



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, June 16, 2020
Case #20-11

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 March 3, 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 Freda moved and Commissioner Cardenas seconded the motion to approve the minutes of March 3, 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 took the floor and stated, at this time we will reconvene the meeting that was continued from March 3, 2020, for Union Group of Illinois, LLC, we've come to an agreement when it comes to the fence, and we are prepared to vote.

Building and Zoning Administrator Mihaela Dragan added, since the petitioner agreed to install a fence, if the Commission is agreeable with the applicant's request, the Commission shall recommend approval for the Special Use and variations from the Zoning Ordinance except for item two as the variation for installation of the fence is no longer needed. Also, the additional sally port fence puts the applicant's parking spaces at 58 not 60 as originally presented at the March public hearing meeting. In conclusion, when you make a motion, item two is no longer needed, and item six should read 58 instead of 60 parking spaces.

MOTION Commissioner Jackson moved and Commissioner Freda seconded to approve Case #20-11.

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:

MOTION PASSED WITH A 7-0 VOTE

Building and Zoning Administrator Dragan added, the Letter of Recommendation will be placed on the Agenda for the June 23, 2020, City Council meeting at 3:00 p.m.

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Plat of Consolidation

Chairman Caslin said the third order of business was to consider approval for final plat of consolidation of 17W433 Karban Road for Nicole Marie Berkshire (“petitioner”).

Petitioner Nicole Marie Berkshire, Brent R. McQueen, Senior Project Engineer with Mackie Consultants, and Rick Croce, from Rick Alan Homes were sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Plat of Consolidation

Brent R. McQueen took the floor and stated, my name is Brent R. McQueen, I work for Mackie Consultants and we are serving both civil engineering and survey firm for this project. I’m here tonight representing Nicole and Gary Berkshire, owners of 17W433 Karban Road. They purchased the lot in 2019 with the possibility of building their dream home. I’ll begin with a little history of 17W433 Karban Road. In 1945, Town Development Company recorded a plat of subdivision for Elmhurst Country Side unit #5, 17W433 Karban Road was lot #11 on this subdivision located on the corner of Karban Road and Maple Place. Southeast corner Maple Place is actually a cul-de-sac. In 1989, Ordinance #82-32 from the City of Oakbrook Terrace vacated Maple Place, so in this type of situation half of the vacated property goes to the adjacent property and the other half to the other side. In this case, lot #11 was the benefit of Maple Place. In 2019, Gary and Nicole purchased the property and realized that the majority of the east Maple Place right-of-way was being used for commercial. They are in the process of getting the land transferred to re-establish those property boundaries. Tonight we are here to talk about the plat of re-subdivision. What this does, it combines former lot #11 with the second parcel that they also own, which will be the remaining portion of the eastern half of Maple Place right-of-way that they will retain. We are combining two parcels into one. In addition, we are re-establishing one setback line, the western property line. Back in 1945, there was a 30 foot building setback off of the cul-de-sac, there is no cul-de-sac there anymore and the western property line has shifted west a little. therefore we want to re-establish that setback line for the correct condition. In this case, we are proposing a 10 foot building setback line. Those are the items that we are re-establishing in the plat of re-subdivision. I can answer any questions you may have on this issue.

Attorney Peter Pacione added, at this point I would like the Commission to focus only on the plat of consolidation, and to take a vote then proceed with the next item.

Building and Zoning Administrator Mihaela Dragan added, the approval of the plat does not require a public hearing before the Planning and Zoning Commission, it requires a presentation and recommendation. Dan Lynch from Christopher B. Burke Engineering reviewed and recommends approval of the proposed plat.

MOTION Commissioner Jackson moved and Commissioner Freda seconded to approve the plat of consolidation for 17W433 Karban Road

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.

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Case #20-12

Chairman Caslin said the fourth order of business was to consider approval for variations from the Zoning Ordinance by Nicole Marie Berkshire (“petitioner”).

Variation

Brent R. McQueen proceeded, and stated, Gary and Nicole have spent some time working on the design of their new home. The good news is that it meets the majority of the ordinance requirements including lot coverage, front lot coverage, and setbacks. There is one requirement that it does not meet, on the northern elevation of the house, you’ll see elevation points on your exhibits, the majority of the roof of the house is 29 feet but there is a point where it goes up to about 32 feet tall. The variation that we are asking for is to allow a 37 foot house. I know I said the highest is 32 feet but that is based on how it is calculated in the City ordinance. The City ordinance requires to calculate the height of the house from the peak of the roof to where the elevation is at the right-of-way. In addition, you’ll see that the property slopes from the southeast corner to the northwest corner. In a general house in a subdivision, the front half of the house drains to the right-of-way of the existing storm sewer and the rear of the house drains to a drainage well. In our case, the highest point, which we can’t control, is at the back. You want your rear yard drainage well to be about half a foot below your grade foundation and that is what we have done. We are asking for a height variation due to the extenuating circumstances that we have in the drainage.

Commissioner Freda asked, the drainage, is it caused by the commercial properties behind with all their hard surfaces?

Brent R. McQueen answered, no, we are just meeting the conditions at the property line. There is a small retaining wall south of the property that lowers the grade level.

Commissioner Freda also asked, is there going to be plans for the basement?

Brent R. McQueen answered, it is designed to be left unfinished right now.

Commissioner Jackson asked, what is above the second floor?

Rick Croce answered, the roof structure.

Chairman Caslin asked, is there attic space?

Rick Croce answered, yes.

Commissioner Jackson also asked, why is the attic space and the roof as tall as it is?

Rick Croce answered, it actually isn't, the main part of the roof is pretty average for the size of the house.

Commissioner Jackson then asked, why is there an extra 3 feet in the roof?

Rick Croce answered, the roof itself is just a little bit over 32 feet so the whole house is not 37 feet. The 37 feet number comes from the calculation based on the roadway.

Commissioner Jackson added, my question is, why is the space above the second floor have to be as tall as it is?

Rick Croce answered, if I were to take 5 feet off that roof it would be less than acceptable architecturally and even for drainage. Right now you have to down to a pitch that would be less than normal for a standard non-custom home, and so to gain the 4-5 feet in height, the roof itself, would be destroying the design of the home.

Commissioner Jackson also asked, the tallest part is not the main roof, it's one of the gables?

Rick Croce answered, yes, the main roof is 29 feet.

Commissioner Donoval added, I am very familiar with the site, we welcome you, I don't have any problems with the height. The only question that I have is why do you have to give away half of the right-of-way?

Brent R. McQueen answered, because of the use right now and the way it is being used. It essentially has a fence and commercial parking lot that are technically on the Berkshire property, and in an effort to get those property lines more representative of how they are being used, there is going to be property transfer just to better establish the property line.

Chairman Caslin added, I don't have a problem with the house, hypothetically speaking, how much will it cost to re-grade that lot?

Brent R. McQueen answered, \$50,000 minimum.

Chairman Caslin then added, there is a reason why I am asking you that. We spent almost a year redefining our zoning rules. Variations was the biggest problem we had in this town. We started variations at 33 feet, 3 feet higher than any community around here. When I say that, I don't want someone coming in 6 months from now and say they want to build a 37 foot tall house because you built a 37 foot tall house, but we have extenuating circumstances here because of the \$50,000 that would be required to re-grade that lot. We set guidelines, and we want people to follow those guidelines. **I just want it to be on the record that we are doing this because there are extenuating circumstances for that particular lot.**

Chairman Caslin opened the floor for any public participation.

No public participation noted.

Chairman Caslin asked if the Commissioner's had any other questions or comments.

No questions or comments from the Commissioners.

MOTION Commissioner Freda moved and Commissioner Walberg seconded to approve Case #20-12.

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.

Building and Zoning Administrator Dragan added, the Letter of Recommendation will be placed on the Agenda for the June 23, 2020, City Council meeting at 3:00 p.m. There is no public hearing scheduled for July 7, 2020, would you like to cancel the meeting?

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MOTION Commissioner Jackson moved and Commissioner Freda seconded the motion to cancel the July 7, 2020, meeting.

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 6:38 P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary