



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Wednesday, September 14, 2016
Case #17-8

The Planning and Zoning meeting was called to order by Chairman Noble at 6:01 P.M.

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

Present: Chairman Noble, Commissioners 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, Omar Ali of Fond of Math LLC d/b/a Mathnasium, Mark Daniel of Daniel Law Office, P.C., and Bob Shanahan, Resident.

Chairman Noble said the first order of business was to approve the minutes of August 2, 2016, Case #17-7 for One Parkview Plaza for Petitioner Light Street Partners LLP for an Amendment to PUD and Ordinances Amending the PUD.

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

Chairman Noble asked for a motion to approve the minutes of August 2, 2016, Case #17-7 for One Parkview Plaza for Petitioner Light Street Properties LLP for an Amendment to PUD and Ordinances Amending the PUD.

MOTION Commissioner Jackson entertained a motion to approve the minutes of August 2, 2016, Case #17-7 for One Parkview Plaza for Petitioner Light Street Properties LLP for an Amendment to PUD and Ordinances Amending the PUD.

Commissioner Schneider seconded the motion.

A VOICE VOTE WAS TAKEN AND PASSED 7-0.

Chairman Noble said the second order of business was to consider requests by the Petitioner, Fond of Math LLC to consider a text amendment to the Zoning Ordinance of the City of Oakbrook Terrace ("Zoning Ordinance") to allow tutoring services (up to 2000 square feet) as a special use in the B-3 General Retail District and to approve a special use for tutoring services pursuant to the to be created Section 156.087 (C) (41) of the Zoning Ordinance.

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

Mark Daniel of Daniel Law Office, P.C. and Omar Ali of Fond of Math LLC d/b/a Mathnasium were sworn in by Michelle Bossle, Building and Zoning / Planning and Zoning Secretary.

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

Petitioner Ali of Fond of Math LLC d/b/a Mathnasium took the floor and stated that approximately five years ago he and his wife decided to start an after school math tutoring business and they opened their first location in Glen Ellyn called Mathnasium. Mathnasium is a franchise with about 680 locations throughout the World, with approximately 400 locations in the United States. They opened their second location in the South Hinsdale / Willowbrook area approximately three years ago. They are looking forward to opening a third location in Oakbrook Terrace. The community is great for business and they look forward to helping the kids. There is no other after school tutoring centers in this area so they are hoping to have an impact on the community. Mathnasium is an after school math learning center, focusing on math only. The hours of operation are usually after school around 3:30 P.M. until 7:00 P.M., Monday through Thursday and on Sunday from 10:00 A.M. until 1:00 P.M. There are usually three or four instructors on staff with three or four kids to a table. So, approximately ten to twelve students at any one time within the hour time slot receiving math instruction from a trained instructor and then they rotate. It is a revolving system, but usually at peak, there are about fifteen to twenty kids on any given evening. The instructors are all trained and certified, and they are required to take a comprehensive test in order to work at Mathnasium.

Attorney Daniel of Daniel Law Office, P.C. continued on behalf of the Petitioner stating that there are two items being presented; one is a text amendment to allow a new special use within the B-3 zoning district. The current classification of use for schools of certain limited types was viewed by staff not to include a Mathnasium even though it might include a school for music. In light of that, the amendment is necessary; similar uses are already permitted within the district. This one is a nice service use to fit within a smaller area of a shopping center which is why there is the 2,000

square foot limit. These are the types of uses that need to be evaluated on a case by case basis. Even though Mathnasium serves kids that are being educated in math; meaning grade school age and up to calculus in the high school level, there could be other tutoring groups that create a situation where unlike Mathnasium there is a drop off concern for example. As far as the special use is concerned, the use needs to fit within the area of development. For example, with the 2,000 square foot limit, this place is not going to be locating at a KIMCO shopping center, 22nd Street Plaza, and a lot of different locations because the units are simply too big.

Attorney Daniel also stated that the special use allows conditions to be imposed on the development. With the concerns expressed about customers and parking being available on the south side of the center, in this case, a condition can be imposed stating that employee parking shall only occur north of the building. There are a handful of B-3 zoning districts and generally there are very few properties that would be affected by the addition of the use. These types of uses tend not to locate on second floors due to kids' safety not just in the unit itself, but in the halls, stairwells and elevators. With respect to the special use standards, with approval of the text amendment, the use is a service use seeking to locate in the space where J's Cleaners is located; that is another service use. The unit is small and is situated set back quite a distance from 22nd Street. Mathnasium is not a drive-by type destination; it is one that you know you are driving to. Mathnasium will draw from families that originate in the new children's business next door. There is a Dunkin' Donuts coming in and a sandwich shop in the center that could thrive from the synergy between a Mathnasium-type use and the other businesses in the center, so within the center it fits. There is no impact on the exterior. As far as the children are concerned, Mathnasium's other locations are located in shopping centers and they do not have drop-off problems. When you look at JRC Plaza the tendency is for people to get dropped off; it's generally what happens there because there's a very convenient wide drive aisle. The drive-thru for the Dunkin' Donuts is far removed from where any of the kids are going to be and there is no risk of stacking, no risk of traffic interference, and the hours of operation have completely different peak hours, so it fits really well. The impact on anything to the north is nil, it doesn't require a substantial amount of loading, unloading or trash hauling or anything like that, and so the use really does fit.

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 application relates to a text amendment to allow an additional special use for tutoring services not to exceed 2,000 square feet in the B-3 General Retail District and to approve a special use to allow the business to operate

in JRC Plaza East. Staff notes that the B-3 district allows other permitted uses that do not generate sales tax. Tutoring services is considered more similar to a school, and the current code does not allow schools in the B-3 district. The zoning code allows schools, public and private in the residential districts if a special use permit is granted. JRC Plaza is approximately 145,000 square feet and the zoning code would allow an office use in one-story buildings. It is somehow similar with an office use or maybe dance classes; which are actually permitted uses. However, staff classifies this as a school and based on this, it was not recognizable in the code as an allowable use. So, the request is to amend the zoning code in the B-3 district and to grant a special use permit to allow the private lessons in JRC Plaza East.

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

Commissioner Schneider asked how many kids would be in attendance ages sixteen and up.

Petitioner Ali responded that very few are ages sixteen and up. The primary group of kids that come are elementary school kids usually from second grade to about geometry, so tenth grade. After that it is more like private one-on-one tutoring so it is very minimal, about maybe one or two kids per week, but the bulk of kids are younger.

Commissioner Schneider then asked if most of the students are dropped off and not bringing cars and parking.

Petitioner Ali replied that yes, about ninety-five to ninety-eight percent are drop off and pick up. The sessions are one hour, so they are dropped off at the beginning and then come back at the end when there is about five minutes left.

Commissioner Donoval asked who pays for the tutoring services.

Petitioner Ali stated that the parents do. Mathnasium was recently affiliated as an official sponsor of the PTA and are doing some after-school math programs through the STEM program, but everything is paid privately by parents.

Chairman Noble asked when they plan to open up the facility and questioned the square footage of the location.

Building and Zoning Administrator Dragan replied that the proposed text amendment will state that the space cannot exceed 2,000 square feet, but the actual space in JRC Plaza is 1,500 square feet.

Petitioner Ali also stated that once approval is granted, the building permit process will begin with the tenant build-out and the plan is to be open within two to three months.

Commissioner Schneider asked how many kids they have at the heavy load between 3:00 P.M. and 7:00 P.M.

Petitioner Ali responded that roughly no more than thirty kids during that time. Usually it is right after school at 3:30 P.M. when they open that the first batch of kids come in and then it starts to taper off towards the end so that between 6:00 P.M. and 7:00 P.M. it is very few. Usually the maximum capacity which is approximately fifteen kids, up to twenty kids for the first hour and then it trickles in after that.

Chairman Noble asked one additional question in regards to parking and if they are going to specify specific spots for employees and drop-off parents.

Petitioner Ali replied that they are not anticipating any parking at the location unless the parents want to go and shop. There is not going to be any specific signage for parking for Mathnasium.

Building and Zoning Administrator Dragan added that there is shared parking within the shopping center so they can park as needed in front of the business or somewhere else on the property. Attorney Daniel submitted a parking summary for the shopping center and they currently have ninety-two parking spaces in excess of what is required by the zoning code.

Attorney Daniel also added that a lot of the space on the north side of the building is underutilized. The parking directly south of Men's Warehouse is a location of handicap spaces and then the first two bays of parking and a couple of spaces in the next one are filled regularly. Moving into the center aisle, there are spaces available on a regular basis between 3:00 P.M. and 6:00 P.M. Once the restaurants start picking up between 6:00 P.M. and 7:00 P.M. those spaces may fill, but again they are a drop off in a lot of cases. The preference of the owner of the center is that people will stick around and have a Dunkin' Donuts or stop into a location to shop briefly, so that the space is being used for two purposes.

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

City Attorney Pacione asked where exactly are the parking spots to the north of the building that the staff will utilize.

Attorney Daniel replied that they are directly behind the building.

City Attorney Pacione asked if there was any objection to making that a condition of the approval.

Attorney Daniel said that no, that is one item that they have been working on since the last hearing, so it is part of this lease. There is no set-aside parking, but the employees need to park in back. Signage will be the same; about the same size as J's Cleaners so it fits within the sign parameters set forth in the prior zoning hearing.

Chairman Noble opened the floor for public participation.

Chairman Noble asked for any positive testimony.

Resident Shanahan stood up and was sworn in by Secretary Bossle.

Resident Shanahan commented that he feels that Mathnasium will be a nice compliment to the shopping center and that it will bring additional shopping to the other businesses in the mall. Since parents are not going to run home and then have to run right back, they might go and visit one of the restaurants or one of the other stores in the mall. The only comment or concern is to make sure it has no effect on any of the other requirements as far as landscaping use of this property. The mall is doing a great job keeping the landscaping up properly, much better than in years past.

Chairman Noble asked for any negative testimony.

Chairman Noble noted that there was none.

Chairman Noble closed the public portion of the hearing.

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

Chairman Noble asked for a motion to approve Case #17-8, the requests by the Petitioner, Fond of Math LLC to consider a text amendment to the Zoning Ordinance of the City of Oakbrook Terrace ("Zoning Ordinance") to allow tutoring services (up to 2000 square feet) as a special use in the B-3 General Retail District and to approve a special use for tutoring services pursuant to the to be created Section 156.087 (C) (41) of the Zoning Ordinance.

MOTION Commissioner Jackson entertained a motion to approve Case #17-8, the request by the Petitioner, Fond of Math LLC to consider a text amendment to the Zoning Ordinance of the City of Oakbrook Terrace ("Zoning Ordinance") to allow tutoring services (up to 2000 square feet) as a special use in the B-3 General Retail District.

Commissioner Smurawski seconded the motion.

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

Ayes: Chairman Noble, Commissioners Schneider, Ventura, Jackson, Cardenas, Donoval, Smurawski

Nays: None

Absent: None

MOTION PASSED WITH A VOTE OF 7-0.

MOTION

Commissioner Jackson entertained a motion to approve Case #17-8, the request by the Petitioner, Fond of Math LLC to approve a special use for tutoring services pursuant to the to be created Section 156.087 (C) (41) of the Zoning Ordinance with the condition that staff parking is located to the rear of the building.

Commissioner Ventura seconded the motion.

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

Ayes: Chairman Noble, Commissioners 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 October 11, 2016 City Council meeting agenda. The next Planning and Zoning meeting is scheduled for Tuesday, September 20, 2016 at 6:00 P.M.

Chairman Noble asked for a motion to adjourn the meeting.

MOTION

Commissioner Jackson entertained a motion to adjourn the meeting.

Commissioner Smurawski seconded the motion.

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

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

Respectfully submitted by,

Michelle Bossle
Building and Zoning / Planning and Zoning Secretary