



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, April 19, 2016  
Case #16-7

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

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Coglianese to take roll call.

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

Absent: None

Also Present: Mihaela Dragan, Building and Zoning Administrator, Peter Pacione, City Attorney, Janice Coglianese, Building and Zoning / Planning and Zoning Secretary, and Attorney David Meek, Attorney For the Petitioner ADC-BST Oakbrook, LLC

Chairman Noble said the first order of business was to approve the minutes of March 15, 2016, Case #16-6 for 17W376 Karban Road Bob & Debbie Shanahan's addition.

Chairman Noble asked if there was any final discussion. There was no discussion.

**A VOICE VOTE WAS TAKEN AND PASSED 7-0.**

Chairman Noble said the second order of business was to consider the request by petitioner ADC-BST Oakbrook LLC, to allow for a variance from the minimum number of parking spaces required by the City's Zoning Code for the property located at 17W635 Butterfield Road, the "Subject Property", from 232 parking spaces based on the gross floor area of the existing building, to a total of 209 spaces, inclusive of 2 additional handicapped parking spaces, where 211 parking spaces currently exist on the Subject Property. The petitioner also requests a variance from the 19'0" minimum length of parking space requirement to allow for the existing 18'0" length of parking space for all parking spaces.

Chairman Noble asked all those who would be speaking this evening to please stand up and be sworn in.

Attorney David Meek was sworn in by Janice Coglianese, Building and Zoning / Planning and Zoning Secretary.

Chairman Noble asked the Petitioner to stand and state his case.

Attorney Meek took the floor and stated that his client Gary Alcock, of Alcock Development, LLC, the contracted purchaser of the above mentioned property, Terrace Oaks Associates, was out of town and could not be present tonight. Attorney Meek commented that he was here tonight to address the current existing conditions and give some background of the property. Terrace Oaks I and II were originally under a single ownership in 1986 with variance issued granting a parking reduction of 439 parking spaces which was a requirement under the then existing Zoning Codes to 419 parking spaces. The ordinance at the time did not allocate the minimum number of parking spaces for each building.

Attorney Meek stated in 2002 Terrace Oaks Associates, LLC acquired both of the office building properties, but in 2007 sold a third of the property. Due to some re-striping from the previous owner to bring the number and dimension of parking stalls in compliance with both the City's Zoning Codes and the State and Federal regulations, 211 parking spaces existed on the subject property. The Petitioner identifies this as a potentially nonconformity, but would like clarity in the miscommunication with the seller and Mr. Gahn regarding the number of parking spaces.

Attorney Meek continued to say that they acknowledge the 211 parking spaces and to bring the number of handicap parking spaces up to the current code requirements; there were five (5) striped handicap parking spaces, the City Code requires seven (7). They would have to convert four (4) of the regular spaces to two (2) handicap spaces that would reduce the number of parking space on the property from 211 to 209 changing the layout of the parking area. Attorney Meek stated that the building is 100% leased and Attorney Meek's law firm was told by the seller that there are no existing issues, and the parking is fully adequate for all the businesses occupying the building. Attorney Meek commented that they are here to clean up a technicality and the Petitioner is looking to receive a variance to allow 209 parking spaces on the subject property and a variance to allow for the existing 18'0" length of parking spaces where 19'0" is required. They are scheduled to close on May 11, 2016.

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

Building and Zoning Administrator Dragan took the floor and stated that the current owner of the property didn't think it necessary to pursue the parking variance. The new owner chose to apply for a public hearing for clarification issues. Building and Zoning Administrator Dragan stated that the Commission received her memo dated April 11, 2016 and that there is a need for a variance from 232 parking spaces to 209 parking spaces including the two additional handicap parking spaces to conform with both the City's Codes and State and Federal regulations. At the time the site plan was reviewed the Attorney for the Petitioner and the Building and Zoning Administrator agreed to request another variance from 19'0". minimum length of parking space to allow for the existing 18'0". The City Code reads: if any nonconforming structures that will be damaged or destroyed, by any means to the extent of 50% of the cost of replacement of building of structures, the restored building or structure shall be allowed without creating any new nonconformity with parking. Based on this if the Petitioner chooses to remove the nonconformity with parking it would be a good thing and in case there is damage to the property, the Petitioner will be required to obtain a building permit from the Building and Zoning Department; however, a public hearing will not be required. There were no complaints or anything in the City's files that Building and Zoning Administrator Dragan was aware of for any parking issues or problems in the past or present.

Attorney Meek stated when the site plan was presented to the City, for the common membership, the site plan included some smaller dimension of spaces to allow for parking for compact cars then the City's code changed and the parking lot was restriped to 222 parking spaces from 211. Attorney Meek commented in the event the building is destroyed they want to be able to rebuild the building with the existing amount of parking spaces.

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

Commissioner Schneider just wanted to make sure that there have been no complaints regarding the parking.

Attorney Meek said he was not aware of any and that there has been a friendly relationship with the owner and the tenants throughout the years.

Commissioner Jackson asked where it stated the regulation regarding handicap parking City or State law.

Building and Zoning Administrator Dragan stated it was in both the City Code and State and Federal regulations.

Attorney Meek commented that the section of the City Ordinance states if there are 200 to 300 parking spaces, then a certain amount of handicap parking spaces are required; it is a graduated scale.

Commissioner Jackson asked if there were some point in the ordinance showing how wide the drive should be between the spaces.

Building and Zoning Administrator Dragan commented 22'.

Attorney Meek commented that they have 22 1/2'.

Building and Zoning Administrator Dragan stated that the State Code allows for 16'x18' and the City Code requires 16'x19'.

Attorney Meeks said they would be willing to do the 19' depth.

Commissioner Jackson stated that he has driven by that location several times in the last couple of weeks and there seems to be an ample amount of parking spaces, and that 18' seems to be adequate for those parking spaces.

Commissioner Donoval noted that cars nowadays are getting smaller.

Commissioner Jackson said he still noticed a lot of SUV's in the parking lot.

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

Building and Zoning Administrator Dragan made a suggestion to Attorney Meek that if the Petitioner would like to enter into a parking agreement for enforcement of private property parking, they should contact the Police Department and fill out a form.

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

Chairman Noble opened the floor for public participation.

Chairman Noble asked for any positive or negative testimony.

Chairman Noble asked for any more positive testimony; there was none.

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

Chairman Noble closed the public portion of the hearing.

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

Commissioner Smurawski said the Petitioner's request looks good for now, but things change in the future.

Commissioner Donoval mentioned that the Petitioner will have to be careful with any future striping.

Chairman Noble asked the City Attorney Pacione if he had any comments.

City Pacione had no comments.

Chairman Noble asked for a motion to approve Case #16-7 the request by petitioner ADC-BST Oakbrook LLC to allow for a variance from the minimum number of parking spaces required by the City's Zoning Code for the property located at 17W635 Butterfield Road, the "Subject Property", from 232 parking spaces based on the gross floor area of the existing building, to a total of 209 spaces, inclusive of 2 additional handicapped parking spaces, where 211 parking spaces currently exist on the Subject Property. The petitioner also requests a variance from the 19'0" minimum length of parking space requirement to allow for the existing 18'0" length of parking space for all parking spaces.

**MOTION** Commission Schneider entertained a motion to approve the request by petitioner ADC-BST Oakbrook LLC to allow for a variance from the minimum number of parking spaces required by the City's Zoning Code for the property located at 17W635 Butterfield Road, the "Subject Property", from 232 parking spaces based on the gross floor area of the existing building, to a total of 209 spaces, inclusive of 2 additional handicapped parking spaces, where 211 parking spaces currently exist on the Subject Property. The petitioner also requests a variance from the 19'0" minimum length of parking space requirement to allow for the existing 18'0" length of parking space for all parking spaces.

Commissioner Smurawski seconded the motion.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Coglianese to take the roll call.

Ayes: Chairman Noble, Schneider, Ventura, Jackson, Cardenas,  
Donoval, Smurawski  
Nays: None  
Absent: None

MOTION PASSED WITH A VOTE OF 7-0.

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 May 10, 2016 City Council meeting agenda and the Commission may wish to cancel the May 3, 2016 Planning and Zoning Commission meeting since there are no cases scheduled. Janice will contact the Commission when the next public hearing packets for the meeting become available.

Chairman Noble asked for a motion to cancel the May 3, 2016 Planning and Zoning Commission meeting.

MOTION Commissioner Schneider entertained a motion to cancel the Planning and Zoning Commission meeting of May 3, 2016.

Commissioner Donoval seconded the motion.

MOTION PASSED UNANIMOUSLY THROUGH A VOICE VOTE OF 7-0.

Chairman Noble asked for 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 7-0.

Chairman Noble adjourned the meeting at 6:27 P.M.

Respectfully submitted by,

Janice Coglianese  
Building and Zoning / Planning and Zoning Secretary