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AGENDA

PLANNING & ZONING COMMISSION MEETING City of Oakbrook Terrace

**Tuesday, June 3, 2014
Council Chambers - 7:00 P.M.**

- I. Roll Call**
- II. Approval of the May 6, 2014 Minutes
17W275 Butterfield Road - Text Amendments for Cannabis Cultivation
Centers and Medical Cannabis Dispensaries
Case #15-1**
- III. 17W744 22nd Street
Twin Peaks / Tenant
Demolition of the Existing Building and Redevelopment of Subject
Property
Case #15-2**

To consider the request by 22ND STREET PLAZA 337, LLC ("Petitioner"), under authority from the owners 22ND STREET PLAZA 837, LLC and LANDOVER LAND, INC., for the approval of demolition of the Pompei building and various ordinances and resolutions pertaining to property commonly known as 17W744 22nd Street (PINs 06-21-403-024, 06-22-301-059) which is referred to below as the "Subject Property" and pertaining to property commonly known as 17W714, 17W734 and 17W740 22nd Street (PINs 06-21-403-023, 06-22-301-058) which is referred to below as the Commercial Area Parcel. The ordinances and resolutions are requested on the basis that the Petitioner wishes to redevelop the Subject Property while obtaining relief continuing the previous approvals and limited additional approvals for the Commercial Area Parcel. The Petitioner seeks the following relief:

1. An ordinance, pursuant to Section 156.025(C)(4) of the Zoning Ordinance, preliminarily and finally approving an amendment to planned unit development and related "Overall PUD Amended Site Plan" for planned unit development for the Commercial Area Parcel with exceptions authorized under Section 156.025(B) as noted in Item No. 3 and to permit the reduction of yards and open spaces adjoining the Commercial Area Parcel pursuant to Section 156.025(B)(2);
2. An ordinance, pursuant to Section 156.025(C)(4) of the Zoning Ordinance, preliminarily and finally approving an amendment to planned unit development for the Subject Property subarea and related "Subarea PUD Amended Site Plan (Twin Peaks/Tenant Space)" for the Subject Property subarea with exceptions authorized under Section 156.025(B) as noted in Item No. 4 and to permit the reduction of yards and open spaces adjoining the Subject Property pursuant to Section 156.025(B)(2);
3. An ordinance, pursuant to Section 156.023(B) of the Zoning Ordinance, approving variations for the Commercial Area Parcel as follows:
 - a. B-3 General Retail District Variations for the Commercial Area Parcel as follows:
 - i. Variation from Section 156.087(G)(1) of the Zoning Ordinance prohibiting paved areas in the front yard within ten (10) feet from the front lot line in order to permit paved areas to be located zero (0) feet from the front lot line;
 - ii. Variation from Section 156.087(G)(2) prohibiting paved areas in the side yard within five (5) feet from the side lot lines in order to allow paved areas situated within two (2) feet of the west side lot line and zero (0) feet from the east side lot line;
 - iii. Variation from Section 156.087(G)(3) prohibiting paved areas in the rear yard within five feet (5) from the rear lot line in order to allow paved areas within five feet (2) of the rear lot line;
 - iv. Variation from Section 156.087(G)(4) limiting a drive aisle in the side and rear yards to 50% of the required rear yard in order to allow (a) the maintenance and replacement of the existing rear yard drive aisle and loading area to occupy as much as 85% of the rear yard, and (b) the maintenance and replacement of the existing side yard drive aisles to occupy as much as 100% of the east side yard;
 - v. Variation from Section 156.087(H) of the Zoning Ordinance in order to permit the existing building(s) on the Commercial Area Parcel to remain at their current height even where a portion

may exceed the maximum building height of thirty-five (35) feet;

- vi. Variation from Section 156.087(I) in order to permit the continuation of existing improvements at the Commercial Area Parcel (with one landscape island being removed immediately east of the Subject Property) with no required additional landscaping and to waive the requirements of Sections 156.049(H) and 156.049(I) pertaining to perimeter and interior landscaping on the Commercial Area Property;
 - vii. Variation from Section 156.087(J) in order to permit lighting to exceed two (2) foot candles at the lot lines of the Commercial Area Parcel in order to allow the continuation of the existing lighting for and within the Butterfield Road freestanding sign;
- b. Parking/Loading Variations under Section 156.087(F) for the Commercial Area Parcel as follows:
- i. Variation from Sections 156.100, 156.101(A)(2)(b), and 156.101(B)(1) of the Zoning Ordinance, limiting parking on a parcel or zoning lot to the parking of vehicles of patrons, occupants or employees of the principal use or building on that parcel or zoning lot, in order to permit the use of the Commercial Area Parcel for the parking of vehicles for the occupants or employees of the uses and buildings on the Subject Property, West Suburban Bank and the 17W700-17W704 22nd Street (the "Inland Parcel") parcel, the Inland Parcel users only to the extent of thirty three (33) parking spaces within one hundred fifty (150) feet of the Inland Parcel;
 - ii. Variation from Sections 156.100, 156.101(A)(2)(b), and 156.101(B)(1) of the Zoning Ordinance, limiting parking on a parcel or zoning lot to the parking of vehicles of patrons, occupants or employees of the principal use or building on that parcel or zoning lot, in order to permit (a) the use of parking (20 spaces) on the West Suburban Bank parcel by occupants and employees of uses and buildings on the Commercial Area Parcel for the parking of vehicles in existing spaces directly north of West Suburban Bank, (b) the use of the Inland Parcel by occupants and employees of uses and buildings on the Commercial Area Parcel for the parking of vehicles (in four (4) existing spaces) on the west side of the Inland Parcel, (c) outdoor storage west and south of the loading bays and loading operations in the drive aisle between the

- two outdoor storage areas and (d) seasonal outdoor sales occupying an 80' x 90' (7,200 s.f.) within 30 parking spaces and a related drive aisle with the west line of this area approximately 267 feet east of the west lot line and the north line of this area 339 feet north of the 22nd Street lot line (ending on the south line of accessible parking stalls at the north end of the three parking rows and drive aisle affected);
- iii. Variation from Section 156.101(A)(2)(d)(e) in order to permit the current overnight staging of semi-tractors and semi-tractor trailers in the west loading docks and the drive aisle between the two west loading areas and to permit a maximum of one (1) roll-off trailer in the area north of the east tenant space;
 - iv. Variation from Section 156.100, 156.101(C), and 156.101(B)(1) of the Zoning Ordinance, in order to allow for the joint and collective use of the Commercial Area Parcel off-street parking facilities for the uses and buildings on the Commercial Area Parcel, the Subject Property, West Suburban Bank and the Inland Parcel subject to the parking variations provided for the Commercial Area Parcel and the Subject Property and notwithstanding some overlap that may occur during business hours;
 - v. Variation from Section 156.100 and Section 156.101(D)(1) of the Zoning Ordinance setting the mandatory dimension and area requirements of parking spaces and drive aisles in order to permit the utilization of existing parking spaces (with the exception of three (3) spaces 185 feet west of the northeast corner of the Commercial Area Parcel which will not be restriped) and drive aisles, as designed and installed, on the Commercial Area Parcel notwithstanding the circumstance that some spaces or aisles are or may be undersized and exist;
 - vi. Variation from Sections 156.100 and 156.101(D)(2) of the Zoning Ordinance setting the mandatory dimension and area requirements of accessible parking spaces in order to permit the utilization of existing parking spaces, as designed and installed, on the Commercial Area Parcel but not of an area and dimensions not less than those required by the accessibility guidelines of the Illinois Capital Development Board;
 - vii. Variation from Sections 156.100 and 156.101(E) of the Zoning Ordinance setting the maximum

dimension and area requirements for drives and flares from drives over public property at the City's right-of-way line, or at the right-of-way line of a county or state roadway, in order to continue the existing dimensions of the drives and flares adjacent to and nearby the Commercial Area Parcel which are in excess of thirty five (35) feet (drives) and five (5) feet (flares);

- viii. Variation from Section 156.101(F)(2)(d) in order to permit existing lighting on the Commercial Area Parcel notwithstanding any measurements of two foot candles at the lot line;
- ix. Variation from Sections 156.100 and 156.101(G)(2) of the Zoning Ordinance, mandating that required parking spaces shall be within three hundred (300) feet of the use served in order to permit the existing configuration of the parking areas and drive aisles at the Commercial Area Parcel;
- x. Variation from Section 156.100, Section 156.102(G) of the Zoning Ordinance, setting various requirements and ratios for minimum required parking, particularly for shopping centers, in order to (a) allow a parking ration of 3.6 parking spaces per 1,000 square feet subject an adjustment by removing the area of restaurants to allow for appropriate parking for the restaurant while maintaining the aforementioned ratio for the shopping center, (b) allow a minimum parking requirement of eight hundred thirty four (834) parking stalls on the Commercial Area Parcel subject to reduction for the outdoor storage (23 spaces) and seasonal outdoor sales (30 spaces) which may occur simultaneously; (c) allow the southerly extension of the three (3) parking aisles east of the northeast corner of the Subject Property by one stall to add six (6) spaces; (d) expand or contract parking to eliminate or reinstall accessible parking stalls provided that the Commercial Area Parcel remains in compliance with applicable accessibility laws and regulations; (f) provide for a maximum attribution of parking for the Inland Parcel to occur on the Commercial Area Parcel at a maximum of thirty three (33) spaces within one hundred fifty (150) feet of the Inland Parcel; and (g) provide for a maximum attribution of parking for the West Suburban Bank Parcel to occur on the Commercial Area Parcel at a maximum of two (2) spaces;

- and replacement of all light poles on the Commercial Area Parcel with the exception of light poles in the southernmost parking field directly east of the Subject Property at a height not to exceed thirty (30) feet and to allow banner signs on said light poles at a height not to exceed twenty two (22) feet (or the maximum height allowable for the aforementioned southernmost parking field);
- vi. Variation from Section 156.037 of the Zoning Ordinance in order to allow the continuation of the existing improvements on the Commercial Area Parcel and the improvement of the Subject Property as depicted in plans on file with the City and described, in part by these variations;
 - vii. Variation from Section 156.038(C) in order to allow more than one principal structure on a zoning lot, single subdivided lot or an unsubdivided parcel of land in order to permit the existing improvements on the Commercial Area Parcel and to allow the construction of the entry canopy for Twin Peaks to extend from the east line of the Subject Property to a point not more than fifteen (15) feet east thereof;
 - viii. Variation from Section 156.039(B)(1) of the Zoning Ordinance in order to permit fences in the front yard as contemplated for patios to be installed on and near the Subject Property and to permit the fencing around the seasonal sales area as well as cart corrals on the Commercial Area Parcel;
 - ix. Variation from Section 156.039(B)(2)(3) in order to permit maintenance and replacement of existing side and rear yard fencing;
 - x. Variations from Section 156.039(B)(5) in order to permit maintenance and replacement of existing side yard fencing that will extend no further than fifteen (15) feet south of the easternmost wall of the principal building on the Commercial Area Parcel;
 - xi. Variation from Section 156.039(B)(8) of the Zoning Ordinance in order to permit fences constructed, at least in part and in whole, with chain links in front of the principal and accessory structure on the Commercial Area Parcel (north, northeast and east of Big Lots, west of Home Depot and near the monument sign along Butterfield Road);
 - xii. Variation from Section 156.051(E)(1) of the Zoning Ordinance in order to permit the continuation and replacement of three (3) above ground service facilities on the Commercial Area Parcel;
 - xiii. Variation from Section 156.051(F)(2) to waive the landscape screening requirement for above ground

service facilities in the loading and service areas on the Commercial Area Parcel and to allow fencing for the generator as approved without a full landscape buffer;

- xiv. Variation from Section 156.051(D)(5) waiving the 250-foot radius prohibition for multiple above-ground service facilities in order to permit the installation of three (3) above ground service facilities on the Commercial Area Parcel;
- d. Accessory Structure Variations for the Commercial Area Property as follows:
- i. Variation from Section 156.035(B) and Section 156.087(G)(1) of the Zoning Ordinance from the minimum forty (40) foot required front yard and related ten (10) foot unpaved area in B-3 District front yards in order to allow a minimum six (6) foot front yard along Butterfield Road for an backup generator/transformer, formerly referred to as an electrical substation, within six (6) feet of the front lot line along Butterfield Road;
 - ii. Variation from the prohibition in Section 156.035(B) and Section 156.039(B)(2) of the Zoning Ordinance against fences in the front yard in a business district in order to allow an opaque eight (8) foot high security fence around the backup generator/transformer, formerly referred to as an electrical substation, along Butterfield Road;
 - iii. Variation from the prohibition in Section 156.035(B) and Section 156.035(B)(2) of the Zoning Ordinance against accessory structures in the required front yard to allow the backup generator/transformer, formerly referred to as an electrical substation, within the front yard along and adjacent to Butterfield Road;
- e. Signage Variations for the Commercial Area Parcel as follows:
- i. Variation from Section 156.043(B)(1) of the Zoning Ordinance in order to permit total sign area for a building with three (3) frontages to exceed six hundred (600) feet in gross sign area and to allow the existing entitlement of 1,973 square feet in gross sign area plus gross sign area attributable to the banner signs, plus an additional area of signs of five hundred (500) square feet, or a total of two thousand four hundred seventy three (2,473) square feet;
 - ii. Variation from Section 156.043(B)(2), Section 156.043(B)(3)(a), and Section 156.043(F)(5) limiting the number and surface area of freestanding,

directional and identification signs in order to allow (a) two (2) freestanding pylon signs on the Commercial Parcel at the Butterfield Road entrance and the east 22nd Street entrance with a maximum sign area of four hundred forty (440) square feet, two hundred twenty (220) square feet or less per sign, one hundred ten (110) square feet or less per sign face, (b) one (1) freestanding pole sign east of the Subject Property along 22nd Street not to exceed two hundred twenty (220) square feet in area or one hundred ten (110) square feet per sign face, (c) as many as thirty four (34) banner signs with an area not to exceed fifteen (15) square feet per banner which may only be placed on light poles at a maximum of seventeen (17) locations and a height not to exceed twenty two (22) feet with such signs containing non-commercial and commercial content relating to goods or services available on site, and (d) as many as three (3) freestanding signs with an area per double-sided not to exceed ten (10) square feet (five (5) square feet per side maximum) and not exceeding a height of three and one-half (3.5) feet;

iii. Variation from Section 156.043(B)(3)(b) of the Zoning Ordinance limiting the size of any wall sign to three hundred (300) square feet in order to allow the continuation and replacement of the main entry sign for Home Depot at an area not to exceed four hundred forty (440) square feet;

iv. Variation from Section 156.043(C)(5) limiting the height of freestanding signs in order to permit (a) the banner signs at a height not to exceed twenty two (22) feet on light poles at no more than seventeen (17) locations (2 per light pole), (b) the pylon signs at the Butterfield Road and 22nd Street entrances at a height not to exceed thirty three (33), and (c) the pole sign east of the Subject Property not to exceed a height of twenty two (22) feet;

v. Variation from Section 156.043(C)(10) in order to permit the east main entry canopy sign to extend onto the Commercial Area Parcel;

4. An ordinance, pursuant to Section 156.023(B) of the Zoning Ordinance, approving variations for the Subject Property as follows:

a. B-3 General Retail District Variations for the Subject Property as follows:

i. Variation from Section 156.087(D) limiting the floor area ratio to 0.5 for retail uses in order to allow a floor area ratio not to exceed 0.58;

- ii. Variation from Section 156.087(G)(1) in order to permit paved areas in the front yard to be located closer than ten (10) feet from the front lot line of the parcel in order to allow cement at and below grade for the monument sign situated approximately thirty seven (37) feet west of the east lot line of the Subject Property;
- iii. Variation from Section 156.087(G)(2) in order to permit paved areas in the side yard to be located closer than five (5) feet and a building to be located within ten (10) feet from the east side lot line of the parcel in order to allow paved areas walks, entry, entry canopy walk and elk support, and a building to be situated on, nearby, along and over the east lot line of the Subject Property;
- iv. Variation from Section 156.087(G)(3) in order to permit paved areas in the rear yard to be located closer than five (5) feet and a building to be located within 30 feet from the rear lot line of the parcel in order to allow construction of walks, covered and uncovered patios, fences and a building within five (5) feet and thirty (30) feet of the rear lot lines;
- v. Provided that the Subject Property is improved substantially in accordance with plans on file with the City, variations from Section 156.087(G) in order to reduce the yards on the Subject Property as follows: (a) front yard, ten (10) feet; (b) side yards to zero (0) feet on the east and five (5) feet on the west; and (c) rear yard to zero (0) feet;
- vi. Variation from Section 156.087(G)(4) in order to allow the common access drive to the loading area to serve as more than one-half of a side or rear yard requirement and to exist in the front yard;
- vii. Variation from Sections 156.087(I), 156.049(H) and 156.049(I) in order to permit the development of the Subject Property based upon the continuation of existing improvements at the Commercial Area Parcel (less a landscape island situated east of the Subject Property) with no landscaping required in addition to the landscaping set forth in the landscape plan for the Subject Property on file with the City, and to otherwise waive the requirements of Section 156.049(H) and 156.049(I);
- viii. Variation from Section 156.087(J) in order to permit lighting to exceed two (2) foot candles at the north, east and west lot lines of the Subject Property in order to allow the continuation of existing lighting and in order to allow the development of the Subject Property;

- b. Parking and Loading Variations under Section 156.087(F) for the Subject Property as follows:**
- i. Variation from Section 156.100 and Section 156.101(A)(2)(b) of the Zoning Ordinance, limiting parking on a parcel or zoning lot to the parking of vehicles of patrons, occupants or employees of the principal use or building on that parcel or zoning lot, in order to permit the use of the Commercial Area Parcel for the parking of vehicles for the occupants or employees of the uses and building on the Subject Property;**
 - ii. Variation from Section 156.100 and Section 156.101(C) of the Zoning Ordinance, in order to allow for the joint and collective use of the Commercial Area Parcel off-street parking facilities for the uses and building on the Subject Property subject to the parking variations provided for the Commercial Area Parcel and the Subject Property and notwithstanding the overlap that may occur during business hours;**
 - iii. Variation from Section 156.100 and Section 156.101(G)(2) of the Zoning Ordinance, mandating that required parking spaces shall be within three hundred (300) feet of the use served in order to permit the existing configuration of the parking areas and drive aisles at the Commercial Area Parcel;**
 - iv. Variation from Section 156.100 and Section 156.101(D)(1) of the Zoning Ordinance setting the mandatory dimension and area requirements of parking spaces and drive aisles in order to permit the utilization of existing parking spaces and drive aisles, as designed and installed, on the Commercial Area Parcel notwithstanding the circumstance that some spaces and aisles are or may be undersized and exist on other zoning lots or parcels;**
 - v. Variation from Section 156.100 and Section 156.101(D)(2) of the Zoning Ordinance setting the mandatory dimension and area requirements of accessible parking spaces in order to permit the utilization of existing parking spaces, as designed and installed, on the Commercial Area Parcel and in order to permit the installation of new accessible parking spaces of an area and dimensions not less than those required by the accessibility guidelines of the Illinois Capital Development Board;**
 - vi. Variation from Section 156.102(E)(14)(a)(b) in order to set the parking requirement for restaurant tenants on the Subject Property based on a**

calculation of bar area and indoor and outdoor dining area on the Subject Property, and also to permit the continued parking of vehicles on the ratio of one (1) space per one hundred (100) square feet of actual dining area and three (3) spaces per one hundred (100) square feet of actual bar area based on the approved and permitted restaurant dining and bar areas;

- vii. Loading variation from Section 156.100, Section 156.103 and Section 156.104 of the Zoning Ordinance in order to permit the use, access, design and location of a loading space in the form and of the size (30' x 60') reflected in the Subarea PUD Amended Site Plan (Twin Peaks/Tenant Space) which is on file with the City;
- c. General Regulation Variations for the Subject Property as follows:
- i. A variation from Section 156.035(B) of the Zoning Ordinance in order to permit the construction of fences and walls for covered and uncovered improvements to accommodate (a) dining patios with or without fences in the side yards (east and west) and the front and/or rear yard (north), (b) an entry canopy in the side yard (east), and (c) loading facilities, trash receptacles, grease trap, keg storage area, signage and restaurant-related waste disposal and storage within enclosures at the locations depicted in the front yard (south) and the side yard (east);
 - ii. Variation from Section 156.035(B) and Section 156.043 of the Zoning Ordinance in order to permit the installation of a monument sign in the front yard (south) along 22nd Street;
 - iii. Variation from Section 156.035(C)(4)(a) of the Zoning Ordinance, limiting the area of sheds (beer cooler) to one hundred fifty (150) square feet in order to allow a cooler area of up to three hundred (300) square feet;
 - iv. Variation from Sections 156.035(F) and 156.045(A)(3) limiting occupancy of the rear yard by an accessory building which is not part of the principal building to 30% or less of the required rear yard and an area not to exceed 800 square feet in order to permit two (2) patios with fences, one of which is covered and may be enclosed and the other of which is open to the elements, and both of which exceed eight hundred (800) square feet in area;
 - v. Variation from Section 156.037 of the Zoning Ordinance in order to allow the improvement of the

Subject Property as depicted in plans on file with the City and described, in part by these variations;

- vi. Variation from Section 156.039(B)(1) of the Zoning Ordinance in order to permit fences in the front yard as contemplated for screening of service bays, loading area, keg storage and waste disposal areas in the front yard on the Subject Property;**
 - vii. Variation from Section 156.039(B)(8) of the Zoning Ordinance in order to permit fences constructed, at least in part, with chain links in front of the structure on the Subject Property (south side of building) provided that appropriate design techniques will obscure the view of the chain links from public areas;**
 - viii. Variation from Sections 156.051(D) and 156.051(E)(1) in order to permit two (2) above ground service facilities in the front yard on the Subject Property;**
 - ix. Variation from Section 156.051(F)(2) to waive the landscape screening requirement for above ground service facilities in the loading and service area on the Subject Property;**
 - x. Variation from Section 156.051(D)(5) waiving the 250-foot radius prohibition for multiple above-ground service facilities in order to permit the installation of two (2) above ground service facilities in the front yard on the Subject Property;**
- d. Bulk Regulation Variations for the Subject Property as follows:**
- i. Variation from Section 156.087(D), limiting the floor area ratio to 0.5 for retail uses and to 0.8 for service uses, in order to permit the development of a new building on the Subject Property with a floor area ratio not to exceed 0.58;**
 - ii. Variation from Section 156.087(F) in order to permit the parking and loading described above;**
 - iii. Variation from Section 156.087(G) in order to permit the following yard area reductions, alternatively to the relief set forth in "e" immediately above: (a) front yard (south) reduction of yard to eight (8) feet; (b) front yard and/or rear yard (north) reduction of yard to zero (0) feet from the north lot line; (c) side yard (east) reduction of yard to zero (0) feet from the east lot line; and (d) side yard (west) reduction of yard to five (5) feet from the west lot line;**
 - iv. Variation from Section 156.087(G) of the Zoning Ordinance in order to permit the extension of a main entry canopy from the building on the Subject**

Property to a point not greater than fifteen (15) feet east of the east lot line of the Subject Property;

- e. Accessory structure variations for the Subject Property from Section 156.045(B)(14)(20)(35)(36) of the Zoning Ordinance prohibiting accessory structures within ten (10) feet of the vertical wall of the nearest building faces in order to permit the front yard cooler storage area, the front yard trash and recycling receptacles (including grease trap and keg storage area);
 - f. Signage Variations for the Subject Property as follows:
 - i. Variation from Section 156.043(A)(3) in order to allow (a) a sign above the east main entrance and on canopy at a point that will be more than four (4) feet from the principal building but which cannot protrude from the area beneath the canopy by more than one (1) foot and (b) signs on the canopy over the east patio area that will be situated more than four (4) feet from the principal building;
 - ii. Variation from Section 156.043(B)(1) of the Zoning Ordinance limiting the Subject Property to five hundred (500) feet in gross sign area in order to and to allow six hundred seventy five (675) square feet in gross sign area;
 - iii. Variation from Section 156.043(B)(2) of the Zoning Ordinance in order to permit a freestanding monument sign with two (2) faces, each face of which may be as large as one hundred fifty (150) square feet;
 - iv. Variation from Section 156.043(C)(3)(B) in order to allow canopy signage and lettering to appear above the canopy over the east patio;
 - v. Variation from Section 156.035(B) and Section 156.043(C)(5) of the Zoning Ordinance restricting the height of freestanding signs to fifteen (15) feet in order to a freestanding monument sign situated along 22nd Street at a height not to exceed nineteen (19) feet;
 - vi. Variation from Sections 156.043(C)(4), 156.043(C)(11)(c) and Section 156.043(C)(10) to (a) permit the illumination of the east main entry sign on the face of the canopy and (b) allow the east main entry canopy sign to extend onto the Commercial Area Parcel;
5. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use permit under Section 156.035(E) to allow accessory structures to exceed a height of sixteen (16) feet on the Commercial Area Parcel, including canopies, fences, storage racks, storage facilities, and retaining walls;

6. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use permit for an exterior electrical generator/transformer substation in the B-3 District pursuant to Sections 156.087(D)(1) and 156.087(D)(3);
7. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use for outdoor dining with an area exceeding 25% of the indoor dining space pursuant to Section 156.087(C)(28) of the Zoning Ordinance for Twin Peaks on the Subject Property;
8. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use for outdoor dining with an area equal to or less than 25% of the indoor dining space, but in no event less than the area required for legal table service to two (2) two-person tables and five (5) four-person tables pursuant to Section 156.087(C)(28) of the Zoning Ordinance for the second tenant space on the Subject Property;
9. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use under Section 156.087(A)(2) to allow business, service, repair and processing, storage and merchandise display to be conducted without an enclosed building at the Commercial Area Parcel and under Section 156.087(C)(14) to allow exterior sales, display and storage of merchandise, including greenhouses, when accessory to permitted enclosed hardware and lumberyard uses on the same zoning lot, all in the areas depicted in the proposed Overall PUD Amended Site Plan on file with the City;
10. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use under Section 156.087(C)(6) to allow the sale of dimension lumber, millwork, cabinets, and other building materials (provided that no milling, planning, jointing or manufacture of millwork shall be conducted on the premises) at the Home Depot on the Commercial Area Parcel;
11. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use under Section 156.087(C)(13) to allow equipment rentals with outdoor storage at the Home Depot on the Commercial Area Parcel;
12. An ordinance pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use under Section 156.051(D)(1) and (H) in order to allow three (3) above ground service facilities on the Commercial Area Parcel;
13. An ordinance pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use under Section 156.051(D)(1) and (H) in order to allow two (2) above ground service facilities on the Subject Property;
14. An ordinance, pursuant to Section 156.024(B) of the Zoning Ordinance, approving a special use under Section 156.087(A)(2) to allow business, service, and merchandise display to be conducted without an enclosed building at the Subject Property to occur on

the patios depicted in the proposed Subarea PUD Amended Site Plan on file with the City;

- 15. An ordinance accepting the abandonment of the special use granted (Ordinance No. 01-18, Section 2) for the operation of a cocktail lounge, catering service and outside dining area for the former Pompei Banquet Center;**
- 16. Authorization by resolution to demolish the existing Pompei structure pursuant to Chapter 153 of the Code of Ordinances of the City of Oakbrook Terrace in advance of construction pursuant to the plans reflecting the relief noted above and a variation from Section 153.02(A)(6) pertaining to the planting island and tree to be removed east of the Subject Property on the Commercial Area Parcel and for vegetation and trees to be removed on the Subject Property.**

Petitioner seeks those variations otherwise necessary to allow the improvement, maintenance and operation of (a) the Subject Property according to the Subarea PUD Amended Site Plan (Twin Peaks/Tenant) and (b) the Commercial Area Parcel according to the Overall PUD Amended Site Plan on file with the City of Oakbrook Terrace.