



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, February 3, 2015
Case #15-11

The meeting was called to order by Chairman Noble at 6:05 P.M.

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

Absent: Donoval

Also Present: Building and Zoning Administrator Mihaela Dragan, City Attorney Peter Pacione, Building and Zoning / Planning and Zoning Secretary Janice Coglianese

Chairman Noble said the first order of business was to approve the minutes of January 6, 2015, Case #15-10, 17W745 Butterfield Road, Suite A&B, the request by April L. Neukam to grant a special use permit.

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

Chairman Noble asked for a motion to approve the minutes.

MOTION

Commissioner Schneider entertained a motion to approve the minutes of January 6, 2015, Case #15-10, 17W745 Butterfield Road, Suite A&B, the request by April L. Neukam to grant a special use permit.

Commissioner Myszkowski seconded the motion.

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

Nays: None

Absent: Donoval

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

Chairman Noble said the second order of business is to consider Case #15-11 for certain text amendments to the Zoning Ordinance as follows: amend Section 156.087 to make outdoor dining with an area equal to or less than 25% of the indoor dining space a permitted use and greater than 25% a special use, amend Section 156.087 (B) (59) to allow physical, occupational, and speech therapy on the first floor, amend Section 156.035 (C) (4) (b) to change the requirements of generator screening, amend Section 156.049 to require landscaping plans for properties in business districts which undergo remodeling, amend Section 156.085 (H) to change the restrictions on building height, amend Section 156.043 to allow digital signs as a component of a wall or freestanding sign, amend Section 156.101 to change off-street parking regulations in residential districts, and amend Section 156.004 to revise definitions of "Office, Business or Professional" and "Office, Medical."

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

Building and Zoning Administrator Dragan stated that the Planning and Zoning Commission received her memo concerning the proposed modifications to the Zoning Ordinance as presented at the January 13th City Council meeting, and also the minutes from January 13th meeting reflecting the City Council's discussion concerning the proposed nine (9) text amendments.

Building and Zoning Administrator Dragan stated that the first proposed text amendment is to allow outdoor dining areas in the B-3 General Retail District as a permitted use which means a public hearing will no longer be required for the applicant to request approval of a special use permit. A public hearing will only be required if other variations from the Zoning Code are requested, and the City Council concurred that in some cases the Building and Zoning Administrator may require safety fencing for outdoor dining areas. Building and Zoning Administrator Dragan commented many restaurants along Roosevelt Road, 22nd Street, and Butterfield's Pancake House on Midwest Road have outdoor dining. If an establishment builds within the code, and does not encroach in the required yards, it is proposed that a public hearing would not be required such as the proposed new restaurant on Butterfield Road.

Commissioner Almeroth inquired about the proposed new restaurant on Butterfield Road.

Building and Zoning Administrator Dragan said it was Specialty's Café; however, there are office buildings as well that request outdoor dining.

Under the planned unit development, requested by the developer, a special use permit was not required for Pete's Fresh Market's request for outdoor dining; however, they did require a public hearing.

Building and Zoning Administrator Dragan stated the second text amendment is proposed to have a solid fence or wall screen at the height of the generator rather than imposing the six foot solid fence or wall as it shows in the current code, and the Council agreed that the generator fencing or wall structure should be a minimum of six feet in height to cover the height of the generator and also for noise reduction purposes. In the last year, generators in commercial areas ranged from eight to nine feet in height. It is proposed to have the fence at a minimum of six feet and to cover the height of a generator.

Commissioner Almeroth said it sounded perfect.

Building and Zoning Administrator Dragan stated the third text amendment refers to an amendment to the landscaping requirements to have regulations requiring improvement of landscaping for commercial properties when exterior remodeling of the building is proposed. During Butterfield's Pancake House public hearing, issues regarding landscaping were raised by Commissioner Almeroth to improve the landscaping of the property; however, there is no current ordinance regarding this; landscaping requirements only apply to new construction or when buffering requirements exist between residential and commercial zones. At that time, Commissioner Almeroth said it would be a good idea to have some regulations for landscaping when remodeling a building such as a restaurant.

Building and Zoning Administrator Dragan asked if the Commissioners would like to discuss some kind of landscaping plans if an entity remodels 50% or more of the floor area or should it be based on 50% of construction cost of the assessed value, which the information could be obtained through York Township Assessor's office. A copy of the contract would be provided from a restaurant and if 50% or more of the remodeling costs of work were to be done than the City could request more landscaping. As it stands, the City cannot make them comply with landscaping requirements for construction due to existing properties and loss of parking spaces, which would create parking variations throughout the City. Building and Zoning Administrator Dragan suggested that the Commissioners may want to consider 5% of the lot area to be landscaped minus the yard's area or subtract the footprint of the building; she does not want to generate more variations.

Commissioner Schneider agreed with the 5%.

Commissioner Almeroth asked what the requirement was for new construction.

Building and Zoning Administrator Dragan said we calculate the landscape points depending on the linear feet of each frontage.

Commissioner Almeroth brought up Butterfield's Pancake House, which was an existing restaurant, but at some point they had to meet landscaping requirements.

Building and Zoning Administrator Dragan stated that before Butterfield's came in, years ago the City had the 5% requirement to improve the property.

Commissioner Almeroth commented that Butterfield's Pancake House has islands and property on the east and west, but no landscaping due to the past owner, which should not give the right to a new owner to neglect the landscaping; there are just stones in the islands.

Building and Zoning Administrator Dragan commented that maybe the Commission would like to propose something like 5% of the lot area or when landscape islands exist, they have to be landscaped with flowers.

Commissioner Almeroth said the 5% would work for him and he just wants others to be as concerned as he is.

Building and Zoning Administrator Dragan said some businesses may do 50% remodeling now and 50% later and there may never be any achievement to the property so she suggested exterior landscaping shall be a minimum of 5% of the lot area excluding yards or would they like to include the yards. She said if it is a matter of losing parking spaces then they should at least plant some shrubbery in the existing yards.

Commissioner Almeroth commented that it should not be just during the remodeling, but also under new ownership.

Building and Zoning Administrator Dragan said she didn't think the City could do that if the business was just remodeling; this was a question for the City Attorney once he arrives. (The City Attorney was stuck in traffic at the time the meeting began.)

Commissioner Almeroth said he thought landscaping for businesses is really important especially in transition for the yards. Anytime the City can gain control of this and increase it or improve what is already there or add when something is not there, that would be the City's chance to do it.

Building and Zoning Administrator said the City Attorney will be writing up the ordinance, but she said it could read that landscaping be required when 50% or more of construction cost versus assessed value.

Commissioner Almeroth said instead of saying side yards, it should say transition areas from business to residential.

Building and Zoning Administrator Dragan mentioned that these were already required under the present code when two (2) non-compatible uses exist.

Commissioner Almeroth said it is not there now and this should be checked and to make sure it is met.

Building and Zoning Administrator stated in Butterfield's Pancake House situation it was not next to a residential area.

Commissioner Almeroth mentioned that he was not picking only on Butterfield's Pancake House.

Building and Zoning Administrator Dragan said she was just giving an example of a most recent project. Specialty's Cafe had to meet the landscaping requirements due to variations here and there due to new construction.

Commissioner Almeroth said he would like that same criteria to fit remodeling of businesses bought and sold. He would like to see them all treated like new construction and meet the requirements. He said this is what this meeting is all about, what we would like to see and that is what we are here for.

Building and Zoning Administrator Dragan said the fourth text amendment refers to modifications of the current code to allow a building height of twenty-five feet for commercial properties in the B-1 Professional Office District instead of a maximum fifteen feet in height as shown in the current code. This would hopefully encourage developers to improve or build new buildings in the area situated on the east side of Summit Avenue and the City's Comprehensive Plan encourages redevelopment of the properties situated on the east side of Summit Avenue zoned B-1 which several

times in the past, the Building and Zoning Department received inquiries concerning redevelopment, but developers decided to look somewhere else as redevelopment is not feasible with such a height restriction. In a residential single family district, a building height of up to thirty-five feet is permitted; however, additional open space must be provided for front and side yards when the building height exceeds twenty-five feet in height.

Building and Zoning Administrator Dragan proceeded to point out the areas on the map and said in 2014 a couple of investors turn away when they hear the fifteen foot height restriction. The cost of the land, the demolishing of a building and rebuilding is very expensive, and nearly impossible.

Commissioner Almeroth mentioned that there was a lot of vacant property on the east side of Summit Avenue and the buildings that are there are already over fifteen feet in height.

Building and Zoning Administrator said some of those are in unincorporated areas or built under different codes, which later it was changed to fifteen feet, because the City wanted to see one-story buildings since there was a residential area directly behind them. It is very hard to change the esthetics of Summit Avenue under the current code since no one wants to build a new building with those restrictions.

Commissioner Almeroth asked what kinds of businesses were interested.

Building and Zoning Administrator Dragan stated mostly offices and medical.

Commissioner Almeroth mentioned that probably the depth wasn't there for a restaurant since it could only be around hundred feet.

Building and Zoning Administrator Dragan said probably not.

Chairman Noble asked how many vacant lots where in the City.

Commissioner Almeroth commented everything south of Morningside Avenue and three (3) lots between Morningside Avenue and Butterfield Road.

Building and Zoning Administrator Dragan said that was correct and proceeded to point them out on the map, along with the unincorporated areas shown in grey.

Commissioner Almeroth stated that all the unincorporated that were pointed out are rentals.

Building and Zoning Administrator Dragan said that they had various requests to keep them as rentals rather than to come into Oakbrook Terrace.

Commissioner Almeroth understood those were residential rentals, one (1) vacant lot, and the rest was the Salvation Army Church; no development would happen in those areas. Commissioner Almeroth mentioned the blue section still had a significant amount of vacancies.

Building and Zoning Administrator Dragan mentioned two (2) different doctors wanted to purchase the property south of Morningside Avenue, but probably have found other properties.

Commissioner Almeroth said a doctor from Oak Brook purchased the land but didn't build on it because they didn't have City's water only well water and the doctor actually approached Commissioner Almeroth to see if they could cut through his lot to bring water to them. Commissioner Almeroth told him he couldn't do that.

Building and Zoning Administrator Dragan mentioned that the City's Comprehensive Plan encourages commercial properties on the east side of Summit Avenue, but at the present time are residential; commercial would be more appropriate. Building and Zoning Administrator Dragan said she was sure they could make arrangements with the City to get water at a cost.

Commissioner Almeroth quoted a very large cost. At the present time, the water goes from Morningside Avenue to Roosevelt, but does not hit the south side between Butterfield Road and Morningside Avenue; Oak Brook's water is across the street.

Building and Zoning Administrator said the fifth proposed text amendment is concerning a discussion to allow digital signs, but not to increase the area or number of the permitted signs for a property; a public hearing is required and that is why you see digital signs at Drury Lane and Pete's Fresh Market in the City. It is proposed to discuss digital signs with the description of a digital sign as being a wall or free standing sign. The area of the signs will be continued to be counted on the overall surface area of the allowable signage of the property so as not to increase the number of signs allowed for a property nor the area for signs allowed for the property. For instance, if the property is allowed to have sixty square feet

of signage, it is not proposed to increase the area of signage only to allow digital signs.

Building and Zoning Administrator Dragan mentioned that the Village of Lombard and Village of Villa Park allow digital signs; other communities require public hearings such as Village of Oak Brook and Village of Downers Grove.

Commissioner Almeroth commented that he was against changing anything and digital signs make him crazy. He proceeded to give an example of Aldi's Food Store parking lot at night, how it changes colors from yellow, to blue, to green, to red due to the digital lights, saying the facades of the businesses across Roosevelt Road change because of the digital lights at Aldi's. Commissioner Almeroth said he doesn't understand why they need these signs; the higher end communities do not allow them.

Commissioner Ventura stated that we have a high end movie theater in Oakbrook Terrace such as Drury Lane that should be allowed and does have a digital sign.

Commissioner Almeroth noted that this was a smaller sign which he himself was on the board, and had approved; the sign wasn't anywhere near a residential district and on its own piece of property.

Commissioner Ventura remarked that she was a little confused on what Commissioner Almeroth was saying that he didn't want digital signs or just certain ones in different areas.

Commissioner Almeroth said he wanted to leave it just as it is, as a special use permit; the business would have to show the size and location of the sign then it would be up to the Commission to make the decision for each individual business.

Commissioner Schneider asked if a public hearing should still be required.

Building and Zoning Administrator Dragan stated yes, if the code was not changed.

Building and Zoning Administrator Dragan stated the sixth text amendment is proposing to delete the regulations that currently prohibit parking of vehicles with tools or ladders on the exterior of the vehicle on the driveway and at a previous Planning and Zoning meeting, Commissioner Schneider commented that the City should not prohibit parking of vehicles with tools or ladders on the exterior of the vehicle on

the driveways since the City allows a boat on a trailer, a trailer, camping trailers, or recreational vehicles to be parked on a driveway or off-street parking in the residential district. There are many contractors that live in Oakbrook Terrace, who when arriving home must remove the ladders from their trucks each time which becomes very inconvenient; the size of a truck does not allow them to park it in their garage.

Commissioner Schneider said one of the reasons he brought this issue to the Commission's attention is that from his understanding one of his properties has been singled out on a daily basis when there are other homes in the neighborhood which have ladders on their vans that are higher than the entry on their garages, but all need to have them for their businesses. Commissioner Schneider asked if there were any other complaints during the past years.

Building and Zoning Administrator Dragan mentioned there have been none since the most recent ones.

Commissioner Schneider feels that the ordinance should be changed.

Commissioner Almeroth mentioned that he was in favor of discussing it, but not in favor of it. Commissioner Almeroth said this was a residential neighborhood and the Commission's goal and job is to maintain the quality of life in a residential neighborhood and he thinks we should not be allowing business vehicles. Commissioner Almeroth stated that at the present time the City has huge vehicles, and he would not want to live next door to someone who has a large vehicle / semi in their driveway who goes out at 6:00 A.M. and starts their truck and idles it for twenty minutes to warm it up. Commissioner Almeroth said he wants to live in a residential neighborhood not an industrial park. He is totally against it and thinks having a truck in a driveway will have an impact on the sale of surrounding homes and reduce the price of the property. Commissioner Almeroth said that everyone has probably seen the purple semi sitting on a driveway.

Commissioner Ventura commented that they were not approving a semi, but discussing a ladder on a truck.

Commissioner Almeroth chimed in with a big truck with a ladder on the top, like a UPS truck with ladders on the top.

Commissioner Ventura questioned a UPS size truck.

Commissioner Schneider understood Commissioner Almeroth's statement, but mentioned that the semi had been removed. Commissioner

Schneider commented that something should be changed in the ordinance when a boat and trailer are allowed on a U-shaped driveway parked right in front of the home, but a truck with ladders is prohibited.

Commissioner Almeroth stated that it took two (2) years to get the semi removed and there was a fifty foot bus / recreational vehicle on Karban Road, which took some time before it was removed.

Commissioner Myskowski asked if they couldn't place a cover over the ladders so they wouldn't show.

Commissioner Almeroth stated he didn't want a big blue tarp next door to him either, but a well-manicured structured home.

Building and Zoning Administrator Dragan acknowledged Commissioner's Almeroth for expressing his concerns.

Chairman Noble said Commissioner Almeroth and Commissioner Schneider have both made a good point and asked if there were any way to change the ordinance to be more specific not so general in description.

Commissioner Almeroth stated it's a residential area not commercial.

Building and Zoning Administrator stated that the code allows recreational vehicles, trailers, and camping trailers, each of them referred to as a unit, which may be stored or parked on a driveway.

Commissioner Ventura said those weren't attractive either.

Chairman Noble commented that it doesn't mention a van.

Commissioner Almeroth said that they weren't really talking about the recreation vehicles; however, he does not like boats, RV's, busses, or semi's.

Commissioner Myszkowski asked why they wouldn't park them in a garage.

Commissioner Almeroth stated none of the above will fit in a garage.

Commissioner Ventura understood what Commissioner Almeroth was saying and in some respects agreed with him, but she did not think that Oakbrook Terrace had a lot of work vehicles in the neighborhood where there is a ladder on top; this was not something that is predominant in the neighborhood.

Commissioner Almeroth said the reason for that is that currently we don't allow them, but if we change that more will come.

Commissioner Schneider said this was something that has not been enforced and presently there are six vans in the neighborhood with ladders on the roof and only one (1) home has been reported on a daily bases by a City Official.

Commissioner Almeroth said vans/trucks are not allowed and the reason the City Official reported it is that he lives on that block.

Commissioner Schneider sees it more or less as harassment; it is one complaint daily, every day for just one (1) home so they should have citations for the rest of the homes with trucks.

Commissioner Almeroth agreed with Commissioner Schneider and mentioned that was how the purple semi was removed.

Building and Zoning Administrator Dragan stated that at this time, it is only proposed that ladders on trucks are to be removed; everything else will remain the same; the ordinance shows no construction trailers, loaders, smokers, dump trucks, semi's, and tractors. The text amendment had been discussed at the January 13th City Council meeting; there were no concerns at that time.

Building and Zoning Administrator Dragan said the seventh text amendment refers to the modification of the current code to allow physical, occupational, and speech therapy on the first floor of a one-story building in the B-3 General Retail District. Recently, at a public hearing, the personal trainer and the golf trainer were allowed; however the physical therapist was not allowed at Stellco Properties and had to come before the Planning and Zoning Commission for a special use permit. This will help Stellco Properties and Midwest Office Center to lease commercial space without a public hearing. These uses are comparable to other uses such as massage therapy and a chiropractor which are currently allowed. On the first floor it is very difficult to lease commercial space for retail due to existing building configuration. Building and Zoning Administrator Dragan feels the code should be modified accordingly. These properties were coded B-1 and these uses were permitted; however, when the City rezoned the area, the properties were rezoned to B-3 General Retail; the City wanted to encourage more retail than office use, but it was not possible to do the building configuration. In the future, if these buildings were to be demolished, Building and Zoning Administrator Dragan thought this area should be B-3 General Retail; at this time the structure of these

six (6) buildings and the one to the west, are not possible to have retail or restaurants in these particular areas.

Commissioner Almeroth said he had no concerns with this text amendment.

Building and Zoning Administrator Dragan said the eighth text amendment refers to discussion concerning a text amendment to prohibit businesses from keeping outside lights around the perimeter of the building and accessory structures except for the holiday season.

Building and Zoning Administrator Dragan commented that Bruce Almeroth submitted pictures with various buildings in Lombard, and Hillside which have lights on a permanent basis, and are not tastefully done. Based on this, we recommend a text amendment in order to avoid similar situations in Oakbrook Terrace. The pictures distributed reflected a liquor store, a tobacco store, jewelry and loan store, and a pizza parlor. The goal is to preserve the community appearance, and property values.

Commissioner Almeroth commented that the pictures presented from other communities were very prominent and close to Oakbrook Terrace. Commissioner Almeroth said it looked like something foreign landed in the parking lot at County Line Pizza, and also a cigarette/tobacco store, and a jewelry/gold exchange in Lombard. Commissioner Almeroth mentioned that they are popping up everywhere and seems to be a trend for small independent businesses for better visibility. Commissioner Almeroth said this is not something they want to see happen in Oakbrook Terrace and part of the Commission's job is to see the trend that is happening in other neighborhoods and to stop it in Oakbrook Terrace.

Building and Zoning Administrator Dragan stated that the goal was to preserve the community appearance and property values; the lights are actually allowed inside the windows but it is proposed to have lights on buildings not twelve months a year, but only during the holiday season.

Commissioner Almeroth noted that he understands that small businesses want to be seen and lights are only placed around the windows, but he disagrees that these should be allowed; the lights are very bright and insane. Commissioner Almeroth said the lights on the sign behind the Jewelry Exchange are so bright, you can't even see the signage - it looks cheap.

Commissioner Ventura asked if the City had anything written, at the present time, that prohibits businesses from doing this or anyone on Summit Avenue from lighting up their house.

Building and Zoning Administrator Dragan stated they did.

Commissioner Almeroth chimed in and said, or on 14th Street by the 7-Eleven, and the whole shopping strip mall. Commissioner Almeroth is in favor of stopping it before it happens; he knows of one (1) entity that has the lights, the Oakbrook Liquor store on 14th Street and others on Ardmore Avenue. Commissioner Almeroth said the sales for these lights are out there and selling fast; once it is here it will be hard to stop, so let's stop it before it gets here.

Building and Zoning Administrator Dragan commented the businesses that Commissioner Almeroth mentioned have lights around the window areas and around wall sign areas.

Commissioner Almeroth said the liquor store has red and blue lights and once in a while they turn on the flashers, he calls the Building and Zoning Administrator and she has them turn them off. Commissioner Almeroth said when he starts seeing yellow, white or flashing lights, this will drive him nuts.

Chairman Noble commented what the Commissions intent was for the businesses not to have these flashing lights.

Building and Zoning Administrator Dragan stated flashing lights were not allowed; lights are allowed. The intent here is not to allow them to become like the lights in the pictures that were distributed.

Commission Almeroth expressed again that they are the smaller businesses such as liquor stores, jewelry exchange places, and nail salons. It is not the City's job to allow them to put up as much signage to have them attract business.

Commissioner Schneider said it should then read only certain color lights around the windows and who will then pick and choose; so no lights around the windows.

Commissioner Almeroth said no lights at all around the windows.

Building and Zoning Administrator Dragan commented when they make the motion, both need to be specified. She also brought up the signage on Ardmore Avenue, which has lights around the wall sign as well.

Commissioner Almeroth remarked that they all knew his feelings; however, those lights that are already there are probably already grandfathered in, but should not be allowed on new businesses.

Building and Zoning Administrator Dragan noted that he was correct.

Commissioner Almeroth stated that they should keep this City as prestigious as they can and keep the property values up by maintaining the Zoning Ordinance, which is the law that people live by.

City Attorney Pacione stated that Commissioner Almeroth would then like to see all lights on the perimeters of outlining walls and windows not permitted.

Commissioner Almeroth said you don't see these kinds of bright lights going down the streets of Hinsdale or Oak Brook; he said he had to stop talking at this point because he gets very passionate about the City.

Building and Zoning Administrator said for the ninth text amendment the Commission received a memo from City Attorney Pacione recommending a text amendment to delete dental, orthodontists, and eye doctors from the definition of medical office use as these services would be more appropriate to be included in the definition of a professional office. The City Council concurred with the proposed text amendments.

City Attorney Pacione mentioned he did this to categorize the definition of medical office use.

Building and Zoning Administrator Dragan said this concluded all the text amendments which the Commissioners will have to vote on individually.

Building and Zoning Administrator Dragan mentioned since City Attorney Pacione was not present during the discussion of the landscaping he may want to answer Commissioner's Almeroth question regarding having new owners comply with the landscaping requirements.

City Attorney Pacione said with no work being done, the answer was no.

Commissioner Almeroth asked if there was an existing business who neglected the landscaping would the new owners have to repair the landscaping.

City Attorney Pacione said if the previous owners were not complying with the landscape plan then it would be an enforcement issue, but a new owner would not have to comply.

Commissioner Almeroth stated there should have been some enforcement plan years ago for China Terrace.

City Attorney Pacione said if there was a certain landscape plan that was on file; those landscaped areas should have been maintained.

Commissioner Ventura stated that she feels that Commissioner Almeroth is picking on just one business, Butterfield's Pancake House. Commissioner Ventura asked Commissioner Almeroth if he really felt that the owners were not going to take care of the weeds and not do a good job on the landscaping. She said Commissioner Almeroth keeps referring back to Butterfield's Pancake House like the Commission made a mistake by approving their request by not requiring them to bring a landscaping plan to the public hearing. Commissioner Ventura stated that Butterfield's Pancake House has other restaurants in the area that are well kept, and she feels they will do the same at this location.

Commissioner Almeroth said he was using Butterfield's Pancake House as an example and they, the Commission, are losing control of the landscaping ordinance.

Commissioner Ventura questioned Commissioner Almeroth if they really did lose control.

Commissioner Almeroth stated before it became Butterfield's Pancake House, the islands in the parking lot have nothing but stone, no bushes, plants or trees, only weeds and stones; that's not landscaping and the Commission did not require the owner of Butterfield's Pancake House to do anything; however, he felt the owner will.

Building and Zoning Administrator Dragan chimed in and said the owner has already done landscaping.

Commissioner Almeroth said but he is a different kind of owner; others may come in and not care.

Commissioner Ventura said she was confused; she thought the landscaping plan was not required, because Butterfield's was not building new construction.

Commissioner Almeroth stated that is exactly what he has been saying that there was no landscaping, and we are not requiring them to put any in. Commissioner Almeroth said they all took the owners word at that meeting that he was going to put landscaping in, because that is the kind of owner he is, a rare owner.

Building and Zoning Administrator Dragan suggested if construction cost exceed 50% of the assessed value of the building, regardless of the exterior or interior construction of the restaurant, the City should require a minimum of 5% of the lot area minus the yard areas to be improved with landscaping; however, if this is not possible, just to request landscaping improvements in the existing yard areas, existing landscape islands, or when residential next to commercial exists, to comply with fence and landscape requirements.

Building and Zoning Administrator asked if this is what Commissioner Almeroth was trying to convey.

Commissioner Ventura said we are saying when a property is being enlarged, but asked Commissioner Almeroth if he meant when the property is being rebuilt.

Building and Zoning Administrator said any construction of 50% or more of the assessed value.

City Attorney intervened and said 51% of the assessed value.

Building and Zoning Administrator said this would not be in compliance with new construction requirements, because it would be impossible, and the businesses would lose parking spaces; this would apply to restaurants.

City Attorney Pacione questioned restaurants only.

Commissioner Almeroth said he really didn't care anymore.

Building and Zoning Administrator said it should apply to the B-3 General Retail District.

Commissioner Ventura said why only B-3, why not all of it.

City Attorney Pacione stated that it would be hard to differentiate B-3 and B-4, so if this was for commercial properties, it should be for all commercial properties.

Building and Zoning Administrator mentioned that a majority of the commercial properties don't really have this issue and some areas, especially those on the east side of Summit Avenue, would rather tear down the building and re-build due to the expense of remodeling. She did say the text amendment should apply to all commercial properties and will be

reviewed from case to case when applying for a permit. For example, the Joint Commission will be remodeling the entire building from the basement to the fourth floor soon; they will then have to conform to this text amendment when applying for permits.

Commissioner Almeroth mentioned that Joint Commission, along with Comar, along Summit Avenue, keep up their properties very nice.

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

Commissioner Almeroth stated that this was the authority the Planning and Zoning Commission has for granting variations and special uses. He used the scenario of a speed limit being 35 miles an hour and someone wants to go 40, the police may make a judgment to not issue a ticket, at 45, kind of iffy and looks into the details, 75 will not get authorization, and 100 miles an hour, he's not even going to consider it. If someone comes in and says they have a 1,000 yard lot requirement and asked for zero and the Commission grants it, in Commissioner Almeroth's opinion, the Commission just took the ordinance and threw it out the door. Someone builds a restaurant and needs seventy-five parking spaces and they have forty-nine, but then ask for parking from the property next to them, which then takes away the rights of parking from the next owner of that property; this should not be the City's problem to fix their parking issues. Commissioner Almeroth said the owner should have bought a larger piece of property to allow them enough parking.

Commissioner Ventura asked if Commissioner Almeroth was referring to the 1,000 yard lot requirement to zero for the Medical Marijuana Facility.

Commissioner Almeroth said it was and we gave them approval, and our ordinance that we care about says 1,000 feet.

Commissioner Ventura was very surprised that the board passed the Medical Marijuana Facility and the 1,000 to zero feet was ridiculous.

Commissioner Almeroth said he was not surprised, because this board seems to let everything go, but the City Council lucked out since Floramedex didn't get the Governor's permission. He said if you had a house that was eight feet from the fence; you would be upset too.

Chairman Noble asked if there were any more questions or comments from the Commissioners. There were none.

Chairman Noble opened the floor for public participation for both positive and negative testimony.

Chairman Noble asked all who wished to speak to stand and be sworn in.

Resident Ingrid Durham and City Clerk Dennis Greco stood and were sworn in by Building and Zoning / Planning and Zoning Secretary Coglianese.

Resident Durham said regarding the B-1 District east of Summit Avenue the proposal is to go to twenty-five feet for a building height, but most of the properties are not deep or wide, so if they are going up in height, will this mean that the width of the building will be smaller.

Building and Zoning Administrator said it would.

Resident Durham said it would be advantageous to go higher to provide more parking so not to use so much of the footprint of the building, but you would also have to keep in mind the neighboring properties pitch from roof line to roof line.

Building and Zoning Administrator said it goes from the building height to the highest point; the chimney top.

Resident Durham said then what if there was a very short building behind it.

Building and Zoning Administrator said there is something that states for residential homes, but this would be for more commercial areas.

Resident Durham commented that there would still be the same floor ratio.

Building and Zoning Administrator said everything else would remain the same; the building that Durham indicated would be narrower.

Commissioner Almeroth said they could combine two (2) lots together.

Resident Durham said that was fine and agreed the parking variations was a problem of hers.

Resident Durham said for positive testimony she is glad to see more screening on generators, because she doesn't think that Home Depot ever complied with the screening of their generator and it really bothers her.

Resident Durham said in regard to the definitions of the Office, Business, or Office Medical, asked which required more parking, medical or professional.

Building and Zoning Administrator Dragan responded it depends; medical requires one space per 200 square feet, but the same parking requirements would apply to an optometrist at JRC Plaza and for medical; for general office use one per 250 square feet.

Resident Durham said an orthodontist can have four (4) to six (6) patients sitting there all at one time, so it could be quite an intense use.

Building and Zoning Administrator stated that parking will remain the same; if the building is over 10,000 square feet, it requires less parking for medical, one per three hundred square feet.

Resident Durham stated she was also against the digital signs which should require a public hearing. She said she mistakenly approved the digital sign at Pete's Fresh Market and was not paying attention at the time. Drury Lane is ok, because it is off by itself; the sign is high and not like other billboard signs. She thinks digital signs are distracting, a nuisance, and wants a public hearing to control the location and the size; she dislikes Bar Louie's.

Resident Durham said as far as the vehicles, there are a lot of people in the City that work from their homes, have their own businesses, and cannot park or rent a garage; however, there should be a size restriction such as a larger panel van. Some larger trucks are able to leave their vehicles on the work site. She said she had to cut out a portion of her garage to fit her boat in so it wouldn't be on the driveway. Oak Brook does not allow any type of recreational vehicle on the property.

Building and Zoning Administrator wanted to clarify parking requirements such as a request for an optometrist; the parking requirement for medical use would apply only for a freestanding building, but if in a shopping center, the parking requirements for a shopping center would apply such as Pearl Vision at Oakbrook Terrace Square.

City Clerk Greco apologized for being late and asked if there were any safety devices required for outdoor dining facilities.

Building and Zoning Administrator Dragan replied based on earlier discussion, it was agreed, at an earlier Council meeting that the Building and Zoning Administrator may require safety fencing for the outdoor dining area.

City Clerk Greco inquired what safety fencing actually meant.

Building and Zoning Administrator Dragan commented any type of fencing for safety purposes.

Resident Durham asked if these were balusters such as are located at Dunkin Donuts.

Building and Zoning Administrator Dragan replied that it could be balusters and fencing too.

City Clerk Greco asked if a safety fence was mandatory, and if a public hearing was required.

Building and Zoning Administrator Dragan stated if they encroaching into the required yards, a public hearing is required; and if the outdoor dining area exceeds 25% of the indoor dining area a public hearing is required.

Chairman Noble inquired if City Clerk Greco had any ideas or recommendations.

City Clerk Greco's concern was if anytime the City changes something and it is under a certain amount, the business may just go ahead and do it, and it takes control out of the Planning and Zoning Commission's hands. His main concern was safety especially on fast moving streets; however, 90% of the cases would have to come before the Planning and Zoning Commission due to encroachment.

Building and Zoning Administrator Dragan stated or if the paved area goes into the required yardage.

City Clerk Greco mentioned how he was ok with the way it stands now, because Building and Zoning Administrator Dragan is very good with staying on top of things.

City Clerk Greco gave positive testimony for allowing smaller work trucks on the driveways, but would like to see a limit on the size, and to see something written that trucks do not encroach on the public right-of-way.

Building and Zoning Administrator Dragan agreed with City Clerk Greco and said there is something written in the police laws that covers this. Building and Zoning Administrator Dragan commented that they had discussed earlier the size of a vehicle not to exceed eight feet in height and twenty-four feet in length.

Commissioner Ventura mention the text amendment was for the purpose of having ladders on a truck, not so much the size of the vehicle.

City Clerk Greco asked during the discussion of the digital signs, if there was any discussion on Christmas lights or lights of that sort.

Commissioner Almeroth said Building and Zoning Administrator Dragan discussed this issue, which it excluded Christmas lights.

City Clerk Greco said he had no other questions and thanked Chairman Noble.

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.

Commissioner Almeroth commented that there is a Dodge truck over eight feet somewhere near Commissioner Schneider's house.

Building and Zoning Administrator Dragan stated no commercial type vehicle measuring over eight feet in height or twenty-four feet in length should be parked on any part of the lot unless parked in a garage.

Commissioner Almeroth stated an eight foot truck couldn't fit in a garage.

City Attorney Pacione mentioned unless it was in a custom made garage.

Commissioner Schneider wanted to know if the van was eight feet in height could they still put three feet of ladders on top.

Building and Zoning Administrator Dragan said the ordinance only says the vehicle being of eight feet in height.

City Attorney Pacione agreed with the statement.

Commissioner Schneider said due to the height restriction of certain type of vans, under the ordinance will not be allowed, however, this is the person's job, his livelihood.

Commissioner Schneider mentioned that this type of van was better than a truck with ladders on top.

Commissioner Schneider said it was ridiculous that a truck is smaller with one set of ladders on top.

Commissioner Almeroth said it isn't just one set of ladders; they could go as high as three feet.

Commissioner Ventura thought the purpose was to allow the ladders.

Building and Zoning Administrator Dragan said it was to delete the statement not to allow ladders.

Chairman Noble proceeded on requesting motions for each individual text amendment.

Building and Zoning Administrator Dragan asked City Pacione to help with the motions.

Building and Zoning Administrator Dragan mentioned that outdoor dining should be allowed a permitted use, and the Building and Zoning Administrator may require safety fencing for outdoor dining areas.

City Attorney Pacione asked if this was added to the Committee of the Whole.

Building and Zoning Administrator Dragan said it was discussed at the last City Council meeting and the Planning and Zoning Commission agreed.

MOTION Commissioner Ventura entertained a motion to approve Section 156.087 a text amendment to allow outdoor dining space of 25% as a permitted use instead of a special use, and the Building and Zoning Administrator may require safety fencing for outdoor dining areas.

Commissioner Schneider seconded the motion.

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

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 6-0.

Chairman Noble requested a motion for generator screening.

Discussion pursued between the Commissioners, City Attorney Pacione and Building and Zoning Administrator Dragan on what had been discussed earlier.

Chairman Noble requested a motion to amend Section 156.035 (C) (4) (b) of the City Code which regulates generators in the business and multiple family district.

Building and Zoning Administrator clarified by saying that the generator fencing or wall structure should be a minimum of six feet in height and to cover the height of the generator.

City Attorney Pacione asked if it were a minimum of six feet or up to the generator.

Building and Zoning Administrator replied unless the generator was four feet in height in the commercial district than they would go with a four foot fence; it was proposed a six foot fence; however, a majority of the generators are six to eight feet in height.

Commissioner Ventura commented that it should be the height of the generator.

City Attorney Pacione asked if the generator were four feet in height than it would require a four foot fence or a six foot.

Commissioner Schneider said it would be a six foot fence.

Commissioner Schneider stated a minimum of six feet and up.

MOTION

Commissioner Schneider entertained a motion to approve Section 156.035 (C) (4) (b) as discussed.

Commissioner Ventura seconded the motion.

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

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 6-0.

Chairman Noble requested a motion to amend Section 156.049 of the City Code which outlines landscaping requirements applies to: 1) new construction in attached single-family, multiple-family, and business districts, 2) new construction of any detached single-family residence or construction of any addition to an existing detached single-family residence that enlarges such residence by more than 50% of its existing floor area, and 3) when screening and/or buffering is required.

City Attorney Pacione summarized by saying that this amendment was for all commercial properties and if they do any type of addition, interior or exterior work that exceeds 50% of the current assessed evaluation, they would be required to submit a landscaping plan to the City.

Building and Zoning Administrator Dragan asked if it could show remodeling instead of addition.

City Attorney stated if the remodeling was in excess of 50% of the excessed evaluation.

Commissioner Schneider questioned if the 5% should be added.

City Attorney asked if Commissioner Schneider meant 5% of the lot area.

Building and Zoning Administrator Dragan mentioned it depends from case to case for the parking variations. A majority of the commercial properties don't have additional parking, but with new construction you can measure the footprint of the building.

City Attorney Pacione asked if it would be appropriate to take away the 5% requirement.

Building and Zoning Administrator Dragan said that was what she was thinking.

City Attorney Pacione commented that businesses would be coming in for variations and this would require more processing.

Commissioner Schneider mentioned, if the Commission requires them to come in with a landscaping plan, this should tell the business that the Commission is expecting landscaping.

Building and Zoning Administrator said instead of saying to improve existing yards or landscape; it should read to improve yard areas, existing yards, and landscaping islands. Commissioner Almeroth also wanted to include when the remodeling is done to provide the buffering between residential and commercial for fencing and landscaping.

City Attorney Pacione said if there is a requirement it could be enforced without saying anything.

Commissioner Almeroth said it should be according to code.

Chairman Noble requested a motion.

MOTION Commissioner Ventura entertained a motion to approve Section 156.049 as discussed.

Commissioner Schneider seconded the motion.

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

Nays: None

Absent: Donoval

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 6-0.

Chairman Noble requested a motion to amend Section 156.085 (H) of the City Code which regulates building height in the B-1 Professional Office District for the modification of the current code for a building height of twenty-five feet in height for commercial properties.

Building and Zoning Administrator Dragan stated the motion should have a recommendation to modify the current code to allow a building height of twenty-five feet for commercial properties the B-1 District.

MOTION Commissioner Smurawski entertained a motion to amend Section 156.085 (H) as just been described.

Commissioner Schneider seconded the motion.

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

Nays: None

Absent: Donoval

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 6-0.

Chairman Noble requested a motion for Section 156.043 of the City Code which regulates prohibited signs.

City Attorney Pacione said this was an amendment to this section allowing digital signs as components, wall signs, or freestanding signs.

Commissioner Schneider asked if they were making a motion to disapprove of the flashing signs.

Building and Zoning Administrator Dragan said they can make a motion to approve, or whatever the Commission felt more comfortable with.

MOTION Commissioner Smurawski entertained a motion to amend Section 156.043 to allow digital signs as components, wall signs or freestanding signs as been described.

Commissioner Myszkowski seconded the motion.

Commissioner Almeroth said he was always under the impression that a motion had to be made in the affirmative, but he was told that if you make a motion in the affirmative than you could not vote against it.

City Attorney Pacione said that was a correct statement.

Commissioner Almeroth said if Commissioner Smurawski wants to deny it, he would have to make the motion to deny it.

City Attorney commented if you are the person who made the motion to approve it, you cannot vote against it.

Commissioner Smurawski asked to rephrase his motion.

City Attorney Pacione asked Commissioner Smurawski if he wanted to withdraw his motion.

Commissioner Smurawski withdrew his motion.

Commissioner Myszkowski seconded the motion.

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

Commissioner Smurawski entertained a motion to deny the amendment of Section 156.043 to allow digital signs as components, wall signs or freestanding signs as been described.

Commissioner Schneider seconded the motion.

City Attorney Pacione clarified by saying voting yes is actually saying no to the motion.

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

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 6-0.

Chairman Noble requested a motion for Section 156.101 (A) (1) (e) of the City Code which outlines Additional Regulations; Off Street-Parking.

City Attorney Pacione summarized by saying this was a motion to amend the code to allow ladders to be made available on trucks on the driveways of the residential district.

Chairman Noble asked if they could add something to the motion.

City Attorney Pacione said they could add on to a motion at any time.

Chairman Noble asked Commissioner Schneider what truck size he was considering.

Commissioner Schneider said to approve ladders on vehicles in the residential district.

Commissioner Schneider entertained a motion to approve Section 156.101 (A) (1) (e) of the City Code as discussed plus to approve ladders on vehicles in the residential district.

Commissioner Myszkowski seconded the motion.

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

Commission Almeroth stated this will go to the City Council to break the tie.

City Attorney Pacione stated this basically results in a negative recommendation.

MOTION RESULTED IN A NEGATIVE RECOMMENDATION WITH A VOTE OF 3-3.

Chairman Noble requested a motion for Section 156.087 (B) (59) of the City Code which regulates permitted uses in the B-3 General Retail District reads as follows:

"Physical, occupational, and speech therapy, only above the first floor of the building, unless a special use is granted, provided that physical, occupational, and speech therapy shall also be permitted on the first floor if the building in which such uses are located is not less than 25% occupied by medical offices, and physical, occupational, and speech therapy, and if all parking requirements for medical offices,

and physical, occupational, and speech therapy can be met on the lot."

City Attorney Pacione, to clarify this section of the code, said this amendment is to allow physical, occupational, and speech therapy to be located on the first floor in the B-3, and would not require a business to apply for a public hearing.

Commissioner Ventura entertained a motion to approve Section 156.087 (B) (59) of the City Code to allow physical, occupational, and speech therapy on the first floor of a one-story office building in the B-3 General Retail District.

Commissioner Schneider seconded the motion.

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

MOTION PASSED UNANIMOUSLY WITH A VOTE OF 6-0.

Chairman Noble requested a motion for Section 156.043 (C) (7) which reads as follows:

"Prohibited sign features. To preserve community appearance and avoid traffic hazards, flashing signs, rotating or moving signs, animated signs, signs with moving lights, or creating the illusion of movement, and flashing or moving lights shall not be permitted. A sign whereon the time and or temperature is indicated by intermittent lighting shall not be deemed to be a flashing sign if the lighting changes are limited to the numerals indicating the time and or temperature and are not more frequent than every ten seconds. No sign shall imitate or resemble any official traffic control device. No sign shall hide or interfere with the effectiveness of any official traffic control device. This division (C) (7) shall not apply to highway advertising signs which are regulated by §156.052 of this code."

City Attorney stated that this was an amendment prohibiting the above and also lights outlining a building or features of the building.

Commissioner Schneider entertained a motion to approve 156.043 (C) (7) prohibited sign features as stated.

Commissioner Myszkowski seconded the motion.

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

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 6-0.

City Attorney Pacione mentioned that there was one more amendment remaining, to amend Section 156.004 to revise definitions of "Office, Business or Professional" and "Office, Medical." The result would be that the text amendment would remove dentists, orthodontists, and opticians from the definition of a medical office, and insert them in the definition of a professional office.

Chairman Noble requested a motion on the floor for Section 156.004 which City Attorney Pacione read.

Commissioner Schneider entertained a motion to approve the text amendment for Section 156.004 to revise definitions of "Office, Business or Professional" and "Office, Medical" as stated.

Commissioner Myszkowski seconded the motion.

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

MOTION PASSED UNANIOUMOUSLY WITH A VOTE OF 6-0.

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 February 24, 2015 City Council meeting agenda, and that the Commission may wish to cancel the February 17, 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 public hearing packets become available for the next meeting scheduled for March 3, 2015.

Chairman Noble requested a motion to cancel the February 17, 2015 Planning and Zoning meeting.

MOTION Commissioner Schneider entertained a motion to cancel the February 17, 2015 Planning and Zoning meeting.

Commissioner Smurawski seconded the motion.

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

Chairman Noble requested a motion to adjourn the meeting.

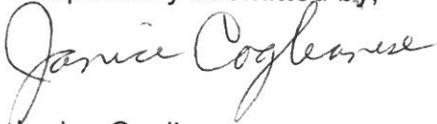
MOTION Commissioner Schneider entertained a motion to adjourn the meeting.

Commissioner Smurawski seconded the motion.

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

Chairman Noble adjourned the meeting at 8:07 P.M.

Respectfully submitted by,



Janice Coglianese

Building and Zoning / Planning and Zoning Secretary