



City of Oakbrook Terrace
Planning & Zoning Commission Meeting
Tuesday, September 15, 2020
Case #21-05

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

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take roll call.

Present: Chairman Caslin, Commissioners Ventura, Jackson, Freda, Donoval, Cardenas, Walberg

Absent: None

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

Chairman Caslin said the first order of business was to approve the minutes of September 1, 2020, Case #21-03, One Tower Lane Petitioner, Robert Bosch, LLC.

Chairman Caslin asked if there was any final discussion.

MOTION Commissioner Freda moved and Commissioner Jackson seconded the motion to approve the minutes of September 1, 2020, Case #21-03, for One Tower Lane, Petitioner Robert Bosch, LLC.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Donoval, Jackson, Freda, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Chairman Caslin said the second order of business was to approve the minutes of September 1, 2020, Case #21-04, 1S516 Leahy Road, Petitioners, Lech Jelenski and Malgotzata Jelenski.

Chairman Caslin asked if there was any final discussion.

MOTION Commissioner Freda moved and Commissioner Jackson seconded the motion to approve the minutes of September 1, 2020, Case #21-04 for 1S516 Leahy Road, Petitioners Lech Jelenski and Malgorzata Jelenski.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Donoval, Jackson, Freda, Cardenas, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

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

Matthew Welch, Attorney for Hawthorne Race Course, Inc. was sworn in by Addy Lozano, Building and Zoning / Planning and Zoning Secretary.

Matthew Welch took the floor and stated, the initial application is for Text Amendments to the Zoning Ordinance. The state of Illinois has recently legalized sports wagering. The Illinois gaming permits sports wagering to occur at Off-Track Betting. Hawthorne Race Course has three facilities that have been licensed, Prospect Heights, Crestwood and Oakbrook Terrace. We have reached out to the City to make sure that we didn't have any operational code issues before we introduced sports wagering to the Oakbrook Terrace facility. To address the new use we have proposed the following Text Amendment to create a definition for sports events, sports wagering, and sport wagering facility. They generally track the definitions as they appear on the gaming statue and the proposal is in consultation with the City staff and City attorney. This use will be a Special Use in the B-3 General Retail District. We believe it's generally in line and won't have a negative impact seeing that Off-Track Betting is currently licensed and we

agree that this operation should be treated similar to Off-Track Betting in that it would be subject to a Special Use.

Commissioner Freda asked, are you going to be part of Off-Track Betting or taking additional space?

Matthew Welch answered, we are not increasing the footprint from what is currently there. There is going to be a booth that accepts sports wagering. That will be the only change.

Matthew Welch then stated, moving on to the Special Use. This flows from the general idea that this business has been operating here, we believe that we have been a good community participant. There has been minimal to no problems that have had a negative impact in the area, and we don't believe that's going to change. We are not expanding, it's just internally the facility is going to accept sports wagering.

Commissioner Jackson asked, what is a teaser bet?

Matthew Welch answered, I am not sure, but I can certainly find out.

Commissioner Jackson also asked, you are running both in person as well as the internet?

Matthew Welch answered, yes.

Commissioner Jackson then asked, so I can come in the facility, sign up, and do the internet work?

Matthew Welch answered, yes.

Chairman Caslin added, you have been here for a long time, I sat here when we first voted you in. We have never had a problem with that facility in the time it has been there. I don't see any reason why we wouldn't allow this.

Matthew Welch answered, thank you.

Matthew Welch then added, the third issue is the variance to the signage. From when this facility was first permitted, the sign was code compliant. In the interim the City has amended the sign code where all signs have to be 15 feet in height. We are changing the face of the sign to add sports betting, because we are making that change, we now have to seek a variance to the 15 feet limitation. This is a 19 feet sign, we are just changing the face of it. We are not increasing the height, but we need a 4 foot variance because of our legal non-conforming status.

Commissioner Freda added, we have been trying to bring down the signs that are so tall as new tenants come in. Why does it have to be that tall?

Matthew Welch answered, the sign has been there for a number of years, it's an expense we are looking to avoid. We would have to reassess whether we are going to change the sign if we were to have to bring it down to 15 feet.

Commissioner Freda then added, we had a sign on Summit Avenue that was dropped easily, they just shortened the post. I just wonder why that tall.

Matthew Welch added, we are not looking to increase it, we understand the purpose behind it. It's already in existence, all we are doing is adding sports betting.

Commissioner Donoval asked, the sign that you are proposing is 19 feet and the current one is 15 feet?

Matthew Welch answered, its currently 19 feet we are not increasing or decreasing the height, all we are doing is changing the wording to add sports betting.

Peter Pacione added, I'd like two votes if possible when making a motion. One for the Text Amendment and one for the Special Use and Variance.

MOTION Commissioner Jackson moved and Commissioner Freda seconded to approve the Text Amendment request.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Freda, Jackson, Cardenas, Donoval, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

MOTION Commissioner Jackson moved and Commissioner Walberg seconded to approve the Special Use and Variance request.

Chairman Caslin asked Building and Zoning / Planning and Zoning Secretary Lozano to take the roll call.

Ayes: Chairman Caslin, Commissioners Ventura, Freda, Jackson, Cardenas, Donoval, Walberg

Nays: None

Absent: None

MOTION PASSED WITH A 7-0 VOTE.

Building and Zoning Administrator Dragan added, the Letter of Recommendation will be placed on the Agenda for the September 22, 2020, City Council meeting at 7:00 p.m. The next public hearing meeting will be October 6, 2020, Addy will contact you when public hearing packets are ready.

Chairman Caslin took the floor and stated, when I was asked to take this position, I was asked to try and fix something that was broken, and myself, Jan, Pat, Mihaela, Mike, and Dennis spent about 40 hours going over major residential issues. In this particular room things happen where you have to make a decision in favor or against a friend, neighbor, or relative. This is the job you took, your job is to make the best decision for the entire City of Oakbrook Terrace not just for you or the guy next door. When you start doing things and creating precedence, you create problems. The City Council had a meeting regarding the gentlemen's property with the carport and I clearly stated why that property should not have that carport on that 10 feet space. In our meetings, that 10 foot space was talked about in at least two meetings to the point where we didn't want to see generators or air conditioners in that space. It doesn't make sense, it sets a precedence. If someone comes in here and wants to build a garage against the lot line, there is no way you can say no because they can go to a judge and the judge will rule against you. They City Council has to realize that you took this job, and you have to be the bad guy once in a while, and by just saying well if the neighbors don't care, then why shouldn't we let them do it. It's a law, it's not a favor and laws are not meant to be turned around, and if people don't understand that then they shouldn't be where they are. That particular comment ticked me off and I find it insulting.

Commissioner Donoval added, for that property, it's a temporary roof it can be removed. It's not a permanent structure.

Chairman Caslin answered, I understand what you are saying but whether its temporary or not, it's there, and it shouldn't be there.

Commissioner Donoval then added, we have to have a little flexibility with homeowners. When businesses come here we give them everything, from A to Z. I remember when the gas station came in they had so many problems and we didn't ask a question. Homeowners lose money because they can't get back what they invest, what they put in so we have to be a little reasonable.

Chairman Caslin answered, I think we were reasonable when we changed the rules because in most cases we were equal to or exceeding most towns around us.

Commissioner Ventura added, if you want to protect property value and see property value increase, then you protect some conformity within this town for residential, new construction, or anybody putting on an addition. When it's a free for all you are not protecting the other residents and properties in this town, you are making it a mess. There is no conformity, there is no excellence in aesthetics to the neighborhood. It's the wild wild west in Oakbrook Terrace. Is there anything we can do to ask the City Council to please read the minutes and reverse their decision?

Chairman Caslin added, I will talk to the Mayor. I think we have been pretty fair in restricting or letting people do certain things. We try to come to a conclusion where we don't want everyone to have to pay to have a permit to build a plastic shed you take out of a box. We try to be flexible and I think we were. I think that we try to make nicer things for people but we also set standards, that this is the envelope that we are giving you to work with, I think it's fair, please stay inside that envelope.

Commissioner Ventura asked, does this mean that it might not be too late?

Chairman Caslin answered, it's up to City Council. I stated our purpose and they have to make their own decision.

Commissioner Ventura also asked, can we change the Letter of Recommendation for reconsideration?

Building and Zoning Administrator Dragan answered, no, we can just provide the minutes from tonight's meeting.

Planning & Zoning
Commission Meeting
September 15, 2020
Page Seven

MOTION Commissioner Freda moved and Commissioner Ventura seconded the motion to adjourn the meeting.

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

Chairman Caslin adjourned the meeting at 6:45 P.M.

Respectfully submitted by,

Addy Lozano
Building and Zoning / Planning and Zoning Secretary