



City of Oakbrook Terrace  
Planning & Zoning Commission Meeting  
Tuesday, August 2, 2016  
Case #17-7

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 DeBok 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, Karen DeBok, Building and Zoning / Planning and Zoning Secretary, Robert L. Gamrath III of Quarles & Brady LLP, and Donna Eyre of NAI Hiffman.

Chairman Noble said the first order of business was to approve the minutes of July 19, 2016, Case #17-6 for Amendment To PUD And Ordinances Amending The PUD for Petitioner TR Mid America Plaza Corporation.

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

Chairman Noble asked for a motion to approve the minutes of July 19, 2016, Case #17-6 for Amendment To PUD And Ordinances Amending The PUD for Petitioner TR Mid America Plaza Corporation.

MOTION Commissioner Ventura entertained a motion to approve the minutes of July 19, 2016, Case #17-6 for Amendment To PUD And Ordinances Amending The PUD for Petitioner TR Mid America Plaza Corporation.

Commissioner Cardenas seconded the motion.

A VOICE VOTE WAS TAKEN AND PASSED 7-0.

Chairman Noble said the second order of business was to consider a request by Light Street Partners LLP for the following relief in order to correctly reflect the current parking conditions at One Parkview Plaza, 17W110 22nd Street, Oakbrook Terrace, Illinois.

- An amendment to Ordinance No. 85-18, as may have been amended from time to time thereafter.
- An amendment to the Planned Unit Development to allow 807 parking spaces instead of 847 parking spaces at One Parkview Plaza.

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

Robert L. Gamrath III of Quarles & Brady LLP and Donna Eyre of NAI Hiffman were sworn in by Karen DeBok, Building and Zoning / Planning and Zoning Secretary.

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

Attorney Gamrath of Quarles & Brady LLP, representing the Petitioner, Light Street Partners began by introducing Donna Eyre of NAI Hiffman as the Property Managers for One Parkview Plaza. Attorney Gamrath stated that there are two requests before the Commission, the first being to amend ordinance 85-18 which was the original ordinance that approved the development at One Parkview Plaza in 1985. The second is to amend the underlying Planned Unit Development that is included as part of that ordinance. In that ordinance it required 847 parking spaces; the current conditions indicate that there are 807 parking spaces at the property. One Parkview Plaza is located on 22<sup>nd</sup> Street just west of Route 83 and adjacent to Mid America Plaza. The subject property is improved with a nine story office building and nearly fully occupied building. The 807 parking spaces are on three levels; one surface level and two garage levels underneath the surface level. The survey shows just the footprint of the building on the surface level and beneath it are two other garage level parking fields. There is also located on the property the Oakbrook Terrace Fitness Center; all on land that this ground based to Light Street Partners and owned by the City of Oakbrook Terrace per the original development. When ordinance 85-18 approved the project back in 1985, a variance to the office use parking ratio was granted changing it to one space per 265 square feet of “usable” area. That term was not defined at the time in the plans and in the ordinance, but the approved plans did contain information that laid out the data. The approved plans provided for 200,000 square feet of usable office space; at one parking space per 265 square feet for a requirement of 755 spaces just for the office space.

Attorney Gamrath continued stating that there was also contemplated a 5,000 square foot commercial space which would have required another 19 spaces. A restaurant originally in the property that required 33 spaces for the patrons and 10 spaces for the employees, and the currently existing fitness center which required 30 spaces; for a total of 847 parking spaces. The property is under contract for sale and as part of the due diligence, the survey was conducted on the property and the final count that was verified was that there are 807 parking spaces on the property. It is worth noting that under the present conditions, there is not a restaurant. Were the same calculations run today without a restaurant, the requirement under the PUD ordinance where there would be 210,000 square feet of usable office space, when removing the restaurant and replacing it with usable office space, that would require 792 spaces and then another 30 spaces for the fitness center for a total of 822 parking spaces. Under present conditions, it is closer to the existing conditions, but not quite there; 807 spaces instead of 822. Property Assistant, Eyre of NAI Huffman will spend a moment talking about their actual experience with the parking field as it has been for the last three years under their management. The building has operated for a number of years without any incident both the fitness center and office building. They are seeking to bring the zoning approvals into conformance with the actual number of parking spaces on the property.

Property Assistant, Eyre took the floor and stated that NAI Huffman has been the property manager for approximately three years. When they came on board they were at fifty percent occupancy, now they are just over ninety-two percent occupancy. Daily a very good portion of the P2 level, the lowest parking level, is completely vacant of vehicles. A small portion of even the P1 level will usually have a few spaces open. The surface level does tend to fill up faster just because that is what people tend to prefer. The 30 spaces for the fitness center are never occupied for more than maybe an hour at a time so that is very interchangeable. So they don't see any issues with running out of parking, people not being able to get to the building, or get in the building. The parking that is utilized consists of some compact spaces and a pretty good mix of compact and regular spaces. The biggest complaint heard is more on the size of the parking spaces which is completely to code. Other than that, they have never lost a deal due to parking; they have always been able to come up with the parking needed for any lease deal that came to the table. There are not any full floor tenants that would have any concerns about future people coming in and needing that additional space. Right now they are sitting on mostly long-term leases; probably the shortest right now would be about three years and that is not even one of the full floor tenants. So they do not anticipate any changes anytime in the near future that would require any additional parking spaces, different from what they have.

Chairman Noble asked if the Building and Zoning Administrator Dragan could give some additional information.

Building and Zoning Administrator Dragan began by stating that the current owner of One Parkview Plaza is in the process of selling the property. Recently a survey was completed and it was discovered that the parking spaces are not in compliance with the approved Planned Unit Development ordinance. The applicant's request is to formally allow the number of parking spaces to remain as existing. As it was discussed at a previous meeting, if the property is destroyed by fire or any means by fifty percent or more, the new owners would like to be able to rebuild the building as existing. There are no changes in use or in the current number of parking spaces. The request is only to bring the property in compliance.

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

Commissioner Ventura asked what would be the downside if the request was not approved and why are the parking spaces not the way they are supposed to be.

Building and Zoning Administrator Dragan responded that there is a possibility that striping was done to create additional handicap parking spaces. Since the state codes became effective, every time when they restriped the parking lot, they were supposed to bring the property into compliance. Also, if some of the parking spaces were used for storage; this could be another issue sometimes for the maintenance people. There is also a possibility that at the time when the building was built, the City approved a specific ordinance and the building permit, however at that time there was no requirement for submittal of as-builts. Building and Zoning Administrator Dragan clarified that she does not know the specific circumstances. The only thing that can be done in the future is to require as-builts and make sure that the as-builts conform with the approved plans.

City Attorney Pacione stated that in this instance, it is almost impractical to build any other parking spaces.

Building and Zoning Administrator Dragan agreed in that they would just reduce the size.

City Attorney Pacione stated that it is just a scenario where it could have been a mistake from the beginning that just never got caught. If the request is not approved, depending on the buyer, the buyer could walk away and they could have problems selling the property. The bigger problem is dealing with what is here today; that's the biggest issue.

Commissioner Ventura responded that she plans on agreeing with the request, but just wanted to address the concern that the same situation has occurred multiple times.

City Attorney Pacione replied that there is a baseline so for the future now they know how many spaces are there and how many are supposed to be there. So if there is a reason that they have to restripe the parking lot and they don't do it correctly, and they reduce the amount of spaces, there is a basis of how many are supposed to be there now according to its configuration.

Chairman Noble asked if the Commissioners had any other questions or comments.

Commissioner Jackson asked Attorney Gamrath if they were the original owners of the building.

Attorney Gamrath replied that they are not. The current owners did not develop and are not the original owners of the building.

Commissioner Jackson then asked out of curiosity, in the last ownership transfer, why it wasn't picked up then.

Attorney Gamrath responded that they had also asked that question. They don't know the answer why it wasn't picked up then, but they are trying to address it now. And one of the scenarios, if they were not able to obtain this approval, it would potentially prevent the current ownership from selling the building, but the current ownership did expressly make the decision that they wanted to correct it regardless of what happens with their sale. They want the property to be correct. Again, don't know why it was missed, but should have been caught the last sale.

Commissioner Jackson stated that in the analysis, if there was no restaurant, the numbers are far closer together, so is there any intention of having a restaurant or any efforts to get a restaurant.

Attorney Gamrath answered that there are none that he is aware of and there are no current efforts right now to have a restaurant.

Building and Zoning Administrator Dragan stated that approval for a restaurant on the first floor is in the PUD ordinance. A while back they were looking at the possibility, but have not heard anything since then. If the restaurant would require more parking than what is to be approved, they would have to come back for a public hearing. However, if less parking would be required for the restaurant, a public hearing would not be required since the PUD ordinance approved the restaurant.

Commissioner Jackson asked that if the Commission approves this, a restaurant with the additional parking requirements would effectively have been approved.

Building and Zoning Administrator Dragan stated that they wouldn't have to come back for another public hearing unless more parking will be required for the restaurant. It would be the same if they are changing existing office use to medical use, like other office buildings did, then additional parking will be required and a public hearing will be required.

Commissioner Jackson asked if this building is zoned to have medical use.

Building and Zoning Administrator Dragan replied that medical use would be allowed.

Chairman Noble asked if the Commissioners had any other questions from the Commissioners.

Commissioner Smurawski asked if the parking on the weekdays is usually filled.

Property Assistant, Eyre stated that she has never seen it filled. They have mostly corporate users so they have less people and in this day and age of technology there are more people that work from home. So even when they have two tenants that have large meetings going on, bringing other people on, they have never had to turn away anybody that needed parking. There are still always available spaces on both of the lower levels.

Commissioner Cardenas asked if there was any chance that there is some land available that is not in use right next to the parking that could increase the parking.

Commissioner Donoval stated that they are leasing the land, they don't own it. They are leasing for 99 years from the Park District.

Attorney Gamrath replied that they did look at trying to value engineer it and see if they could pick up more spaces; they might get one here and one there, but they could not get to the requirements.

Chairman Noble asked for a clarification on the portion of the building where the Fitness Center is, and if after 99 years will it be given to the Park District.

Property Assistant, Eyre stated that she is not certain of what happens after the 99 years. The property itself does belong to Oakbrook Terrace; it doesn't belong to even the Fitness Center.

Attorney Gamrath stated that the anticipation would be that prior to the expiration of the 99 year ground lease, to the extent that it is still active and viable use, that the lease would be extended and that the use would continue as it is today, both with respect to the Fitness Center and the office building use. The new owners will take subject to the ground lease as it is now so it will be the same terms under the ground lease as it is under the current owners operation. It will continue to operate exactly as it is today.

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 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 the City Attorney Pacione if he had any comments.

City Attorney Pacione had no comments.

Chairman Noble asked for a motion to approve Case #17-7 the request by Light Street Partners LLP for the following relief in order to correctly reflect the current parking conditions at One Parkview Plaza, 17W110 22nd Street, Oakbrook Terrace, Illinois.

- An amendment to Ordinance No. 85-18, as may have been amended from time to time thereafter.
- An amendment to the Planned Unit Development to allow 807 parking spaces instead of 847 parking spaces at One Parkview Plaza.

**MOTION** Commissioner Jackson entertained a motion to approve the request by Light Street Partners LLP for the following relief in order to correctly reflect the current parking conditions at One Parkview Plaza, 17W110 22nd Street, Oakbrook Terrace, Illinois.

- An amendment to Ordinance No. 85-18, as may have been amended from time to time thereafter.

- An amendment to the Planned Unit Development to allow 807 parking spaces instead of 847 parking spaces at One Parkview Plaza.

Commissioner Schneider seconded the motion.

Chairman Noble asked the Commissioners for any final discussion.

Chairman Noble asked Building and Zoning / Planning and Zoning Secretary DeBok 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 August 23, 2016 City Council meeting agenda.

Building and Zoning Administrator Dragan asked if the Commission would like to cancel the August 16<sup>th</sup> and September 6<sup>th</sup> meetings since there are no public hearings scheduled.

Commissioner Jackson entertained a motion to cancel the August 16<sup>th</sup> and September 6<sup>th</sup> meetings.

Commissioner Smurawski 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 Jackson seconded the motion.

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

Chairman Noble adjourned the meeting at 6:28 P.M.

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Respectfully submitted by,

Michelle Bossle  
Building and Zoning / Planning and Zoning Secretary