



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, May 24, 2016
Case #17-1

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 Bossle 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, Michelle Bossle, Building and Zoning / Planning and Zoning Secretary, and Petitioner Eugene Grzynkowicz

Chairman Noble said the first order of business was to approve the minutes of April 19, 2016, Case #16-7 for Terrace Oaks II located at 17W635 Butterfield Road for Petitioner ADC-BST Oakbrook, LLC for Variance for Parking Spaces.

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 to consider a request by Oak Brook Terrace Property, LLC (Owner and Petitioner) to approve an amendment to the final plans for a previously approved planned unit development and to approve an amendment to a planned unit development under Section 156.025 (C) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") with exceptions authorized by Section 156.025 (B) (2) of the Zoning Ordinance as follows:

1. An exception from Section 156.102 of the Zoning Ordinance to allow 220 parking spaces instead of the required 246 parking spaces.
2. An exception from Section 156.087 (G) (3) of the Zoning Ordinance to allow a rear yard set-back of 22 feet instead of the required 30 feet. (Per last PUD)
3. An exception from Section 156.087 (G) (2) of the Zoning Ordinance to allow a side yard set-back of zero feet instead of the required 10' to permit a one story exterior cooler/prep area attached to the west side of the existing grocery store.
4. Any other exception from the Zoning Ordinance that may arise during the Planning and Zoning Commission meeting.

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

Eugene Grzynekowicz was sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

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

Petitioner Grzynekowicz took the floor and stated that they are proposing an exterior cooler on the back side of the building; west side of the building by the loading dock. It will be from the existing loading dock to the north and will compromise some green space and a few parking spots. The purpose of the cooler is not for additional cooler space but inside the store they have to remodel the existing produce coolers to accommodate a designated liquor department. The reason is due to the amount of theft they have at the store and trying to control that. To date there has been about \$62,000 of stolen liquor since the store opened. In order to control that, as customers walk into the produce area, and turn left to go to the deli, they will be able to go straight into what is now the produce cooler. Petitioner Grzynekowicz stated that the cooler will be decommissioned and put outside in order to make the designated cooler liquor department where there will be one-in and one-out circulation with a single register and an employee present at all times. He added that this proposal is driven by the theft which is the main purpose for the request. Petitioner Grzynekowicz added that they have done this at other stores and it works very well. He stated that the proposed designated cooler liquor department design brings down the amount of theft to less than probably 5%.

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 applicant is seeking approval for an amendment to a previously approved Planned Unit Development plans to permit the proposed one story exterior cooler approximately 4,200 square feet to be attached to the west side of the existing grocery store. The new Planned Unit Development exceptions requested include the request for the proposed cooler to be located at zero feet from the western property line and the request to allow 220 parking spaces instead of the required 246 parking spaces for the grocery store including the indoor and outdoor dining areas. Specifically at some point within the Planned Unit Development the lot was subdivided when the landlord sold this lot to Pete's Fresh Market. So, Pete's Fresh Market owns their store and in reality the side yard within the PUD remains exactly the same. It's just a matter of how the line is drawn on the plat of subdivision and that is why they need to request the zero feet variance instead of meeting the minimum ten feet required. However everything else remains just exactly the same as it currently exists. Building and Zoning Administrator Dragan noted that in her memo she explained that with the parking, the most current amendment with the PUD requires 229 parking spaces for the grocery store and the proposed addition requires an additional 17 parking spaces. They will also be eliminating 9 parking spaces creating a deficiency of 26 parking spaces for the grocery store. However within the PUD they have shared parking with everyone else on the property. A couple of buildings are not built yet and it is possible that one of the buildings will not be built and additional parking may be created at some point in the near future. However as Building and Zoning Administrator Dragan indicated, it is shared parking so from the PUD prospective it is not a parking variation because they are allowed to park somewhere else on the property where there is sufficient parking according to the code. However, because Pete's Fresh Market owns their own lot there, within their lot they need this parking variation to allow 220 parking spaces instead of the 246 required. Prior to the meeting, the commission received plan review comments from Christopher Burke Engineering and Oakbrook Terrace Fire District. Public Services Director had no comments. At this time Christopher Burke Engineering has no objections to the proposed addition and the item noted by the Oakbrook Terrace Fire District Fire Chief will be addressed as part of the permit submittal.

Building and Zoning Administrator Dragan continued stating that staff recommends an effort to complete an updated set of as-built plans if possible in six months. There were some changes done since the original PUD was approved, they were considered insubstantial changes to the PUD and as long as they did not create other variations from the zoning code such as parking or other variations from the zoning ordinance, we have the authority to approve them in house without the public hearing. However if there is a variation for parking, etc. then a public hearing is required.

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

Commissioner Jackson asked if the buildings within the PUD are all built as originally planned, will those new buildings be forced to come to this commission to seek a variance of the parking.

Building and Zoning Administrator Dragan replied that it depends on the uses. Commissioner Jackson changed his wording to state that they will be "likely" required to come to this commission if they are restaurant uses.

Building and Zoning Administrator Dragan stated that it depends if they have a small dining area, a parking variation will not be necessary.

Attorney Pacione stated that it all depends because there are so many different factors. Building and Zoning Administrator Dragan replied that if there is medical use, yes a variance would be necessary. But we are encouraging the general retail district, mostly retail restaurants.

Commissioner Jackson stated if it is another barber shop, we're good but if it's a restaurant we're bad.

Building and Zoning Administrator Dragan replied that actually a barber shop requires a little bit more parking than regular retail uses. Attorney Pacione stated that it all depends on the usage and how many square feet they are going to take up.

Commissioner Jackson summarized the conversation by stating that his proposition was that if the buildings are built as originally planned for the whole PUD, as laid out in the drawings, there may or may not be the correct number of parking spots.

Commissioner Ventura asked if the letter from the Oakbrook Terrace Fire Department for clarification is stating that there is enough fire separation around the structure.

Building and Zoning Administrator Dragan replied that additional information is needed for the building permit. Basically, architectural drawings will be necessary before the building permit can be issued, but they were not required as part of zoning submittal.

Commissioner Ventura asked if we would be making an approval not knowing if there is enough fire separation around the cooler to other merchants.

Building and Zoning Administrator Dragan replied that approval is always recommended contingent on the other agencies approval for the permit.

Commissioner Ventura asked where that would be stated and Building and Zoning Administrator Dragan replied that it would be stated when the motion is made.

Petitioner Grzynkowicz added that throughout the design he has always taken into account the city's ordinances and codes. The architect has already reached out and based on the class of the building, a full suppression building, they do have enough separation from the proposed cooler to the retail to the north.

Commissioner Schneider asked the petitioner if Pete's Fresh Market still has the employee parking area.

Petitioner Grzynkowicz replied that they do still have the employee parking area. The nine parking spaces that will be taken over for the cooler space were accessory spaces for use by a common area for business owners to put their vehicles. Employees are encouraged to park more toward the north of the property leaving the front southern portion facing the retail available for the customers.

Commissioner Schneider asked if the cooler was like a number of large A/C units on a roof.

Petitioner Grzynkowicz stated that these type of coolers are the same as the inside coolers. The outside construction will be all masonry and there are no exterior doors. These types of coolers can be done two ways but because of the look of the building, they would like to keep the continuity of the brick. The same color brick will come all the around the three sides and tie into the existing structure; a full roof will tie into the masonry. The coolers themselves are inside and the coils are inside. There will be no condensing units on top of the roof.

Commissioner Donoval asked to address the parking problems. He stated that he does not shop there on Saturday because there is no available parking. When customers leave because there is no parking and they do not shop, Pete's is losing money. He asked the petitioner what his plan is for solving this parking issue.

Petitioner Grzynkowicz asked for clarification on whether he is referring to the parking problem as a whole or just for the grocery store. He stated that some of his stores have almost 30% less parking and that hurts any grocery business or any business that has that much movement and traffic. Petitioner Grzynkowicz noted that it is a gamble not knowing how well things are going to go as to whether or not to take up additional acreage for parking. But the market is doing well and that area is a concern. To extend that, Pete's has been talking with Frontier Development about purchasing the entire area and have been in back and forth discussions in working out a deal but are not there yet. In that, what was originally proposed to be built would be restructured to compensate and have additional parking and enhance what can be brought in as far as tenants.

Chairman Noble asked the petitioner if it would help if he had valet parking.

Petitioner Grzynkowicz stated that it would only help in the short term. If they don't make a deal with Frontier Development to buy back the whole area and they proceed to build per plan, and/or even if the plan is altered, Pete's would still have to have an agreement as far as how much parking can be used and a designated area for those cars to be parked in other areas. It is a friendly-shared right now and based on the development, whether retail as planned and/or a big restaurant that does much more business or a gym facility, the parking becomes problematic then for valet. It can be a short term solution, but nothing that has been looked into yet.

Building and Zoning Administrator Dragan informed the commission about discussions/negotiations with Pete's Fresh Market considering the purchase of the entire shopping center. Then they will have more control over the future uses that will come on the property. But at this time, Frontier Development is the current owner of the shopping center and Pete's owns a portion of the shopping center.

Petitioner Grzynkowicz added that they do an audit about every 3 months to see that the employees are parking in the designated area since no one is really policing them. Sometimes they take advantage and park in the front where they shouldn't be parking. The audit is coming up in June.

Chairman Noble asked for the total count of employees that are using the parking space.

Petitioner Grzyrkowicz replied that they have an overlapping shift but that at any time they have about 52-65 employees that are using the parking spaces.

Commissioner Cardenas then asked if at the present time, the area for the proposed location of the coolers is not used for parking.

Petitioner Grzyrkowicz stated that it is not being used for parking. There are numerous spaces in the back that are not being used that belong to Frontier.

Commissioner Cardenas also asked that if by building in zero limits, it doesn't affect the neighbors or any other stores.

Petitioner Grzyrkowicz stated that it is the rear entrance and the collective garbage pickup which is further to the west and doesn't impact them at all. They also took into account for emergency pickup, including distances and clearances if a fire truck had to get in.

Attorney Pacione stated that it is just a line on a piece of paper. If you were on the site, you wouldn't know where one property line ends and the other begins. It just looks like one big stretch of land.

Commissioner Cardenas asked if there were any easements in that area and Petitioner Grzyrkowicz replied no.

Commissioner Ventura had one additional question for comment from either Attorney Pacione or Building and Zoning Administrator Dragan. By agreeing to a zero set back, does that set a precedence for other businesses with their zoning ordinances to come in and request zero feet also.

Building and Zoning Administrator Dragan answered stating that if it seems to be a similar situation, if it is a PUD and just a line on piece of paper, it really doesn't matter because it is not changing anything, and the landlord has no objections and no concerns.

Petitioner Grzyrkowicz stated that normally they don't normally like to have zero set back on many conditions but the way that this particular piece to the west is coming west and is coming inbound to the property; it is not going outbound to a boundary point, it is going inboard.

Attorney Pacione stated that at one point in time it was subdivided, but it is one shopping center and there is a line for the building so it is not going toward a rear line, but toward a center line, which nobody would even know that there is a property line. So it would have no effect on any of the surrounding areas. He also stated that it would not be setting any precedence because of the layout of the particular project.

Petitioner Grzynkowicz clarified that it is not about wanting to keep adding on to the property, but to control the theft.

Commissioner Ventura stated that this will be Pete's second addition.

Petitioner Grzynkowicz replied that it is the third. On the first one the hot foods took off so well and it was the first template and because of that, they expanded again to try and give the customers a bigger area to eat and a little more private area to eat.

Commissioner Ventura commented that it was done very well. And the landscaping is beautiful and the outdoor area is protected from the parking lot by using the concrete planters.

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 noted that there was no one present.

Chairman Noble closed the public portion of the hearing.

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

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

City Attorney Pacione had no comments.

Chairman Noble asked for a motion to approve Case #17-1 the request by Oak Brook Terrace Property, LLC (Owner and Petitioner) to approve an amendment to the final plans for a previously approved planned unit development and to approve an amendment to a planned unit development under Section 156.025 (C) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") with exceptions authorized by Section 156.025 (B) (2) of the Zoning Ordinance as follows:

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4. Any other exception from the Zoning Ordinance that may arise during the Planning and Zoning Commission meeting.

MOTION

Commission Schneider entertained a motion to approve the request by Oak Brook Terrace Property, LLC (Owner and Petitioner) to approve an amendment to the final plans for a previously approved planned unit development and to approve an amendment to a planned unit development under Section 156.025 (C) of the Zoning Ordinance of the City of Oakbrook Terrace (the "Zoning Ordinance") with exceptions authorized by Section 156.025 (B) (2) of the Zoning Ordinance as follows:

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Attorney Pacione asked if there were any conditions.

Commissioner Schneider added that the motion to approve be contingent on compliance with the City of Oakbrook Terrace Fire Protection District comments and Christopher Burke Engineering comments.

Commissioner Cardenas seconded the motion.

Chairman Noble asked the Commissioners for any final discussion.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary Bossle 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 June 28, 2016 City Council meeting agenda. The next meeting is June 7, 2016 and packets have been distributed. Michelle will contact the Commission when the agenda and any additional information for the next meeting become available. The following meeting is June 21, 2016 which includes redevelopment of the former Burger King site and a proposed Dunkin Donuts.

Chairman Noble asked for a motion to adjourn the meeting.

Commissioner Schneider thanked Secretary Coglianese for her service.

MOTION Commissioner Schneider entertained a motion to adjourn the meeting.

Commissioner Jackson seconded the motion.

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

Chairman Noble adjourned the meeting at 6:30 P.M.

Respectfully submitted by,

Michelle Bossle
Building and Zoning / Planning and Zoning Secretary