took the floor and stated that this was one (1) of those situations where they have a quality office building in the City, which was

approved under pre-existing standards. As the Commission can tell from the legal notice variations are usually broken down into two (2) categories, the general existing conditions variations, and the variations tied solely into the restriping effort. He stated that this evening they were going to try to lay out each of the issues from the operational standpoint so the Commissioners could understand why they were listed as variations, and how the property functions. He continued to introduce the owners of the building, and how they came into ownership of the building.

Petitioner Gary Heigl took the floor and stated that as the Chief Executive Officer of WH&H Realty Advisors he acts as a managing member of the LLC that owns the property. He commented that they bought the property in 2010, and their goal this evening was to solve a parking issue that not only this building is confronting, but other offices in the suburban area. Tenants are doing everything possible to maximize the employee count in the square footage they lease as opposed to coming to the manager /owner and leasing additional office space. When they bought the property in 2010 it was 85% occupied, and currently 81% leased. He continued to say, in the past, there was an abundance of parking spaces; however, today at 81% on some days there is no place to park due to the tenants doing everything they can to minimize their total occupancy cost by jamming as many employees in the leased space. The days of 8' x 8' cubicles are no longer and are now 6' x 6' if they even are cubes; they are actually going Japanese style, computers on tables lined up on both sides. He said they are trying to keep their tenants, which is a big challenge due to number of current parking spaces. He stated that they are only trying to do two (2) things, minimize the width of the parking stall from 9' to 8 1/2' and to take the islands out to gain space; their net gain is little less than fifty (50) spaces. The cost for removal of the islands and restriping is over \$100,000.00. The alternative is to seek a parking garage deck, which is more than the building.

Attorney Daniel commented that the Commissioners did hear a good amount about the practical difficulty, and particular hardship from Mr. Heigl's testimony. Since filing the application and until tonight there has been some discussion on accessibility issues, and a variance recited regarding handicap parking stalls under number nine in the legal notice. They are going to limit that variance based on the City Engineer's comments. Generally when it comes to a project like this, you look at the project price which is 15% of the total project of construction cost then you apply the US Department of Justice standards under the Accessibility Disability Act (ADA) so as to have sufficient handicap parking in an efficient design. They are proposing to approach improving accessibility by providing the full number

of handicap spaces, but having a shared stall between the spaces. The City Engineer and Building and Zoning Administrator Dragan both worked on the issue, and gave Attorney Daniel their findings.

Attorney Daniel stated the Petitioner will be following the Illinois Capital Board of Regulations to the extent that they require double berths for handicap stalls, which is more stringent than the US Department of Justice parking standards. As before he continues to go through the City files, meets with staff, and commented that Building and Zoning Secretary Coglianesse did a great job collecting the older plans, and material for his review.

Attorney Daniel stated the history of the building shows some medical office use, less than 10%, and currently there is an area designed especially for medical offices which is vacant. They provided for a blend of offices and medical office use. The primary reason relates to review of what is available in Oakbrook Terrace, and the existing condition of the building as well as the past history. Due to the new Elmhurst Hospital location, many physicians are looking to locate their medical offices in the area. This gives Oakbrook Terrace a chance to benefit from this medical center.

Attorney Daniel then continued to touch on the surrounding uses which are primarily offices to the east and south, and looking to the west is Versailles, which has been there for a long time with no complaints of the neighboring buildings. The west parking area is the largest parking field with islands of trees one taller than the other and some dying or in deteriorating condition continually being replaced due to the location. Versailles has a service area which is roughly the center of Summit Oaks west lot line. If you move straight west there are two (2) back-to-back parking lot bookends, a service garage, and waste hauling for Versailles. Toward the northwest end of Summit Oaks there are some utility and ventilation air systems for Versailles.

Attorney Daniel commented that the operation of the site has two (2) entrances; the main entrance on the east side face of the building is the handicap access pad with ramps on each side. The proposed handicap area, located just west of the western circle, would have had accessible challenged people versus the loading area. The second entrance is on the south side. The Petitioner is proposing to remove the islands from the parking area, convert the area to hard surface, and to restripe the parking area in accordance with the variance for the width reduction down to 8 ½' of the parking stalls. The removal of the islands will be governed by the Stormwater Ordinance of the County in which the City Engineer has viewed and made his comments. There are two (2) to three (3) options on handling

the permitting. They are looking for a request of a fee in lieu of contribution to using a best management practices for stormwater purposes. Under the Stormwater Ordinance there is a detention component and a best management practice component. In this instance all the stormwater is taken to the southeast corner and the best management practices in the parking lot are generally infeasible. There are no detention requirements that come out of this, because they are below 5,000 square feet of new surface. In respect to site circulation, the request is to narrow the width of the stalls; they are not altering the drive aisles. They are looking generally at the maintenance of the site, and the condition as it exists today in which Versailles will be looking at the same view that there is today. The alternative to a parking lot would be a parking deck; Versailles would not want this as an alternative. This is the least evasive approach at this time to accommodate the site. In respect to lights, the light standards are in six (6) different locations on the north and south property; the height is important for insurance and security purposes, and they conform to the City's code.

Senior Property Manager Di Cosola stated they have 81% of the building leased with the present tenants adding more employees in the same amount of space. There has not been any marketing for medical activity and the current space is still currently usable with updating for technology.

Attorney Daniel commented that he and Mr. Di Cosola did meet with Building and Zoning Administrator Dragan at the site and observed what Mr. Di Cosola described.

Attorney Daniel stated that there are two (2) components in handling economics in Oakbrook Terrace; one is recruitment of new business, and the other is retention of existing business. Adding the additional parking spaces is a critical component for any office use. He mentioned that the offices and common space is attractive inside, and as tenants move out the offices are modernized.

Attorney Daniel stated in respect to neighborhood conditions he stressed they are trying to avoid significant changes to the neighborhood. The drive aisles are going to stay 24' wide at the same locations, and traffic patterns will remain the same. The variance from a hardship prospective is necessary in light of the changing ordinances, and the changing economics since the project has been developed.

Attorney Daniel continued to comment that they should be focusing on two (2) things: keeping the jobs / keeping the property as it stands, and focusing on how they have the entitlement adjusted to meet current standards. He

said the plan had proposed a difference of nine (9) spaces. The requirement for the general office is 273 parking spaces and the general office, 10% medical office mix is 382 spaces. In regards to the application for the floor calculations, they referred to the plans on file with the City of Oakbrook Terrace and utilized the Assessor's website.

Attorney Daniel stated that some of the variances in which they are requesting this evening are necessary from a precautionary perspective. Looking at the property, they know it is not zoned for residential use, but there are some buffering requirements if the property is used for residential purposes. They understand that the property north of them is subject to redevelopment; they have a summer trailer in the back, and a home up front in deterioration. Buffers are required if this property continues to be used as residential, which is required by code.

Attorney Daniel ended by stating that they need some help in adjusting the size of the spaces, and codify what they have in place so it complies with the Zoning Ordinance as it stands in the books for Oakbrook Terrace today.

Chairman Noble asked if there were any comments from Building and Zoning Administrator Dragan.

Building and Zoning Administrator Dragan stated that the Commissioners received staff memo dated March 27<sup>th</sup>, and copies of all documents submitted by the applicant for this petition concerning the proposed amendments to the site plan and variation from the Zoning Ordinance. They also received Dan Lynch, of Christopher Burke Engineering, review comments dated April 7<sup>th</sup>, and the Petitioner Attorney's response dated April 9<sup>th</sup>. As it stands tonight, the Petitioner will meet all the accessibility requirements.

Building and Zoning Administrator Dragan continued saying that prior to the meeting the Commissioners received comments from Ralph DeLuca, Assistant Fire Chief of Oakbrook Terrace Fire Protection District, and Dan Lynch's response clarifying that the circulation within the parking lot will not change as the proposed project replaces the existing curbed islands with parking stalls. The Oakbrook Terrace Fire Protection District will have no further comments on this petition.

Building and Zoning Administrator Dragan commented if the Commission considered approval of the applicant's request, the approval shall be contingent on the final site plan that takes into account the City Engineer's letter dated April 9, 2014.

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

Commissioner Donoval asked where the main entrance to the building was located.

Attorney Daniel stated the entrance most used by the employees, which has an accessibility pad, is on the east entrance, and is used as the main entrance today.

Commissioner Noble stated that the Accessibility Act of 1998 states that handicap parking should be as close to the main entrance as possible.

Attorney Daniel said Commissioner Noble was correct and that is why these parking spaces were shifted from when they were originally approved to the east entrance shortening the distance.

Chairman Noble asked if the Petitioner considered purchasing the real estate property to the north of them.

Attorney Daniel stated it was not an option that became available.

Petitioner Heigl commented that he met with the owners of the property north of them and discussed with them that they would very much like to purchase their property. He said the son of the Petitioner is temporarily living in the house with his wife while their home in another location is being remodeled. The owners had the property appraised in which they received three (3) indications of value. The appraiser told them if it was to be a medical office, one (1) million dollars, and so forth and so on. Mr. Heigl said they would very much like to stay in communication with them when they are really interested in selling, and he is not interested in building a medical office since they have enough of a challenge in leasing the offices they currently own. He said when the time comes and they are ready to sell, this would resolve their parking issue.

Commissioner Almeroth stated he is really against variances for sizes of parking spaces; however, they did make a great presentation for hardship, but they currently are 80% filled. He asked what happens if they are 100% occupied.

Petitioner Heigl stated this change would take them beyond the 80%; he said at the present time they could say they have no available parking spaces.

Commissioner Almeroth said yes, but if the offices were leased at 90% then what is the next plan.

Petitioner Heigl commented that they wouldn't have a plan and a deck wouldn't be feasible.

Commissioner Almeroth asked if their plan would be to leave the 20% of the building empty.

Petitioner Heigl stated that the parking they have now is at 81%; they are going to free up some parking that should take them beyond 85%. He said their two (2) largest tenants, (health & care insurance companies) park way beyond the means of this parking lot and have placed excessive amount of employees in their offices. Petitioner Heigl said the difficulty he faces is that he cannot have two (2) tenants of this nature who take up a large amount of parking space, but try to find tenants who will use less parking. He made a comment in regards to the 8½' parking spaces; they own another suburban office building in Skokie at Old Orchard and Harms, and before they bought it the prior owner went to the Village for a similar ordinance and was able to compress the spaces to 8½'; it was never an issue.

Commissioner Almeroth mentioned people will then open the doors and hit the car door next to them.

Petitioner Heigl said people seem to adjust and if they worry about their own car then they will be more cognizant of it.

Commissioner Donoval voiced his opinion by saying he rather give the Petitioner extra parking spaces then to freeload on someone else's property.

Petitioner Heigl commented they actually had that happen with other employees of a business across the street; they were parking in Mr. Heigl's parking lot. He said at this point he has to become more aggressive with his tenants and remind them that there are limits according to their contract to how many parking spaces they are to utilize.

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

Commissioner Schneider asked if the parking spaces at Mr. Heigl's Skokie office building were 18' in length.

Petitioner Heigl was not sure of the length and asked his son Peter Heigl.

Petitioner Peter Heigl said he was not sure.

Commissioner Schneider said he noticed there are still a lot of SUV's out there and spaces are tight and the Petitioner is still thinking of decreasing this by another foot.

Petitioner Heigl said the length will not be changing.

Attorney Pacione asked Attorney Daniel if section #9 was no longer necessary.

Attorney Daniel stated that #9 is necessary only in the extent that it refers to the Illinois Capital Development Board, so if they were to strike through the word "or" all the way through to the "United States Access Board", this would be an accurate recitation after Dan Lynch's (CBBEL) correspondence and the discussion from last evening.

Attorney Pacione said then it would read: Illinois Capital Development Board instead of the Zoning Ordinance.

Attorney Daniel said that was correct.

Attorney Pacione stated then he would correct this.

Commissioner Schneider commented under #14, to eliminate the requirement for a fence on the west side of the property by Versailles; he commented that there are first floor residents that will be looking at the cars so why eliminate a fence.

Attorney Daniel stated that #14 was only to eliminate the requirement and actually there is no fence on the Petitioners property now. There is a 6' chain link fence only on the west side which may be Versailles' fence. The Petitioner is not actually eliminating any existing fence; it's avoiding the

Chairman Noble commented that there is a fence on the south side of the parking lot.

Attorney Daniel stated there is a fence on the south side of the parking lot and on the north side a board on board fence in disrepair. To the south there is a day care center that is coming in and they have done quite a bit to add some improvements.

Chairman Noble commented then the fence was actually erected by the other property owner.

Attorney Daniel said he believes it was.

Building and Zoning Administrator Dragan commented that there was a fence requirement between the Petitioner's property and the property to the north. Summit Oaks is not required to erect a fence to the south as the day care will erect a fence.

Commissioner Almeroth said he guessed that the fence on the north side of the property is the Petitioner's since it buffers the residential property.

Building and Zoning Administrator Dragan commented the fence on the north side is the Petitioner's.

Commissioner Almeroth said they stated that this fence was in disrepairs.

Petitioner Heigl commented that it was repaired and that they also asked for dying trees to be cut down.

Chairman Noble stated he was on the property the other day and noticed some panels on the fence falling apart.

Petitioner Heigl said it would.

Commissioner Ventura commented that she feels that the residents of Versailles might miss the planted islands and trees on the west end of the parking lot. She said by eliminating only half the islands, they could still have additional parking spaces and keep spaces at 9' instead of it being so tight, and asked if this was taken into any consideration.

Petitioner Heigl said not really; Versailles residents don't even look over at this west area of the lot. He said it is a false assumption that Versailles is overlooking this particular area.

Attorney Daniel stated that the building off angles to the west of the Petitioners building. That is why he mentioned the two (2) opposing parking lots with the service area, waste hauling, and garage space is all directly east; the property is aligned off centered. Versailles is also at a higher elevation so they wouldn't even notice the planted islands, but would notice the canopy trees that are actually not surviving.

Commissioner Ventura asked if they could expand on the water retention due to the fact that those islands do take up some of the water retention, and asked how sure they were that this would not cause a problem.

Attorney Daniel stated the water would be conveyed to the existing storm system of the property to the detention facility on the southeast side of the property around 4,000 square feet of new impervious surface.

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

There were none.

Chairman Noble opened the floor for public participation.

There was no public participation.

Chairman Noble closed the public portion of the hearing.

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

There were none.

Chairman Noble asked if there were any other questions or comments from the City Attorney.

There were none.

Chairman Noble asked for a motion to approve Case #14-14.

MOTION Commissioner Schneider entertained a motion to approve Case #14-14, to approve an amendment to a previously approved site plan with variations as authorized under Section 156.023 (B) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance"). Petitioner requests the following variations from the Zoning Ordinance in relation to the parking lot:

1. From Section 156.100 (A) (3) of the Zoning Ordinance to permit a change in use of as much as 10% of the gross floor area to medical office use without additional parking facilities beyond those authorized;
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3. From Section 156.100 (D) (1) of the Zoning Ordinance to permit 90-degree parking stalls with a depth of 18 feet, instead of 19 feet, if they are not subject to accessibility requirements (intended to maintain the current parking and drive aisle alignment with typical depths of 18.5 feet);
4. From Section 156.101 (G) (2) of the Zoning Ordinance to permit maintenance of parking spaces at a distance as great as 460 feet from the entrance, instead of 300 feet (intended to maintain the current parking and drive aisle alignment);
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Petitioner seeks additional variations from the Zoning Ordinance in relation to addressing conformity of the existing development with the modern zoning ordinance as follows:

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17. From Section 156.049 (I) (2) of the Zoning Ordinance to eliminate the requirement for perimeter parking lot landscaping except as it exists presently.

Petitioner and Owner seek those variations necessary to allow the improvement of the parking lot and maintenance of facilities according to the site plan last revised on March 12, 2014, which is on file with the City of Oakbrook Terrace.

Commissioner Ventura seconded the motion.

Chairman Noble asked if there were any other discussion.

There was none.

Chairman Noble asked for a roll call.

Ayes: Schneider, Ventura, Myszkowski, Donoval, Chairman Noble

Nays: Almeroth

Not Present: DeVries

MOTION WAS PASSED.

Building and Zoning Administrator Dragan stated the Letter of Recommendation will be placed on the May 13, 2014 City Council agenda.

Case #14-14 for 1S450 Summit Oaks, LLC ended at 8:30 P.M.

A five minute recess was called before continuing with Case #14-15.

