



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday August 5, 2014
Case #15-4

The meeting was called to order by Chairman Noble at 7:00 P.M.

Present: Chairman Noble, Commissioner's Schneider, Myszkowski,
Almeroth, Donoval, Smurawski
Not Present: Ventura, Building and Zoning / Planning and Zoning
Secretary Coglianese
Also Present: Building and Zoning Administrator Mihaela Dragan, City
Attorney Peter Pacione, Petitioner John Wendland /
Chicago Title Trust Company and Court Reporter Haley
Goodwin

Chairman Noble said the first order of business was to approve the minutes of June 3, 2014, Case #15-2; being 40 pages long were tabled to be approved at tonight's meeting for 17W744 22nd Street, Twin Peaks demolition of the existing building and redevelopment of subject property.

MOTION Commissioner Almeroth entertained a motion to approve the minutes of June 3, 2014, Case #15-2.

The motion was seconded by Commissioner Myszkowski.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE.

Chairman Noble said the second order of business was to approve the minutes of June 17, 2014, Case #15-3, 1S616 Midwest Road, Summit-Tesera, LLC / Butterfield's Pancake House wall signage and outdoor dining.

Commissioner Almeroth had a comment on Page 6 of the minutes stating that the City Code only requires compliance with a landscaping ordinance for new construction or between two (2) non-compatible uses; he strongly disagreed and stated if the landscaping at the proposed building was terrible, there is nothing in the ordinance that says they have to fix it.

Building and Zoning Administrator Dragan commented that they took over an existing building which they are remodeling, not new construction, and there are no restrictions in the ordinance requiring certain landscaping. The owners agreed to take care of the landscaping.

Commissioner Almeroth commented that someone could come before the Commission and say the landscaping is fine and then proposed a suggestion for a text amendment. He said he was uncomfortable voting on this.

Building and Zoning Administrator Dragan commented that this could be presented at the end of the year and she would make a note of it.

Commissioner Almeroth thanked Building and Zoning Administrator Dragan.

Commissioner Schneider entertained a motion to approve the minutes of June 17, 2014, Case #15-3.

The motion was seconded by Commissioner Myszkowski.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE.

Chairman Noble said the third order of business was to consider the request by Chicago Title Trust Company / John Wendland, Case #15-4, 17W626 Butterfield Road approval of "Site Plan" for parking lot, curbs, and utilities on Lot 3 as follows:

-Variation from Section 156.051 (E) (1) in order to permit two (2) above-ground service facilities.

-Variation from Section 156.051 (F) (2) to waive the landscape screening requirement for above-ground service facilities.

-Variation from Section 156.051 (D) (5) waiving the 250 foot radius for multiple above-ground service facilities in order to permit the installation of two (2) above-ground service facilities.

-Variations from Section 156.087 (G) (2) to permit a side yard for paved area of 3.5' instead of minimum required five feet (5').

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

John Wendland, owner of subject property, was sworn in by Building and Zoning Administrator Dragan.

Chairman Noble asked the Petitioner to state his case.

Petitioner Wendland took the floor and stated that he was here tonight only for the purpose of the property not for the proposed building. He stated that on his three (3) pieces of property, his intent was to group the utilities in one (1) spot. He stated that the property is surrounded by office buildings and the Gardner School. The closet residential unit is 500' away and the utilities are not visible from this point. Mr. Wendland said that the grading, curbs, gutters, electric, gas, and water will be within 5' of the pad and he would like to have it done before winter sets in. He continued to explain all the requests for variations mentioned above.

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

Building and Zoning Administration Dragan stated at this time Mr. Wendland is seeking approval of the site plan for parking, curbs, and utilities and variations as listed and to allow the existing electrical transformers without landscaping around it. Specialty Café will include the request for special use permits and address necessary variations to the Zoning Code to allow construction of the restaurant.

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

Commissioner Donoval inquired about the quantity of chairs in the restaurant and parking spaces.

Building and Zoning Administrator Dragan commented that there was no parking variation and after the final revisions they would know the total amount for chairs.

Commissioner Donoval asked why the case was going to be delivered in two (2) separate hearings.

Building and Zoning Administrator Dragan said it was done this way to be able to start the construction of the parking lot.

Commissioner Almeroth inquired about the above-ground service facilities and location.

Building and Zoning Administrator Dragan stated that there are a couple existing ones located on Lot 3 next to the daycare.

Petitioner Wendland commented that the service facilities were 500' from the apartments and in the middle of office buildings, out of line and out of sight.

Chairman Noble asked if there were any other questions from the Commissioners. There were none.

Chairman Noble opened the floor to the public and asked for any positive testimony. There was none.

Chairman Noble asked for any negative testimony. There was none.

Chairman Noble closed the floor to the public.

Chairman Noble asked if there were any comments from City Attorney Pacione.

City Attorney Pacione stated that this case was being done a little out of order as was said, and noted that the Petitioner is proceeding with this work at his own risk, and if the work is damaged in any way due to construction of Specialty's Café, he will be responsible for bringing the work back up to code.

Petitioner Wendland agreed with City Attorney Pacione's comment.

City Attorney Pacione asked if Petitioner Wendland would be withdrawing his request for a variation for the landscaping.

Petitioner Wendland opted out to keep the variance the way it is.

Commissioner Almeroth commented if the variance was denied on landscaping then what.

City Attorney Pacione mentioned that they would take a separate vote on each variance.

Commissioner Almeroth stated he wanted to see landscaping.

Chairman Noble asked for a motion for variation from Section 156.051 (E) (1) in order to permit two (2) above-ground service facilities.

MOTION Commissioner Schneider entertained a motion to approve the variation from Section 156.051 (E) (1) in order to permit two (2) above-ground service facilities.

Commissioner Myszkowski seconded the motion.

Ayes: Chairman Noble, Schneider, Myszkowski, Almeroth, Donoval, Smurawski
Nays: None
Absent: Ventura

MOTION PASSED UNANIMOUSLY 6-0.

Chairman Noble asked for a motion for variation from Section 156.051 (F) (2) to waive the landscape screening requirement for above-ground service facilities.

MOTION Commissioner Myszkowski entertained a motion to approve variation from Section 156.051 (F) (2) to waive the landscape screening requirement for above-ground service facilities.

Commissioner Smurawski seconded the motion.

Ayes: Chairman Noble, Myszkowski, Donoval, Smurawski
Nays: Schneider, Almeroth
Absent: Ventura

MOTION PASSED WITH A VOTE OF 4-2.

Chairman Noble asked for a motion for variation from Section 156.051 (D) (5) waiving the 250 foot radius for multiple above-ground service facilities in order to permit the installation of two (2) above-ground service facilities.

MOTION Commissioner Almeroth entertained the motion to approve variation from Section 156.051 (D) (5) waiving the 250 foot radius for multiple above-ground service facilities in order to permit the installation of two (2) above-ground service facilities.

Commissioner Myszkowski seconded the motion.

Ayes: Chairman Noble, Myszkowski, Donoval, Almeroth, Smurawski
Nays: Schneider
Absent: Ventura

MOTION PASSED WITH A VOTE OF 5-1.

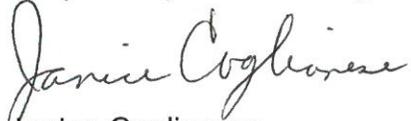
Chairman Noble asked for a motion for variations from Section 156.087 (G) (2) to permit a side yard for paved area of 3.5' instead of minimum required five feet (5').

MOTION Commissioner Smurawski entertained a motion to approve variations from Section 156.087 (G) (2) to permit a side yard for paved area of 3.5' instead of minimum required five feet (5').

Ayes: Chairman Noble, Myszkowski, Donoval, Almeroth, Smurawski
Nays: Schneider
Absent: Ventura

MOTION PASSED WITH A VOTE OF 5-1.

Respectfully submitted by,



Janice Coglianese
Planning and Zoning Secretary