



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, January 6, 2015
Case #15-10

The meeting was called to order by Chairman Noble at 6:00 P.M.

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

Absent: Myszkowski

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Building and Zoning / Planning and Zoning Secretary Janice Coglianese, and Petitioners April Neukam and Nestor Battung

Chairman Noble said the first order of business was to approve the minutes of November 18, 2014, Case #15-8, the request by Floramedex, LLC to allow a Medical Cannabis Dispensing Facility at 17W531 Roosevelt Road.

Chairman Noble asked for any discussion from the Commissioners. There was no discussion.

Chairman Noble asked for a motion.

MOTION Commissioner Smurawski entertained a motion to approve the minutes of November 18, 2014, Case #15-8, the request by Floramedex, LLC to allow a Medical Cannabis Dispensing Facility at 17W531 Roosevelt Road.

Commissioner Donoval seconded the motion.

Ayes: Chairman Noble, Schneider, Ventura, Almeroth, Donoval, Smurawski

Nays: None

Absent: Myszkowski

MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE OF 6-0.

Chairman Noble said the second order of business was to approve the minutes of November 18, 2014, Case #15-9, the request by the owner of 1S635 Halsey Road for certain variations from the Zoning Code for new construction.

Commissioner Schneider said he was not present at the last meeting and his concern was the discrepancy in the footage of the house, and if the Petitioner was going to bring in additional blueprints.

Building and Zoning Administrator Dragan stated that the blueprints would be brought in at the time the Petitioner submits his Building and Zoning application and the ordinance is subject for approval at the next City Council meeting on January 13, 2015. The City Council did discuss the request at the previous meeting in December and will approve the request on the condition that the house has no more than 3,000 square feet of livable space.

Commissioner Ventura questioned the percentage of the lot.

Building and Zoning Administrator stated the percentage of the lot coverage would not exceed 40%.

Commissioner Ventura asked if this included the garage, sidewalks, sheds, and patio, and if the 40% was included in the City Code.

Building and Zoning Administrator said it did.

Commissioner Ventura remarked that she had checked into other towns that do not allow building a new home on the original foundation. She questioned applicants that would come into the City to build on the original foundation, and stated that they should have a structural engineering report.

City Attorney Pacione said that they were getting away from the topic of the minutes and that this issue could be brought up later in the meeting under "other business".

Chairman Noble requested a motion for the minutes of November 18, 2014, Case #15-9.

MOTION

Commissioner Ventura entertained a motion to approve the minutes of November 18, 2014, Case #15-9, the request by the owner of 1S635 Halsey Road for certain variations from the Zoning Code for new construction.

Commissioner Smuraski seconded the motion.

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

MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE OF 6-0.

Chairman Noble said the third order of business was to consider a request by Petitioner April L. Neukam to grant a special use permit as follows:

A special use permit pursuant to Section 156.087 (C) (29) to allow for physical therapy on the first floor of a building in the B-3 General Retail District.

Chairman Noble asked all who would be speaking to stand and be sworn in.

Petitioners April Neukam and Nestor Battung were sworn in by Building and Zoning / Planning and Zoning Secretary Coglianesse.

Chairman Noble asked the Petitioners to state their case.

Petitioner Neukam took the floor and stated they were here this evening requesting a special use permit for 17W745 Butterfield Road to be able to have a physical therapy business in a one story building, which is zoned for retail. Petitioner Neukam stated that there are previously other similar businesses such as dentistry, chiropractor, and massage therapy occupying suites in the same location, and she doesn't have an option to go to a second floor since it is a one-story building.

Chairman Noble asked if Building and Zoning Administrator Dragan had any comments.

Building and Zoning Administrator Dragan stated that the Commission received her memo dated December 19, 2014 stating in the B-3 General Retail District, physical, occupational, and speech therapy are allowed only above the first floor of a building, unless a special use permit is granted. Other uses such as offices for chiropractor, acupuncture, and massage therapy are allowed if within 300 feet or more distance from a residential district on the first floor in the B-3 District. The Petitioner submitted a sketch of the floor plan showing a proposal of massage therapists, a personal golf trainer, and a physical therapist. At a future meeting, staff will propose a text amendment to the current code to allow physical, occupational, and speech

therapy on the first floor of an one-story building in the B-3 District, which will apply to Stellco Properties and the Midwest Office Center.

Building and Zoning Administrator Dragan continued to state that the original ordinance contemplated general retail throughout the major areas; however, she commented that if you are familiar with the area, it is difficult to bring B-3 General Retail into this location unless there was redevelopment, but for now she thinks the Petitioner's use is appropriate.

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

Commissioner Smurawski asked if there was another business involving children in the same building or did they have the entire building to themselves.

Petitioner Neukam stated they will occupy just Suites A and B.

Petitioner Battung mentioned the unit with the children was on the other side, and that Suites A and B are stand-alone units as you pull into the drive.

Commissioner Donoval asked if the physical therapy was for golfers only.

Petitioner Neukam commented that it was not for golfers only and that she will be working closely with a golf fitness instructor in the same facility.

Commissioner Donoval asked why golf and physical therapy.

Petitioner Neukam pointed out that the golf trainer does personal training as well as specific golf training, and that she treats a lot of golfers, but generally she does physical therapy and out-patient therapy.

Building and Zoning Administrator Dragan clarified that the Petitioners actually intend to occupy 2200 square feet for Suites A and B and the entire property was previously zoned B-1 Professional Office, which would allow their request, but has been rezoned B-3 General Retail.

Commissioner Schneider asked how many clients would be coming in on a daily basis.

Petitioner Neukam noted, including a combination of all of them, between 20-30 people on a daily basis; both physical therapy and personal training will probably have 8-10 clients each.

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

Chairman Noble opened the floor for public participation and positive testimony; there was none.

Chairman Noble asked for any negative testimony; there was none.

Chairman Noble closed the public portion of the meeting.

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

City Attorney had none.

Chairman Noble asked for a motion for the request by Petitioner April L. Neukam to grant a special use permit as follows:

A special use permit pursuant to Section 156.087 (C) (29) to allow for physical therapy on the first floor of a building in the B-3 General Retail District.

MOTION Commissioner Schneider entertained a motion to approve the request by Petitioner April L. Neukam to grant a special use permit as follows:

A special use permit pursuant to Section 156.087 (C) (29) to allow for physical therapy on the first floor of a building in the B-3 General Retail District.

Commissioner Donoval seconded the motion.

Ayes: Chairman Noble, Schneider, Ventura, Almeroth, Donoval, Smurawski

Nays: None

Absent: Myszkowski

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 6-0.

The Petitioners thanked the Commissioners.

Chairman Noble asked Building and Zoning Administrator Dragan when the petition would be presented to the City Council.

Building and Zoning Administrator Dragan stated that the Letter of Recommendation will be placed on the January 27, 2015 City Council meeting agenda, and that the Commission may wish to cancel the January 20, 2015 Planning and Zoning Commission meeting since there are no cases scheduled. Building and Zoning Administrator Dragan stated that Planning and Zoning Secretary Coglianese will contact the Commission when the next Planning and Zoning meeting is scheduled.

City Attorney Pacione mentioned this would be the time to ask any other questions under "other business".

Commissioner Ventura stated she would like the Commission to consider an addition to the ordinance that when a new home is built on the original foundation, a structural engineering report would be required or the original foundation removed as they do in other communities.

City Attorney Pacione specified that there was no action to take because it is not an agenda item.

Building and Zoning Administrator Dragan commented even in a planned review, it is considered new construction and they use the outside console for new construction, and they would require a structural engineer; however, the architect would demonstrate this, but she did agree with Commissioner Ventura that there should be something in the books suggesting this, not in the Zoning Code, but as a Building Code amendment if necessary.

Building and Zoning Administrator Dragan mentioned that she would bring it to the attention of the City Council at a future meeting as a proposed text amendment to the Residential Building Code.

City Attorney Pacione asked if Commissioner Ventura wanted Building and Zoning Administrator Dragan to follow up with this.

Commissioner Ventura said she did.

Building and Zoning Administrator Dragan said she would do this and get back to them at the next scheduled Planning and Zoning meeting.

Commissioner Ventura inquired about the results of the medical cannabis.

Building and Zoning Administrator Dragan said the City Council did not make a decision at the December's meeting.

Chairman Noble asked for a motion to cancel the Planning and Zoning meeting.

MOTION Commissioner Schneider entertained a motion to cancel the Planning and Zoning meeting.

Commissioner Smurawski seconded the motion.

MOTION PASSED UNANIMOUSLY WITH A VOICE VOTE OF 6-0.

Chairman Noble asked for a motion to adjourn the meeting.

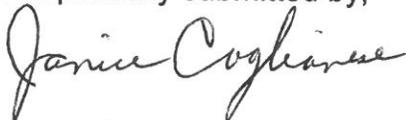
MOTION Commissioner Smurawski entertained a motion to adjourn the meeting.

Commissioner Schneider seconded the motion.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 6-0.

Chairman Noble adjourned the meeting at 6:20 P.M.

Respectfully submitted by,



Janice Coglianese
Building and Zoning / Planning and Zoning Secretary